

## Petitions Committee

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Meeting Venue:  
**Committee Room 1 – Senedd**

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Meeting date:  
**15 May 2012**

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Meeting time:  
**09:00**

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Cynulliad  
Cenedlaethol  
Cymru

National  
Assembly for  
Wales



For further information please contact:

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### Agenda

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- 1. Election of Temporary Chair**
- 2. Introduction, apologies and substitutions 09:00**
- 3. P-03-238 Pollution of the Burry Inlet – Discussion of Evidence Received 09:00 – 09:10 (Page 1)**
- 4. P-04-341 Waste and Incineration – Discussion of Evidence Received 09:10 – 09:20 (Page 2)**
- 5. P-03-295 Kyle Beere – Paediatric Neuro Rehabilitation – Discussion of Evidence Received 09:20 – 09:30 (Page 3)**
- 6. New petitions 09:30 – 09:40**
  - 6.1 P-04-389 Arts, Agriculture and the Assembly Sheep (Page 4)
  - 6.2 P-04-390 Designate Penrhos Holyhead Nature reserve (coastal park) a National reserve (Pages 5 – 16)
  - 6.3 P-04-391 Llandeilo By-pass (Page 17)
  - 6.4 P-04-392 Community Transport Petition (Page 18)
- 7. Updates to previous petitions 09:40 – 11:00**
  - 7.1 P-04-355 Cymru not Wales (Pages 19 – 22)

7.2 P-04-379 Armenian Genocide Remembrance Day (Pages 23 – 24)

## **Business, Enterprise, Technology and Science**

### **The following two items will be considered together**

7.3 P-03-271 Business Rates in Narberth (Page 25)

7.4 P-03-286 Ceredigion Business Rates (Pages 26 – 94)

7.5 P-03-307 Design for Innovation in Wales (Page 95)

7.6 P-04-364 Fibre Optic for Rural Areas (Pages 96 – 99)

## **Environment and Sustainable Development**

7.7 P-03-315 New Dyfi River Crossing Petition (Pages 100 – 102)

7.8 P-03-309 Cardiff Against the Incinerator (Pages 103 – 117)

7.9 P-04-343 Prevent the destruction of amenities on common land (Pages 118 – 138)

7.10 P-04-344 Freshwater East Public Sewer (Pages 139 – 140)

7.11 P-04-374 All dogs to be kept on leads at all times in public places (Pages 141 – 142)

7.12 P-04-378 Extend the Gower Area of Outstanding Natural Beauty (Pages 143 – 152)

7.13 P-04-383 Against NVZ Designation for Llangorse Lake (Pages 153 – 211)

## **Education and Skills**

7.14 P-04-346 Free Childcare for 3-4 Year Olds in Wales (Pages 212 – 217)

7.15 P-04-376 Reorganise Education in Powys (Pages 218 – 235)

## **Equality**

7.16 P-03-294 Wales Women's National Coalition (Pages 236 – 237)

## **Health and Social Services**

7.17 P-03-085 Surgeries in Flintshire (Pages 238 – 256)

7.18 P-04-342 MS Nurses (Pages 257 – 258)

- 7.19 P-04-362 Ambulance Services in Monmouth (Pages 259 – 269)
- 7.20 P-04-367 Save our Hospital Services (Pages 270 – 272)
- 7.21 P-04-368 Promote Physical Activity and Health in Further Education Colleges (Pages 273 – 280)
- 7.22 P-04-375 Stop Opt-Out Organ Donation (Pages 281 – 285)

### **Housing, Regeneration & Heritage**

- 7.23 P-03-197 Save the Vulcan (Pages 286 – 306)
- 7.24 P-04-381 Restoration for North Wales Hospital (Pages 307 – 309)

## **8. Papers to Note**

- 8.1 P-03-170 To increase the number of people with a learning disability employed by the public sector in Wales (Pages 310 – 313)

# Agenda Item 3

## **P-03-238 Pollution of the Burry Inlet**

### **Petition wording**

Petition from Carmarthenshire residents requesting a public inquiry by the Welsh Assembly Government into the sewage pollution of the Burry Inlet and Carmarthen Bay.

**Petition raised by:** Rhys Williams

**Number of signatures:** 2240

**First considered by the Committee:** September 2009

## **P-04-341 Waste and Incineration**

### **Petition wording**

We call upon the National Assembly to urge the Welsh Government to review

1. Prosiect Gwyrdd, which is against WAG policy of localised facilities, and allow our councils to choose their own waste technology and waste management procurement;
2. The flawed Wales waste survey that only gave people a 2 choice option on waste disposal;
3. By 2020, make it illegal to burn recyclable waste which would promote councils to recycle.

**Petition raised by:** Terry Evans

**Petition first considered by Committee:** 15 November 2011

**Number of signatures:** 21 (an associated petition collected another 13,286 signatures)

**Please follow the link to access full consultation response:**

<http://www.senedd.assemblywales.org/mglIssueHistoryHome.aspx?IId=2294>

# Agenda Item 5

## **P-03-295 Kyle Beere - Paediatric Neuro Rehabilitation Services**

### **Petition wording**

We, the undersigned, call upon the National Assembly for Wales to urge the Welsh Government to recognise and deliver services for the rehabilitation of brain injured children. There is currently no facility in Wales to provide this vital service. Despite there being a purpose built children's hospital being built in Cardiff, there is still no provision included in its design

**Petition raised by:** Kyle's Goal

**Petition first considered by the Committee:** June 2010

**Number of signatures:** The petition was submitted by Kyle's Goal. An associated petition collected 9,128 signatures.

## **P-04-389 Arts, Agriculture and the Assembly Sheep**

### **Petition wording:**

We, the undersigned, call upon the National Assembly to make a statement of support for Welsh agriculture by the commissioning and erection in the Senedd of a permanent statue of a sheep.

Supporting information: We believe that the major role of farmers and rural life in Wales should be honoured in Wales' highest democratic forum. By calling for a statue memorial we seek to promote the aim of the Arts Council in Wales, namely, improving the economic arts sector in Wales and access to the arts. The Welsh Sheep Appreciation Society brings together both sheep farmers and others with a concern for the traditional agricultural methods. We would point out that former drover's road town already have such statues.

**Petition raised by:** Rev Christopher Trefor Davies

**Date petition first considered by Committee:** 15 May 2012

**Number of signatures:** 17

# Agenda Item 6.2

## **P-04-390 Designate Penrhos Holyhead Nature reserve (coastal park) a National reserve**

### **Petition wording:**

We call upon the National Assembly for Wales to urge the Welsh Government to designate Penrhos Holyhead Nature reserve (coastal park) a National Nature Reserve.

### **Supporting information:**

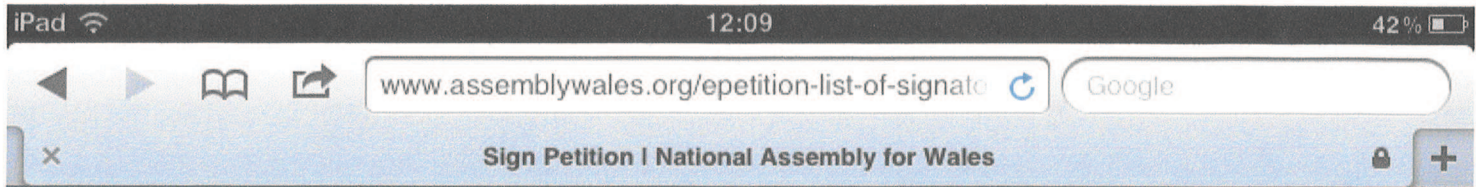
Penrhos Nature Reserve (coastal park) Holyhead has been used by the community for 40 years. It is a socially valued landscape. A natural heirloom. We believe the lasting legacy of this cherished nature reserve should be acquired and managed for the community and be designated a National Nature Reserve by CCW (countryside council of Wales) with a long term vision that includes a comprehensive initiative which involves the whole community in its 'Natural capital': Run by the people for the people.

Penrhos nature reserve is enveloped in a historic coastline that has been designated an AONB area near an SSSI, which make up its iconic landscape. Gorsedd y Penrhyn which dominates the coasts path line has been designated a regionally important geological, geomorphological site by (UK RIGS) by the geoconservation association. Also the freshwater habitats comprise of reed beds priority habitats under the uk habitats action plan (uk hap). By designating it a national park we would maximise the economic benefits of the islands 'natural capital'. Tourism is based on the unspoilt beauty of this island. It is a Inspirational gem at the heart of the community and has a rich tapestry of life and is cherished by the whole community. It is by all accounts a 'theological Paradise'. It is part of Holy islands altar piece, indeed the 100,000 visitors every year recognise this. 'We are a people bred on legends .clinging stubbornly to the proud trees of blood and birth.' R S Thomas

**Petition raised by:** Jenny Amelia Jones

**Date petition first considered by Committee:** 15 May 2012

**Number of signatures:** 826



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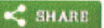
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# e-Petition: Designate Penrhos Holyhead Nature reserve (coastal park) a National reserve



“Petition wording: We call upon the National Assembly for Wales to urge the Welsh Government to designate Penrhos Holyhead Nature reserve (coastal park) a National Nature Reserve.

Supporting information: Penrhos Nature Reserve (coastal park) Holyhead, has been used by the community for 40 years. It is a Socially valued landscape. A natural heirloom. We believe the lasting legacy of this cherished nature reserve should be acquired and managed for the community and be designated a National Nature Reserve by CCW (countryside council of Wales) with a long term vision that includes a comprehensive initiative which involves the whole community in its 'Natural capital': Run by the people for the people. Penrhos nature reserve is enveloped in a historic coastline that has been designated an AONB area near an SSSI, which make up its iconic landscape. Gorsedd y Penrhyn which dominates the coasts path line has been designated a regionally important geological, geomorphological site by (UK RIGS ) by the geoconservation association. Also the freshwater habitats comprise of reed beds priority habitats under the uk habitats action plan (uk hap) By designating it a national park we would maximise the economic benefits of the islands 'natural capital'. Tourism is based on the unspoilt beauty of this island. It is a Inspirational gem at the heart of the community and has a rich tapestry of life and is cherished by the whole community. It is by all accounts a 'theological Paradise'. It is part of Holy islands altar piece, indeed the 100,000 visitors every year recognise this. 'We are a people bred on legends .clinging stubbornly to the proud trees of blood and birth.' R S Thomas

[Sign this petition](#)

## Petition details

### > Petition Status

**Petition Status:** Open  
**Petition Start Date:** 01/12/2011  
**Open until midday on:** 3/5/2012  
**Related Link(s):**

### > Principal Petitioner(s)

> Jenny Amelia Jones

## 100 most recent signatures

## Penrhos Nature Reserve signals a special signal of inclusion

Penrhos has provided a unique ecosystem service for generations, where notions of community and inclusion have been transformed into a strong community bond creating a space that reinforces kinship throughout the community. Generational memories of families threaded throughout the trails of Penrhos: a richer natural order that paves the way amidst the trees informing and flattering the traveller, a natural dawning that seeks no permission to woo: faithfully depicting an eternal landscape of our ancestors that knits and binds healthy hearts and minds: accomplishing a greater providence that serves the economy of mind, body and soul; a Celtic footprint in Penrhos that acts like the umbilical thread between man and nature: his private space, his natural space, his community space, a communion with Wales' natural cultural heritage.

Penrhos Nature reserve the National Reserve acknowledges the settled communities wisdom in communicating Penrhos Nature Reserve is a socially valued landscape that acts as a spacial signal of inclusion: it unites the individual through the provision of nature for the common interest of man. Holy Island people advocate they are the primary shareholders of Penrhos Nature Reserve and they seek recognition as to how their green space is regulated. The National Reserve status shall allow the community to inherit entrance into the universal fruits of nature 'our' reserve, without fear of exclusion from those who would seek the privation of our natural inheritance embodied in Penrhos. How can we regulate our self image, if 'our voice' in the regulation of our community space is refused?

Let us now assume that the long term future of Penrhos as a nature reserve is under debate and one of the potential outcomes is a 'new' corporate model of development, Penrhos nature reserve that used to be a spacial signal of inclusion becomes a spacial signal of exclusion: what message does this send to the people of Holy Island? It sends the message that the individual has no rights concerning their natural local environment Penrhos, however every corporate model does to the detriment of the community. The individual and the community will feel disenfranchised, the benefits that Penrhos has given to the people of Holy Island will have been ignored. AAM acknowledge this Most notably in 2006 they stated,

'To act responsibly in the protection of cultural heritage..... As a large industry we should look at methods of sustaining natural habitats that surround the AAM site' ..(Quoted in pdf: 'Our commitment: addressing global challenges with local actions)

The prosperity gained from the community canopy from access to the Penrhos reserve, if not protected will create an inequality through the depression of disaffection: community cohesion will be compromised for in aid of the corporate few. To communicate the whole we are required to recognise that Penrhos is an iconographical declaration of community space hence the need for National status: The soul of the community that once resided in the town centre, has since the depression of the town centre, been supplanted in the heart of the nature reserve.

The 'old' corporate model has nurtured positive ties with the community through a positive environmental legacy in delivering wildlife benefits,

'AAM sets out to build enduring relationship with neighbours that are characterised by mutual respect, active partnership and long term commitment'

Natures virtue has never left Holy Island destitute, it is the gateway to the community the source of our natural wealth. We seek a natural justice where issues of the environment are concerned, without this our participation becomes degraded. Holy Island people do not seek an unnatural concrete alternative - a concrete Island, that has never been voted for,

where legislators and local authorities devise a Political Principality to mould their fatality of the landscape.

### **Penrhos Nature Reserve a local and national treasure**

Ocean born gales salute the AONB coastal path giving rise to a grandeur woodland scene: Penrhos open woodland. The Northern area of Penrhos comprises of agricultural land. The coastal path front the morewelon approach includes the Battery (ancient monument) and the remains of the boat house. Penrhos beach to the Stanley embankment includes the coastal park, the SSSI Bedmanarch Bay and UKRIGS status Gorsedd y Penrhyn. The quality of the AONB is significantly enhanced by the agricultural land following the Ancient monument and plays a fundamental role in the landscape character and integrity of the AONB status: an unspoilt and distinctive coastal path that captures the rural essence that visitors and ramblers find so attractive. At this point visitors can also view a panoramic view of the island incorporating the port, Morawelon (Community first ward ) and the mountain backdrop. Towards Penrhos beach with Gorsedd y Penrhyn in full view, opens up to another distinct vista Penrhos open woodland, the only open woodland in Holyhead, the majority of which is protected by tree preservation orders (TPO). Gorsedd y Penrhyn overlooks Beddmanarch Bay SSSI. The entire area provides the local community with an unrivalled area of ecosystem and habitat biodiversity: Woodland. Wetland, tidal meadowland. Wales failed to meet its 2010 biodiversity targets, Penrhos Nature Reserve being made into a national reserve will demonstrate that Wales takes its biodiversity targets seriously: Penrhos Reserves TPO, quillet area of managed meadows with wild flowers, fungi and historical monuments, encompassed in the AONB coastline, Gorsedd y Penrhyn majestic headland and Beddmanarch bay SSSI comprises a staggering patriotic landscape of Welsh Natural Heritage, with no other country we need compare; a local initiative of biodiversity conservation that delivers for the Welsh Assembly and the local community.

### **Penrhos reserve environmental buffer**

Penrhos has provided an invaluable ecosystem defence for it local inhabitants: local policeman Ken William OBE first secured its 'promise' in the conscience of the community when he fought for its local reserve status. The stability of this creation has never been so important as we turn away from the old industries and make way for the new industries. A biomass plant is planned for the old Anglesey Aluminium site, adjacent to Penrhos reserve and the longevity of Penrhos is necessary to act as a buffer for environmental pollution for this new industry as it did for the old. Developers of biomass plants must take measures to mitigate environmental pollution (environment protection UK. IACORS). Any perceived or imagined defect in industry old or new can be seen as a small part within the greater sphere of the natural surroundings, namely Penrhos Nature Reserve and it's all encompassing declaration of natures creation Penrhos National Reserve and it's continued charitable nurturing of community life.

### **Penrhos Natural health service, education and community well being**

The holistic phenomenon of Penrhos regarding its benefits to the community should not be underestimated. Physical activity can aid increased lifespan, improve mental wellbeing, improve social relations and enhance personal and communication skills (Open Space: Health, Wellbeing and Open Space literature review. Nina Morris. 2003. PDF). The medicinal green space of Penrhos has been celebrated through the changing seasons. Generations of Holyhead people for recreation and education have perceived the lessons of nature under the community canopy. The mysteries of nature bring the knowledge of

meaning to our wider surroundings the natural world. The reserve is used by all the primary schools in Holyhead in line with learning by doing initiatives ( Ysgol LLanfawr school. letter addressed to Sara Wollaston. Head teacher Mr Gwyn Williams. February 2nd 2012 ). A healthy intelligence of our surroundings teaches us about our common inheritance: understanding natural diversity within the heritage of Wales past, present and future. The unique marvel of each plant and animal within the woodland is accessible to the entire community, an all encompassing recreational experience, unifying the generative power of Penrhos as a universal teacher; everyman his equal all with common interests, a distinct natural provision not dictated by the inequalities of poverty or status. Where the affinity of natural surroundings is akin to a sense of social justice: the natural justice of a small Island community hence the autonomy of natures pilgrim. The value and symbolic resonance of Penrhos is measured in its people (all of natural Wales is embodied in the Penrhos landscape), it is our natural constitution, our portion of Welsh liberty and wealth.

### **Penrhos National Reserve helping to fully capitalise on the great natural legacy of Holy Island**

Anglesey has the most extensive range of palaeozoic and following formations of geology in England and Wales: the quartzite of Holyhead mountain and the subdivisions of the South Stack 'series'- Llwyn division and South Stack moor (The Geology of Anglesey. Edward Greenly. Page viii) with Gorsedd y Penrhyn UKRIGS status, this should easily establish Holyhead as a Geo-tourism destination. The AONB coastal walk comprising of Beddmanarch Bay SSSI, Penrhos open woodland and Holyhead town centred on an old Roman town, neolithic burial chambers and huts and of course the Royal connection (Prince Charles opened the reserve in the 1980s and the Duchess of Cambridge frequently walks her dog here) provides us with a perfect marketing opportunity. A comprehensive initiative to fully deepen Holy Island's great natural and historical legacy, as a desirable destination within Britain's top places to visit for experiencing the unspoilt landscape of Wales. By designating Penrhos a National Reserve, run by the Countryside Council of Wales, we could fully utilise our natural inheritance that spans the reserve and the wider tapestry of our natural capital. To survey Holy Islands beautiful landscape as an enchanted Island, unspoilt by ugly design, we understand the humble expostulation of the rural plight. Acknowledging our greatest brand as having served families and small businesses throughout the ages; the constancy of natures heritage has been a spiritual host throughout the ages, heroic lore glitters throughout this natural composition, the landscape horizon is our steadfast industry, our steadfast companion, our steadfast reserve, poetry we must conserve!

### **Penrhos nature reserve and tourism: Holy island as 'the pilgrims trail'.**

Any discussion of tourism should begin with Anglesey Aluminiums preamble as 'custodian',

'of a 200 acre coastal park, that boasts breathtaking scenic views and provides a natural shelter for many varieties of flora and fauna, each year about 100,000 people visit the park...in early 2006 AAM Appointed kehoe countryside to ensure it remains a beautiful and safe place for both the local community and visitors to enjoy', (Quoted from Website Anglesey Aluminium Metals Ltd - Community initiatives).

This was achieved with the wildlife partnership programme (Red squirrel introduction and bird watch events) in unison with CCW.

To one who has been long in city pent, 'Tis very sweet to look into the fair and open face of heaven, - to breathe a prayer full in the smile of the blue firmament.

~John Keats, *Sonnet XIV*

' The natural environment .... is a source of enjoyment and inspiration, contributes to physical and mental wellbeing, underpins our culture, and contributes to our own sense of place and our identity. ..is also critical to underpin Wales' tourism businesses..... Protected landscapes in Wales are a key component in defining Wales' sense of place..(quoted from *One Wales: One Planet*)

This can be evidenced in the NEF Case study 'National trail good for business' Pembrokeshire Coast National Park In 2006 'almost half of businesses surveyed rated the Trail as 'very important to their profitability', This case study explains how the creation of a national walking trail is helping tourism and businesses. It is exemplified by its 'high quality public access and coastal habitats', I believe Penrhos nature reserve(coastal park) with its **Key** geodiversity (geomon European status ANOB, SSSI credentials) could be marketed in a similar way. ', Penrhos is a marvellously picturesque piece of diversity of landscape/seascapes, Promoting 'activity tourism' as part of the 'living Wales' framework in action delivering economic benefits for small businesses on Holy island. Forming part of the 'cluster of attractions' on offer as well as the environmental and social benefits for the local community the tourist who finds solace in

'The trail, strung upon it, as upon a thread of silk, opalescent dawns and saffron sunsets. It has given me blessed release from care and worry and the troubled thinking of our modern day. It has been a return to the primitive and the peaceful. Whenever the pressure of our complex city life thins my blood and benumbs my brain, I seek relief in the trail', quote by Hamlin Garland,

Designating it a National reserve would be a blueprint for the future of Holy island as 'the pilgrims trail'.

'Tourism is vitally important to the North Wales economy. It brings in £1.8bn of income to the region each year, supports over 37,000 jobs and provides the lifeblood for many small businesses. I believe it can make an even greater contribution in future and is a sustainable sector which, properly managed, will continue to thrive for generations to come.' ( Quoted from TOURISM STRATEGY NORTH WALES 2010-2015)

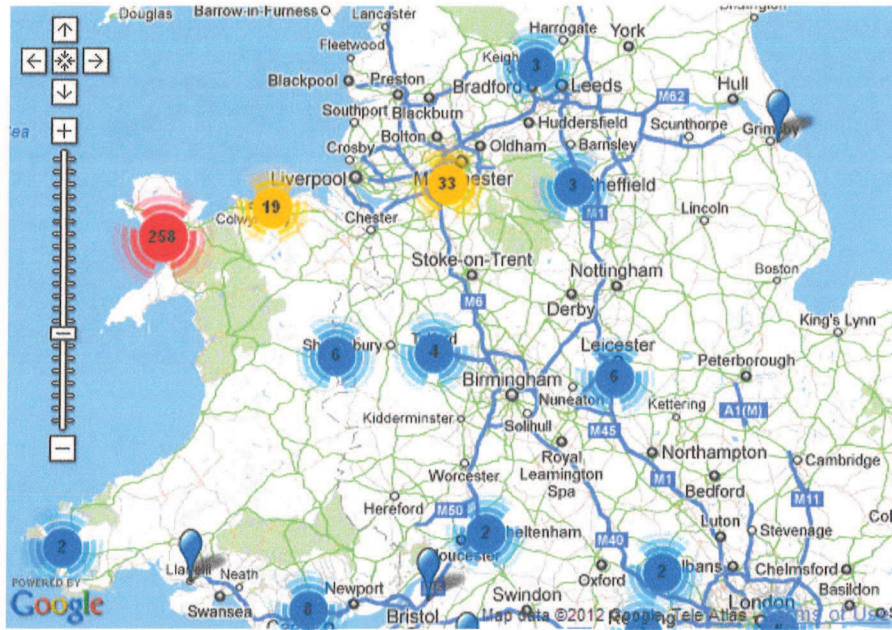
Penrhos coastal path ANOB and its accessibility into the open woodland is an integral factor in encouraging the regular return of tourists; the go petition signature clusters (see picture below) from the North of England and signatures on the Welsh assembly petition suggest that Penrhos is a known and valued destination for North England tourists,

*'catchment population, accessibility and strength of its core offer*  
( <http://www.tpnw.org/docs/strategies/STRATEGYenglish.pdf>),

giving credence to the coastal path status ANOB. Any change of character to the woodland area and the infinity greens would cause the ruination to the stature of the one of the most beautiful coastal areas in Britain.

public viewing. Please allow 30 seconds for the map to load.)

### Browse Signature Clusters



GoPetition's signature maps are powered by Google Maps. We use a special application of Google Maps known as MarkerClusterer which collects signature markers into different clusters and displays the number of markers in each cluster with a label, creating new clusters as the map zoom level changes. Signature maps at GoPetition can be used for a variety of purposes, electoral and otherwise. Map information provided should be read in conjunction with GoPetition's Privacy Policy.

Written by Jenny A Jones and Liza M Jones

Dear Bill,

Further to my previous e-mail below, I am advised that with regards to the Land & Lakes proposals at Penrhos, they have now amended their plans — which you can download by clicking on the link below:

<http://www.landandlakes.co.uk/about-us.html>

“They have given more public access in the nature reserve, removed lodges from Cae Glas reserve and some in Penrhos, created a new cricket pitch and football pitch with parking and amenities for public use, a new heritage centre for tourism and will reopen the toll house which was a cafe run by people with learning disabilities that was shutdown in 2009 by the council due to lack of funds”.

Regards

Mark

# Penrhos Package





P-04-390 : Designate Penrhos Holyhead Nature Reserve (coastal park) a National reserve

To someone who cares,

Please take time to read and help.

The people of Holyhead have very little as in work , they seem to have little hope of Governments helping them. Over many years I watched all sides of politics say they will do this and that, only to find down the track no work, no help and no hope of work in the near future. Holyhead needs work.

What people of Holyhead do have is a wealth of good will and the ability to keep smiling even when Government after Governments let the people down.

Holyhead was a thriving happy wonderful place as I grew up in the sixties and into the seventies, its people wonderful and lives were fairly prosperous, by English standards of course, a simple life.

We loved our coast line, we loved our long walks, we loved our island, over the years bit by bit our love of land has been stolen from us.

Now development will be the thief this time trying to steal the place we all love with untruths about jobs and how good it will be for the town. Again the same old rubbish,untruths.

It's all lies, every time it's lies. Please look at the unemployed numbers for Holyhead currently if you disagree with me.

Please save our Nature Reserve at Phenrhos, Holyhead. In fact give money to make it even more magical than it already is.

Please save this piece of special earth do not spoli what you can never replace or repair for the want of greed by some.

I know how hard life is in Holyhead, we had to leave for work, shame on the liars!

If we allow the devastation of the Phenrhos Reserved at Holyhead, we can blame nobody but ourselves. What do we tell the yet to be born children, we sold out for forty pieces of silver!

Save this treasured place please. Don't fall for greed as most seem to do, and don't fall for the rubbish spoken about prosperity for the town heard it so many times.

Gillian Hemsley



Ffordd Tadol, Morriston  
 Caerdydd / Morriston  
 Ynys Môn / Isle of Anglesey  
 LL65 2DS  
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Prifathro/Headteacher: Mr. Gwyn Williams, B.Ed. NPQH  
 Ddirwy Brifathrawes / Deputy Head teacher: Ms. Nicola Williams, B.Ed.

*Ddiwedd ystyr: Mae Ysgol yn un ddi-fog gan gynnwys y strwydd yn ystod oriau a gwyliau o'r ysgol.  
 Please note that Ysgol Llanfawr is a non smoking school and this includes the school grounds during school  
 hours and school activities.*

20/02/2012.

Dear Sara Wollaston,

Thank you for the letter I received on Friday the 10th of February, 2012.

I am able to confirm that Ysgol Llanfawr does use the Penrhos Nature Park.

The infants do go there to study the effects of seasons, mini beasts, trees and plants, wildlife and other curriculum activities.

The Junior department also visit the site to carry out Science Investigations, Geography studies, Historical work, Physical Educational activities and Environmental Studies.

The Penrhos site is an ideal location for us to study the different aspects of the curriculum, and if this was taken away it would be of a great shame. The school uses the site to enrich the curriculum and make the children aware of how to look after their environment.

If the park was taken away and used for development then the impact on the children at Ysgol Llanfawr and other school in the local area would be detrimental. We would not be able to offer rich curriculum experiences as we do now. We would have to take the children out of their environment to other areas on the island to study curriculum activities.

I hope my letter has given you some guidance on how we use the Penrhos nature Park to enhance the curriculum that we give at Ysgol Llanfawr. If I can be of further assistance then please do not hesitate in contacting me at the school.

Yours sincerely,

Mr. Gwyn Williams,

Head teacher.

Cyfeirnodol golofnau at y **Holyhead** all 21 Feb 2012 2:46 PM

# Agenda Item 6.3

**P-04-391 LLandeilo By-pass**

**Petition wording:**

Calling for an amendment to the adopted eastern route to be along the far (south east) bank of the river Tywi, rather than along the foot of the town bank, and to cross the river near the railway bridge.

**Supporting information:**

See letter from petition to Carmarthenshire County Council

**Petition raised by:** Tim ap Hywel

**Date petition first considered by Committee:** 15 May 2012

**Number of signatures:** 31

## **P-04-392 Community Transport Petition**

### **Petition wording:**

We call upon the Welsh Government to continue to fund Community Transport Schemes currently funded by the Community Transport Concessionary Fares Initiative.

**Petition raised by:** Joan Smith

**Date petition first considered by Committee:**

**Number of signatures:** 26 (a number of paper signatures have also been collected)

# Agenda Item 7.1

## **P-04-355 Cymru not Wales**

### **Petition wording:**

We call upon the National Assembly for Wales to urge the Welsh Government to formally drop the name "Wales & Welsh". Wales comes from the Anglo-saxon word *Waleas* meaning "foreigner" We find this word insulting and that our nation should only be known as its original name 'Cymru' (land of comrades or countrymen). After over a thousand years of being called "foreigner" we feel its time this degrading word should be relinquished.

**Petition raised by:** Dennis Morris

**Date petition first considered by Committee:** 10 January 2012

**Number of signatures:** 119

Cynulliad  
Cenedlaethol  
Cymru

National  
Assembly for  
Wales



William Powell AM  
Chair, Petitions Committee  
National Assembly for Wales  
Cardiff Bay  
CF99 1NA

Our ref: RB/IW/PO185

2 February 2012

*Dear William*

**Petition: Cymru not Wales**

Thank you for the opportunity to comment on the feasibility of implementing an informal name change for the National Assembly for Wales.

The petition received raises interesting questions. As you correctly point out, the Government of Wales Act 2006 states that "there is to be an Assembly for Wales to be known as the National Assembly for Wales or Cynulliad Cenedlaethol Cymru." Effecting a formal change to our name, therefore, would require an amendment to the Government of Wales Act 2006 that would not be within our current legislative competence.

Even an 'informal' change of name offers up some ambitious challenges. Were we to embark on such a project, should we then encourage the whole of the English-speaking world to follow our example and to cease referring, in English, to "Wales"? Similarly, would we then need to encourage French-speaking nations to stop referring to our country as Pays de Galles, or Spanish-speaking nations from referring to us as Gales?

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However, even if we leave aside these wider considerations, the advice I have received from the Assembly's Chief Legal Adviser is that legal constraints would make it impossible to achieve the petitioner's aim even on an informal basis. For the Assembly to be able to discharge its functions effectively, the identity of the body must be clear to all those who are affected by those functions. To apply to the Assembly a "brand" different from the "official" one of "National Assembly for Wales", e.g. by adopting, unofficially, a name such as "National Assembly for Cymru" would only sow confusion and create uncertainty. The Chief Legal Adviser is satisfied that such a move would therefore not be within the legal powers of the Assembly or the Assembly Commission.

I stress that this is not a comment on the merits of the petitioner's proposal but merely on the means by which it could be achieved. I would be interested in the Committee's views, and look forward to following the petition's progress.

*yours*

*Rosemary*

**Rosemary Butler AC, Llywydd**  
**Rosemary Butler AM, Presiding Officer**

**Y Gwir Anrh/Rt Hon Carwyn Jones AC/AM**  
**Prif Weinidog Cymru/First Minister of Wales**



**Llywodraeth Cymru**  
**Welsh Government**

Eich cyf/Your ref: P-04-355  
Ein cyf/Our ref: FM/05099/12

William Powell AM  
committeebusiness@Wales.gsi.gov.uk

9 February 2011

Dear William,

**Petition: Cymru not Wales**

I am writing in response to your letter of 11 January regarding the petition you received calling upon the National Assembly for Wales to urge the Welsh Government to formally drop the name "Wales & Welsh".

I have noted the views of the petitioners. While I respect those views, it appears to me that the vast majority of people in Wales are happy to describe themselves as Welsh and their country Wales. I see no reason, therefore, to consider dropping the use of "Wales" and "Welsh". Following the referendum on law-making powers in March 2011, the Welsh Assembly Government became known as the Welsh Government. There are no intentions at the moment to implement a further name change.

Yours sincerely

A handwritten signature in black ink, consisting of a large, stylized 'C' followed by a smaller 'J' and a short horizontal stroke.

**CARWYN JONES**

# Agenda Item 7.2

## **P-04-379 Armenian Genocide Remembrance Day**

**Petition wording:**

We ask the National Assembly to designate the 24th April in Wales as Armenian Genocide Remembrance Day

**Petition raised by:** Eilian Williams

**Date petition first considered by Committee:** 27 March 2012

**Number of signatures:** 262

PET(4)-08-12 : Tuesday 15 May 2012  
P-04-379 Armenian Genocide Remembrance Day

Dear William

**Petition: P-04-379 Armenian Genocide Remembrance Day**

Thank you for your letter of 27 March. The Welsh Government takes no view on questions relating to foreign policy issues. The topic referred to in the petition lies outside the competence of the Welsh Government and I suggest you raise these matters with the Foreign & Commonwealth office.

Yours sincerely

A handwritten signature in black ink, consisting of a large, stylized 'C' followed by a smaller, more complex flourish.

**CARWYN JONES**

# Agenda Item 7.3

## **P-03-271 Business Rates in Narberth**

### **Petition wording**

We the business ratepayers of Narberth call upon the National Assembly for Wales to urge the Welsh Assembly Government to conduct an impact assessment on how businesses in the town will be affected by the changes in rateable values. This assessment should include effect on jobs and business closures.

### **Link to petition:**

<http://senedd.assemblywales.org/mgIssueHistoryHome.aspx?Ild=871>

**Petition raised by:** Narberth Chamber of Trade

**Number of signatures:** 91

**First considered by the Committee on:** 19 January 2012

**Update:** The Enterprise and Business Committee Report on the Regeneration of Town Centres has now been published

## **P-03-286 Ceredigion Business Rates**

### **Petition wording**

We the business rate payers of Ceredigion, call upon the National Assembly for Wales to urge the Welsh Assembly Government to conduct and impact assessment on how businesses in Ceredigion will be affected by the changes in rateable values.

This assessment should include effects on jobs and business closure.

**Link to petition:** <http://www.assemblywales.org/gethome/e-petitions-old/admissible-pet/p-03-286.htm>

**Petition raised by:** Ceredigion Business Ratepayers

**Number of signatures:** 68

**Update:** The Enterprise and Business Committee Report on the Regeneration of Town Centres has now been published

**National Assembly for Wales**  
Enterprise and Business Committee

Regeneration of town centres

January 2012



The National Assembly for Wales is the democratically elected body that represents the interests of Wales and its people, makes laws for Wales and holds the Welsh Government to account.

An electronic copy of this report can be found on the National Assembly's website:  
**[www.assemblywales.org](http://www.assemblywales.org)**

Copies of this report can also be obtained in accessible formats including Braille, large print; audio or hard copy from:

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**National Assembly for Wales**  
Enterprise and Business Committee

Regeneration of town centres

January 2012



## Enterprise and Business Committee

The Committee was established on 22 June 2011 with a remit to examine legislation and hold the Welsh Government to account by scrutinising its expenditure, administration and policy, encompassing economic development; transport and infrastructure; employment; higher education and skills; and research and development, including technology and science.

### Current Committee membership



**Nick Ramsay (Chair)**  
Welsh Conservatives  
Monmouth



**Byron Davies**  
Welsh Conservatives  
South Wales West



**Keith Davies**  
Welsh Labour  
Llanelli



**Julie James**  
Welsh Labour  
Swansea West



**Alun Ffred Jones**  
Plaid Cymru  
Arfon



**Eluned Parrott**  
Welsh Liberal Democrats  
South Wales Central



**David Rees**  
Welsh Labour  
Aberavon



**Ken Skates**  
Welsh Labour  
Clwyd South



**Joyce Watson**  
Welsh Labour  
Mid and West Wales



**Leanne Wood**  
Plaid Cymru  
South Wales Central

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## The Committee's Recommendations

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The Committee's recommendations to the Welsh Government are listed below in the order that they appear in this Report. Please refer to the relevant pages of the report to see the supporting evidence and conclusions.

**Recommendation 1.** We recommend that as part of its revision of national planning policy on economic issues, the Welsh Government should ensure that Planning Policy Wales fully protects town centres from the potential impacts of out-of-town retail developments, and that the Government should also take steps to improve the implementation of national and local planning policy on the ground. (Page 14)

**Recommendation 2.** We recommend that the Welsh Government should guide local authorities towards making better use of their contractual agreements with out-of-town retailers to further protect the vitality of town centres. (Page 15)

**Recommendation 3.** We believe that examples of good practice in promoting town centres should be disseminated more widely, and recommend that the Centre for Regeneration Excellence in Wales should develop its role in this area, including educating and encouraging professionals in the sector. (Page 15)

**Recommendation 4.** We recommend that the Welsh Government should commission more research on the effects that supermarkets can have on the quality of town centres in order to better inform and improve the impact analysis of proposed developments within the planning control system, and that local retail impact assessments should be obligatory for all supermarket proposals. (Page 17)

**Recommendation 5.** We recommend that local planning authorities should be encouraged, within their Local Development Plan, to see office and work-place development as a means of increasing footfall within town centres, and that they should assess the possible outcomes of, and alternatives to, out-of-town office development proposals more carefully. (Page 18)

**Recommendation 6.** We recommend that the Welsh Government should establish dedicated Ministerial leadership for town centres, including setting up a town centre policy forum chaired by the lead Minister, that would bring together officials from different Departments and key representatives from the private, public and voluntary sectors to share good practice and to identify a plan of action and monitoring framework for regenerating Wales's town centres. (Page 21)

**Recommendation 7.** We recommend that the Welsh Government should ensure that the development of integrated and sustainable transport in Welsh town and city centres is a priority in the delivery of the National Transport Plan. Further, the Welsh Government should provide clear guidance to local authorities to ensure that transport integration is a core element of all town centre regeneration and redevelopment plans. (Page 24)

**Recommendation 8.** We recommend that the Welsh Government should establish a rigorous performance monitoring framework and commission a detailed, independent evaluation of the Sustainable Travel Centre scheme. This should include assessment of the impact of each scheme on the vitality of the town centres involved, including access for people with disabilities. (Page 28)

**Recommendation 9.** We believe that town centre businesses may need to operate more flexible working hours in order to meet changing customer needs. We therefore recommend that the Welsh Government should update its Technical Advice Note on Planning and Retailing to include guidance for local authorities about imposing conditions on retail development regarding more flexible working hours. (Page 29)

**Recommendation 10.** We recommend that the Welsh Government should work with local authorities to develop planned and innovative approaches that incentivise property owners to let their vacant town centre properties for living and working uses that would contribute to the vitality of town centres but would not undermine the properties' long-term value. (Page 30)

**Recommendation 11.** We recommend that Cadw should continue with its characterisation studies of towns and villages and that they form an integral part of any regeneration scheme. We also recommend

that the Welsh Government should make greater use of the Design Review Service and encourage its development partners to do the same. (Page 33)

**Recommendation 12.** We recommend that the Welsh Government should review national planning policy and guidance for retailing and town centres to ensure that local planning authorities set out a positive vision for all their town centres and high streets in their Local Development Plan, and to provide a strong planning application decision-making framework for ensuring appropriate development can be guided to suitable locations that are highly accessible by sustainable transport. (Page 35)

**Recommendation 13.** We recommend that within the framework of the Local Development Plan, each town should have a comprehensive plan in place, developed by a local partnership of key stakeholders and engaging the community, which contains actions for addressing the issues affecting the viability of the town centre. (Page 37)

**Recommendation 14.** We believe that the key to success in town centre regeneration at a local level is strong, effective leadership. We therefore recommend that the Welsh Government should consider how better to support people who have the necessary skills and the respect of the local community to act as champions for bringing together the different aspects and players in town centre regeneration. (Page 38)

**Recommendation 15.** We recommend that the Welsh Government should help local authorities and communities to be proactive in seeking and accessing sources of investment for town centre regeneration projects where public funding is unavailable. (Page 40)

**Recommendation 16.** We recommend that the Welsh Government's independent panel on business rates should consider changes in legislation and in the application of discretionary powers, with the aim of improving the mix and quality of the retail offer in town centres. (Page 43)

**Recommendation 17.** We recommend that the Welsh Government should consider developing a pilot scheme, within EU competition rules and in partnership with local authorities and property owners, which helps new businesses set up in town centres. (Page 44)

**Recommendation 18.** We recommend that during negotiations over draft legislative proposals for EU Structural Funds 2014-2010, the Welsh Government should seek to ensure that the new Regulations are sufficiently flexible to enable the Funds to be used to support town centre regeneration activities in the next round. (Page 45)

**Recommendation 19.** We recommend that the Welsh Government should commission a full and transparent assessment of the effectiveness of the Swansea Business Improvement District and consult with a broad range of stakeholders to inform further BID development in Wales. (Page 47)

**Recommendation 20.** We recommend that the Welsh Government through Visit Wales should encourage town partnerships to market their unique selling points such as architectural heritage and environmental quality, local produce and local culture, perhaps involving groups of towns within a region so that their different offers can complement each other. This could be part of the town centre plan we recommended above. (Page 49)

**Recommendation 21.** We believe that the Welsh Government should develop a robust framework for the design, development and delivery of town centre regeneration projects in which objectives and targets can be clearly set; data collected; where outcomes and impacts can be measured; and performance and success evaluated and compared. (Page 50)

## Introduction

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1. Vital, vibrant town centres are at the heart of sustainable communities, and they are core to a healthy and prosperous Welsh economy.
2. Yet throughout Wales, there are examples of “weak and vulnerable high streets, blighted by empty premises and poor shopping environments”.<sup>1</sup> Vacant premises in Welsh town centres stand at 11.5 per cent, which is above the UK average of 11.1 per cent, although footfall has countered the UK trend and is up by 1.8% compared with a year ago.<sup>2</sup>
3. The reasons for decline relate partly to the current economic downturn and associated reduction in consumer spending, but there are also long-term, structural issues at work. During this inquiry into the regeneration of town centres,<sup>3</sup> the Enterprise and Business Committee heard that:

“The problems facing our towns in Wales are universal. These are partly caused by changes in consumer behaviour, from internet shopping to challenges from out-of-town stores.”<sup>4</sup>

Indeed, the Centre for Regeneration Excellence in Wales (CREW)<sup>5</sup> argued that Wales was possibly *more* vulnerable than other parts of the UK, because of its lower economic base.<sup>6</sup>

4. If town centres are to regenerate, the solution requires a sophisticated, integrated and sustainable approach – “regulation, persuasion, conversion”<sup>7</sup> - where there is strong leadership from the national to the local level, and where all policy, planning and financial levers are strategically coordinated and streamlined to encourage sustainable and diverse growth, as well as provide quality, value and choice for consumers.

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<sup>1</sup> Welsh Government written evidence paragraph 1.2

<sup>2</sup> British Retail Consortium figures for November 2011. Written evidence from Vale of Glamorgan Council revealed that vacant floor space within Barry town centre peaked at 26.7 per cent in 2006

<sup>3</sup> The inquiry’s terms of reference are included as Annex A

<sup>4</sup> Record of Proceedings paragraph 11, 28 September 2011, Enterprise and Business Committee

<sup>5</sup> CREW was established in October 2008 by the then Minister for Regeneration

<sup>6</sup> CREW written evidence paragraph 3

<sup>7</sup> Record of Proceedings paragraph 58, 28 September 2011, Enterprise and Business Committee

5. We heard that there should be an “extended menu” for town centres so that they not only provide retail opportunities, but a diverse mix of uses, including healthcare, culture, leisure, learning, working, living and flexible public spaces.<sup>8</sup> The disposable income of the local population is also a critical factor in defining a town centre’s vitality and viability.<sup>9</sup>

6. Crucially, Government needs to create the right conditions to stimulate and direct investment in town centres, while local partnerships need to deliver on the ground. Town centre regeneration therefore requires close collaboration between the public, private and voluntary sectors, although the best vehicle for achieving those partnerships can vary from place to place.

7. Arguably more challenging than all that, however, is how to influence people’s hearts and minds - their lifestyles, shopping habits and travel choices - so that town centres can continue to thrive in the long term.

8. We wish to thank all the many organisations and individuals who contributed to our inquiry. We particularly welcome the submissions relating to specific town centres, such as Cardiff, Swansea, Newport and Wrexham, to collections of towns within the counties of Bridgend, Caerphilly, Flintshire, Rhondda Cynon Taf and Vale of Glamorgan, to smaller town centres such as Aberdare and Narberth.

9. We are also grateful to the Narberth Chamber of Trade for facilitating the Committee’s fact finding visit to the town<sup>10</sup> to hear at first hand the views and concerns of local business people, and to find out more about the successful regeneration of the town centre over the last few decades. We were very struck by the passion and commitment among that community, and despite the considerable challenges the town still faces, we hope that their good experiences can be replicated elsewhere in Wales.

10. In this report, we have drawn upon all the written and oral evidence presented to us to highlight a number of challenges facing Wales’s town centres, and made 21 recommendations for addressing

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<sup>8</sup> Record of Proceedings paragraph 11, 28 September 2011, Enterprise and Business Committee

<sup>9</sup> Record of Proceedings paragraph 69, 28 September 2011, Enterprise and Business Committee

<sup>10</sup> A note of the Committee’s visit is included as Annex B

them. Twelve of those recommendations (1, 2, 4, 5, 6, 7, 9, 11, 12, 13, 16 and 17) require concerted Government action, so we urge the Minister to respond positively to our suggestions. We are under no illusions that regeneration of town centres will happen overnight. Nevertheless, we trust that the Welsh Government will act upon our findings and that its regeneration policies will benefit as a result.

# The Challenges

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## Out-of-town retailing

11. The Welsh Local Government Association told us that:

“There is no doubt that the development of out-of-town retail sites over the last few years has had a detrimental effect on many town centres across Wales.”<sup>11</sup>

12. The Association of Town Centre Management<sup>12</sup> agreed, but added that “not all out-of-town development is necessarily negative.” The paper from Boots stated that the “playing field” between the high street and alternative retail formats should be “balanced” but “at present in many policy areas this is not the case.”<sup>13</sup>

13. The Welsh Government has indirect control over proposals for new out-of-town retail developments through national planning policy<sup>14</sup> that sets the context for Local Development Plans. Planning Policy Wales states that local planning authorities should apply a “sequential” test to new retail proposals so that first preference should be for town centre locations, then edge of centre, before out of centre sites, which have to be accessible by a choice of means of transport.

14. The Welsh Government also has the power to “call in” a planning application that raises planning issues of more than local importance, including those that are not in line with national planning policy or that could have wide effects or that may give rise to substantial controversy beyond the immediate locality. Currently, a local planning authority must automatically refer an application for the provision of gross shopping floor space of more than 20,000 square metres to the Welsh Ministers if it is minded to approve it. The Welsh Government has consulted on removing this requirement.<sup>15</sup>

15. While Welsh Government planning policy may seek to protect town centres on paper, this is not always how policy is perceived or

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<sup>11</sup> WLGA written evidence paragraph 37

<sup>12</sup> The ATCM is a not-for-profit membership organisation that promotes the vitality and viability of town and city centres

<sup>13</sup> Boots written evidence paragraph 3

<sup>14</sup> Planning Policy Wales supplemented by Technical Advice Note 4, Planning for Retailing and Town Centres

<sup>15</sup> Welsh Government Consultation Document, Review of Directions Requiring Planning Applications to be Referred to the Welsh Ministers, March 2011

realised in practice. The Design Commission for Wales stated that local planning authority guidance and policy “could be better aligned, adopted, implemented and adhered to.”<sup>16</sup>

16. The Welsh Government’s own evidence stated that “out-of-centre destinations, with free parking, have gained at the expense of town centres,”<sup>17</sup> although the Government has not itself undertaken any specific assessment of the impact of out-of-town retail developments on town centres.<sup>18</sup> Sustrans Cymru, the sustainable transport charity, told us that in relation to out-of-town retail development:

“Let us not make it any worse. Let us apply Welsh planning guidance, which states that it should be the last resort, which, at the moment, is not really being observed in practice.”<sup>19</sup>

17. The Centre for Regeneration Excellence in Wales (CREW) told us that there were “weaknesses” in planning law – that there were few options for local authorities to refuse planning permission for out-of-town stores; and that councils could not afford to take on supermarkets because of punitive legal costs.<sup>20</sup> We also heard from Caerphilly County Borough Council that where development sites in or adjacent to town centres are not suitable, local planning authorities have found it difficult to resist out-of-town proposals that are backed up by well-resourced private sector consultants specialising in retail appeals. We later heard from the Welsh Government that one in three appeals against local planning authority decisions were likely to be successful.<sup>21</sup>

18. To help counter this trend, Caerphilly CBC has been proactive and identified town centre retail sites in its development plans and then actively assembled those sites, often with support from the Welsh Government. In that way, large new food stores have been built within

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<sup>16</sup> Design Commission for Wales written evidence

<sup>17</sup> Welsh Government written evidence paragraph 2.1

<sup>18</sup> Letter to the Chair from the Minister of Housing, Regeneration and Heritage, dated 17 October 2011

<sup>19</sup> Record of Proceedings paragraph 28, 2 November 2011, Enterprise and Business Committee

<sup>20</sup> Record of Proceedings paragraph 44, 28 September 2011, Enterprise and Business Committee

<sup>21</sup> Record of Proceedings paragraph 53, 24 November 2011, Enterprise and Business Committee

easy walking distance of the town centres of Caerphilly, Blackwood, Ystrad Mynach and now Bargoed.<sup>22</sup>

19. We heard a very different view of out-of-town developments from the British Retail Consortium, who stated that:

“Consumers must come first: some retailers have proposed placing additional burdens on out of town and other retailing (eg imposing out of town car parking charges/additional taxation/levies etc) to ‘level the playing field’ for in town retailing. We have been very clear that this is entirely the wrong approach – the key must be to ‘level up’, taking constructive steps to address the challenges facing the High Street not penalising successful retailers in other locations/channels.”<sup>23</sup>

20. On 28 November 2011, the Welsh Government opened a consultation on the proposed update to national planning policy on economic issues to ensure it delivers the Government’s aspirations for economic recovery in Wales.<sup>24</sup>

**We recommend that as part of its revision of national planning policy on economic issues, the Welsh Government should ensure that Planning Policy Wales fully protects town centres from the potential impacts of out-of-town retail developments, and that the Government should also take steps to improve the implementation of national and local planning policy on the ground.**

21. As Welsh Government officials pointed out, however, planning policy cannot rectify out-of-town developments that predate current policy.<sup>25</sup> Bridgend County Borough Council stated in its written evidence that mezzanine floors added to out-of-town retail units do not require planning permission in Wales, which “probably result[s] in a negative impact on the neighbouring centres.”<sup>26</sup> The Royal Town Planning Institute raised concerns that planning also has limited control over certain uses on any particular site, which means that when a retail unit is classed as A1 under the Use Classes Order, a

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<sup>22</sup> Caerphilly County Borough County written evidence paragraph 4

<sup>23</sup> BRC written evidence

<sup>24</sup> Welsh Government, Revision of Planning Policy Wales Chapter 7 Supporting the Economy, November 2011

<sup>25</sup> Record of Proceedings paragraph 45, 24 November 2011, Enterprise and Business Committee

<sup>26</sup> Bridgend County Borough Council written evidence

range of uses are permitted without requiring further planning permission.<sup>27</sup>

**We recommend that the Welsh Government should guide local authorities towards making better use of their contractual agreements with out-of-town retailers to further protect the vitality of town centres.**

22. We heard from the Centre for Regeneration Excellence in Wales (CREW) that towns such as Bridgend have attempted to compete with out-of-town retail centres by providing and marketing a different (“unique”) offer, such as promoting the town centre’s heritage, hosting events such as markets, fairs and festivals, and creating public transport links between the town and out-of-town centres.<sup>28</sup> The Minister for Housing, Regeneration and Heritage believed that the answers were “not necessarily dominated by retail” but in providing quality public spaces.<sup>29</sup> However, the Federation of Small Businesses made the point that:

“Trying to create a Dickensian market town world heritage site-type experience for all towns across Wales will not help. Yes, they have a role and it is important, but they must be sustainable 52 weeks a year.”<sup>30</sup>

**We believe that examples of good practice in promoting town centres should be disseminated more widely, and recommend that the Centre for Regeneration Excellence in Wales should develop its role in this area, including educating and encouraging professionals in the sector.**

23. Later sections of this report will cover the issue of car parking in more detail, but several witnesses to this inquiry complained that free car parking at out-of-town developments impacted negatively on town centres. For example, the Federation of Small Businesses stated that “planning allows for large free car parks at out of town sites whilst

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<sup>27</sup> RTPI written evidence

<sup>28</sup> Record of Proceedings paragraphs 34-35 and 143, 28 September 2011, Enterprise and Business Committee

<sup>29</sup> Record of Proceedings paragraph 36, 24 November 2011, Enterprise and Business Committee

<sup>30</sup> Record of Proceedings paragraphs 108-110, 6 October pm 2011, Enterprise and Business Committee

parking [is] being reduced and becoming more expensive inside the town.”<sup>31</sup> Vale of Glamorgan Council suggested that out-of-town shopping centres should be made to charge for parking in order to “help level the playing field.”<sup>32</sup>

24. Sustrans told us that the proposal to counteract free parking in out-of-town retail centres by removing charges for parking in town centres would:

“Perpetuate the cycle of decline. It perpetuates the dominance of the car in the town centre and ignores the fact that a large number of people do not use a car to access the town centre. They would prefer to see a better shopping environment, with wider pavements, pedestrianisation and traffic-calming measures. This is a zero-sum game and money spent on providing free car parking is money not spent on improving the town-centre environment.”<sup>33</sup>

25. An Advice Note prepared by our Legal Services explained that the calculation of business rates in relation to car parking is not as clear cut as some people perceive. There are different types of car parks that can be rateable, and various factors have to be taken into account by valuers. The conclusion was that out-of-town car parks, including privately owned car parks, can be subject to business rates but each car park will be rated on a case-by-case basis.

## **Supermarkets**

26. Academic literature appears to be split on how supermarkets impact on local shops: out-of-town supermarkets are generally felt to lead towards further decline in town centres where they are in direct competition, while some experts argue that well-placed supermarkets (such as on the edge of town or in town) can attract increased footfall in town centres. However, during our visit to Narberth, we heard that local traders were very concerned about the potentially adverse impact of a proposed in-town supermarket on some existing town centre businesses.<sup>34</sup>

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<sup>31</sup> FSB written evidence

<sup>32</sup> Vale of Glamorgan Council written evidence

<sup>33</sup> Record of Proceedings paragraph 32, 2 November 2011, Enterprise and Business Committee

<sup>34</sup> Annex B

27. The Centre for Regeneration Excellence in Wales (CREW) told us that local authorities should be encouraged to think differently about supermarkets, and that “anchor” stores should not necessarily be seen as a local “win”.<sup>35</sup> The Welsh Local Government Association disagreed with this view,<sup>36</sup> but the Design Commission for Wales argued that:

“Much regeneration is led by retail and in many cases by an ‘anchor store’. Too often in Wales this is the sole focus and mixed use possibilities are not properly explored. This is partly a matter of finance, partly the culture of particular government departments, partly a lack of experience on such schemes (at local and national levels, both politically and amongst officers of local planning authorities), and an absence of systematic analysis of possibilities, cost, opportunity and viability.”<sup>37</sup>

28. During our evidence sessions, we were interested to hear that some local authorities have placed planning conditions on supermarkets in order to protect local traders – such as preventing supermarkets from providing an in-store optician or a butcher.<sup>38</sup> Yet we were also told that:

“Work [is] needed at a significantly high level between the food store operators, Governments and local authorities to see whether the way they approach their purchasing could be changed. I do not underestimate the problems of that challenge, but I think that there could be a significant win there.”<sup>39</sup>

**We recommend that the Welsh Government should commission more research on the effects that supermarkets can have on the quality of town centres in order to better inform and improve the impact analysis of proposed developments within the planning control system, and that local retail impact assessments should be obligatory for all supermarket proposals.**

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<sup>35</sup> Record of Proceedings paragraph 106, 28 September 2011, Enterprise and Business Committee

<sup>36</sup> Record of Proceedings paragraph 157, 28 September 2011, Enterprise and Business Committee

<sup>37</sup> Design Commission for Wales written evidence

<sup>38</sup> Record of Proceedings paragraph 131, 28 September 2011, Enterprise and Business Committee

<sup>39</sup> Record of Proceedings paragraph 75, 28 September 2011, Enterprise and Business Committee

29. Similar criticisms were levelled at local authorities' approaches to out-of-town office development. Although there are good examples around Wales where office developments have been located within town centres, we heard from the Association of Town Centre Management that:

“We have seen office space moving out of town centres, and, in some cases, the local authorities are the culprits. They take 300, 400 or 500 jobs out of the town centre and move them to an out-of-town retail park, and then wonder why their town centres are going down the drain.”<sup>40</sup>

**We recommend that local planning authorities should be encouraged, within their Local Development Plan, to see office and work-place development as a means of increasing footfall within town centres, and that they should assess the possible outcomes of, and alternatives to, out-of-town office development proposals more carefully.**

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<sup>40</sup> Record of Proceedings paragraph 94, 6 October am 2011, Enterprise and Business Committee

## Solutions

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### A strategy for regeneration

30. Some witnesses, such as the Centre for Regeneration Excellence in Wales (CREW), called for a national ten-year policy and implementation programme for town centre regeneration.<sup>41</sup> The Welsh Local Government Association (WLGA) believed that:

“The need for the Welsh Government to outline an overall framework for economic renewal and regeneration is now greater than ever”.<sup>42</sup>

31. When we questioned the Minister for Housing, Regeneration and Heritage on 22 September 2011, he dismissed the suggestion that an over-arching strategy for regeneration was needed. However, he stated that the Framework for Regeneration Areas, which was published by the previous Welsh Government in October 2010 remained current Government policy. That Framework suggested that “a more coherent and coordinated approach is needed to take forward regeneration-focused activity across the whole of Government.”

32. WLGA referred to the Wales Spatial Plan as having “lost its way”.<sup>43</sup> The Federation of Small Businesses recommended that the Wales Spatial Plan should be revised<sup>44</sup> as did CREW, who recommended that the Plan should be accompanied by an investment framework, an approach that has been successfully implemented in Holland, Germany and Denmark.<sup>45</sup> WLGA also looked to the Welsh Government’s proposed National Infrastructure Plan to provide the framework for planning for the future in a more holistic way and for bringing partners together.<sup>46</sup>

33. The Heritage Lottery Fund told us that:

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<sup>41</sup> CREW written evidence paragraph 3

<sup>42</sup> WLGA written evidence paragraph 21

<sup>43</sup> WLGA, Record of Proceedings paragraph 136, 28 September 2011, Enterprise and Business Committee

<sup>44</sup> FSB written evidence

<sup>45</sup> Record of Proceedings paragraphs 30, 100 and 112, 28 September 2011, Enterprise and Business Committee

<sup>46</sup> Record of Proceedings paragraphs 136 and 180, 28 September 2011, Enterprise and Business Committee

“In order to be successful, a Townscape Heritage Initiative scheme needs to form part of a wider regeneration programme, working alongside other agencies and, most importantly, the community, with a clear vision and clear leadership. That is the most fundamental piece of information that comes out of our research. Therefore, we think that the Welsh Government - we are already working closely with it - has a pivotal role in ensuring that all of the agencies are lined up and delivering complementary strategies, with a clear vision and with clear leadership.”<sup>47</sup>

34. We agree with many witnesses that the Welsh Government needs to develop the vision and the framework in which town centres can produce action plans.

35. Written evidence from the Association of Town Centre Management called for the Welsh Government to improve the coordination of policy-making across Departments and Ministerial portfolios to “ensure the lip service paid by the Government can be realised at the local level.” The paper from Boots stated that there was “a clear need for all the Welsh Government to think and act holistically as policy support for town centres cannot be viewed in isolation.”<sup>48</sup> Boots also claimed that there was:

“A limited understanding by the Welsh Government about how retail works in Wales and this is partly due to the current lack of any meaningful mechanism facilitating dialogue between government and the retail sector.”<sup>49</sup>

Boots cited examples of where the governments in London and in Scotland were working with stakeholders in promoting town and city centre regeneration.

36. It was significant too that the Welsh Local Government Association stated that “the missing link in most local regeneration partnerships has often been the Welsh Government,” and that “even

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<sup>47</sup> Record of Proceedings paragraph 128, 2 November 2011, Enterprise and Business Committee

<sup>48</sup> Boots written evidence paragraph 2

<sup>49</sup> Boots written evidence paragraph 5

when an official is able to attend they are not always in a position to make any kind of funding commitments or decisions.”<sup>50</sup>

37. The British Retail Consortium told us that “we think that there would be a clear benefit for a single Government department to have explicit ownership of retail and town-centre regeneration issues.”<sup>51</sup> Boots suggested that the Welsh Government should set up a retail forum that would meet twice a year to improve engagement between Government and the retail sector and to share good practice.<sup>52</sup>

38. There are several departments within the Welsh Government that have a stake in town centre regeneration: Business, Enterprise, Technology and Science; Local Government and Communities; People, Places and Corporate Services; Sustainable Futures; and Strategic Planning, Finance and Performance.

39. While the Minister for Housing, Regeneration and Heritage has taken the lead in coordinating a response to our inquiry on town centre regeneration, we would like to see town centres being championed within the Cabinet on a more permanent basis. We were therefore pleased to hear him tell us that he was due to announce “a new system of cross-departmental working”, with a focus on area-based regeneration. The Minister also stated that there needed to be “joint working” with local government,<sup>53</sup> although he gave us no detail on how those new partnerships might look or operate.

**We recommend that the Welsh Government should establish dedicated Ministerial leadership for town centres, including setting up a town centre policy forum chaired by the lead Minister, that would bring together officials from different Departments and key representatives from the private, public and voluntary sectors to share good practice and to identify a plan of action and monitoring framework for regenerating Wales’s town centres.**

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<sup>50</sup> WLGA written evidence paragraph 26

<sup>51</sup> Record of Proceedings paragraph 115, 6 October pm 2011, Enterprise and Business Committee

<sup>52</sup> Record of Proceedings paragraph 244, 6 October am 2011, Enterprise and Business Committee

<sup>53</sup> Record of Proceedings paragraphs 8 and 15, 24 November 2011, Enterprise and Business Committee

## Sustainable and integrated transport

40. The paper submitted by Sustrans stated that:

“Pedestrian and cycle-friendly environments have been shown as the core around which economic growth, public health, sustainability and overall quality of life are built. It is therefore crucial that these environments are considered in any long-term development and regeneration plans.”<sup>54</sup>

41. When Sustrans appeared before the Committee, we were told that:

“The quality of town centres has far-reaching consequences and implications, not least for health. In 2008, the National Institute for Health and Clinical Excellence produced a study on the built environment and physical activity.[...]. It found that, in order to promote physical activity and tackle obesity, the quality of the built environment and town centres was crucial. Critically, NICE said that the walkability and cyclability of a town centre was very important. It said that the highest priority elements of the physical environment should be the active modes, namely walking and cycling, and that car use should be actively discouraged. It said that road space should be reallocated, and that road space should be set aside for wider pavements, bus lanes and cycle lanes. It said that vehicle access should be restricted, and it recommended road-user charging, traffic-calming measures and safe routes to schools, hospitals and stations.”<sup>55</sup>

42. In its written evidence, the Royal Town Planning Institute stated that it was:

“Important to provide a range of transport options to support town centres, with a priority in reducing car journeys. Safe and easy access by walking and cycling must also be a priority to promote, as well as the provision of public transport.”<sup>56</sup>

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<sup>54</sup> Sustrans written evidence

<sup>55</sup> Record of Proceedings paragraph 5, 2 November 2011, Enterprise and Business Committee

<sup>56</sup> RTPI written evidence

43. The South East Wales Transport Alliance (Sewta) also argued that:

“The improvement of access by rail, bus, cycling and walking must be made an integral part of any town centre regeneration plan. Not doing so is likely to undermine the regeneration objectives in the long term.”<sup>57</sup>

44. The Centre for Regeneration Excellence in Wales (CREW) highlighted in its written evidence that while it was best practice for sustainable and integrated transport plans to be incorporated into town regeneration strategies, this has not always been achieved, and has even undermined other aspects of regeneration.<sup>58</sup> Sustrans Cymru further stated that:

“In strategic terms the impact of town centre regeneration projects on sustainable transport is rarely considered at an early stage. Where regeneration schemes have been able to make a contribution has often relied on Sustrans being able to influence the plans, but inevitably we cannot be everywhere and there is a limit to the impact a relatively small charity can have.”<sup>59</sup>

45. Sewta recommended that:

“The National Transport Plan should identify city and town centres as a priority for improving interchange, and good quality interchange facilities should be required as a component of regeneration/redevelopment schemes and not as an afterthought.”

Sewta argued that town centres should have interchanges to integrate rail and bus services, as well as permeable links for walking and cycling.<sup>60</sup>

46. When we asked witnesses whether the Welsh transport policy and planning framework, along with the guidance on transport scheme design and construction, provided an effective basis for sustainable, integrated transport in town centres, Sewta told us that:

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<sup>57</sup> Sewta written evidence paragraph 5

<sup>58</sup> CREW written evidence paragraph 4.6

<sup>59</sup> Sustrans written evidence

<sup>60</sup> Sewta written evidence paragraphs 6 and 105

“Each local authority is looking within its own borders, and developing its local development plan, but there is a bit of a mismatch or a gap in how various local authorities link together.”<sup>61</sup>

47. Sewta also raised concerns that Regional Transport Plans were being formulated without an overall vision for the region from the Welsh Government. Sustrans pointed to a lack of guidance in Regional Transport Plans on how, and even whether, national targets for walking and cycling could be achieved or funded.<sup>62</sup>

48. When we questioned the Minister for Housing, Regeneration and Heritage about the lack of integration of transport planning and town centre regeneration, he replied that “you cannot do a proper job of regeneration without considering all of those headings right at the beginning,” and that he had been “proselytising” this view across Wales.<sup>63</sup> We believe a more concrete lead from Government is required.

**We recommend that the Welsh Government should ensure that the development of integrated and sustainable transport in Welsh town and city centres is a priority in the delivery of the National Transport Plan. Further, the Welsh Government should provide clear guidance to local authorities to ensure that transport integration is a core element of all town centre regeneration and redevelopment plans.**

### *Car access and town centre vitality*

49. Car access and parking in town centres is a highly emotive and contentious issue. On the one hand, significant sectors of the population do not have a car. Written evidence from Age Cymru quoted Welsh Government statistics that half of all households without a car consist of individuals over the age of 60 and 66 per cent of single pensioners do not have a car.<sup>64</sup> Rhondda Cynon Taf County

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<sup>61</sup> Record of Proceedings paragraph 100, 2 November 2011, Enterprise and Business Committee

<sup>62</sup> Record of Proceedings paragraphs 101-102, 2 November 2011, Enterprise and Business Committee

<sup>63</sup> Record of Proceedings paragraph 100, 24 November 2011, Enterprise and Business Committee

<sup>64</sup> Age Cymru written evidence

Borough Council's evidence stated that 30 per cent of its households also do not have access to a car.<sup>65</sup>

50. On the other hand, a significant number of witnesses and consultation responses stressed that car access and the availability and cost of parking, were important to the success of a town centre. This was certainly the predominant view of the town centre traders we spoke to in Narberth: they were very concerned that parking restrictions along the high street and new charges in the designated car park were adversely affecting their customers.<sup>66</sup>

51. Written evidence from Swansea Business Improvement District listed a number of achievements on "car parking and transportation" although all of them related to securing free or reduced-rate car parking.

52. In contrast, written evidence from Sustrans argued that common perceptions regarding the importance of car access to town centres were not well founded, and that research from Bristol showed that retailers tended to "overestimate" the importance of car-borne trade in terms of footfall by almost 100 per cent. In the same study, cyclists and car users were found to make four times as many single-shop visits as pedestrians; and four out of five pedestrian shopping trips were found to take in two to five shops, compared with three fifths of car and bicycle trips.<sup>67</sup>

53. Sustrans later told us that:

"Retailers - and, in turn, local councillors and officials responding to them - feel that the best way to deliver a short-term injection into a town centre is to increase accessibility by car. Paradoxically, they have created a situation, which now goes against Welsh transport planning guidance, in which out-of-town shopping centres with free car parking were encouraged. To compete with that, they feel that they need to level down, if you like, and match that free parking provision. It is a spiral of decline."<sup>68</sup>

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<sup>65</sup> Rhondda Cynon Taf County Borough Council written evidence

<sup>66</sup> Annex B

<sup>67</sup> Sustrans written evidence

<sup>68</sup> Record of Proceedings paragraph 13, 2 November 2011, Enterprise and Business Committee

54. Sustrans further argued that the effect of local authorities removing car parking charges in town centres temporarily, for example to encourage more people to shop in the run-up to Christmas, resulted in:

“A significant cost to them in lost income. At the same time, because people are travelling more by car, they are travelling less by bus, which means that bus services become less viable and require greater subsidy from local authorities, or contracts are simply not being let. So, a number of examples were reported earlier this week of councils subsidising car parking spaces and, at the same time, withdrawing bus services.”<sup>69</sup>

As a solution, Sustrans advocated an approach to town centre transport management based on different hierarchies of “permeability” so that people would find it easier to walk, cycle or use public transport but would face more limited access if they used a car.

55. The WLGA suggested that changing shopping behaviour has led to increasing car-dependence among shoppers and has reduced the attractiveness of sustainable transport methods:

“Changes in shopping behaviour have resulted in major shopping trips to stock up with a ‘boot full’ of goods for a period of days. This has reduced the attraction of public transport, cycling or walking which are more suited to frequent visits and smaller quantities, which an individual can sensibly carry by hand.”<sup>70</sup>

56. The Royal Town Planning Institute stated that:

“Whilst there should be an overall approach to reduce the amount of car journeys to town centres to reduce congestion and make the centres more attractive, inevitably many will still want, and in some cases need, to travel by car. There therefore needs to be a holistic approach to car parking policy within and adjacent to centres, including policies on tariff setting.”<sup>71</sup>

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<sup>69</sup> Record of Proceedings paragraph 32, 2 November 2011, Enterprise and Business Committee

<sup>70</sup> WLGA written evidence paragraph 48

<sup>71</sup> RTPI written evidence

57. The Association of Town Centre Management recommended that every town should have a car parking strategy so that issues could be considered in the round.<sup>72</sup> Sewta suggested that it was essential to control car parking in town centres along with improved public transport.

58. We understand that parking in town centres is a complex and highly charged issue, but we have found the evidence in this inquiry to be mostly anecdotal. There is a need to grasp the nettle by planning for the much longer-term so that town centres can be resilient in the face of rising fuel prices and energy scarcity. We therefore recognise that there is a need to fully understand the impact of sustainable transport approaches on the vitality of town centres in Wales and to provide an evidence base for future programmes. This conclusion is reflected in our recommendation in relation to Sustainable Travel Centres (below), which includes reference to the impact of town centre vitality as an element of thorough evaluation.

### ***Sustainable Travel Centres***

59. Sustainable Travel Centres use a range of complementary measures and interventions to reduce congestion and pollution and encourage more active lifestyles through modal shifts to sustainable transport. The programme was trialled in Cardiff, and in July 2011, funding of £6 million was announced to fund expansion of the scheme to Aberystwyth, Carmarthen, Haverfordwest, and Mon a Menai, including £1.3 million for a personalised travel planning pilot scheme, which is being implemented by Sustrans.<sup>73</sup>

60. We heard from Sustrans that the Sustainable Travel Centre scheme implemented in Wales did not take account of improvements made to the English scheme following recommendations in the evaluation report.<sup>74</sup>

61. We understand that there has been an average annual growth of 16% in cycle usage across Cardiff City Centre Cordon since the launch of the Sustainable Travel Centre. The Minister for Local Government

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<sup>72</sup> Record of Proceedings paragraph 24, 6 October 2011, Enterprise and Business Committee

<sup>73</sup> Welsh Government Press Release, Green Transport Gets a Boost, 18 July 2011

<sup>74</sup> Record of Proceedings paragraph 90, 2 November 2011, Enterprise and Business Committee

and Communities told us that car commuting had reduced from a peak of 65 per cent before the initiative to 58 per cent in 2010.<sup>75</sup>

62. We welcome these figures, but we believe that monitoring travel patterns is not the same as rigorous evaluation of the scheme, and we are still unclear on what the scheme's targets actually are. Sustrans also believed that Sustainable Travel Centre projects should plan for the longer term – at least four years – rather than expect to achieve results within a couple of years.<sup>76</sup>

**We recommend that the Welsh Government should establish a rigorous performance monitoring framework and commission a detailed, independent evaluation of the Sustainable Travel Centre scheme. This should include assessment of the impact of each scheme on the vitality of the town centres involved, including access for people with disabilities.**

### **Linking the daytime and night-time economy**

63. Written evidence from the City and County of Swansea stated:

“Whilst the night-time economy is an important part of the City Centre function, it has to be recognised that a poor night-time reputation can deter efficient day time functioning. A narrowly focused night-time offer, concentrated on a drinking culture, can lead to the centre proving unattractive.”<sup>77</sup>

64. The Association of Town Centre Management (ATCM) argued in its written evidence that:

“We cannot underestimate both the potential and potency of the night-time economy which can be a severe drain for Wales or, with the right intervention and management, can be a significant wealth generator.”

The ATCM believed that the right intervention and management should consist of partnerships and strategies to ensure the night-time economy should not solely focus on the 18-24 year-old market, but on

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<sup>75</sup> Record of Proceedings paragraph 97, 20 October 2011, Enterprise and Business Committee

<sup>76</sup> Sustrans written evidence

<sup>77</sup> City and County of Swansea written evidence paragraph 4.5

a better mix of attractions for a broader range of users. We were told that:

“If town centres are to survive and thrive, 9 a.m. to 5 p.m. is no longer enough. The assets have to be sweated.[...]therefore we have to find new ways of using our town centres. Using them in the evening and at night is very important. We have a programme called purple flag.[...]for the evening and night-time economy and we will be awarding another nine purple flags this autumn. To get a purple flag, you have to be very careful about how your town centre is managed at night.”<sup>78</sup>

65. In addition to the Purple Flag initiative, the Association of Town Centre Management told us about “light night”, which was a scheme to showcase town centres, encouraging people who may not normally venture into the centre at night to do so, to see what is on offer.<sup>79</sup> The ATCM also suggested that retailers should be encouraged to talk to their customers about their needs and to tailor their services accordingly, such as setting up collection points in town centres that would be open after normal working hours for goods ordered online, or having 11am to 7pm opening hours instead of the traditional 9 to 5, in order to link the daytime and night-time economies.<sup>80</sup>

66. The Welsh Government’s Technical Advice Note on Planning and Retailing in Town Centres has not been updated since 1996.<sup>81</sup>

**We believe that town centre businesses may need to operate more flexible working hours in order to meet changing customer needs. We therefore recommend that the Welsh Government should update its Technical Advice Note on Planning and Retailing to include guidance for local authorities about imposing conditions on retail development regarding more flexible working hours.**

67. Another factor in linking daytime and night-time economies could be the return of vacant accommodation over shops to residential

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<sup>78</sup> Record of Proceedings paragraph 59, 6 October am 2011, Enterprise and Business Committee

<sup>79</sup> Record of Proceedings paragraph 64, 6 October am 2011, Enterprise and Business Committee

<sup>80</sup> Record of Proceedings paragraphs 70-71, 6 October am 2011, Enterprise and Business Committee

<sup>81</sup> Welsh Government, Technical Advice Note (TAN) 4: Retailing and Town Centres (1996)

use. Written evidence from the Regeneration Skills Collective Wales stated that increasing housing provision could bring “life to areas on a permanent basis”, such as providing living accommodation above commercial premises or locating housing for the elderly close to town or district centres.<sup>82</sup>

68. However, we were told by the Design Commission for Wales that:

“Mixed use is difficult to achieve in individual buildings in historic town centres. Often, retail investors and developers do not like the idea of having residential properties above them, because residents attract rights; they can stifle future development and the selling on of a building. As a result, our town centres often end up with shops on the ground floor and empty floors above.”<sup>83</sup>

The Commission believed that the answer lay in:

“A master plan - if I can use that term, although I do not particularly like it - together, with a shared vision for the town centre; that is what the planning system needs to do. It is about inspiration on behalf of the Welsh Government, and that inspiration comes through exemplars. Where are the best places? How can you inspire people in those neighbourhoods to bring those good design qualities forward?”<sup>84</sup>

**We recommend that the Welsh Government should work with local authorities to develop planned and innovative approaches that incentivise property owners to let their vacant town centre properties for living and working uses that would contribute to the vitality of town centres but would not undermine the properties’ long-term value.**

### **Importance of good design**

69. The Design Commission for Wales told us that good design was:

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<sup>82</sup> RSCW written evidence paragraph 4.2

<sup>83</sup> Record of Proceedings paragraph 139, 2 November 2011, Enterprise and Business Committee

<sup>84</sup> Record of Proceedings paragraph 139, 2 November 2011, Enterprise and Business Committee

“A process of problem-solving, analysis and testing, and it is a route to innovation. Our experience and evidence also shows that good design is a huge advantage to good business.”<sup>85</sup>

70. In its written evidence the Design Commission for Wales referred to studies that have demonstrated that good architecture and urban design have had real economic impact, and that good design can add up to 20 per cent in rental and capital value as well as speed up lettings and sales.

71. Yet the Heritage Lottery Fund, Wales registered concerns about the loss of identity of town centres:

“Of significant concern is the erosion of the unique character of towns, both through the loss of independent retailers, the loss of a mixed economy, the loss of historic detail (such as shop fronts, canopies, traditional paving etc), and the decline of traditional building skills.”<sup>86</sup>

The Fund wanted to see a focus on the re-use of historic buildings rather than new development, such as the re-use of vacant upper floors for housing and the transfer of redundant local authority buildings to voluntary and community organisations.

72. The Welsh Government’s written evidence provided information on the “characterisation studies” undertaken by Cadw, the Government’s historic environment service. These studies “highlight the distinctiveness of a particular place and what makes it special.”<sup>87</sup> The Minister for Housing, Regeneration and Heritage later told us that he was very supportive of the characterisation study approach and that he was asking the Centre for Regeneration Excellence in Wales to take a lead in partnership with Cadw and the Design Commission for Wales in producing “bespoke solutions” for communities.<sup>88</sup> We welcome the Minister’s approach and support his plans to extend Cadw’s characterisation studies more widely across Wales.

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<sup>85</sup> Record of Proceedings paragraph 112, 2 November 2011, Enterprise and Business Committee

<sup>86</sup> Heritage Lottery Fund, Wales written evidence paragraph 5.1.1

<sup>87</sup> Letter from the Minister for Housing, Regeneration and Heritage to the Chair, dated 7 November 2011

<sup>88</sup> Record of Proceedings paragraph 121, 24 November 2011, Enterprise and Business Committee

73. Several witnesses mentioned the look, feel or functionality of town centres as important factors in attracting or repelling people – from quality streetscapes and public art, to accessibility for older<sup>89</sup> and disabled people,<sup>90</sup> to issues such as safety, security, cleanliness and the provision of public toilets and baby-changing facilities.<sup>91</sup> The importance of open spaces that can be used for festivals, fairs and other town centre attractions was also emphasised.

74. In its written evidence, The Prince’s Trust for the Built Environment added a “gratuitous footnote on the subject of beauty” and commented that “the failure to make places that people love has been perhaps the most conspicuous failure of both government and the property and construction industry for a century.”<sup>92</sup>

75. Regarding the design of public spaces in town centres The Prince’s Trust for the Built Environment stated that:

“The design of public spaces including street furniture, signage and lighting etc [should] be part of a harmonious whole. What we have in abundance may be described as clutter. Town centres are not regenerated by planting faux-Victorian signposts, litter bins and benches among traffic lights and their attendant control boxes, traffic signs and galvanised metal pedestrian barriers.”<sup>93</sup>

76. We heard that the Design Commission for Wales offers a Design Review Service through which it acts as a non-statutory consultee on development proposals. Its comments can be treated as material considerations in the planning process by local planning authorities, other stakeholders and the Welsh Government, and they are recognised as authoritative by the Planning Inspectorate of England and Wales. In 2010, the Design Review Service scrutinised £1.8 billion of development in Wales. The Commission has at times been:

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<sup>89</sup> Age Cymru written evidence

<sup>90</sup> Diverse Cymru written evidence paragraph 8; The Guide Dogs for the Blind Association written evidence paragraph 5

<sup>91</sup> Record of Proceedings paragraph 81, 6 October am 2011, Enterprise and Business Committee

<sup>92</sup> The Prince’s Trust for the Built Environment written evidence

<sup>93</sup> The Prince’s Trust for the Built Environment written evidence paragraph 6

“Presented with retail led schemes of inappropriate scale and unacceptable poor quality. In the long term these are damaging and they simply set up future problems.”<sup>94</sup>

The Commission later told us that the proportion of development proposals it scrutinised was:

“A very small proportion. The issue for us is to be able to influence on a larger scale, and to do that we need stronger referral, I suppose, from Welsh Government departments. They could use us better, and we are very happy to be used.”<sup>95</sup>

**We recommend that Cadw should continue with its characterisation studies of towns and villages and that they form an integral part of any regeneration scheme. We also recommend that the Welsh Government should make greater use of the Design Review Service and encourage its development partners to do the same.**

### **Role of local authorities**

77. Town centre management is not a statutory function, although our report has already revealed the key role local authorities play in promoting town centre regeneration, such as through the statutory planning system.

78. The British Retail Consortium believed that town centre management should not be a statutory function;<sup>96</sup> the Association of Town Centre Management also argued that:

“If [town centre management] becomes a statutory role through local government, it becomes a local government post in the public sector, so it becomes more difficult to engage with the private sector.”<sup>97</sup>

79. The Minister for Housing, Regeneration and Heritage also needed to be convinced about the argument for town centre

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<sup>94</sup> Design Commission for Wales written evidence

<sup>95</sup> Record of Proceedings paragraph 205, 2 November 2011, Enterprise and Business Committee

<sup>96</sup> Record of Proceedings paragraph 148, 6 October pm 2011, Enterprise and Business Committee

<sup>97</sup> Record of Proceedings paragraph 46, 6 October am 2011, Enterprise and Business Committee

management to be a statutory function, although he did perhaps see it as a “condition of funding.”<sup>98</sup>

80. The Association of Town Centre Management argued that towns in Wales should have in place strategic plans for growth. Members were told that:

“The issue is whether you can get a satisfactory interaction between the planning departments and the property departments and try to get this rather more holistic view, which sees the town in the broadest sense and says that, although we may not make so much money out of our property assets, if we look at the wider economic development benefits, we can do that.[...]there is a possibility of local authorities taking five-year leases of premiums and making accommodation available at discounted rents to local traders as a way of really trying to encourage local people to trade, particularly in the early years, when it is quite difficult to build a new business.”<sup>99</sup>

81. The WLGA told us that one of the key roles for local authorities was to create an attractive environment for business investment through the development of local town centre plans within the context of the Local Development Plan (LDP).<sup>100</sup> The LDP was crucial for taking a strategic view of town centres across a whole county – identifying different roles for different centres, and recognising any hierarchy between them.<sup>101</sup> The WLGA went as far to say that there was evidence to suggest a possible link between the existence of an up-to-date LDP and economic growth. The Minister for Housing, Regeneration and Heritage also believed that LDPs were “absolutely critical” and that “without a Local Development Plan, communities suffer.”<sup>102</sup>

82. The Planning and Compulsory Purchase Act 2004 introduced a statutory requirement for each local planning authority to produce a Local Development Plan. Once adopted, LDPs replace all existing development plans and are used as the basis for deciding on planning

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<sup>98</sup> Record of Proceedings paragraph 17, 24 November 2011, Enterprise and Business Committee

<sup>99</sup> Record of Proceedings paragraph 77, 28 September 2011, Enterprise and Business Committee

<sup>100</sup> WLGA written evidence paragraph 28

<sup>101</sup> Record of Proceedings paragraph 156, 28 September 2011, Enterprise and Business Committee

<sup>102</sup> Record of Proceedings paragraphs 40 and 19, 24 November 2011, Enterprise and Business Committee

applications. Yet the Welsh Government has confirmed that only five out of the 25 local planning authorities in Wales have adopted LDPs so far, and that Ceredigion has no kind of development plan at all.<sup>103</sup>

83. The Design Commission for Wales told us that:

“We face some difficult issues with land ownership in town centres. Investment houses and developers often hold large tracts of town centres. Often, on a short-term basis, they are looking for quick returns for their investors. Those two things do not marry up well with a long-term future strategy and vision for our town centres. The crucial part of planning is pulling together local champions and the town centre in a vision for that area.”<sup>104</sup>

84. According to the Welsh Government website, most Local Development Plans have passed their consultation phase and reached the ‘deposit’ stage; the next stage will be examination by the Planning Inspectorate. We would not wish to delay the process any further, but we believe that the LDP is a crucial lever for promoting town centre regeneration in a strategic and coordinated way.

**We recommend that the Welsh Government should review national planning policy and guidance for retailing and town centres to ensure that local planning authorities set out a positive vision for all their town centres and high streets in their Local Development Plan, and to provide a strong planning application decision-making framework for ensuring appropriate development can be guided to suitable locations that are highly accessible by sustainable transport.**

### **Local partnerships and engagement**

85. A consistent message from the evidence to this inquiry was that effective town centre management requires partnership between the public and private sectors – representatives of local traders, local residents, local council, police and other stakeholders with an interest

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<sup>103</sup> Letter to the Chair from the Minister for Housing, Regeneration and Heritage, dated 17 October 2011

<sup>104</sup> Record of Proceedings paragraph 138, 2 November 2011, Enterprise and Business Committee

– and for all to contribute to a town centre action plan.<sup>105</sup> Yet written evidence from the Centre for Regeneration Excellence in Wales (CREW) suggested that the extent to which local businesses and communities have been engaged in town centre regeneration has varied widely in Wales over the last 20 years.<sup>106</sup>

86. Written evidence from the urban regeneration consultancy, The Means, stated that:

“There is no consistency in policy across Wales and no research. In some places there is a functioning infrastructure built on Civic Societies, or Development Trusts, or Chambers of Commerce or Town Centre Partnerships but this is no guarantee of effective communication or liaison between the sectors. Their presence and performance varies from place to place.”<sup>107</sup>

87. WLGA argued that local authorities were well placed to facilitate town centre regeneration as a “fair broker” in bringing together a range of partners from the public, private and voluntary sectors and developing a clear plan of action to address issues such as sustainable transport and the night-time economy. Local authorities also had multiple roles in terms of environmental health, street cleansing, transport and links with community safety.<sup>108</sup> In addition WLGA wanted to see social media being used as a way of communicating better between partners, local traders in particular.<sup>109</sup>

88. On the other hand, the Federation of Small Businesses stated that some of their members felt that local authorities were not doing enough to meet the needs of businesses.<sup>110</sup> The British Retail Consortium stated that town centres “must be proactively managed and private sector led,” and that “partnerships in Wales tend to be dominated by the public sector and fail to effectively leverage the appropriate financing or business engagement required to deliver the tangible results.” BRC therefore recommended that the Assembly

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<sup>105</sup> See WLCA, Record of Proceedings paragraph 160, 28 September 2011, Enterprise and Business Committee

<sup>106</sup> CREW written evidence paragraph 4.2

<sup>107</sup> The Means written evidence

<sup>108</sup> Record of Proceedings paragraph 168, 28 September 2011, Enterprise and Business Committee

<sup>109</sup> Record of Proceedings paragraph 234, 28 September 2011, Enterprise and Business Committee

<sup>110</sup> FSB written evidence

should focus on encouraging effective private sector partnerships, either independently or through Business Improvement Districts.”<sup>111</sup>

**We recommend that within the framework of the Local Development Plan, each town should have a comprehensive plan in place, developed by a local partnership of key stakeholders and engaging the community, which contains actions for addressing the issues affecting the viability of the town centre.**

89. The Association of Town Centre Management told us that town centre managers were the “critical bridge between the public and private sectors” and that:

“Initiatives should be developed locally, depending on local needs - local solutions for local problems. That is not a cop-out. Typically, town centre management is a mechanism for co-ordinating action across the town.”<sup>112</sup>

90. Caerphilly County Borough Council’s written evidence stated that while town centre managers in the more prosperous areas of England could be supported by the local business community, this was:

“Rarely the case in Wales...and almost all Welsh town centre managers (usually responsible for several towns each) are funded by local authorities. Often, due to financial pressures, this vital service is not provided at all.”<sup>113</sup>

91. The Federation of Small Businesses told us that “we need to get over the cultural barrier between the private and public sectors in Wales.”<sup>114</sup> The Association of Town Centre Management told us that as part of a town centre strategy there should be:

“A programme for someone to go out to engage directly with small businesses and understand their needs and their future needs.”<sup>115</sup>

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<sup>111</sup> BRC written evidence

<sup>112</sup> Record of Proceedings paragraphs 5-6, 6 October am 2011, Enterprise and Business Committee

<sup>113</sup> Caerphilly CBC written evidence paragraph 7

<sup>114</sup> Record of Proceedings paragraph 66, 6 October pm 2011, Enterprise and Business Committee

<sup>115</sup> Record of Proceedings paragraph 44, 6 October am 2011, Enterprise and Business Committee

92. Written evidence from Wrexham County Borough Council referred to its Town Centre Forum that meets monthly and which is led by the Town Centre Manager and chaired by members of the business community, and the publication of a Town Centre newsletter.<sup>116</sup>

93. The Design Commission for Wales stated that town centre regeneration had been successful in places such as Aberdare and Narberth because of “the tenacity of individuals with vision and energy.” The vibrancy of centres such as Ruthin and Cardigan was also attributed to “an individual/community champion rather than an initiative.”<sup>117</sup> It was clear from our visit to Narberth how important it was to have strong, effective individuals that can bring a local community together in working for a shared goal.<sup>118</sup>

94. The Heritage Lottery Fund, Wales stressed the importance of “clear and effective leadership – both in terms of political support and the day-to-day management” in regeneration schemes.<sup>119</sup> The Prince’s Foundation for the Built Environment emphasised the importance of “the collective will and cohesion of small communities in the successful realisation of a vision, whether it be that of a small active group or a wider community.”<sup>120</sup>

**We believe that the key to success in town centre regeneration at a local level is strong, effective leadership. We therefore recommend that the Welsh Government should consider how better to support people who have the necessary skills and the respect of the local community to act as champions for bringing together the different aspects and players in town centre regeneration.**

### **Innovative funding models**

95. The Committee was told that the “conventional” funding model for large-scale city centre and town centre redevelopment was based on retailers taking 25-year leases with five-yearly upward rent reviews, whose income stream was bought by pension funds and insurance companies. That situation has changed, however, as retailers no longer take those risks: investment is therefore much harder to place

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<sup>116</sup> Wrexham County Borough Council written evidence

<sup>117</sup> Design Commission for Wales written evidence

<sup>118</sup> Annex B

<sup>119</sup> Heritage Lottery Fund, Wales paragraph 6.6

<sup>120</sup> The Prince’s Foundation for the Built Environment written evidence

in the market as developers are not able to find purchasers to buy out the assets after they have developed them.<sup>121</sup>

96. Caerphilly County Borough Council raised concerns that direct funding to developers from the Urban Investment or Urban Regeneration Grants had ceased when the Welsh Development Agency was merged into the Welsh Government. The local authority also believed that inconsistency and change in Government financial support for town centres had made long-term regeneration planning “practically impossible”.<sup>122</sup>

97. The Heritage Lottery Fund, Wales noted that reductions in budgets were likely to make it more difficult for local authorities to develop and bring forward for consideration new heritage-based regeneration projects in future. The organisation stated that “a radical rethinking is underway among all those involved in physical-led regeneration.”<sup>123</sup>

98. WLGA highlighted the problem of different funding sources for regeneration tending to target different geographic areas, with different (possibly contradicting) priorities, administration, management and structures. It therefore argued for “a clearer national framework for regeneration and greater coherence in the funding that is available”.<sup>124</sup> Pembrokeshire County Council also argued that “funding sources for the regeneration of town centres should be streamlined and simplified.”<sup>125</sup>

99. The Welsh Government’s written evidence recognised that there will be regeneration projects where the availability of loans or guarantees will not be sufficient for the private sector to invest and that in those situations grants or other interventions will be required to “plug the gaps”.<sup>126</sup> However, in the scrutiny session we held with the Minister for Housing, Regeneration and Heritage officials clarified that

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<sup>121</sup> Record of Proceedings paragraph 79, 28 September 2011, Enterprise and Business Committee

<sup>122</sup> Caerphilly CBC written evidence paragraph 5

<sup>123</sup> Heritage Lottery Fund written evidence paragraph 7.5

<sup>124</sup> WLGA written evidence paragraph 13

<sup>125</sup> Pembrokeshire County Council written evidence

<sup>126</sup> Welsh Government written evidence Appendix 1

the “gap funding” available from the Welsh Government would only be allocated to the Strategic Regeneration Areas.<sup>127</sup>

**We recommend that the Welsh Government should help local authorities and communities to be proactive in seeking and accessing sources of investment for town centre regeneration projects where public funding is unavailable.**

### ***Business Rates Relief***

100. Many people who contributed to this inquiry raised concerns about business rates, and the impact on small businesses in particular. In December 2009 the Narberth Chamber of Trade submitted a petition to the National Assembly for Wales’s Petitions Committee which called on the Welsh Government to conduct an impact assessment on how businesses in the town would be affected by the changes in rateable values.<sup>128</sup> When we visited the town, we heard that some businesses had seen business rates rises of over 200 per cent, although it was apparent that there was some confusion among the local business community about how the business rates system worked and what influence Welsh Ministers were able to bear.<sup>129</sup>

101. The legal position concerning business rates (non-domestic rates) is complex and the primary legislative framework for funding local government in Wales is common to England and Wales under the Local Government Finance Act 1988 (‘the 1988 Act’).

102. Welsh Ministers have some executive powers in relation to business rates, including the ability to set the national non-domestic multiplier (which is a key factor in the calculation of rates bills) annually under the 1988 Act. More significantly, Welsh Ministers have executive powers for the provision of rates relief for small businesses in Wales. This relief is applied to rates bills by local authorities and funded by the Welsh Government for those business premises that are eligible. For example, properties occupied by a registered charity or community amateur sports club and used for charitable purposes automatically qualify for mandatory Welsh Government-funded business rates relief of 80 per cent.

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<sup>127</sup> Record of Proceedings paragraph 74, 24 November 2011, Enterprise and Business Committee

<sup>128</sup> Petition P-03-271 Business Rates in Narberth

<sup>129</sup> Annex B

103. Local authorities have discretionary powers to increase the amount of relief available to charities and community sports clubs by part or all of the remaining 20 per cent, and 25 per cent of any additional funding is provided by the Welsh Government.<sup>130</sup> Local authorities also have discretion to provide up to 100 per cent rates relief for other non-profit organisations.<sup>131</sup>

104. We were informed by the Association of Town Centre Management that out-of-town developments in some parts of the UK benefit from certain rates exemptions which are not available to town centres, for example, out-of-town car parks are not charged rates as long as they remain free for consumer use.

105. The Vale of Glamorgan Council's written evidence explained the significance of business rates:

“Business rates and employers’ National Insurance Contributions are taxes that, with the exception of a few exemptions, business owners must often pay upfront and regardless of whether or not the business is making a profit. These taxes increase costs and importantly the level of risk for businesses, and as a result act as a significant barrier to entrepreneurialism that is desperately needed to aid the recovery of traditional town centres.”

106. Bridgend County Council argued that the current cost of business rates in primary retail areas was “prohibitive” in encouraging new start-up retail businesses, retail diversity and independent niche retail opportunities. Written evidence submitted by Rhondda Cynon Taf County Borough Council stated that:

“The optimum business mix will need to include independent local traders as well as national multiple retailers. Independent local traders can help to develop niche markets and encourage local supply chain development which will help to generate a more sustainable local economic base and distinct sense of place.”<sup>132</sup>

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<sup>130</sup> Welsh Government, Non-Domestic Rates: Guidance on Rate Relief for Charities and Other Non-Profit Making Organisations

<sup>131</sup> Business Wales, An overview of rate relief schemes

<sup>132</sup> Rhondda Cynon Taf County Borough Council written evidence

107. One argument we heard was that if rates were reduced, businesses - particularly smaller businesses - could be encouraged. The key message from the Federation of Small Businesses, for example, was that it was “better to lower business rates to an affordable level rather than higher rates coupled with lower levels of occupancy within towns.” The FSB suggested that revenue generated from larger out-of-town retailers could be used to subsidise smaller businesses.<sup>133</sup>

108. On the other hand, it was argued that the impact of changes in business rates in one area could be displacing on others. The Centre for Regeneration Excellence in Wales was therefore in favour of a “unified regime” across Wales.<sup>134</sup>

109. The WLGA argued that mandatory grants from the Welsh Government could be topped up with discretionary grants from local authorities, so that business rates could be used to support local businesses.<sup>135</sup> The paper from the Design Commission for Wales referred to mainland Europe where flexible or sliding scales of business rates that are based on the size and scale of the business in question have been used in some areas to assist smaller independent operators and retailers.<sup>136</sup>

110. Written evidence from the Centre for Regeneration Excellence in Wales suggested that an imbalance of retail uses can lead to decline within a particular town centre - for instance if there are too many charity shops and too much “quasi-retail” such as amusement arcades and betting shops.<sup>137</sup>

111. The Federation for Small Businesses told us that:

“We have highlighted the fact that there currently does not seem to be a commitment to look not only at business rate relief but also possibly at a new form of business taxation or business charging that focuses on value for money and helping

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<sup>133</sup> FSB written evidence

<sup>134</sup> Record of Proceedings paragraph 81, 28 September 2011, Enterprise and Business Committee

<sup>135</sup> Record of Proceedings paragraph 221, 28 September 2011, Enterprise and Business Committee

<sup>136</sup> Design Commission for Wales written evidence

<sup>137</sup> CREW written evidence paragraph 1.4

businesses to grow their turnover, rather than on what can be an arbitrary valuation of a building.”<sup>138</sup>

112. We understand that the Northern Ireland Executive is currently consulting on a levy which will apply to the highest value retail properties. The proposed levy is intended to fund an expansion of the small business rates relief and primary legislation will be required to introduce the levy proposed.

113. On 2 November, the Minister for Business, Enterprise, Technology and Science, announced she was setting up an independent panel, under the chairmanship of Professor Brian Morgan, to examine the current business rates policy in Wales and consider whether it meets the needs of Welsh business. We welcome this initiative, and understand the panel will be reporting in February 2012.

114. It occurred to us that business rates for businesses located within town centres could instead be calculated on the basis of profits rather than rateable value. Our legal advice was that such taxes fell within the competence of Westminster, so the National Assembly for Wales has no powers to legislate. However, we were also advised that the Assembly has, prima facie (on first sight), competence to legislate in relation to non-domestic (business) rates generally under Subject 12 (Local Government) of Schedule 7 of the Government of Wales Act 2006, which includes ‘local government finance.’

**We recommend that the Welsh Government’s independent panel on business rates should consider changes in legislation and in the application of discretionary powers, with the aim of improving the mix and quality of the retail offer in town centres.**

115. There is no doubt that local authorities can also play a key role in this area. For example, we were informed by Swansea Business Improvement District about Rotherham Town Centre’s Business Vitality Scheme which aims to attract new, specialist independent retailers to set up business through financial contributions towards both rental and capital improvement costs. The local authority offers successful applicants 50 per cent towards rental costs in year 1; 25 per cent

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<sup>138</sup> Record of Proceedings paragraph 43, 6 October pm 2011, Enterprise and Business Committee

towards rental costs in year 2; and 75 per cent of fit-out/shop-front improvements or new street/café furniture.<sup>139</sup>

**We recommend that the Welsh Government should consider developing a pilot scheme, within EU competition rules and in partnership with local authorities and property owners, which helps new businesses set up in town centres.**

### ***European funding***

116. While European Union Structural Funds have been used for town centre regeneration projects in Wales, we heard from the WLGA that European funding cannot currently be used to underpin retail development.<sup>140</sup>

117. Advice from our Legal Services confirmed that EU regulations do not specifically prohibit the retail sector from receiving financial support from public sector aid programmes. However, public authorities are keen to avoid displacement of economic activity and for the European Regional Development Fund this is a requirement governing the use of the funds. Support to retail businesses is viewed as generally causing displacement and is therefore normally ineligible for business support.

118. On the use of Structural Funds by the private sector, the Federation for Small Businesses commented that:

“Many business people are choosing proactively to be part of their local communities against, almost, the prevailing wind of the economy and are choosing, often at their own expense, to stay and are rooted and grounded in their communities. So, if they are not being used to deliver the kind of benefits that structural funds should be giving us, then there is probably something wrong.”<sup>141</sup>

119. The Enterprise and Business Committee is currently looking at the draft legislative proposals for European Structural Funds 2014-

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<sup>139</sup> Record of Proceedings paragraph 192, 6 October am 2011, Enterprise and Business Committee

<sup>140</sup> Record of Proceedings paragraph 216, 28 September 2011, Enterprise and Business Committee

<sup>141</sup> Record of Proceedings paragraph 63, 6 October pm 2011, Enterprise and Business Committee

2020, and we shall be reporting our findings in early 2012. Our report will deal with some of the finer detail around the political choices that the Welsh Government will need to make within the thematic concentrations stipulated in the new Regulations.

**We recommend that during negotiations over draft legislative proposals for EU Structural Funds 2014-2010, the Welsh Government should seek to ensure that the new Regulations are sufficiently flexible to enable the Funds to be used to support town centre regeneration activities in the next round.**

### *Business Improvement Districts*

120. Business Improvement Districts are business-led and business-funded bodies formed to improve a defined commercial area. Wales currently has one Business Improvement District (BID), which was created by businesses in Swansea city centre in 2006 and has recently been extended for a second term until August 2016;<sup>142</sup> another BID is being developed for Merthyr Tydfil, supported by the Heads of the Valleys Regeneration Area programme. This situation contrasts with Scotland where there are 11 established BIDs, 17 in development and some 30 in the pipeline.<sup>143</sup>

121. Swansea BID is a business in its own right and is controlled by a board of directors drawn from stakeholders in the city centre who were nominated by its members and give their experience and time for free. The BID is wholly funded by a 1 per cent levy paid by members based on their rateable value. This money is collected by the local authority on behalf of Swansea BID.

122. We received conflicting views on the potential for greater use of Business Improvement Districts in Wales. The Welsh Government's written evidence stated that "there is increasing evidence that some of the most successful BIDs are being established in smaller town centres," and that the Government was exploring opportunities to introduce BIDs in other areas across Wales.<sup>144</sup>

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<sup>142</sup> City and County of Swansea written evidence paragraph 3.4

<sup>143</sup> Swansea Business Improvement District written evidence

<sup>144</sup> Welsh Government written evidence Appendix 1

123. Written evidence from Wrexham County Borough Council stated that the “overriding” view of a BID from the business community in the town was that:

“They would welcome the ability to manage a proportion of the income from rates payable for themselves (through an appropriate structure and working with Town Centre Management from the Council) but that, this time in particular, this money should be ring-fenced from the current rates payable and not be an additional charge.”<sup>145</sup>

124. The Welsh Local Government Association was also of the view that the BID model was not widely applicable because most town centre businesses in Wales were struggling to pay their basic business rates and persuading small retailers that they needed to pay more tax was “very challenging”. However, WLGA thought it might be worth trying to establish BIDs in areas where there was a well organised local chamber of commerce and a fairly affluent catchment area.<sup>146</sup>

125. Boots UK told us about initiatives in Cornwall and in Scotland where individuals have set up a BID and then handed it over to a manager. In that way, it was possible to build up skills in setting up Business Improvement Districts, which were quite different skills to the management of the BIDs.<sup>147</sup> The Federation of Small Businesses told us that it was “agnostic” about BIDs and that:

“It is leadership with the businesses that is important; we should not lose too much sleep over the mechanism for doing that.”<sup>148</sup>

126. The Association of Town Centre Management’s written evidence suggested that through our inquiry, “Wales has the opportunity to develop a more innovative approach to the creation of BIDs and become part of its evolution,” although it argued that BIDs would not be appropriate for every town centre in Wales. Boots also argued that:

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<sup>145</sup> Wrexham County Borough Council written evidence

<sup>146</sup> Record of Proceedings paragraph 228, 28 September 2011, Enterprise and Business Committee

<sup>147</sup> Record of Proceedings paragraph 251, 6 October am 2011, Enterprise and Business Committee

<sup>148</sup> Record of Proceedings paragraph 59, 6 October pm 2011, Enterprise and Business Committee

“The BID model “of business involvement and commitment to regeneration and sustainability would work well and have widespread benefits.[...]indeed experience suggests BIDs may be more effective in these smaller communities where a sense of local ownership is greater.”<sup>149</sup>

127. The Swansea Business Improvement District told us that in setting up a BID, “the difficulty is talking to the businesses and getting the manpower.[...]It does take time and you need a lot of support for it.”<sup>150</sup> The Federation of Small Businesses also reported some dissatisfaction with the Swansea BID among some of its members.<sup>151</sup> It therefore struck us that there may be differences for sub-zones within a Business Improvement District and differences between BID members, whose needs may need to be addressed more discerningly.

128. We were surprised to hear that the expertise and experiences of Swansea BID had not been drawn on for the proposed BID for Merthyr Tydfil,<sup>152</sup> although we later learned from the Minister that following our evidence session with Swansea BID there had in fact been a “cross-fertilisation in terms of conversations.”<sup>153</sup>

**We recommend that the Welsh Government should commission a full and transparent assessment of the effectiveness of the Swansea Business Improvement District and consult with a broad range of stakeholders to inform further BID development in Wales.**

## **Marketing and branding**

129. The Committee was told that:

“Marketing, branding and image making is a fundamental aspect of the regeneration of town centres. However, the quality in the design of what has been created in Wales with regard to lighting, signage, street furniture etc has been sometimes inconsistent with regard to both the brand

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<sup>149</sup> Boots written evidence paragraph 6

<sup>150</sup> Record of Proceedings paragraph 118, 6 October am 2011, Enterprise and Business Committee

<sup>151</sup> FSB written evidence

<sup>152</sup> Record of Proceedings paragraph 127, 6 October am 2011, Enterprise and Business Committee

<sup>153</sup> Record of Proceedings paragraph 84, 24 November 2011, Enterprise and Business Committee

proposed, the audience it was intended to serve, and with regard to its sustainability.”<sup>154</sup>

130. Written evidence from The Prince’s Foundation for the Built Environment stressed that it was “the substance not the slogan that is more meaningful in the long term.”<sup>155</sup> The City and County of Swansea also commented that:

“Marketing and promotions cannot disguise weaknesses in the fundamental offer.”<sup>156</sup>

131. We heard from the Swansea Business District that it was able to work in partnership to market the city centre and local businesses on Twitter and Facebook and through the production and distribution of leaflets.<sup>157</sup> Bridgend County Borough Council’s written evidence stated that:

“A strong brand for the town is important and all public and private bodies involved in the town centre should sign up to the one brand.”

132. The British Retail Consortium told us that in terms of marketing and tourism:

“Some of the strongest ideas that we have seen have come through local partnerships, such as loyalty schemes within a given retail location, where a loyalty card gives you discounts within participating businesses, or allows you to accumulate points that you can use for different sorts of activity or expenditure.”<sup>158</sup>

133. We heard from the Design Commission for Wales that the Bro Rhuthun partnership has worked with local businesses to build a website, produce jute bags and launch a town loyalty card. The partnership has identified Ruthin’s historic and contemporary

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<sup>154</sup> CREW written evidence paragraph 4.7

<sup>155</sup> The Prince’s Trust for the Built Environment written evidence paragraph 6

<sup>156</sup> City and County of Swansea written evidence paragraph 8.2

<sup>157</sup> Record of Proceedings paragraph 197, 6 October am 2011, Enterprise and Business Committee

<sup>158</sup> Record of Proceedings paragraph 163, 6 October pm 2011, Enterprise and Business Committee

architecture, its Craft Centre and its high quality food and hotel outlets as key selling points to visitors, retailers and investors.<sup>159</sup>

**We recommend that the Welsh Government through Visit Wales should encourage town partnerships to market their unique selling points such as architectural heritage and environmental quality, local produce and local culture, perhaps involving groups of towns within a region so that their different offers can complement each other. This could be part of the town centre plan we recommended above.**

### **Measuring success**

134. We were told that historically there has been a lack of agreed key performance indicators to measure successful town centre regeneration projects, often because funding streams change so often.<sup>160</sup> When we questioned the Minister for Housing, Regeneration and Heritage about the lack of a monitoring and evaluation framework for regeneration projects, he admitted that critics had “a point”, and that he saw a role for the Centre for Regeneration Excellence in Wales in taking forward this work.<sup>161</sup>

135. The Design Commission for Wales recommended “town benchmarking” and argued that where good design and town benchmarking have been employed, tangible benefits have been recorded.<sup>162</sup>

“Town benchmarking is a simple toolkit; I think that it has only 12 indicators. Those indicators range from parking to the number of empty units, and the toolkit allows you a certain time to measure. Once those have been identified and informed a strategy, systematic action can be taken to address those. That is very much a local tool. While we might look at GVA or GDP figures nationally, at a local level a much more simplified process, such as town benchmarking, is really useful to galvanise activity for local authorities and for people who might

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<sup>159</sup> Design Commission for Wales written evidence and Record of Proceedings paragraphs 192-193, 2 November 2011, Enterprise and Business Committee

<sup>160</sup> Record of Proceedings paragraph 194, 28 September 2011, Enterprise and Business Committee

<sup>161</sup> Record of Proceedings paragraph 113, 24 November 2011, Enterprise and Business Committee

<sup>162</sup> Design Commission for Wales written evidence

be trying to influence change. Statistics and performance indicators over time at Government level and local authority level are often very difficult for people to access, understand and use effectively.”<sup>163</sup>

136. The WLGA recommended that the evaluation framework developed by Rhondda Cynon Taf County Borough Council should be shared as good practice for evaluating the success of town centre regeneration initiatives across Wales.<sup>164</sup> The British Retail Consortium suggested that there was a need for effective monitoring of the “health” of town centres.<sup>165</sup> It suggested that the kinds of indicators could include:

“Footfall, vacancy rates, new business openings, business closures, longevity of businesses, retail employment levels and other employment levels within an urban centre. You could use movements in rateable value as a proxy. As a more subjective measure, I would suggest something on the operation of a successful partnership.”<sup>166</sup>

137. Narberth Chamber of Trade also suggested that indicators could include shop vacancies, shops closing, new shops opening, changes from residential to retail/commercial use, bankruptcies, full-time and part-time employment in the town, unemployment and car park usage/revenue.<sup>167</sup>

**We believe that the Welsh Government should develop a robust framework for the design, development and delivery of town centre regeneration projects in which objectives and targets can be clearly set; data collected; where outcomes and impacts can be measured; and performance and success evaluated and compared.**

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<sup>163</sup> Record of Proceedings paragraph 167, 2 November 2011, Enterprise and Business Committee

<sup>164</sup> WLGA written evidence page 18

<sup>165</sup> BRC written evidence

<sup>166</sup> Record of Proceedings paragraph 168, 6 October pm 2011, Enterprise and Business Committee

<sup>167</sup> Narberth Chamber of Trade written evidence paragraph 9

## Annex A – Inquiry Terms of Reference

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- What approaches have been followed to successfully deliver and finance the regeneration of town centres in Wales? Are there lessons to be learned from elsewhere?
- How does the Welsh Government use the levers at its disposal to assist in the regeneration of town centres in Wales?
- How are the interests and activities of communities, businesses, local authorities and Welsh Ministers identified and coordinated when developing and implementing town centre regeneration projects?

The Committee issued a call for evidence inviting interested parties to respond to the questions above and to share their views on the following issues:

- The roles the Welsh Government and local authorities play in the regeneration of town centres;
- The extent to which businesses and communities are engaged with public sector-led town centre regeneration projects or initiatives, and vice versa;
- The factors affecting the mix of residential, commercial and retail premises found in town centres - for example, the impact of business rates policy; footfall patterns; and issues surrounding the night-time and daytime economies within town centres;
- The impact of out-of-town retail sites on nearby town centres;
- The use of funding sources and innovative financial solutions to contribute to town centre regeneration – including the Regeneration Investment Fund for Wales; the use of Business Improvement Districts; Structural Funds; Welsh Government, local authority and private sector investment;
- The importance of sustainable and integrated transport in town centres – including traffic management, parking and access;
- The potential impact of marketing and image on the regeneration of town centres – such as tourism, signage, public art, street furniture, lighting and safety concerns;
- The extent to which town centre regeneration initiatives can seek to provide greater employment opportunities for local people;
- What measures could be used to evaluate the success of initiatives undertaken to regenerate town centres.

## **Annex B – Note of Fact Finding Visit to Narberth**

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### **Background**

The Enterprise and Business Committee visited Narberth on 10 November 2011, as part of its inquiry into regeneration of town centres. The Committee met local members of the Chamber of Trade and representatives from Pembrokeshire County Council. While in Narberth, the Committee also visited a number of shops to discuss matters around town centre regeneration with local business people.

The Committee had also agreed to consider the Narberth Chamber of Trade petition as part of this inquiry (see below).

The Committee noted that while Narberth was a positive example of regeneration, it was not necessarily a typical example of a Welsh town and that it was heavily reliant on tourism.

### **Key Issues**

During the Committee's discussions a number of key issues were raised. Many people spoke of the fragile balance between success and failure, and the need for immediate support to make sure local businesses remained viable.

There was a general sense that the current economic climate was having an impact on the town, which made things difficult, but that some of the traders had been able to adjust by diversifying their products.

Given the development of technology and the need for shops to be able to trade online there was a call to ensure that Narberth was served by high speed broadband. The need for better mobile coverage was also recognised because people find out a lot more about places on the go nowadays – which is key to local tourism.

It was felt that community engagement is vital in ensuring successful regeneration – Narberth was considered “dull and run down” in the 1980 Tavistock report, with limited employment and no economic role but since then it has undergone a successful regeneration - which was greatly helped through self-organisation and action by the local community and key individuals.

### ***Transport***

There were a number of concerns about the train station being positioned slightly too far from the town centre and the walk, which was dangerous and unappealing. People felt that there was a limited market for public transport and suggested instead greater investment should be given to addressing the issues around parking availability, car parking charges and traffic flow

through and around the town. There was significant concern about the suggestion of building a bypass around Narberth.

There was support for the idea of a steam train as a visitor attraction, which might help to bring families to the town.

### ***Business Rates***

In 2009, Narberth Chamber of Trade submitted a petition to the National Assembly for Wales concerning how businesses in the town would be affected by the 2010 changes in rateable values. Traders in the town felt they had been victims of their own success – as some had seen rates increases of over 200 per cent.

Businesses asked for greater accountability of where the business rates go – as the substantial increase does not appear to have been reflected in investment locally.

There were many comments about the difficulty in appealing against an increase in business rates – one trader told us that the Valuation Office Agency would not listen despite three estate agents independently giving a significantly lower property value. Another trader had managed to successfully fight his increase and received a reduction twice – but felt that it was a difficult process not understood by everybody. There was a call for a greater amount of support and resources to be made available for people wanting to appeal against the decision.

There was significant displeasure about the fact decisions on business rates were made on a five year basis, as this lack of flexibility does not take into account changes in the economic climate or other variants.

Some innovative approaches had been adopted such as one business which had subdivided its premises into separate lots which then were valued separately.

### ***Carrier Bag Charge***

There was some confusion among traders about the charge for carrier bags, for example how much of the money is subject to VAT; whether packaging for goods sent via the internet was subject to the charge; whether they can make direct donations to a charity or if the money needs to be put through the till and how the policing of the charge would be administered. In addition to the confusion, a number of traders were unhappy with the charge in general as they felt that it reduced their advertising. However many people the Committee spoke to expressed their support for the policy.

## ***Planning***

The need for effective planning was considered important to help address the fragile nature of towns and the fine line between success and failure. There were a number of issues raised around planning, although there seemed to be some confusion about the respective roles of central and local government.

Frustration was expressed about how planning restrictions in a Section 106 agreement can change. For example, it was alleged that the Spar at Bluestone was not initially supposed to be open to the public, but was later opened to the public on Fridays and Mondays – and now it is open to everybody every day.

Great concerns were expressed about the proposal to build a supermarket on the edge of the town centre, as it was felt this could detract from local, independent traders.

It was suggested that the planning system was very much skewed in favour of supporting big business – so there was a need for mechanisms to enable small businesses to establish and develop. Members of the Chamber of Trade wondered why successful local stores with strong reputations such as a butchers or clothes chain could not be used as an anchor store in a regeneration project – or at least be given some support to open in new areas as the major chains are.

## **Witnesses**

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The following witnesses provided oral evidence to the Committee on the dates noted below. Transcripts of all oral evidence sessions can be viewed in full at

<http://www.senedd.assemblywales.org/mgIssueHistoryHome.aspx?Ild=1307>

### **28 September 2011**

Centre for Regeneration Excellence in Wales

Welsh Local Government Association

Caerphilly County Borough Council

### **6 October 2011 - morning**

Association of Town Centre Management

Swansea Business Improvement District

Boots

### **6 October 2011 - afternoon**

Federation of Small Businesses

British Retail Consortium

### **2 November 2011**

Sustrans

South East Wales Transport Alliance

Design Commission for Wales

Heritage Lottery Fund

### **16 November 2011**

Visit to Narberth Chamber of Trade

### **24 November 2011**

Welsh Government, Minister for Housing, Regeneration and Heritage

## List of written evidence

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The following people and organisations provided written evidence to the Committee. All written evidence can be viewed in full at <http://www.senedd.assemblywales.org/mglIssueHistoryHome.aspx?lId=1522>

### Organisation

Aberdare and District Chamber of Trade and Commerce

AECOM Ltd

Age Cymru

Mike Brain

Bridgend County Borough Council

British Waterways

Simon Brogan

Business in the Community

Cardiff Council's Planning Service

Cardiff and the Vale Parents Federation

Community Pharmacy Wales

Liz Davies

Diverse Cymru

Evocati Limited

Flintshire County Council

Gordon Gibson

Guide Dogs for the Blind Association

The Means

Jan Miller

Mott Macdonald

Narberth Chamber of Trade

Newport City Council

Neyland Pharmacy

David Lloyd Owen

Pembrokeshire County Council  
The Princes Foundation for the Built Environment  
Regeneration Skills Collective Wales  
Rhondda Cynon Taf County Borough Council  
Rockwool Ltd  
Royal Institution of Chartered Surveyors  
Royal Town Planning Institute Cymru  
Andrew Shufflebotham  
City and Council of Swansea  
UK Progressive Magazine  
Vale of Glamorgan Council  
Wales Transport Research Centre, University of Glamorgan  
Wrexham County Borough Council

## **Welsh Government response to the Enterprise and Business Committee report on the regeneration of town centres.**

### **General Introduction**

We welcome this report and the opportunity to discuss this very important issue. As I said in my earlier evidence to the Committee, these are challenging times for our town centres and it is important to have a full debate on how we tackle the numerous issues facing high streets the length and breadth of Wales.

We would like to thank the Enterprise and Business Committee for their hard work in collecting the evidence and presenting the findings in a positive and well balanced way. Thanks also to the numerous individuals and organisations that have provided evidence over recent months.

The recommendations contained in the report fit closely with our current policy direction and we are pleased to be able to accept the majority of them. Some require further consideration and consultation with our partners but we support the general thrust of the Committee's recommendations. It is good to see that we share a common understanding of the issues and challenges, and unity of view on how we should tackle them. This is important in taking forward our vision for town centre regeneration across Wales.

Last month, I announced in Plenary my intention to review our approaches to regeneration. I am committed to our support to the seven Regeneration Areas which are providing valuable support to numerous town centres in communities across Wales. I believe the timing now is right to reflect on what works well and learn from these recent activities. Early in 2013 my intention is to set out my investment priorities for the rest of this Assembly term. Town centre regeneration will certainly form a key part of that future investment and we will be well informed and in a strong position to start new programmes as our current commitments reach their conclusions.

Our detailed responses to the Report's individual recommendations are set out below.

**Recommendation 1 - We recommend that as part of its revision of national planning policy on economic issues, the Welsh Government should ensure that Planning Policy Wales fully protects town centres from the potential impacts of out-of-town retail developments, and that the Government should also take steps to improve the implementation of national and local planning policy on the ground. (Page 14)**

### **Response: Accept**

The proposed revised policy (Chapter 7 of Planning Policy Wales consultation ended on 5<sup>th</sup> March 2012) will require local planning authorities to adopt a more holistic approach to economic development and recognise that most land uses have some economic impact. Local authorities will be expected to consider the likely impacts of all development and adopt a "whole-economy" approach rather than look at proposals in isolation. In addition, the revised policy identifies that local authorities should seek to concentrate development that attracts large numbers of people, including retail and offices, in city, town and village centres.

With regards to improving implementation of policy on the ground the Welsh Government will take this forward when implementing the future research on the effects that past retail development has had on the quality of town centres.

The Welsh Government works proactively and advises local authorities on the production of their Local Development Plans to ensure that they take account of national policy. When the Welsh Government releases any new planning guidance or policy it facilitates training and dissemination events for local authorities to ensure it is understood and can be effectively implemented on the ground.

Financial implications: Within existing budgets.

**Recommendation 2 - We recommend that the Welsh Government should guide local authorities towards making better use of their contractual agreements with out-of-town retailers to further protect the vitality of town centres. (Page 15)**

**Response: Accept**

Regulations already make provision for contractual obligations to out-of-town developments and it is for local authorities to discuss and negotiate with developers and out-of-town retailers on such matters and protect the vitality of their town centres, as appropriate. As part of our review of regeneration, the Welsh Government will consider how we develop guidance for our partners to protect the vitality of town centres.

Financial implications: Within existing budgets.

**Recommendation 3 - We believe that examples of good practice in promoting town centres should be disseminated more widely, and recommend that the Centre for Regeneration Excellence in Wales should develop its role in this area, including educating and encouraging professionals in the sector. (Page 15)**

**Response: Accept**

This is an area where the Welsh Government will be looking to develop as part of our review of regeneration. We understand that CREW will shortly be launching a 'Small Towns: Policy and Practice Network' which is aimed at raising awareness of best practice in town centre regeneration and educating professionals in the sector. We will be working closely with CREW to support their activities.

Financial implications: Within existing budgets.

**Recommendation 4 - We recommend that the Welsh Government should commission more research on the effects that supermarkets can have on the quality of town centres in order to better inform and improve the impact analysis of proposed developments within the planning control system, and that local retail impact assessments should be obligatory for all supermarket proposals. (Page 17)**

**Response: Accept**

We will commission research which will study the impact that new retail development has had on town centres in Wales. This will build upon the existing guidance about when retail impact assessments should be prepared, as we would expect that any change to current guidance should be based upon robust evidence which will be provided through the research.

Financial implications: Within existing budgets.

**Recommendation 5 - We recommend that local planning authorities should be encouraged, within their Local Development Plan, to see office and work-place development as a means of increasing footfall within town centres, and that they should assess the possible outcomes of, and alternatives to, out-of-town office development proposals more carefully. (Page 18)**

**Response: Accept**

The proposed changes to Chapter 7 (Supporting the Economy) of Planning Policy Wales identify that local authorities should seek to concentrate development that attracts large numbers of people, including retail and offices, in city, town and village centres. This position is reinforced in Chapter 10 (Retail) of Planning Policy Wales, which identifies established town, district, local, and village centres as being the most appropriate locations for retailing, leisure and other complementary functions. It is for the local planning authority to demonstrate that they have a robust evidence base to support local and site specific strategies and policies contained within their Local Development Plans, which has been developed in conformity with national planning policy.

Financial implications: Within existing budgets.

**Recommendation 6 - We recommend that the Welsh Government should establish dedicated Ministerial leadership for town centres, including setting up a town centre policy forum chaired by the lead Minister, that would bring together officials from different Departments and key representatives from the private, public and voluntary sectors to share good practice and to identify a plan of action and monitoring framework for regenerating Wales's town centres. (Page 21)**

**Response: Accept**

As Minister for Housing, Regeneration and Heritage I have lead ministerial responsibility for town centre regeneration on behalf of the Welsh Government. This work is also supported by a number of external organisations and partnerships, including the National Regeneration Panel and CREW.

My intention is to draw together all those with an interest in town centre regeneration for a policy forum as part of the review of regeneration that I announced on 21 February. I will consider whether there is a need to establish a standing forum of that nature depending on the outcome of the review more generally. Collaboration across Government is essential in this regard along with full engagement with the private, public and voluntary sectors.

Financial implications: Within existing budgets.

**Recommendation 7 - We recommend that the Welsh Government should ensure that the development of integrated and sustainable transport in Welsh town and city centres is a priority in the delivery of the National Transport Plan. Further, the Welsh Government should provide clear guidance to local authorities to ensure that transport integration is a core element of all town centre regeneration and redevelopment plans. (Page 24)**

**Response: Accept**

Sustainable travel is one of the Welsh Government's priorities for transport. The Minister for Local Government and Communities recently prioritised the National Transport Plan in the context of delivering this Government's commitments to tackle poverty, increase well-being and assist economic growth. The continued development of integrated and sustainable transport in Welsh towns is a priority within the NTP, evidenced by the commitment to investment in the Sustainable Travel Centres initiative for at least another 3 years together with continued investment in, and promotion of, smarter choices interventions such as the Personalised Travel Planning initiative launched in Cardiff in September 2011.

Financial implications: Within existing budgets.

**Recommendation 8 - We recommend that the Welsh Government should establish a rigorous performance monitoring framework and commission a detailed, independent evaluation of the Sustainable Travel Centre scheme. This should include assessment of the impact of each scheme on the vitality of the town centres involved, including access for people with disabilities. (Page 28)**

**Response: Accept**

The Welsh Government has a framework commission in place to deliver Personalised Travel Planning across Wales including School Travel Planning and Workplace Travel Planning. The contract was awarded in December 2010 for a four year period. Included within the framework is the requirement to carry out performance monitoring and evaluation. The proposed methodology for performance monitoring and evaluation is being considered by the Steering Group for Sustainable Travel Centres. Once agreed this will be resourced through this existing framework commission.

We are also monitoring the impact of the infrastructure investment.

Financial implications: Within existing budgets.

**Recommendation 9 - We believe that town centre businesses may need to operate more flexible working hours in order to meet changing customer needs. We therefore recommend that the Welsh Government should update its Technical Advice Note on Planning and Retailing to include guidance for local authorities about imposing conditions on retail development regarding more flexible working hours. (Page 29)**

**Response: Accept**

We accept that our town centres are changing, as are shopping and leisure activities and consumer habits, with vacant premises offering potential for residential accommodation, including above shops and other ground floor services.

Conditions cannot be introduced retrospectively to apply to the opening hours' conditions on existing developments. However, as part of the wider Planning Application Improvement Programme, work is ongoing to review Welsh guidance on the use of conditions with planning permissions; this will be subject to public consultation in due course. In considering whether a particular condition is necessary, planning authorities should ask themselves whether permission would have been refused if that condition were not imposed. Other factors which local planning authorities must include a consideration of whether a proposed condition is relevant to planning, is enforceable, and reasonable in all other respects.

The need to update Technical Advice Note 4 will be considered in light of the research referred to in response to Recommendations 1 and 4.

Financial implications: Within existing budgets.

**Recommendation 10 - We recommend that the Welsh Government should work with local authorities to develop planned and innovative approaches that incentivise property owners to let their vacant town centre properties for living and working uses that would contribute to the vitality of town centres but would not undermine the properties' long-term value. (Page 30)**

**Response: Accept**

We are already supporting projects and programmes, such as the Housing Renewal Area, that can act as catalysts to bring empty properties back into use and make a valuable contribution to the vitality of a town centre. We are working with partners to address issues around empty properties and will further explore opportunities in this area.

Financial implications: Within existing budgets.

**Recommendation 11 - We recommend that Cadw should continue with its characterisation studies of towns and villages and that they form an integral part of any regeneration scheme. We also recommend that the Welsh Government should make greater use of the Design Review Service and encourage its development partners to do the same. (Page 33)**

**Response: Accept**

We see Characterisation Studies as an important tool in developing an appreciation of the history and character of a place and Characterisation will be an integral part of future regeneration schemes. Cadw will continue to deliver Characterisation Studies for selected towns, and will offer advice and guidance to ensure that future development is informed by an understanding of historic character.

We will encourage the greater use of the Design Commission for Wales' Design Review Service for our town centre regeneration activities and will encourage our partners in regeneration to utilise this service.

Financial implications: Within existing budgets.

**Recommendation 12 - We recommend that the Welsh Government should review national planning policy and guidance for retailing and town centres to ensure that local planning authorities set out a positive vision for all their town centres and high streets in their Local Development Plan, and to provide a strong planning application decision-making framework for ensuring appropriate development can be guided to suitable locations that are highly accessible by sustainable transport. (Page 35)**

**Response: Accept**

The Welsh Government considers that the proposed changes to Chapter 7 of Planning Policy Wales will address this recommendation. It requires local authorities to establish an evidence base of the economic characteristics of their areas, and to develop appropriate development plan policies based upon informed assumptions about possible changes, having regard to national economic policies. The guidance in Chapter 8 (Transport) and Chapter 10 (Retailing and Town Centres) of Planning Policy Wales provides a hierarchy to inform decisions on the location of new development and clearly identifies the importance of securing sustainable transport.

Financial implications: Within existing budgets.

**Recommendation 13 - We recommend that within the framework of the Local Development Plan, each town should have a comprehensive plan in place, developed by a local partnership of key stakeholders and engaging the community, which contains actions for addressing the issues affecting the viability of the town centre. (Page 37)**

**Response: Accept in principle**

We accept the thrust of the Committee's recommendation. This is a matter for local authorities to take forward through the evidence base and community involvement scheme required to ensure the progress of sound Local Development Plans.

Conformity with national planning policy forms part of the test of soundness of the Local Development Plan, and is assessed by an independent Inspector. In respect of community engagement, the Local Planning Authority is required to produce a Community Involvement Scheme setting out how the authority will involve the community in all stages of LDP preparation and the people or groups who should be involved.

We will be looking to strengthen this aspect further as part of our review of regeneration.

Financial implications: Within existing budgets.

**Recommendation 14 - We believe that the key to success in town centre regeneration at a local level is strong, effective leadership. We therefore recommend that the Welsh Government should consider how better to support people who have the necessary skills and the respect of the local community to act as champions for bringing together the different aspects and players in town centre regeneration. (Page 38)**

**Response: Accept**

The success of town centre regeneration schemes are often attributed to the dedication and enthusiasm of local individuals with strong leadership qualities. We will explore how best to support local leadership as part of our consideration of options for future investment.

Financial implications: Within existing budgets.

**Recommendation 15 - We recommend that the Welsh Government should help local authorities and communities to be proactive in seeking and accessing sources of investment for town centre regeneration projects where public funding is unavailable. (Page 40)**

**Response: Accept**

We accept this recommendation, although we do need to manage expectations in terms of the levels of investment available, and any relevant requirements, for example, the return required.

Financial implications: Within existing budgets.

**Recommendation 16 - We recommend that the Welsh Government's independent panel on business rates should consider changes in legislation and in the application of discretionary powers, with the aim of improving the mix and quality of the retail offer in town centres. (Page 43)**

**Response: Accept**

The independent panel on business rates is aware of the Committee's recommendation and the wider issues relating to the regeneration of town centres. This will be considered as part of its final report which is expected before the end of March. The Welsh Government will consider the Panel's recommendations and will respond to its final report in the summer.

Financial implications: Within existing budgets.

**Recommendation 17 - We recommend that the Welsh Government should consider developing a pilot scheme, within EU competition rules and in partnership with local authorities and property owners, which helps new businesses set up in town centres. (Page 44)**

**Response: Accept**

The Welsh Government will consider this as part of its proposals for future investment.

Financial implications: Within existing budgets.

**Recommendation 18 - We recommend that during negotiations over draft legislative proposals for EU Structural Funds 2014-2010, the Welsh Government should seek to ensure that the new Regulations are sufficiently flexible to enable the Funds to be used to support town centre regeneration activities in the next round. (Page 45)**

**Response: Accept in principle**

Within the current EU Convergence programme a total of 24 town centre regeneration projects have been approved by WEFO totalling around £270 million of investment. The Welsh Government is currently making the case, in discussions with the UK Government and EU institutions, for continuing investment of EU Structural Funds. Town centre regeneration will be considered as part of this process.

Financial implications: Within existing and future EU budgets.

**Recommendation 19 - We recommend that the Welsh Government should commission a full and transparent assessment of the effectiveness of the Swansea Business Improvement District and consult with a broad range of stakeholders to inform further BID development in Wales. (Page 47)**

**Response: Accept**

The Welsh Government is currently working with partners to consider the effectiveness of BIDs and the potential for them to be utilised elsewhere in Wales. With Heads of the Valleys Regeneration Area funding we are supporting the development of a BID in Merthyr Tydfil which will hold a ballot between its town's businesses this summer. We will be looking to learn the lessons from the Merthyr experience and we will commission a review of BIDs within and beyond Wales, including Swansea. We will also explore the potential for utilising current and future EU Structural Funds to support business competitiveness through the Welsh BID model. Stakeholders should register any related project ideas via the WEFO website.

Financial implications: Within existing budgets.

**Recommendation 20 - We recommend that the Welsh Government through Visit Wales should encourage town partnerships to market their unique selling points such as architectural heritage and environmental quality, local produce and local culture, perhaps involving groups of towns within a region so that their different offers can complement each other. This could be part of the town centre plan we recommended above. (Page 49)**

**Response: Accept**

Visit Wales already takes this approach and the Welsh Government will continue to work with local authorities and other stakeholders to ensure that this activity delivers even

greater value in future. Visit Wales is actively involved in encouraging local businesses and all those involved in an area's tourism offer to work together and collectively promote an area as a tourism destination. There is a dedicated website, [www.dmwales.com](http://www.dmwales.com), to encourage this tourism destination development and help create a complete experience for visitors by drawing together all the tourism assets within an area. Visit Wales also works closely within Regeneration Areas to ensure that tourism plays an important role in town centre regeneration activities.

Financial implications: Within existing budgets.

**Recommendation 21 - We believe that the Welsh Government should develop a robust framework for the design, development and delivery of town centre regeneration projects in which objectives and targets can be clearly set; data collected; where outcomes and impacts can be measured; and performance and success evaluated and compared. (Page 50)**

**Response: Accept**

As stated in the introduction to this response, I have announced that we will undertake a review into our current regeneration activities and the seven Regeneration Areas, in particular. The intention is to establish what works well and learn from these recent activities. In terms of our future programmes of investment we will ensure that a framework is developed to effectively measure our performance in regeneration.

Financial implications: Within existing budgets.

# Agenda Item 7.5

## **P-03-307 Design for Innovation in Wales**

### **Petition wording**

We call upon the National Assembly for Wales to urge the Welsh Assembly Government to consider the potential significant role for design in future innovation, public service and social enterprise policies and programmes. This is in the light of increased commitment to design agenda by other nations around the world and in preparation for a new Innovation Policy due to be published by the European Commission. This imminent new policy is likely to include a broader definition of innovation that embraces services in the public & private sectors and social enterprise on equal terms with traditional research and development (R&D).

### **Link to petition:**

<http://senedd.assemblywales.org/mglIssueHistoryHome.aspx?Ild=908>

**Petition raised by:** Gavin Cawood

**Number of signatures:** 369

**First considered by the Committee on:** 16 November 2010

**Update:** The Enterprise and Business Committee Report on the Regeneration of Town Centres has now been published

## **P-04-364 Fibre Optic for Rural Areas**

### **Petition wording:**

We call on the National Assembly for Wales to urge the Welsh Government to do more to support the roll-out of next generation/fibre optic broadband and to ensure that it is available to everyone in Wales by 2013, including Ecommerce, new communication businesses (IT Industry) and enhanced communication between current businesses while having the side effect of benefiting the local communities. For an example, in the Valleys many families and businesses are stuck with slow speeds in comparison to the rest of the UK. This petition is to get Fibre Optic installed to these areas where businesses already are to be able to help revive the poorest areas in Wales/Cymru.

**Petition raised by:** Kai Childheart

**Date petition first considered by Committee:** 7 February 2012

**Number of signatures:** 17

**Supporting information:** At the moment the Internet Service Providers are under their own duty to get speeds to certain areas and they are partially backed (for the whole of the UK) to get Highspeed Internet to the rural areas. Ofcom & Fujitsu for instance. However this is not a welsh initiative and I personally believe it could provide work for Wales should the Assembly press for it. The benefits to businesses would be great in terms of Communication and E-Commerce and also to attract new business!

Edwina Hart MBE OStJ AC / AM  
Y Gweinidog Busnes, Menter, Technoleg a Gwyddoniaeth  
Minister for Business, Enterprise, Technology and Science



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref P-04-364  
Ein cyf/Our ref EH/05396/12

William Powell AM

committeebusiness@wales.gsi.gov.uk

2<sup>nd</sup> March 2012

Dear William,

Thank you for your letter of 21 February about our work on next generation broadband.

The Programme for Government sets out our commitment to seek to ensure that all residential and business premises have access to next generation broadband by 2015. We are nearing the end of a major procurement exercise to appoint a supplier and are on track to deliver this target.

A handwritten signature in black ink, appearing to read 'Edwina Hart'.

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1NA

*Wedi'i argraffu ar bapur wedi'i ailgylchu (100%)*

English Enquiry Line 0845 010 3300  
Llinell Ymholiadau Cymraeg 0845 010 4400  
[Correspondence.edwina.Hart@Wales.gsi.gov.uk](mailto:Correspondence.edwina.Hart@Wales.gsi.gov.uk)

*Printed on 100% recycled paper*

**PET(4)-08-12 : Tuesday 15 May 2012  
P-04-364 Fibre Optic for Rural Areas**

**Correspondence from Ofcom**

Dear Mr Powell,

Thank you for your letter relating to Petition: P-04-364 – Fibre Optic for Rural Areas. Please find below comments which I hope will be helpful to the Committee.

It is worth noting in particular that the Welsh Government is currently in the procurement phase of delivering Next Generation Broadband for Wales (at least 30 Mbps). To assist the delivery of this commitment, the UK Government has also announced a £56.9 million contribution towards the rollout of superfast broadband (30 Mbps) to 100% of the Welsh population by 2015.

Furthermore, we are currently consulting on proposals for the award of spectrum licences (800 Mhz & 2.6 Ghz) to support the rollout of 4G mobile broadband technology, which is set to deliver significantly faster mobile broadband services to rural areas.

Please do not hesitate to contact us if you require further information on these issues or any other Ofcom matter.

Kind regards

Elinor Williams

Director Wales, Ofcom

**Rural Broadband**

Typically (though not always), the reason for slow broadband (or none at all) over a fixed telephone line is the length of the copper wire from the house or business to the telephone exchange. Unlike conventional telephone calls, a broadband DSL signal reduces with distance from the exchange to a point where the broadband service will not work at all (generally at around 5 km). Other factors also impact on fixed-line broadband availability including poor home wiring or other network issues such as the presence of line concentrators and aluminium cabling, which do not carry a broadband signal as efficiently as copper.

Such locations are known as not-spots and are a particular problem in Wales as a greater proportion of rural homes and small and medium-sized enterprises are situated a long way from exchanges compared to other parts of the UK. Approximately 18% of premises in Wales are situated further than 5 km from an exchange compared to the UK average of 14%.

In July 2010, the then Deputy First Minister, Ieuan Wyn Jones AM, announced a new £2 million Broadband Support Scheme that aims to provide consumers in rural not-spots with a grant of up to £1,000 to enable them to gain access to broadband by approaching alternative service providers directly. In July 2011, the Minister for Business, Enterprise, Technology & Science, Edwina Hart AM,

extended the scheme to those consumers living in “slow-spots” (receiving less than 2 megabits per second).

There are a number of alternatives to fixed broadband. Satellite broadband is available almost anywhere in the UK using a dish. Companies such as Avanti and BeyondDSL offer a range of satellite broadband packages.

Companies such as TFL and Exwavia specialise in the deployment of wireless broadband solutions by placing its first wireless distribution node at or near the telephone exchange. This is used to “send” the broadband to where it is required. The distribution of broadband to users is then a simple case of feeding the wireless signal to each premises using the same wireless technology.

However, BT is also in the process of upgrading its fixed network. In June 2008, BT announced a £1.5 billion programme over four years to replace major parts of its copper access network with fibre, at least to the street cabinet, connecting 10 million UK homes. BT has since announced that it will spend a further £1 billion to extend coverage to two-thirds of UK homes by 2015, using a combination of fibre to the cabinet (FTTC) and fibre to the premises (FTTP).

BT has published an initial list of exchange areas across the UK in which it will roll out superfast broadband services, based initially on a fibre to the cabinet solution. However, the business case for investment in Wales’ telecommunications infrastructure is challenging, and BT’s current investment is focused primarily on commercially attractive areas. Indeed, industry and economic analysis has concluded that there is no obvious means whereby the market, unaided, will serve the final third of the UK population.

In an effort to reach the final third, the Welsh Government is currently in the procurement phase of delivering Next Generation Broadband for Wales (at least 30 Mbps). To assist the delivery of this commitment, the UK Government has also announced a £56.9 million contribution towards the rollout of superfast broadband (30 Mbps) to 100% of the Welsh population by 2015.

Ofcom has also recently announced measures which may incentivise the rollout of broadband services to those areas in which there is no or little competition to BT. In our recent review of the Wholesale Broadband Access Market, we proposed that BT should continue to be required to provide bitstream services in a non-discriminatory manner and on the basis of cost-oriented prices to address the potential competition problems posed by BT’s dominance in Market 1 (areas where there is no competition) and Market 2 (areas where there is insufficient competition). These proposals are designed to ensure consumers benefit from competitive services provision at the retail level. The changes may lead to better quality services by enabling ISPs to allocate more bandwidth per customer which could deliver faster broadband services. Ofcom also expects the level of the charge control to incentivise efficient investment by ISPs to roll out their own networks in these areas and enable them to compete with BT Wholesale. It will also incentivise BT Wholesale to upgrade ADSL2+ services as Ofcom has exempted ADSL 2+ technology from charge controls. ADSL 2+ is capable of supporting faster broadband speeds than ADSL, with a maximum possible speed of 24 Mbit/s over the copper network.

## **P-03-315 New Dyfi River Crossing**

### **Petition wording**

We, the undersigned, are in favour of and support, any proposition to create a new crossing of the Dyfi River (or the re-routing of the A487) linking South Meirionnydd with Powys, Dyfed and Ceredigion, to accommodate and suite the demands of modern day traffic and urge prioritisation of funding and action. We call on the National Assembly for Wales to urge the Welsh Government to create this crossing as a matter of priority.

**Petition raised by:** South Meirionnydd Older People's Forum

**Petition first considered by Committee:** February 2011

**Number of signatures:** 3204

Carl Sargeant AC / AM  
Y Gweinidog Llywodraeth Leol a Chymunedau  
Minister for Local Government and Communities



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref P-03-315  
Ein cyf/Our ref CS/05515/12

William Powell AM

William.powell@wales.gov.uk

4<sup>th</sup> March 2012

Thank you for your recent letter about the A487 Dyfi Bridge.

The ongoing Dyfi Bridge study, which considered the problems, opportunities, and constraints in this area, is nearing completion. The next stage will be to appoint consultants during the summer of this year to develop options to take to public consultation during the autumn of 2013. It would be premature to offer indicative timescales beyond this.

In the meantime, I confirm that we closed the Dyfi Bridge on Sunday 19 February 2012 for one day to facilitate the installation of a new safety barrier. This barrier is now in place and will be used to close the bridge at times of flooding.

We have also taken steps to enhance the diversion signage and have erected CCTV on the north side of the bridge to monitor road conditions. We plan to erect additional cameras near to the Ecoparc to monitor flooding close to the access and on the railway bridge.

Carl Sargeant AC / AM  
Y Gweinidog Llywodraeth Leol a Chymunedau  
Minister for Local Government and Communities

**PET(4)-08-12 : Tuesday 15 May 2012**  
**P-03-315 New Dyfi River Crossing**

Email from Petitioner – 3 May 2012

The only comment we have, is that the barrier which has been erected could have been placed in a better position. Vehicles will try to cross the flooded fields before they reach the barrier.

A barrier should have been placed at the north side of the river bridge and another at the south side of the railway bridge. All this expence does not eliminate the extra mileage an ambulance has to cover to get to Bronglais Hospital, and anyone having to make the journey in a hurry from north to south. A new bridge or alternative crossing is of paramount importance and must be on the infrastructure agenda now.

Regards

Gerald Stevens

# Agenda Item 7.8

## **P-03-309 Cardiff Against the Incinerator**

### **Petition wording:**

We, the undersigned, call on the National Assembly for Wales to urge the Welsh Assembly Government to intervene to stop the incinerator scheme being proposed by Virador. As residents of Wales, we believe this scheme will be detrimental to the health and well-being of ourselves and our children.

**Petition raised by:** Rick Newnham

**Date petition first considered by Committee:** November 2010

**Number of signatures:** 2,203

Our ref: 2866/201002579/  
SE/JH

Ask for: Steffan Evans



01656 641196

Date: 26 March 2012



Steffan.Evans@ombudsman-wales.org.uk

Dear,

You have previously corresponded with my investigator, Mr Evans, regarding your complaint. In view of the issues involved in this case, I have decided to respond to you personally. This letter forms the final report of my office's investigation into your complaint against Cardiff County Council ("the Council"). You will be aware from your telephone conversations with Mr Evans that we recently met with officers from the Council to discuss the issues arising in this case. Some changes have been made to the draft letter-report in light of those discussions. However, as nothing was raised that had not already been considered, the conclusions reached on your complaint remain unchanged.

### **Your complaint**

Your complaint broadly relates to the Council's handling of Viridor Plc's successful planning application for a waste incinerator development (an energy from waste facility) at Trident Park, Cardiff.

You considered that the consultation exercise undertaken by the Council about the proposed development was inadequate. You believed that the Council should have notified the residents of the local area more extensively and you listed a number of potentially interested parties who in your view would have benefited from notification. Because of the potential impact of the proposed development, you also considered that the Council should have consulted more widely with the residents of the City.

You complained that the Council's failure to properly consult about the application amounted to maladministration which denied persons potentially affected by the development the opportunity to make representations and potentially object to the proposed development. You are of the view that had the consultation exercise been more widespread and comprehensive that the Council would have decided against granting approval for the proposed development.

Your main concern about the impact of the development appeared to be your belief that the facility would release dangerous and harmful emissions which would be detrimental to the health of the City's residents.

You complained that the process of determining the application was flawed and that the decision taken was a miscarriage of justice for the residents of Cardiff.

### **The Ombudsman's role**

My role is to consider and investigate complaints of maladministration or service failure on the part of public bodies which causes hardship or injustice to members of the public. To uphold a complaint I must be satisfied that there has been an injustice or hardship to the complainant resulting from a failing identified by the investigation.

I normally take maladministration to mean that the body concerned has failed to act in accordance with policy or procedure or has otherwise acted unreasonably. If the body has failed to act in accordance with the law then that can also amount to maladministration.

I should explain that I cannot substitute my judgment for that of an authority under investigation, nor can I question the merits of an authority's properly made decision. A properly made decision is one that is taken without maladministration. I do not either, as Mr Evans has previously informed you, have the power to declare a planning consent null and void, as you suggested I should in this case.

### **My investigation**

In addition to the documents you supplied, I have considered the Council's formal response to your complaint, including relevant background papers and copies of the correspondence between you and the Council. Whilst I will not refer to everything I have considered in this letter, I am satisfied that nothing of significance has been overlooked.

To assist me with the determination of your complaint, I sought and obtained independent advice on your complaint from one of my professional advisers, an expert on planning matters.

**Relevant Law and Procedure**

The Town and Country Planning (General Development Procedures) Order 1995 (as amended) (“the Order”) specifies, amongst other things, the procedure relating to planning applications.

Article 8 of the Order sets out the publicity requirements for applications for planning permission. The Order requires that an application for planning permission for development of this kind, which is accompanied by an environmental statement, be publicised by site display in at least one place on or near the land to which the application relates and by local advertisement. In applications of other kinds publicity can also be provided by serving the notice on any adjoining owner or occupier.

The Order defines “by local advertisement” as meaning by publication of the notice in a newspaper circulating in the locality in which the land to which the application relates is situated, and where the local planning authority maintain a website for the purpose of advertising planning applications, by publication of the notice on the website.

The Order defines “by site display” as meaning by the posting of the notice by fixing it to some object, sited and displayed in such a way as to be easily visible and legible by members of the public.

The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (“the Regulations”) sets out the requirements for assessment of the impact on the environment of projects likely to have significant effects on the environment.

The Regulations define an “EIA application” as being an application for planning permission for EIA development. The proposed development in this case was such a development.

**Background**

Planning permission was originally refused for an application for a similar development on the same site in July 2009.

A second amended application was submitted to address the reasons given for the original refusal (which, in any case, Viridor Ltd was in the process of appealing when the latter decision was made).

The Council's Planning Committee resolved to grant planning permission for the development on 9 June 2010, subject to conditions and a s106 agreement. The s106 agreement was completed and planning permission (the decision notice) was issued on 29 June 2010.

The Council considered that a full and extensive consultation process had been undertaken for the development which satisfied the requirements of Article 8 of the Order.

The Council said that notification letters were sent to neighbouring occupiers, in accordance with that legislation. It said that the six site notices were displayed at key locations in the communities near the site as had been the case for the original application by Viridor. The Council stated that the locations were chosen to ensure maximum publicity was achieved. It said that the proposals were also advertised in the local press.

The Council told me that it publicised the application on its website in the weekly lists. It said that the application would not have been displayed in the press notice format because that practice had started some six months ago, after the Viridor application had been submitted.

With respect to the residents of Galleon Way, the Council said that they were not sent written notification of the proposals because the properties did not adjoin the application site. They were located approximately 560 metres from the application site.

### **Professional Advice**

Mr Evans sought advice on your complaint from one of my independent professional advisers, an expert on planning matters. The adviser, Mr Y, is a retired planning inspector with twenty years experience of dealing with planning appeals. He is a Chartered Town Planner and a member of the Royal Town Planning Institute.

The adviser noted, as the Council had pointed out, that the statutory requirements for publicity for planning applications of this kind were complied with in this case. In addition, he noted that the Council had advised 17 adjoining owners by letter and fixed six notices in the vicinity of the application site.

The adviser said that your helpful plan showed that there was a group of high-rise apartments to the west of the site that did not benefit from a lamp post notice. He noted that the nearest notice was placed in Lloyd George Avenue some 0.5km away.

In the adviser's view, it should have been apparent to the Council that there was a group of residential / commercial properties to the west of the site which could have benefitted from lamp-post notices, if not letter consultations under the Council's discretionary powers to publicise significant planning applications.

The adviser considered whether, if sufficient shortcomings were found in the publicity to amount to maladministration, it was likely that the decision taken on the application would have been different.

The adviser commented that more widespread publicity for the application would probably have resulted in an increased number of responses from local residents. He said it was also most likely that many of the representations received by the Council would have been objections to the development. He stated that the question then was whether the extra weight of objection would have led to a refusal of permission.

The adviser noted that the committee report on the application referred to eight objections to the development and summarised them under 21 headings. These 21 headings generally fell within the main issues addressed in the report. The adviser said that it seemed to him unlikely that, had there been wider publicity for the application, a significant number of new issues would have emerged from the increase of objections. Given that the substance of the objections to the development were addressed in the committee report and found not to be of such weight as to warrant refusal of the application, he did not consider that extra publicity would have led to a different decision.

Mr Evans asked the adviser to consider whether the decision taken by the Council appeared to him to be manifestly unreasonable or perverse.

The adviser said that planning permission for a similar proposal (ref: 08/2616E) was refused by the Council in July 2009. The single reason for refusal concerned the need for the importation of substantial quantities of waste material from outside the Cardiff area and hazardous waste being exported to England. He stated that this would result in the unsustainable

transportation of waste material contrary to the objectives of TAN 21: Waste (guidance issued by the then Welsh Assembly Government relating to the planning framework for waste management in Wales).

The adviser said that the application that was the subject of the complaint differed from the earlier application in the ways listed at paragraph 1.3 of the committee report. In summary, these were: increases in the amount of recycled waste; a reduction in the amount of residual non-combustible waste; an additional recovery facility for incinerator bottom ash; an examination of the best way to deal with fly ash; a commitment to only treat waste from South East Wales; and minor highway improvements.

The adviser said that the committee report addressed these amendments in detail and concluded, on balance, that the development met the guidance in TAN 21 and the other relevant local and national policies. The adviser told me that in his experience, a decision to refuse permission and then, following amendments designed to address the Council's objections, to permit the development often happened where complex development was involved. The adviser stated that he could see nothing in the process or the decision reached that could be called manifestly unreasonable or perverse.

### **Review of key issues and conclusions**

I acknowledge that in this case the Council's consultation exercise met that which was required of it under the Order. However, the wording of the Order gives considerable flexibility to the consulting authority so that it can meet and even relatively easily exceed the obligations that the Order imposes on it. Its requirements are not onerous and can be achieved without necessarily giving notification that is proportionate to the potential impact of a proposed development. Therefore, that the Council met the statutory minimum does not mean, in itself, that it had not acted maladministratively when it consulted about the application.

The proposed development was of considerable importance with potentially significant environmental implications for the immediate and wider locality. I agree with the adviser that it should have been apparent to officers visiting the site that there was a group of properties (both residential and commercial) to the west of the site in particular which would have benefited either from being notified directly of the application or from the erection of site notices in the immediate vicinity of their properties. I understand that determining the extent of the consultation exercise in developments of this kind involves the professional judgment of the officers concerned but given the nature, significance and siting of the proposed development I am of the view that the

consultation exercise fell short of what could reasonably be expected of it which amounted to maladministration on the part of the Council.

Despite that shortcoming, wide-ranging and often detailed objections were made about the application which was considered by the Council before the application was determined. The Council produced a comprehensive report to committee where the common issues arising relating to health matters, noise nuisance, odour nuisance, pollution etc were all considered in detail (the list is not exhaustive). In view of the objections that were made and considered, I accept the adviser's conclusion that it was unlikely that, had more representations been received as a result of a more extensive consultation exercise, other significant objections would have been raised which would have led to a different outcome.

I also accept the adviser's view that there was no evidence that the decision taken with respect to the planning application was either manifestly unreasonable or perverse. In light of that, I cannot question the merits of the decision.

You have argued that had the consultation been wider, the sheer weight and number of objections to the proposed development would have resulted in the Council refusing permission for the development. I am not persuaded that the application would have been determined differently even if a higher number of objections had been received. Whilst the strength of local opposition to a proposed development is something that the Council as the Local Planning Authority may have regard to in determining a planning application, it is highly unlikely that it would be the decisive factor, especially if the proposal is otherwise acceptable in planning terms, which it appears to have been in this case.

I should also make you aware that the potential negative effect of a proposed development on the value of nearby properties is not a material planning consideration.

Turning to the question of whether an injustice was caused to you personally by the matters complained of, given where you live, I am not persuaded that there is a personal injustice to you arising from the shortcoming identified in the Council's consultation exercise. Whilst I can understand your concerns about the possibility of widespread harm to health being caused by the incinerator, I am not persuaded that this possibility is directly linked to the shortcoming in the consultation process. That injustice, even if it could be

proven with any level of certainty, is linked to the development itself rather than the consultation exercise.

I note that you have now provided consent from three of the residents of Galleon Way authorising you to represent them. Given that these residents would have benefited had a fuller consultation been undertaken, namely the opportunity to object to the proposal, I am satisfied these residents did suffer an injustice in that they were denied the opportunity to make representations about the proposed development. However, given that the outcome would probably not have been any different, the injustice is limited to that lost opportunity.

Regarding your more recent correspondence and the extracts taken from the papers relating to the Council's Environmental Scrutiny Committee, whilst I can understand why you have submitted the papers, I do not consider that they constitute compelling evidence that the Council has acted maladministratively in this matter but rather they are indicative of the view(s) held by members of that committee.

In reaching my decision, I have been guided by, and accept in full, the independent professional advice set out above. I am, however, mindful of the exceptional nature of this development. Developments of this kind are rare. I should make it clear that in reaching my decision I am not setting a precedent as to how extensive consultation should be for future proposed developments of this kind. It will continue to be necessary to determine the extent of a consultation exercise undertaken for an application on its own merits. It was the very particular nature, location, and scale of this development that set it apart and led me to the conclusions I reached. I acknowledge that there was strong local opposition to this development. Nevertheless, the application was accompanied by an Environmental Statement, and was subject to a formal Environmental Impact Assessment. I am also mindful that the Environment Agency had in fact granted a permit for the operation of this incinerator.

Whilst I can therefore understand that you have concerns about the development and the health of the residents of Cardiff and its visitors, for the reasons set out above I **uphold your complaint** only to the extent that the residents of Galleon Way, who you represent, were denied the opportunity to make representations about the proposed development as a result of the shortcoming in the Council's consultation exercise.

I **recommend** that the Council:

1) Apologise to those persons you complained on behalf of, who were denied the opportunity to make representations because of the shortcoming in the Council's consultation exercise.

2) Review its consultation procedure relating to planning applications where the proposed development may have a significant and widespread impact on public health.

This letter concludes the investigation of your complaint, and I am sending a copy to the Council. An anonymised copy of the report has also been sent to Ms X, Deputy Clerk to the Petitions Committee at the National Assembly for Wales.

My office prepares an anonymised summary of every case investigated. My office is obliged to report on its work and the summaries can be used in information published by my office from time to time, and may be placed on the website. I attach a copy of the summary prepared about your complaint. As you will see, you cannot be identified from the information contained in the summary.

Please let my office know if you want any documents you have provided to be returned to you. We routinely destroy our files 15 months after the case is closed.

Yours sincerely

Peter Tyndall  
Ombudsman

Enc

**FOOTNOTE**

This letter constitutes a report under s.21 of the Public Services Ombudsman (Wales) Act 2005.



Petitions Committee,  
Welsh Assembly / Senedd,  
Cardiff Bay CF99 1AA

20<sup>th</sup> April 2012

### **Petition – P-04-341: Supplementary Evidence**

We understand that *Cardiff Against the Incinerator* are presenting evidence in the light of the Ombudsman's decision that residents in the neighbourhood of the proposed Viridor waste incinerator, within 1000m of the site, suffered an injustice through Cardiff Council failing to notify and consult them, and that this amounts to maladministration by Cardiff Council.

We would bring to the Committee's attention that plans for two waste incineration plants on Barry dock were considered at a similar time by the Vale of Glamorgan Council and that also in this case the Council failed to notify residents and businesses in the neighbourhood. In both cases, the planning officer recommended approval on the basis of the land being allocated for waste management purposes in the draft Local Development Plan (LDP), so the planning dept. had an interest in minimising public notification of the two developments. It should be noted, however, that the draft LDP was still confidential and in initial form, approved presumably by the Cabinet Member responsible (Cllr Jeff James), but the planning officer's report still cited the document. Only earlier this year was the draft LDP published, with this proposed designation for waste management purposes.

The two incineration plants are

- a) BioGen municipal waste incinerator on Atlantic Way, Barry Dock (2009/00021/FUL) very visible from housing on Barry Island (Dyfrig St and Redbrink Cres) and in Castleland (Dock View Road), both being elevated above the dock and about 800metres away. The nearest housing on Bendricks Rd is 550m away. Small businesses on David Davies Rd and Woodham Rd are 350-400m away to the north-west.
- b) Sunrise waste wood incinerator (2008/00828/SC1) on Woodham Rd, still closer to Dock View Road housing at about 300metres.

The Sunrise plant was rejected by the Council, then approved on appeal, so there was much information in the public domain by the end; but the BioGen plant was simply approved by the Council in Sept 2009 with few people aware of it and minimal notification of the public by the Council. We should add that Cllr Jeff James as chair of the Planning committee arranged for the proposers BioGen to

give a presentation for the Planning Committee (and interested local Councillors, but not the public) on the afternoon prior to the Planning Committee meeting. This pre-meeting was not only prejudicial, but also gave relevant information that the public could not see and could not comment on. The Council's legal officer dismissed complaints at this.

We submit therefore, on the basis of the Ombudsman decision in Cardiff, that the Vale of Glamorgan Council was likewise guilty of maladministration. Would the Petitions committee note this and include the Barry cases with its further actions on the Cardiff/Viridor case.

Max Wallis  
Barry & Vale Friends of the Earth

Welsh Assembly Government  
Petitions Committee

Cardiff Against the Incinerator  
21 Northlands  
Rumney  
Cardiff  
CF3 3AQ  
4<sup>th</sup> May 2012

Dear Sir

I write on behalf of Cardiff Against the Incinerator Committee,

As you are aware, the Ombudsman for Wales has completed his investigation into Cardiff County Council's flawed planning consultation exercise in Cardiff Bay.

The Ombudsman for Wales has found that "the proposed development consultation exercise fell short of what could reasonably be expected of it, which amounted to maladministration on the part of the Council", "however a number of individuals, given where they lived (Galleon Way), suffered an injustice through not being adequately consulted" and "Who were denied the opportunity to make representations about the proposed development, as a result of the shortcoming in the Council's consultation exercise."

It is obvious that this maladministration ruling applies to hundreds of residents residing at the Galleon Way apartment complex and the thousands of residents, employees and businesses in Cardiff Bay, who have all suffered an injustice, due to Cardiff County Council policy of failing to put up or post planning information notices, concerning the planning application for the proposed Viridor incinerator in Cardiff Bay.

Cardiff Council consultation on the Viridor planning application in the Splott and Tremorfa area, consisted of 17 notices by letter in the Ocean Way industrial area, 6 fixed notices in residential areas of Splott.

We call on the Petitions Committee, to forward this maladministration charge against Cardiff County Council, to the Welsh Assembly Government, requesting that their legal department investigate "why" Cardiff County Council, deliberately failed to carry out their legal obligation, to consult on this planning issue. The residents in Cardiff Bay live nearest to the proposed incinerator site. We also request that a public enquiry be set up to thoroughly investigate the consultation maladministration in Cardiff Bay, carried out by Cardiff Council, and the flawed consultation carried out by Prosiect Gwyrdd and the Environment Agency Wales.

The ombudsman for Wales proven case of maladministration and the other charges of flawed consultation, as attached, show that the Cardiff Council has used discredited methods in their drive to force through planning consent for the Viridor incinerator in Cardiff Bay. Using the most effective method at their disposal and restricting local opposition by keeping the residents, employees and businesses out of the planning consultation loop in Cardiff Bay.

The planning committee on 9<sup>th</sup> June 2010 resolved to grant planning permission, subject to conditions and a 106 agreement.

Rodney Berman the Council leader was present at the planning committee meeting, when the Council's head of planning officer stated, "It would be suicidal not to grant planning consent." to Viridor plc. This statement is tantamount to giving instruction to the planning committee and is totally out of order.

The officers and the planning committee chairman had a duty to inform the planning committee that it would be inappropriate to grant merchant planning permission at this time, due to the fact that Cardiff Council, as lead Council in the Prosiect Gwyrdd Consortium, were already in the process of selecting the incinerator company with the most efficient incinerator and the best financial bid, the winning company to be presented with the contract to burn all the residual waste from the five Consortium Councils. Cardiff County Council through Prosiect Gwyrdd, is still carrying out this selection process today. This should have been discussed in Committee and seriously compromises the decision.

The 106 agreement was completed and planning permission issued on 29<sup>th</sup> June 2010. The council decided against going to press prior to the re submission of the planning application, thereby once again denying democratic consultation and scrutiny by the citizens of Cardiff.

We believe that the planning permission issued to Viridor should not be allowed to stand due to undue pressure being put on the planning committee, by officers and the failure of officers to fully brief the planning committee on the Prosiect Gwyrdd work in hand issue. Cardiff Council has failed to carry out due process with regard to planning consultation in Cardiff Bay, this has led to a proven charge of maladministration where the residents, employees and businesses have being substantially and likely deliberately misled.

We request that this flawed Viridor planning consent be thrown out by John Griffiths Environment Minister, Welsh Assembly Government.

Yours faithfully  David Prosser (CATI Media secretary)

Welsh Assembly Government  
Petitions Committee

Cardiff Against The Incinerator  
21 Northlands  
Rumney  
Cardiff  
CF3 3AQ  
4<sup>th</sup> may 2012

Dear Sir

I write to highlight another case of flawed consultation in Cardiff Bay that requires investigation by the Environment Minister

On March 14<sup>th</sup> 2011 Prosiect Gwyrdd (PG) held a drop in meeting at County Hall Cardiff bay. The purpose of the meeting was to give Cardiff Bay residents the opportunity to put their questions on incineration and recycling to the PG partnership staff Unfortunately PG failed to put up notices or posters in any areas of Cardiff Bay to notify residents of this important drop in meeting.

Prosiect Gwyrdd even failed to put up notices in the Galleon Way high rise apartment complex next door to the County Hall Meeting !!  
(PG) failed to conform with their own guide lines and operate a professional information and consultation exercise.

Prosiect Gwyrdd is the partnership of five councils set up to select the incineration company with the winning bid, to construct an incinerator in south East Wales. The nominated company will receive the WAG part funded contract to burn the residual waste from the five South East Wales Local Authorities. The lead council is Cardiff County Council

Prosiect Gwyrdd's correspondence states that their "communications campaign is a mandatory condition of the Welsh Assembly Government funding agreement." This is because, communication, engaging and informing local communities and other key stakeholders, represents best practice for all major infrastructure projects".

PG literature also states "the partnership will be running drop- in information sessions, close to the areas where sites have been identified, so that residents have the opportunity to put their questions to PG officers".

PG also state that they will put up notices close to the sites to inform local people of the drop in meeting. The Environment Minister should investigate why Prosiect Gwyrdd failed to put up drop- in meeting notices anywhere in Cardiff Bay about the meeting on 14<sup>th</sup> March 2011. This must be considered as another case of flawed consultation in Cardiff Bay.

Yours faithfully  David Prosser, Media secretary (CATI)

**Welsh Assembly Government  
Petitions Committee**

**Cardiff Against The Incinerator  
21 Northlands  
Rumney  
Cardiff  
CF3 3AQ  
4<sup>th</sup> May 2012**

**Dear Sir**

**I write to highlight yet another case of flawed consultation in Cardiff Bay, this time it concerns the Environment agency Wales.**

**The Environment Agency Wales held a drop-in meeting at the Novotel Hotel on the 6<sup>th</sup> July 2009, this to discuss incineration issues in Cardiff Bay, they failed to properly notify residents and businesses South of County Hall or employees living or working close (around 500 metres) to the proposed incineration site. They also failed to notify the manager or businesses in the Red Dragon entertainment complex, or any businesses and employees at the Mermaid Quay, restaurant and shopping quarter. This is yet another case of totally flawed consultation in Cardiff Bay. This requires investigation by the Environment Minister.**

**The Environment Agency Wales (EAW), have an obligation under the Local Democracy, Economic Development and Construction Act 2009. The Act states in section 23, - Duty of public Authorities to seek involvement with interested persons, section (7) states, "interested persons "means a person who is likely to be affected by or interested in the function. The EAW has failed to conform with the Act. There are thousands of people likely to be interested or affected in Cardiff Bay who were not allowed consultation involvement.**

**The Petitions Committee should question the EAW on this flawed consultation policy in Cardiff Bay.**

**Yours Faithfully**



**David Prosser**

**Media Secretary (CATI)**

# Agenda Item 7.9

**P-04-343 Prevent the destruction of amenities on common land – Anglesey**

**Petition wording**

We call upon the Welsh Government to examine ways to prevent the destruction of amenities on common land, including for example the Marian Common in Llangoed, Ynys Môn.

**Petition raised by:** JE Futter

**Petition first considered by Committee:** 15 November 2011

**Number of signatures:** 156

Sarita Marshall  
Deputy Committee Clerk  
Petitions Committee  
National Assembly for Wales  
Cardiff Bay  
Cardiff  
CF99 1NA

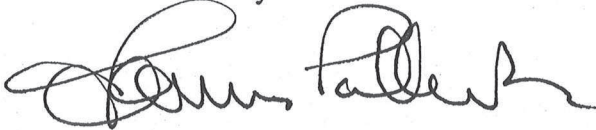
15th September 2011

**Re: Background information relating to the petition P-03-343  
PREVENT THE DESTRUCTION OF AMENITIES ON COMMON LAND – ANGLESEY.**

Dear Sarita

Please find enclosed, various documents which I hope will provide the background information you seek, if you have any questions regarding this please let me know via letter, e-mail or telephone.

Yours sincerely

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

Tom Pollock

PREVENT THE DESTRUCTION OF AMENITIES ON COMMON LAND – ANGLESEY

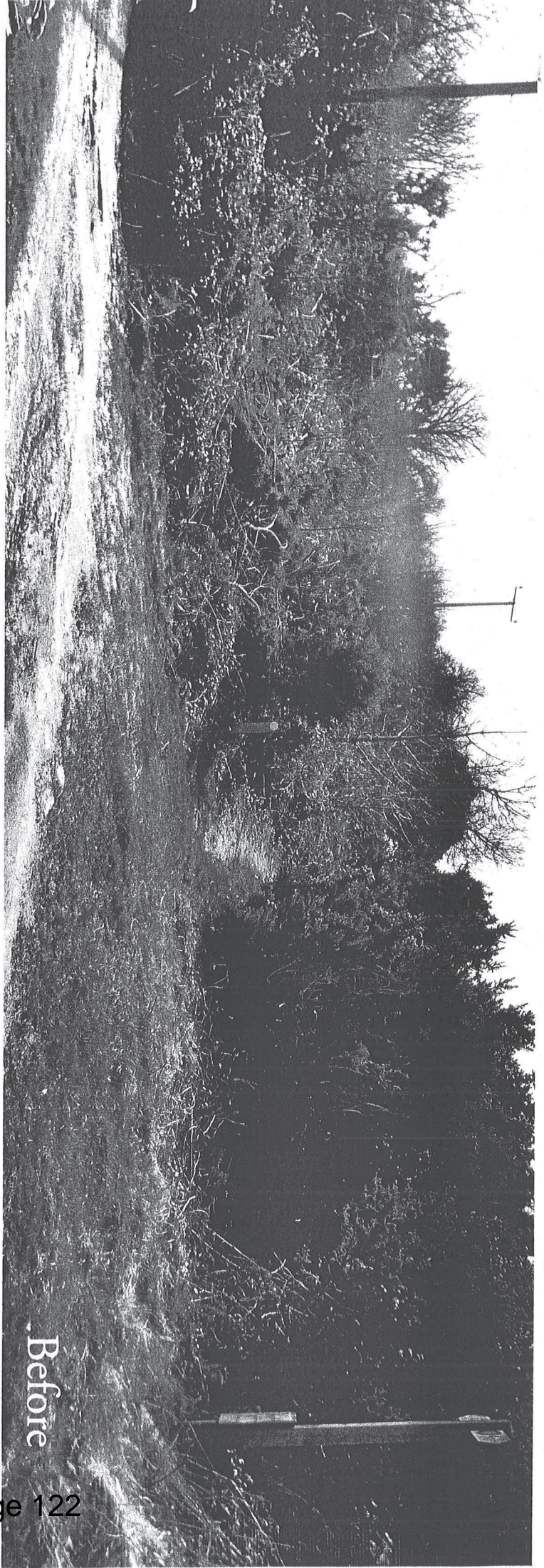
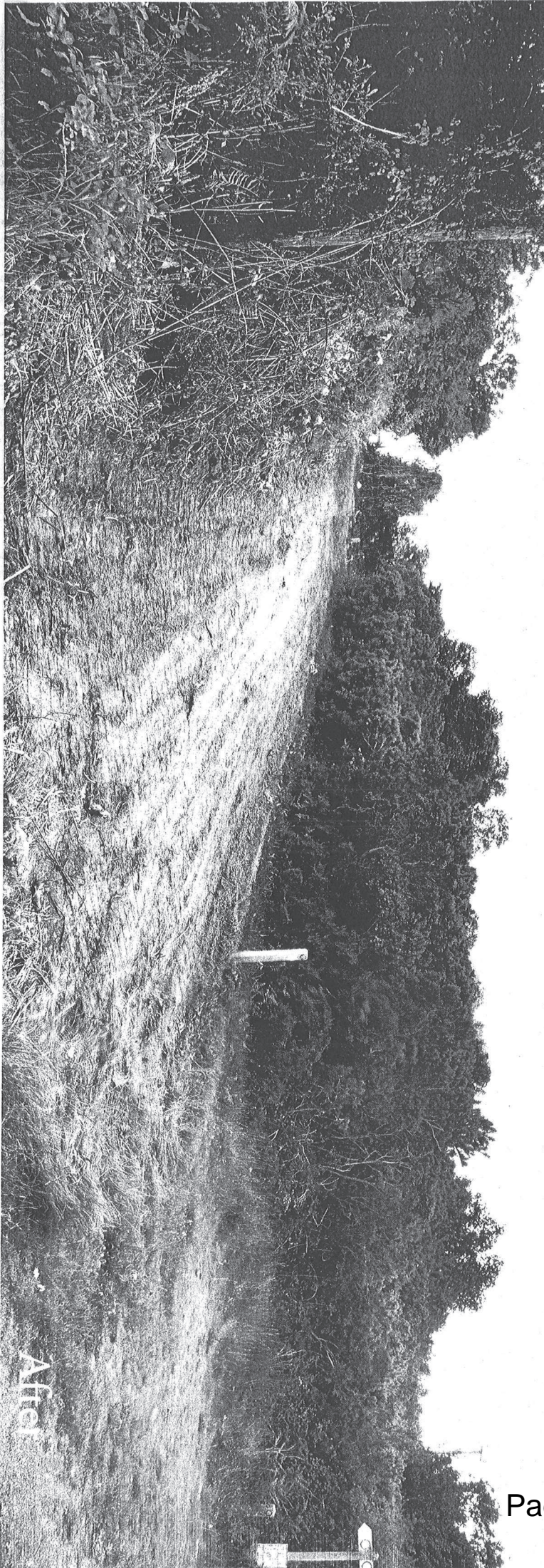
1. In June 2011 large areas of common land were bulldozed in order to create large-scale vehicular access. The topography of the land was changed to accommodate 'tracks' 6.5m – 7m wide – on areas of Marian Common where previously only footpaths existed. Please see attached before and after photographs of the land.
2. This action was undertaken without the knowledge or permission of the registered custodians of the land or without the knowledge or permission of the owners of the grazing rights to the land.
3. This action was extremely distressing to the local community and visitors to Anglesey alike, who regularly walk the common and enjoy the amenities, particularly as it took place in the nesting season. The chance to see such a wide variety of bird, animal and plant life is not something that can be enjoyed everywhere (lists compiled by wildlife experts on the flora and fauna are enclosed). The area has also recently been officially recognised as a red squirrel habitat by The Red Squirrels Trust Wales.
4. The areas that were denuded of flora adjoin the coastal path.
5. Common land in the area is gradually being eroded.
6. A paper petition containing 350 names was presented to Llangoed Community Council and the National Assembly for Wales.
7. The actions of the individuals concerned were reported to the Llangoed Community Council, Anglesey County Council, The Countryside Council for Wales and North Wales Police. All of these bodies were sympathetic but not able to take decisive action (legally or financially) to ensure the future protection of this land.

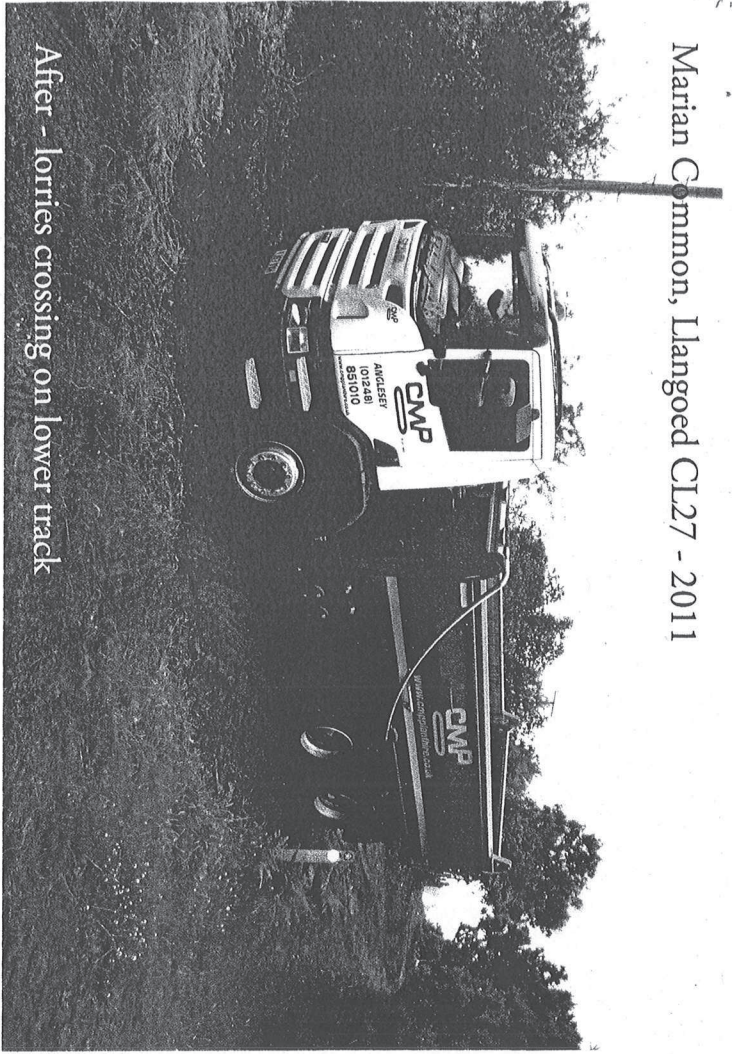
As well as adding their support to the petitions, many local people and visitors to the area have written to official bodies and politicians regarding this matter and have received support from the local councillor Lewis Wyn Davies, Ieuan Wyn Jones AM and Albert Owen MP. John Griffiths.

The Welsh Assembly Minister for the Environment has commented in a letter that "it seems to me that there is a wide range of controls over the use of common land and the carrying out of works on common land already in existence to protect the amenity of common land" (John Griffiths to William Powell AM, chair of the Petitions Committee, 20/11/2011).

Whilst there may be a wide range of controls in existence, if none of the official bodies find themselves able to enforce the legislation and, instead, pass it on to the community stating it is a 'civil matter', the law has no teeth whatsoever. If the local community is unable to fund any legal action against trespass and destruction of common land because no support is offered from local or national government, then the law is as good as useless.

The community feel that what is needed is a firm, enforceable law so that everyone knows where they stand. Such a law would prevent common land from being acquisitioned for permanent vehicular use and/or property development and preserve and protect it for the enjoyment of present and future generations.

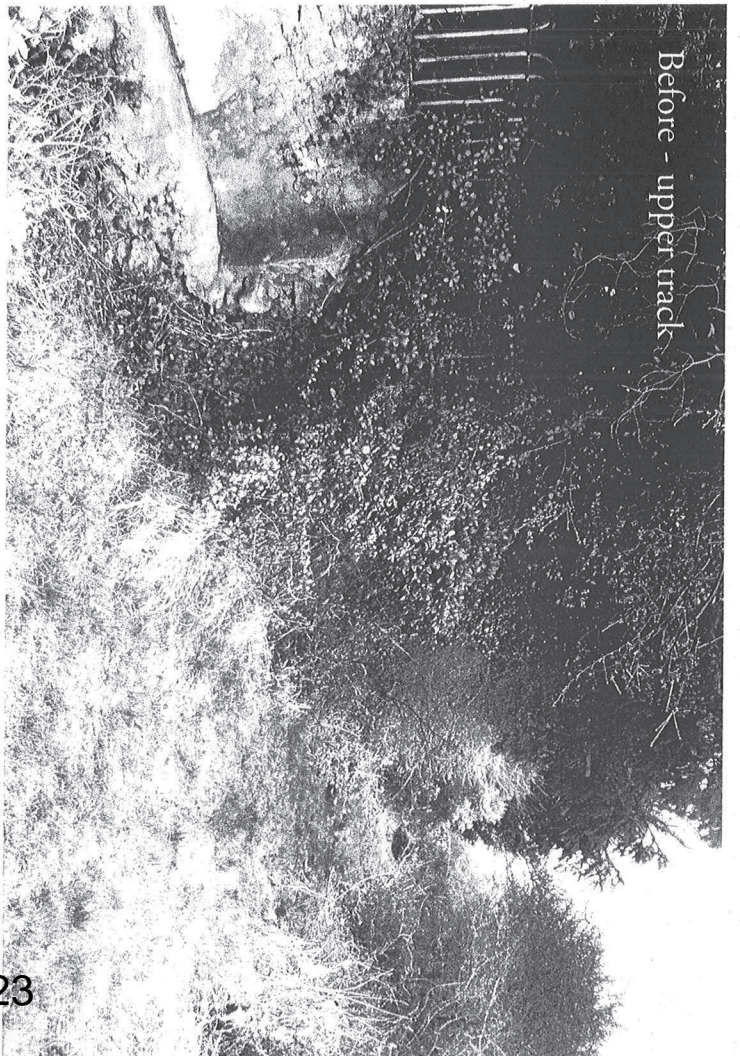




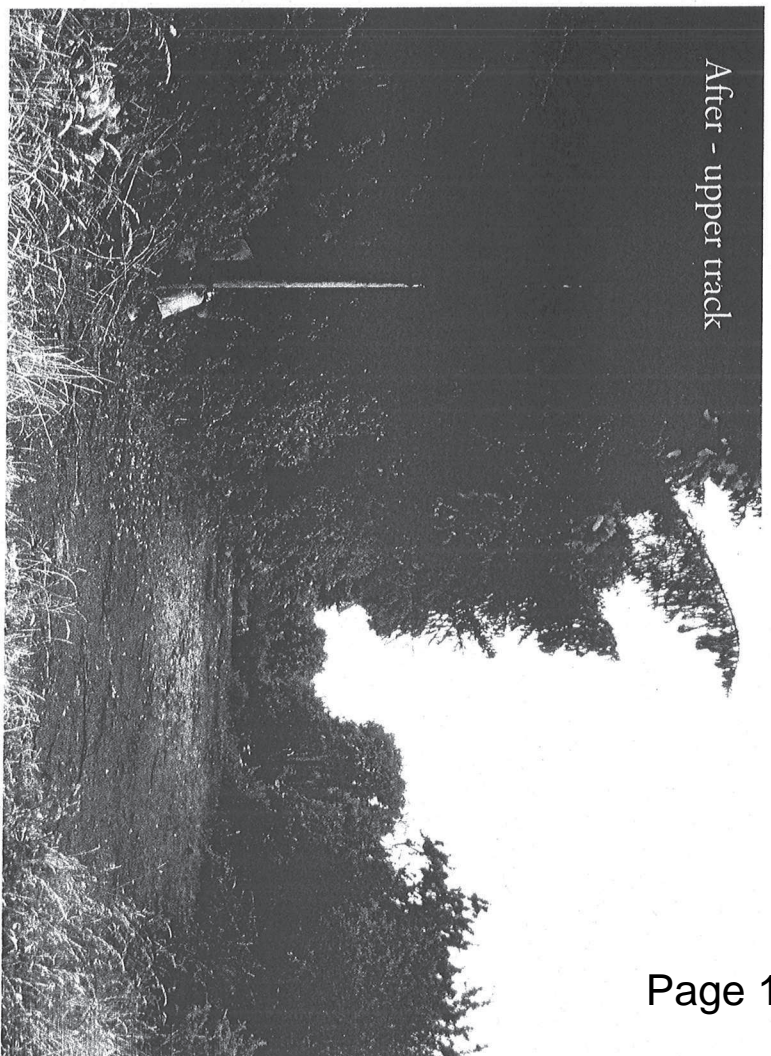
After - lorries crossing on lower track



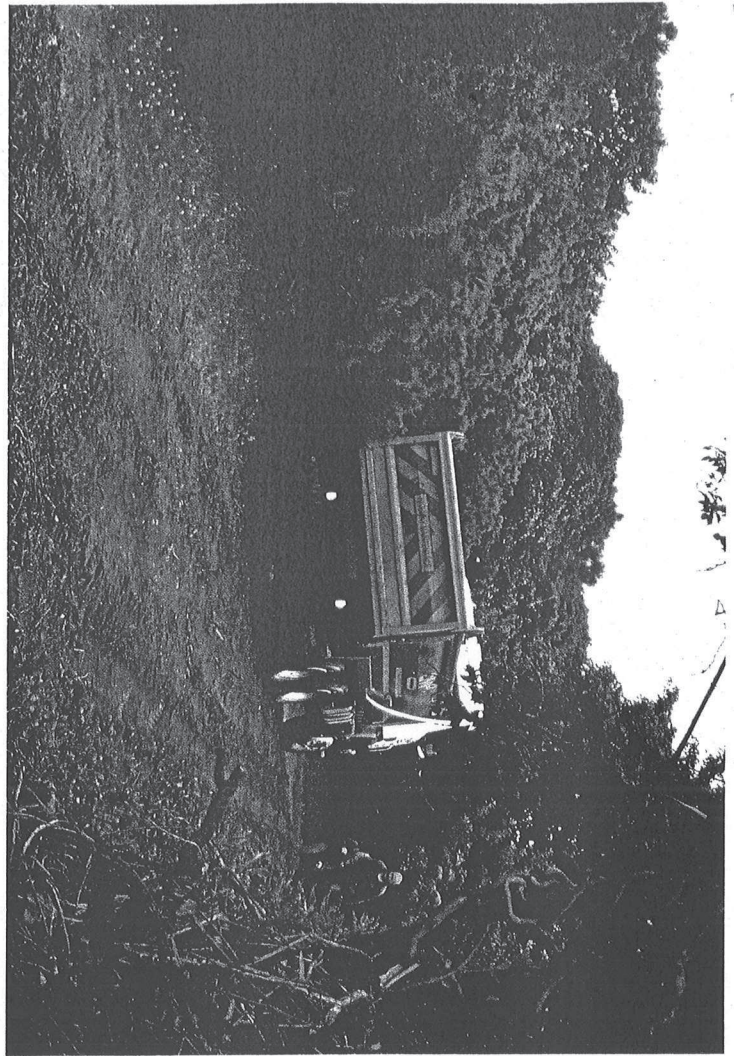
Before - upper track



Before - upper track



After - upper track



This was a proposal handed to the Community Council in July - to date, we have not received a reply.

Proposal to Llangoed Community Council for a community project to conserve and reinstate flora and fauna on Marian Common (CL27).

We would like to thank the Llangoed Community Council for making the time to consider the views of those concerned about recent developments on Marian Common. We would especially like to thank Councillor Lewis for his support and his tireless work on the community's behalf. This proposal is borne out of the concern that Marian Common, one of only a few areas of common land remaining in the area (please see attached map), is being eroded and acquisitioned for permanent, large-scale vehicular use. We wish to make it clear that, contrary to some reports, we do not wish to prevent genuine farmers, with the agreement of the Community Council, going 'off road' on the common land to carry out their business (the point of 'off road' vehicles is that they leave the landscape intact). We do, however, wish to stop the destruction of the natural environment by permanent access roads being constructed on areas of the common where previously only footpaths existed (borne out by careful examination of OS maps from 1889). Whilst it may be the case that Marian Common was periodically burnt in the past as a form of land management, this has not happened for the last twenty years, allowing for a diverse range of flora and fauna to become established (please see attached lists). Many local people, who enjoy the peace and natural beauty of Marian Common, want to see the common remain a habitat for wildlife for the enjoyment of the whole community and for future generations. The discovery that Marian Common is within the territory of a small red squirrel colony makes this proposal all the more urgent. We propose that the community, under the directions of the Community Council, and of official environmental specialists, re-seed and plant the areas that have been denuded of wildlife. To facilitate this, we propose that a working committee of community members be set up to work with the Community Council to prepare and implement a long-term conservation management plan for Marian Common. Many people have offered their support and also their professional and practical skills to help ensure that such a project would be a success. In terms of funding such a project, seeds and saplings are fairly inexpensive, these funds could easily be raised within the community, and many people in the community have offered their physical help in carrying out the re-planting. We have a genuine opportunity as a community, to preserve and further enhance a local area of natural beauty before it becomes developed and lost for good.

We ask that the Community Council give this proposal their due and early consideration so that those willing to help with such a project can work towards preparing a detailed plan of action.

Members of the community who are in favour of this proposal, please register your support with Llangoed Community Council.

Tom & Karen Pollock  
[tom@excellent-design.co.uk](mailto:tom@excellent-design.co.uk)  
01248 490792

Attachments:  
recently recorded fauna and flora on Marian Common.  
map of remaining commons in the local area.

Tom

Following from our recent conversations about possible tree planting at Penmarien, I've put some thoughts down which I hope might be useful. I must point out that as I do have a personal connection to the site any opinions expressed should be taken as my own, based on 17 years experience working as a woodland ecologist, and not necessarily those of CCW.

There are many benefits for wildlife from developing new woodland. Britain was once predominantly covered in forest, but millennia of clearance have left an extremely reduced and fragmented resource. Many woodland species need a certain minimum size of habitat, and so have become restricted to the larger woodland blocks or have become extinct; many more have been affected by fragmentation and general intensification of the landscape, which means they can no longer move naturally between woodland patches, for feeding, dispersal, migration etc. This loss of 'ecological connectivity' is especially serious in the context of climate change, because it means that species are less able to adjust their ranges to keep pace with their required climate space, and so risk extinction.

This need to increase woodland cover and connectivity is central to nature conservation policy.

For example the UK Government's Biodiversity Action Plan (UK BAP) [www.ukbap.org.uk/](http://www.ukbap.org.uk/) sets out targets for restoration and expansion for a wide range of habitats and species, including all native woodland types (i.e. 'semi-natural' woodlands, those comprising native species). The plans are often implemented through Local Biodiversity Action Plans; for example have a look at the following link about the Anglesey LBAP which includes sections for 'woodland' and red squirrel: [http://ukbars.defra.gov.uk/plans/lbap\\_plans.asp?LBAP=%7B42A89BF7%2D2E26%2D4C14%2D8253%2D40937ACA129D%7D&CO=](http://ukbars.defra.gov.uk/plans/lbap_plans.asp?LBAP=%7B42A89BF7%2D2E26%2D4C14%2D8253%2D40937ACA129D%7D&CO=)

In addition to biodiversity, there are strong political drivers to expand woodland cover to deliver 'ecosystem services', e.g. carbon storage, air quality, water management, and flood defence. The Welsh Government has a target to establish 100,000 ha of new woodland over 20 years as a key action to improve Wales' carbon balance and so help mitigate climate change.

Much of the common land at Penmarien has developed over the last few decades as mixed blackthorn/hawthorn scrub. This is a successional phase in woodland development, and self-sown trees (mainly ash and sycamore) are already well established. Over time, these would be expected to mature, shade out the scrub, and full woodland conditions to develop. Tree planting, however, would help accelerate the process, and could also allow a greater diversity of species to be included that may be less able to colonise naturally within our modern landscape.

Interestingly, the ground flora within the scrub already contains a number of species of typical woodland species, e.g. dog's mercury, bluebell, hart's tongue fern, herb robert, wood avens, so there is reasonable precursor vegetation for woodland here. Trees could be established on the recently disturbed areas, but I'd avoid planting the few remaining open grassland areas which have their own biodiversity value.

Given the location (western Britain, limestone bedrock), the natural type of woodland that would be expected to develop is 'upland mixed ashwood', a UK BAP priority habitat

<http://webarchive.nationalarchives.gov.uk/20110303145213/http://ukbap.org.uk/UKPlans.aspx?ID=3>. I suggest the most suitable species to plant would be mainly ash and oak, perhaps with some cherry, birch, rowan and elm (all of local provenance, as far as possible.) Hazel doesn't seem to be present at the moment, but would be a very useful addition for its wildlife value. The presence of red squirrel is interesting, and there might be a case for including some conifers, e.g. Scots pine in the mix, but you'd need to ask the squirrel experts about that.

So overall, I think promotion of woodland at Penmarien would be a positive action for wildlife, making a small but worthwhile contribution to local and national targets.

~~Tom~~

~~Tom~~

Plant records from 'The Marion', 26 June 2011; 2 hours on site.

This list was compiled on a quick look around the site. It is NOT to be considered a comprehensive list and ONLY includes plants recorded within the scrub and woodland on The Marion - many more species occur on the open grassy areas and along the verges of the permanent tracks. Recording was concentrated in two areas 1) 'Gorwel block', which is the area of c. 0.2 ha of scrub immediately to the north of Gorwel, bounded by the track to Marion Farm, the Anglesey Coast Path, and Mr Wood's newly created tracks; and 2) 'The Bottom Corner', which is on the NW boundary of The Marion, and of interest as the most mature area woodland on the site. Much of the Gorwel block is dense and very spiny scrub - I visited what I believed to be a representative sample (often crawling on hands and knees!), but inevitably did not see it all. A few additional species were recorded informally from elsewhere on The Marion, but no attempt was made to sample these areas comprehensively. A few bryophytes were recorded, but no attempt was made to search out and identify all species and doubtless many more occur. Abundances are recorded on the 'Domin' scale to give a rough indication of relative abundance; values 1 - 3 have been scaled-up from their usual definitions of numbers of individuals at a quadrat level.

In due course I can provide maps to make the location of these records here and provide more notes and interpretation, but for now this is provided as a record of the raw data.  
 JL 26/6/11

Species	English name	Type	'Gorwel block'		'Bottom corner' Domin	Additional species from other areas	Notes
			Domin	Domin			
<i>Prunus spinosa</i>	Blackthorn	Small tree	8	7			
<i>Crataegus monogyna</i>	Hawthorn	Small tree	4	4			
<i>Fraxinus excelsior</i>	Ash	Tree	4	4			
<i>Sambucus nigra</i>	Elderberry	Small tree	4				
<i>Acer pseudoplatanus</i>	Sycamore	Tree	4	8			
<i>Hedera helix</i>	Ivy	Climber	9	9			
<i>Tamus communis</i>	Black bryony	Climber	4	2			
<i>Dryopteris dilatata</i>	Broad buckler fern	Fern	2				
<i>Polystichum</i> spp.	Shield fern	Fern	2	3			Needs checking to confirm whether <i>P. setiferum</i> or <i>P. aculeatum</i> (or both) are present.
<i>Phyllitis scolopendrium</i>	Hart's tongue fern	Fern	3	4			
<i>Eurhynchium praelongum</i>	A moss	Moss	7	4			
<i>Plagiommium undulatum</i>	A moss	Moss	3				
<i>Geranium robertianum</i>	Herb Robert	Herb	3	2			
<i>Rubus fruticosus</i>	Blackberry	Shrub	4	5			
<i>Pteridium aquilinum</i>	Bracken	Fern	5	2			Patchily distributed, most abundant adjacent to Coast Path.
<i>Silene dioica</i>	Red campion	Herb	3	2			
<i>Viola</i> spp.	Violet	Herb	3	1			Hard to determine species post flowering, but probably <i>V. riviniana</i> .
<i>Arum maculatum</i>	Cuckoo pint	Herb	3	3			
<i>Ranunculus acris</i>	Meadow buttercup	Herb	1				
<i>Fissidens taxifolius</i>	A moss	Moss	2				
<i>Thamnobryum alopecurum</i>	A moss	Moss	2				
<i>Brachypodium sylvaticum</i>	Wood false-brome	Grass	2	2			
<i>Galium aparine</i>	Cleavers	Herb	2	2			

Species	English name	Type	'Gorwel block' Domin	'Bottom corner' Domin	Additional species from other areas	Notes
<i>Geum urbanum</i>	Wood avens	Herb	2	2		
<i>Eupatorium cannabinum</i>	Hemp agrimony	Herb	1			
<i>Ulex europaeus</i>	Orse	Shrub	4			Patchily dominant, increases in abundance downslope.
<i>Potentilla sterilis</i>	Barren strawberry	Herb	1			
<i>Rosa canina</i> agg.	Dog rose	Shrub	2	1		A large patch of hops formerly occurred on the path of the new track and only few strands could be found.
<i>Humulus lupulus</i>	Hop	Climber	1			
<i>Urtica dioica</i>	Stinging nettle	Herb	2	1		
<i>Epilobium montanum</i>	Broad-leaved willow herb	Herb	1			
<i>Dropteris felix-mas</i>	Male fern	Fern	1	3		
<i>Hypericum androsaemum</i>	Tutsan	Herb	2	1		Possibly a garden escape, but notable if not.
<i>Clematis vitalba</i>	Old man's beard	Climber	3			
<i>Mercurialis perennis</i>	Dog's mercury	Herb	3			Concentrated in a strip adjacent to the track to Marion Farm.
<i>Heracleum sphondylium</i>	Hogweed	Herb	2	1		
<i>Taxus baccata</i>	Yew	Tree	1			Two seedlings noted.
<i>Holcus lanatus</i>	Yorkshire fog	Grass	1			
<i>Calystegia sepium</i>	Bindweed	Climber	1			
<i>Ribes uva-crispa</i>	Gooseberry	Shrub	1	1		
<i>Ribes rubrum</i>	Red currant	Shrub	1			
<i>Endymion non-scripta</i>	Bluebell	Herb	1	3		
<i>Hellebore foetidus</i>	Stinking hellebore	Herb	1			Probably a garden escape, but if not, an interesting record.
<i>Ranunculus repens</i>	Creeping buttercup	Herb	1			
<i>Fuschia magellanica</i>	Fuschia	Shrub	1			Garden escape
<i>Aquilegia vulgaris</i>	Columbine	Herb	1			
<i>Chamerion angustifolium</i>	Rosebay willowherb	Herb			2	
<i>Quercus cerris</i>	Turkey oak	Tree			2	Oddly a common oak in this corner of Anglesey.
<i>Ilex aquifolium</i>	Holly	Small tree		1		
<i>Quercus petraea</i>	Sessile oak	Tree		1		Seeding in bottom corner, a few young and maturing trees elsewhere. A single unidentified damson-like tree.
<i>Prunus</i> sp.	A fruit tree	Tree		1		
<i>Stachys sylvatica</i>	Hedge woundwort	Herb		1		
<i>Taraxacum officinale</i> agg.	Dandelion	Herb		1		
<i>Polygonum vulgare</i>	Polypody	Fern		2		
<i>Primula vulgaris</i>	Primrose	Herb		1		
<i>Anthriscus sylvestris</i>	Cow parsley	Herb		1		Common as an epiphyte on trees on lower boundary of Marion.
<i>Lonicera periclymenum</i>	Honeysuckle	Climber		1		
<i>Ribes nigrum</i>	Black currant	Shrub		1		



## BIRDS OF THE MARIAN

The birds on this list use the Marian for nesting, feeding or shelter. Most of them are present during the breeding season, but a few are winter visitors. In accordance with the system of red, amber and green lists used by the RSPB and other conservation bodies, **R** = Red List (species of serious conservation concern) and **A** = Amber List (species of moderate conservation concern).

Pheasant	Pied Wagtail	Coal Tit
Sparrowhawk	Wren	Nuthatch
Buzzard	Duncock <b>A</b>	Treecreeper
Kestrel <b>A</b>	Robin	Jay
Peregrine	Stonechat	Magpie
Black-headed Gull <b>A</b>	Blackbird	Jackdaw
Herring Gull <b>R</b>	Fieldfare <b>R</b>	Rook
Feral Pigeon	Song Thrush <b>R</b>	Carrion Crow
Stockdove <b>A</b>	Redwing <b>R</b>	Raven
Woodpigeon	Mistle Thrush <b>A</b>	Starling <b>R</b>
Collared Dove	Grasshopper Warbler <b>A</b>	House Sparrow <b>R</b>
Cuckoo <b>R</b>	Blackcap	Chaffinch
Barn Owl <b>A</b>	Lesser Whitethroat	Greenfinch
Tawny Owl	Common Whitethroat <b>A</b>	Goldfinch
Swift <b>A</b>	Chiffchaff	Siskin
Green Woodpecker <b>A</b>	Willow Warbler <b>A</b>	Linnet <b>R</b>
Great Spotted Woodpecker	Goldcrest	Lesser Redpoll <b>R</b>
Swallow <b>A</b>	Long-tailed Tit	Bullfinch <b>A</b>
House Martin <b>A</b>	Blue Tit	Yellowhammer <b>R</b>
Meadow Pipit <b>A</b>	Great Tit	Reed Bunting
Grey Wagtail <b>A</b>		

# Community 'appalled'

By **RHODRI BARKER**

THE clearing of an "ancient" area of common land has sparked a row between a community and local businessman.

Residents of Llangoed say they were "shocked" to find gorse at Marian Common had been cut to create an access route.

However, John Wood, whose company carried out the work and whose paddocks are served by the new access route, said he was reinstating a historic right of way which had become overgrown.

A special meeting of the community council was called to discuss the issue, in which county councillor Lewis Davies said locals had been "appalled" by what had happened.

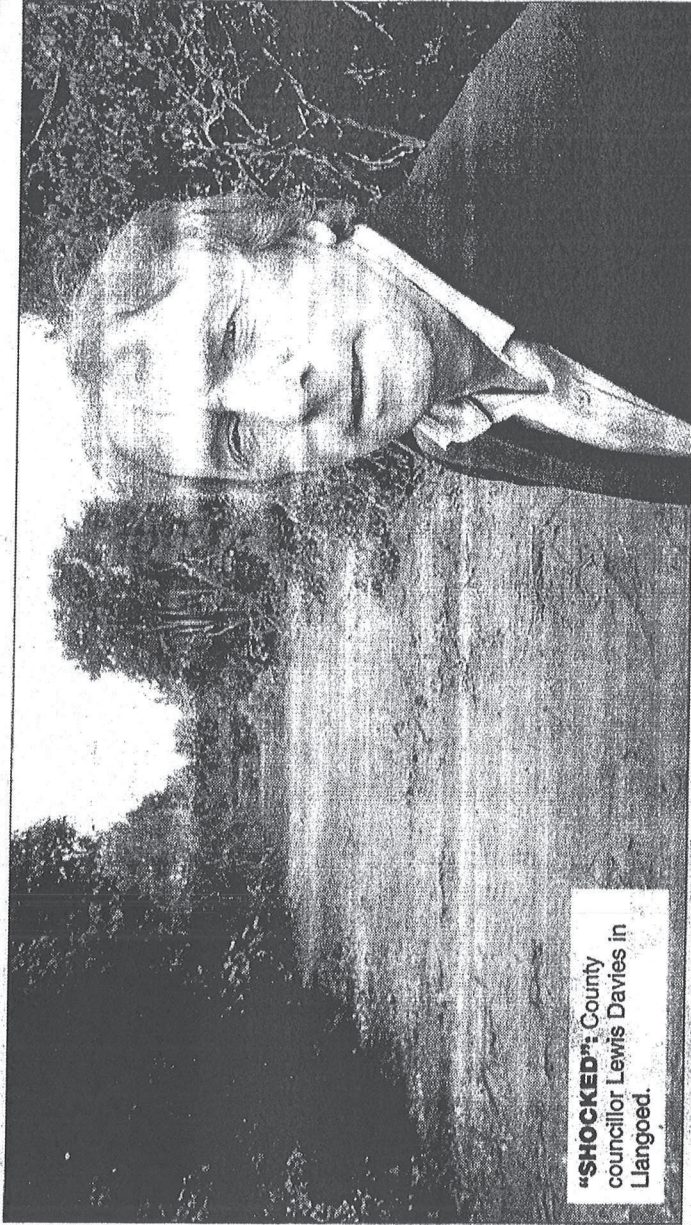
The work had encroached onto common land and disturbed what had been a "very important" habitat for wildlife, said Cllr Davies.

Locals discussed the possibility of taking legal action to prevent any further work going ahead.

Clerk Geraint Parry said he believed the land was owned by the community council, but that it would now clarify its position and investigate possible action.

He said the clearing of the land had been "a shock to everyone in the area".

Pamela Walton, who alerted Cllr Davies when she saw the area being cleared, said: "I was taking my dogs



**"SHOCKED"**: County councillor Lewis Davies in Llangoed.

# Clearing of common land sparks town row

for a walk when, to my great amazement, I could see a great swath of land had been denuded.

"I was absolutely amazed; a few days before, it had been covered in flowers and singing birds.

"It's incredible that one person can do that much damage when so many other people appreciate it so much."

Mr Wood said the work was needed to clear what had been a historic access route.

"Even two years ago, we were able to drive a tractor through there, but the gorse had grown too thick," he said.

"We are farmers and we need access for our vehicles.

"I could hardly walk the coastal path because the gorse had grown so thick.

"The gorse used to be burnt off every year."

Mr Wood said a county council enforcement officer and a member of the

community council had been informed of his intentions before work was carried out.

He said he had been informed that "no wildlife whatsoever" would have lived in the gorse.

He said criticism of the work was "mischief-making of the first order" and that other work had been carried out in the area without attracting complaints.

# Communities angered by comments

**W**E the community of Llangoed take offence at being labelled "mischief-makers of the first order" (*Holyhead & Anglesey Mail*, June 22).

As a community, we are extremely concerned that large (6.5 - 7m wide) roads are being constructed across common land where previously only footpaths existed (this is borne out by careful examination of OS maps from 1889 onwards).

The "historic access route" that Mr Wood refers to is a footpath and not, as he has created, enough room for a two-lane highway.

In addition, contrary to Mr Wood's assertion, Anglesey County Council confirm that no enforcement officer was informed of his intentions to carry out this work.

His actions have destroyed large swathes of common land, which provided habitat for a variety of flora and fauna - for example, toads, hedgehogs, a range of songbirds, orchids, bluebells and much more; even a red squirrel has recently been reported less than 100 metres away.

It is not just gorse that has been destroyed but a variety of shrubs and trees (for which we have pre-demolition photographic evidence).

Furthermore, to suggest that "no wildlife whatsoever would live in the gorse" is not an environmentally informed statement.

It is also not the case that the coastal path

## Community 'appalled'

By PHOENIX BARKER

THE clearing of an "ancient" area of common land has sparked a row between a community and local businessmen.

However, John Wood, whose company carried out the work and about 200 people are served by the new road, says he was consulting a local expert on the right of way which had been used for centuries.

A special meeting of the community group was called to discuss the issue in which Mr Wood said he had been "informed" by a local expert that the road was ancient.

The work had been carried out since 1989 and had been "informed" by a local expert that the road was ancient.

Mr Wood said he was consulting a local expert on the right of way which had been used for centuries.

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**"SHOCKED"** Councilor Lewis Davies is shocked by the clearing of common land.

## Clearing of common land sparks town row

Mr Wood said he was consulting a local expert on the right of way which had been used for centuries.

**CONTROVERSIAL:** How we reported the story surrounding the path in last week's paper

was unmanaged and impassable (unless, of course, one wishes to drive large vehicles along it!).

We call upon the local council, all those in the local community and those further afield who enjoy the peace and solitude of the area whilst on holiday, to help us protect our historic rights to this piece of land before any more destruction can be planned or carried out.

Forty-one people, members of the local community and friends of Marian Common, have put their names to this letter.

**CONCERNED COMMUNITY MEMBERS OF LLANGOED, PEV-  
MON AND GLANRAFON**

No tracks have previously existed over  
this land, except for footpaths.



14th June 1957



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F22 58/RAF/2196 14 JUN 57 - 10-00Z 20-15.650' BST10'



10th April 1971



# Agenda Item 7.10

## **P-04-344 Freshwater East – Public Sewer**

### **Petition wording**

We the undersigned householders of Freshwater East, ask the Welsh Government not to take enforcement action against Dwr Cymru Welsh Water concerning the installation of a public sewer in Freshwater East.

**Petition raised by:** Royston Thomas

**Date petition first considered by Committee:** 29 November 2011

**Number of signatures:** 106

PET(4)-08-12 : Tuesday 15 May 2012  
P-04-344 Freshwater East Public Sewer

**Freshwater East Action Group against Public Sewer Installation**

c/o Mr M Griffiths

19<sup>th</sup> March 2012

The Petitions Committee  
National Assembly for Wales  
Cardiff Bay  
Cardiff  
CF99 1NA

Your ref **P-04-344**

Dear Sir/Madam

**Petition on Freshwater East Public Sewer**

We refer to your recent e-mail to Mr and Mrs Thomas in which you asked for a reply to your letter to them of 6<sup>th</sup> February. They have informed you that your letter of 6<sup>th</sup> February was not received by them. Our group has now discussed the information attached to your e-mail and our reply is as follows.

The only action taken by the Minister, John Griffiths, to date has been to postpone his decision about taking enforcement action against Welsh Water. The postponement was made pending the outcome of further information from the Environment Agency.

Mr James Dowling (from the Water Policy Branch) has informed us that, at a meeting on 15<sup>th</sup> February, the Environment Agency reported to the Water Policy section that a survey carried out by the EA in January did not reveal any significant problems attributable to the private drainage systems in Freshwater East. It was decided at the February meeting to repeat the EA's survey in the summer when more of the properties in the village are likely to be occupied.

Angela Burns AM has recently informed us that she has been told that the second survey will be carried out in May/June this year.

While we welcome this development, we have not been given any information about the survey work and we will want to have an opportunity to review the reports prepared by the Environment Agency in due course.

We would therefore ask that that our petition should remain open until such time as the Minister makes a decision and we have had an opportunity to see the information supplied to him by the Environment Agency.

Yours sincerely

Members of Freshwater East Action Group  
(cc Mrs Angela Burns AM and Mr J Dowling, Water Policy Branch))

# Agenda Item 7.11

## **P-04-374 All dogs to be kept on leads at all times in public places**

### **Petition wording:**

Due to the rising amount of irresponsible dog owners allowing their dogs to approach intimidate and endanger members of the public and their children and pets whilst off leads in public places i propose all dogs be legally required to be under leashed control in public places or places that are accesable to the public their leashed animals and children.

**Petition raised by:** Wyndham Mark Jones

**Date petition first considered by Committee:** 13 March 2012

**Number of signatures:** 17

**Supporting information:** You only have to read about people being attacked to feel how the law should change to take into account that people are having their enjoyment spoiled and lives ruined by irresponsible dog owners who don't give a damn about other people ,children and pets, or maybe they thought their pets were safe until their Dalmatian or whatever jumped up on a child pushed them over and caused a skull fracture or brain damage due to impact even if the dog does not bite, help to protect children and people and the dogs that are running free also get hurt, knocked down or attacked by concerned fathers, pet owners, please sign my petition, it's got to be the right thing to do.

John Griffiths AC / AM  
Gweinidog yr Amgylchedd a Datblygu Cynaliadwy  
Minister for Environment and Sustainable Development



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref P-04-374  
Ein cyf/Our ref JG/05665/12

William Powell AM

committeebusiness@Wales.gsi.gov.uk

*Dear William,*

28 March 2012

Thank you for your letter of 12 March, following receipt of a petition submitted by Mr Wyndham Mark Jones, about keeping dogs on leads in public places.

There is currently a body of legislation to control dogs and I am unsure whether specific legislation to require all dogs to be kept on a leash at all times in a public place would be appropriate. The Dogs Act 1871 and Dangerous Dogs Act 1991 requires owners to have proper control of their dogs, with penalties for non-compliance ranging from fines to imprisonment and even compulsory destruction of an animal.

Further, under the Clean Neighbourhoods and Environment Act 2005, Local Authorities have the power to introduce Dog Control Orders, which could specify that dogs must be kept on a lead or banned from designated areas.

The Dogs (Protection of Livestock) Act 1953 and Animals Act 1971 also make it an offence for owners to allow their dogs to worry livestock.

Further information about the legislation described above, as well as advice on best practice for keeping dogs, is available in the Welsh Government's Code of Practice for the Welfare of Dogs. The document can be downloaded from [www.wales.gov.uk/animalwelfare](http://www.wales.gov.uk/animalwelfare).

My officials are currently working on a proposal to introduce compulsory microchipping for all dogs in Wales. Whilst the primary aim of the legislation would be to promote welfare, it could benefit enforcement officers in trying to trace owners of straying dogs.

*Best wishes,*

John Griffiths AC / AM  
Gweinidog yr Amgylchedd a Datblygu Cynaliadwy  
Minister for Environment and Sustainable Development

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1NA

Wedi'i argraffu ar bapur wedi'i ailgylchu (100%)

English Enquiry Line 0845 010 3300  
Llinell Ymholiadau Cymraeg 0845 010 4400  
Correspondence: John.Griffiths@wales.gsi.gov.uk  
Printed on 100% recycled paper

# Agenda Item 7.12

## **P-04-378 Extend of the Gower Area of Outstanding Natural Beauty**

### **Petition wording:**

We call on the National Assembly for Wales to urge the Welsh Government to ensure that the Gower Society's proposal for the Gower Area of Outstanding Natural Beauty to be extended is expedited, given that the request has been with the CCW for consideration since 2005 and the fact that, as of December 2011, the CCW is no longer considering such proposals due to the potential establishment of a new Single Environment Body for Wales.

**Petition raised by:** The Gower Society

**Date petition first considered by Committee:** 13 March 2012

**Number of signatures:** 1 (from an organisation)

**Supporting information:** On 1 March 2005, The Gower Society (one of the oldest and largest local amenity groups in Wales) wrote to the Countryside Council for Wales requesting it to consider extending the Gower Area of Outstanding Natural Beauty to areas in the north east of the Gower peninsula, parts of the Loughor Estuary and Loughor Conservation Area, and much of the upland area of Mawr.

The response of the Chief Executive of CCW (29.03.05) was that CCW was working with Denbighshire County Council "to work up a process that will inform any decisions on whether a tract of land should be put forward as a proposal for AONB designation. It is intended that the resultant process will be entirely transferable to any other areas in Wales." He went on to say: "It is likely that this pilot will be completed by March 2006".

A series of correspondence has followed this initial exchange and several meetings have taken place at National Assembly offices between representatives of The Gower Society and CCW, arranged by – and usually in the presence of – Edwina Hart, Assembly Member for Gower.

Two meetings were held with Ms Jane Davidson when she was Minister with responsibility for the environment, and on 18.07.11, representatives of The Gower Society met Mr John Griffiths, Minister for (inter alia) the Environment.

At each of these three meetings the proposed AONB extension was discussed.

The City and County of Swansea's policy is to support such an extension and Mawr Community Council (the area most largely affected by the proposal) has expressed its full support.

After the Clwyddian Range and Dee Valley designation Order was confirmed by the Minister on 22.11.11, we wrote to CCW again, urging them now to move forward with our 2005 proposal for the Gower AONB. The Chief Executive's reply noted the Welsh Government's approval of the case for establishing a Single Environment Body for Wales. "Given these momentous changes", he continued "we will be focussing our efforts in the next 18 months in working... to ensure a smooth transition from CCW to the SEB". Therefore "We are not in a position to consider any further proposal for boundary changes or new designations".

By then, it will have been over eight years since our proposal was first put to CCW. In our view, this length of delay is unreasonable, and we call upon the National Assembly for Wales to expedite this process.



# Cyngor Cefn Gwlad Cymru Countryside Council for Wales

**CADEIRYDD/CHAIRMAN: MORGAN PARRY • PRIF WEITHREDWR/CHIEF EXECUTIVE: ROGER THOMAS**

Anfonwch eich ateb at/Please reply to: Roger Thomas, Prif Weithredwr/Chief Executive  
Cyfeiriad Isod/Address Below  
Llinell Union/Direct Line: 01248 387146; Ffacs/Fax: 01248 385506  
Eboست/Email: n.sanpher@ccw.gov.uk

Abigail Phillips  
Clerk to the Petitions Committee  
National Assembly for Wales  
Cardiff Bay, CARDIFF CF99 1NA

5 April 2012

Dear Ms Phillips

## **PETITIONS COMMITTEE - GOWER SOCIETY PETITION RE: GOWER AONB**

I am writing to inform the Committee of the position with respect to the proposed extension of the Gower AONB, which was the subject of consideration at your meeting on the 28 March 2012.

The attached note explains the history of this proposed designation and the underlying process for landscape designations that CCW has developed. It should be noted that landscape designation is a lengthy process and that the completion of the recently-confirmed extension to the Clwydian Range & Dee Valley AONB was our priority.

I have additionally attached for your information an exchange of correspondence I had with the Chair of the Gower Society following the confirmation of the Clwydian Range & Dee Valley AONB extension late last year.

Reference was also made in your recent meeting to evidence given to the Environment & Sustainability Committee about slow responses by CCW to energy development proposals. Prior to these allegations being made, CCW had not received any complaints regarding such matters and, following discussions with the company concerned, I have submitted a supplementary note to the inquiry detailing the very high level of engagement my local staff had with them during the consideration of their proposals and a copy of the letter of thanks that was received by them for their efforts. I am sure that your members who are also members of the E&S Committee will be able to update you on this matter.

Please let me know if there is any further way that I can help with the Committee's work.

Yours sincerely

**Roger Thomas**  
Chief Executive



**Gofalu am natur Cymru - ar y tir ac yn y môr • Caring for our natural heritage - on land and in the sea**

## **Proposal to extend the Gower AONB**

### **Context**

The Countryside Council for Wales (CCW) is the Welsh Government's statutory advisor on landscape issues in Wales. CCW is the only organisation that has statutory powers under s82 Countryside and Rights of Way Act to designate new areas Areas of Outstanding Natural Beauty (AONBs) or National Parks in Wales under s7 National Parks & Access to the Countryside Act 1949.

CCW receives a number of requests on a regular basis from a variety of organisations and individuals requesting CCW to consider designating new areas as AONBs or National Parks, or to vary existing protected landscapes boundaries.

### **Proposed extension to the Clwydian Range AONB**

With the last landscape designation taking place in 1985 by our predecessor organisation, CCW had no direct experience of applying consideration of the statutory designation process within a modern context of societal engagement and public sector resourcing constraints.

The proposal to extend the Clwydian Range AONB was rooted in the Hobhouse proposals in 1947, which provides the basis for all our landscape designations, and had been examined but never concluded by the Countryside Commission for Wales in 1977 and again in the 1980s. This proposal was once again revisited following a commitment in CCW's Landscape Policy Document (1996), the formal policy statement of intent in Denbighshire CC Unitary Development Plan and completion of CCW's LANDMAP, a national database of landscape information. These developments formed the basis of the recent proposal to extend the Clwydian Range AONB and were further supported by a longstanding professional and public view that the area was likely to be of national importance in landscape terms. These formal commitments led to CCW beginning a programme of work evaluate the evidence base.

### **Testing a methodology**

In undertaking an evaluation of the proposal, CCW was also committed to testing a methodology for considering the appropriateness of designation as a tool for maintaining landscape quality and helping to achieve rural sustainability.

Essentially this methodology includes:

- Establishing whether the area is of national importance in landscape terms.
- Identifying the special qualities of the landscape that make it rare or representative.
- Evaluating the existing evidence base to test the national importance in terms of the natural beauty criteria.

- Examining public support and professional recognition that the area is of outstanding landscape quality.
- Identifying the forces for change and likely trends impacting on the area.
- Testing the appropriateness of designation as a mechanism for managing the forces for change. Which includes a thorough consideration of alternative mechanisms to designation.
- CCW would then need to give careful consideration to the desirability of designating the area and would seek to understand the likely support or opposition by the relevant local authorities.
- If CCW's Council conclude that all of these favour a move towards designation, then a public consultation / information programme would be undertaken to provide an opportunity for a public examination of issues relating to the proposal.
- Following the Public Consultation / Information Programme, if CCW Council would need to consider whether it is appropriate to move into the Statutory Consultation with the relevant local authorities.
- If there are objections at this stage from the relevant local authorities then this would be likely to trigger examination at a Public Inquiry.
- If there is support from the relevant local authorities and CCW still believes that it is desirable for the provisions of the CROW Act for the conservation and enhancement of natural beauty should apply to the area, then CCW's Council has the powers to agree to make a Designation Order.
- By law CCW can only consider an area as desirable for designation due to its outstanding natural beauty and not for any other purpose or reason.
- Any Designation Order made is then subject to scrutiny and consideration by Welsh Government, who have the power to reject, vary or confirm the Order.
- The provisions of the Act will only apply to an area if it is formally confirmed by Welsh Government Ministers.

In summary this is a lengthy, statutory process that requires a comprehensive and solid evidence base for the proposal which is subject to public and government scrutiny. Experience from England suggests that this is not overly protracted timescale. Although a little different, the designation of the South Downs National Park took more than ten years complete.

The Clwydian Range and Dee Valley AONB proposals enabled CCW to test the methodology. CCW is currently undertaking work to conclude an outstanding issue associated with the Clwydian Range & Dee Valley process.

### **Proposed extension to Gower AONB**

The Gower AONB was the first Area of Outstanding Natural Beauty to be designated in England and Wales in 1956. A further four AONBs were designated in Wales up to 1985.

CCW receives a number of requests for new areas to be designated or proposals for boundary variations. It is the same legal process for varying a boundary as it is for designating a new area. CCW was made aware of the Gower Societies aspirations

through a letter to Roger Thomas, CEO of CCW from Malcolm Ridge, Chairman of the Gower Society, in 2005.

Over the years there has been further correspondence from the Gower Society outlining their desire for CCW to examine their proposal to extend the existing AONB beyond the Swansea, Clydach and Gorseinon conurbations into a detached area of Mynydd Y Gwair. This area is identified in Welsh Governments TAN8 Strategic Search area and there have been proposals for a windfarm which has recently (15<sup>th</sup> March 2012) been the subject of a Court of Appeal ruling due to likely impacts on peat but the proposals could potentially be resubmitted if those impacts were addressed.

Throughout this period CCW has explained that our efforts and resources have been focussed on developing and testing a methodology through the Clwydian Range & Dee Valley AONB process and therefore we would not be in a position to consider The Gower Societies proposals until that process had finished. The first part of the process has only recently concluded with John Griffiths, Minister for Environment and Sustainability confirming the Designation Order on 22<sup>nd</sup> November 2011.

In this time of public sector constraints it should be noted that CCW does not have the capacity, resources or expertise to consider multiple proposals contemporaneously.

The Gower Society submitted a petition to the Welsh Government Petitions Committee which was considered on 13<sup>th</sup> March 2012. It is disappointing that the Petitions Committee have been given incorrect information that CCW has been considering these proposals to extend the Gower AONB since 2005. During this period as outlined, CCW has been working with our partners and invested great efforts in developing and testing a robust and thorough process with the successful conclusion of the Clwydian Range & Dee Valley being confirmed as an AONB. The Gower Society have been regularly updated on progress with this work on the Clwydian Range and Dee Valley through correspondence, meetings with CCW's Chief Executive and normal local liaison arrangements.

### **Fundamental changes to the Environment Sector in Wales**

There needs to be some recognition of the fundamental changes being proposed for the environmental sector in Wales. Welsh Government's Natural Resource Wales paper contains proposals to merge some of the functions of CCW, Forestry Commission Wales and Environment Agency Wales into a new Single Body on 1<sup>st</sup> April 2013. **It would not be feasible to establish the evidence base to consider the Gower Societies' proposal and complete the legal process outlined, before CCW loose our powers to designate and cease to exist.**

With the Welsh Government proposed Environment Bill in 2014/15 there is also expected that there to be a fundamental review of all designations in Wales, including landscape designations, to assess how they will assist in the delivery of Governments' aspirations for an ecosystem approach to sustainable development. This provides both challenges but also opportunities as other mechanisms may emerge for an

integrated planning and management landscape approach for the delivery of multiple outcomes.

### **Conclusion**

CCW welcomes the interest that the Gower Society and others have in conserving the landscape of Wales, however for the reasons set out in this paper, CCW is not in a position to consider this or any other proposal at the present time.

Given the high level of interest by the public in landscape, it is likely that these issues will need to be given careful consideration by the new Single Body. It is probable that the Board of the Single Body will need to examine the national picture of landscape designation in Wales, within the context of Welsh Government policy and the proposed Environment Bill for Wales, and whether there should be any formal consideration of the proposals put forward by The Gower Society, Cambrian Mountains Society and numerous other groups and individuals. This is based on the assumption that the Single Body will be Welsh Governments statutory landscape adviser and will retain its landscape designation powers.

C.Rothwell

Team Leader – Landscape Advice, Countryside Council for Wales

30<sup>th</sup> March 2012

### **Annex 1**

Link to Gower Society petition:

<http://www.senedd.assemblywales.org/documents/s6066/Coversheet.pdf>

Link to Petitions Committee discussion;

<http://www.senedd.tv/schedule.jsf>



# Cyngor Cefn Gwlad Cymru Countryside Council for Wales

**CADEIRYDD/CHAIRMAN: MORGAN PARRY • PRIF WEITHREDWR/CHIEF EXECUTIVE: ROGER THOMAS**

Anfonwch eich ateb at/Please reply to: Roger Thomas, Prif Weithredwr/Chief Executive  
Cyfeiriad Isod/Address Below  
Llinell Union/Direct Line: 01248 387146; Ffacs/Fax: 01248 385506  
Ebostr/Email: n.sanpher@ccw.gov.uk

*by e-mail:-* ridgegower@btinternet.com

Mr M Ridge  
Chairman, The Gower Society  
The Orchard  
Perriswood  
Penmaen  
Swansea  
SA3 2HN

5 December 2011

Dear Mr Ridge

## **EXTENSION OF GOWER AONB**

Thank you for your letter of 22 November 2011. We are delighted that, on 22 November, Minister John Griffiths announced the confirmation of the Clwydian Range and Dee Valley AONB Designation Order.

As you are aware from our previous correspondence, the Countryside Council for Wales (CCW) had undertaken more than seven years' work establishing and assessing the evidence base before my Council agreed to proceed to the Public and Statutory Consultation phases of the process. It was only following this detailed evaluation and scrutiny that CCW decided to submit the formal Designation Order in March for the Welsh Government's consideration.

Since the Order was confirmed, you may be aware that the Welsh Government (WG) has also announced a further significant decision affecting the environmental framework in Wales. On 29 November, WG Cabinet approved the business case for establishing a Single Environment Body comprised of CCW, Environment Agency Wales, Forestry Commission Wales and possibly some functions presently undertaken within government.

This Single Environment Body (SEB) is being established in order to deliver the Welsh Government's vision for the natural environment, 'A Living Wales'. This is an integrated ecosystem approach to managing a sustainable, diverse and productive environment.

Given these momentous changes, we will be focussing our efforts for protected landscapes over the next 18 months in working with our National Parks and AONB partners to ensure a



**Gofalu am natur Cymru - ar y tir ac yn y môr • Caring for our natural heritage - on land and in the sea**

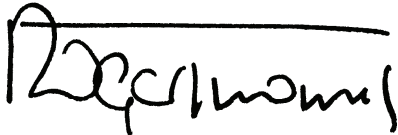
Prif Swyddfa/Headquarters  
MAES-Y-FFYNNON, PENRHOSGARNEDD, BANGOR LL57 2DW; FFÔN/TEL: 01248 385500; FFACS/FAX: 01248 355782

<http://www.ccw.gov.uk>

smooth transition from CCW to the SEB. Inevitably there will also be a focus on establishing the new Clwydian Range and Dee Valley AONB. Therefore, given the disappearance of CCW and the legal nature of designation work, we are not currently in a position to consider any further proposals for boundary changes or new designations.

I understand that this will be a disappointing response for you and the Gower Society, but hope that you will appreciate the context within which we are now working.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Roger Thomas', written over a horizontal line.

**Roger Thomas**  
**Chief Executive**

cc: Mr John Griffiths AM (ps.minister.for.esd@wales.gsi.gov.uk)  
Mrs Edwina Hart AM (Rosemary.Jones@Wales.gov.uk)  
Mr Martin Caton MP (martin.caton.mp@parliament.uk)  
Cllr John Hague (john.hague@swansea.gov.uk)  
Cllr Ioan Richard (ioan.richard@swansea.gov.uk)  
Mr Mike Scott, Gower Assistant AONB Officer (Mike.Scott2@swansea.gov.uk)

John Griffiths AC / AM  
Gweinidog yr Amgylchedd a Datblygu Cynaliadwy  
Minister for Environment and Sustainable Development



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref P-04-378  
Ein cyf/Our ref JG/05819/12

William Powell AM

committeebusiness@Wales.gsi.gov.uk

*Dear William,*

18 April 2012

Thank you for your letter of 26 March asking for my views on the petition put forward by the Gower Society with regard to the possible future extension of the Gower Area of Outstanding Natural Beauty (AONB).

The decision as to whether to designate an area as being of outstanding natural beauty is entirely down to the Countryside Council for Wales. The Welsh Government has no power to make, or to request decisions on designations other than to confirm, vary or reject orders made by the Countryside Council.

There is no mechanism for making applications to the Countryside Council for changes to landscape designations in Wales. Officers of the Countryside Council have met interested parties over a number of years in relation to proposals for extending the Gower designation, but no commitment has been given by them to initiate the work required to formally consider extending the area of the current AONB.

As you noted in your letter, the Countryside Council for Wales is unlikely to make another order for consideration by Welsh Ministers until the implementation of the Natural Environment Framework and the creation of the new single body has been completed. It would not be prudent to start work on what would be a resource intensive project at this time.

I hope this helps to clarify the Welsh Government's position on the matter.

*Best wishes,*

**John Griffiths AC / AM**  
Gweinidog yr Amgylchedd a Datblygu Cynaliadwy  
Minister for Environment and Sustainable Development

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1NA

English Enquiry Line 0845 010 3300  
Llinell Ymholiadau Cymraeg 0845 010 4400  
Correspondence: John.Griffiths@wales.gsi.gov.uk

Wedi'i argraffu ar bapur wedi'i ailgylchu (100%)

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# Agenda Item 7.13

## **P-04-383 Against NVZ Designation for Llangorse Lake**

### **Petition wording:**

'We call on the Welsh Assembly Government to overturn the proposed Nitrate Vulnerable Zone designation on the basin of Llangorse Lake, which is likely to affect approximately 25 farm businesses.

**Petition raised by:** Kaye Davies

**Date petition first considered by Committee:** 27 March 2012

**Number of signatures:** 43



HOUSE OF COMMONS

LONDON SW1A 0AA

John Griffiths AM  
Minister for Environment and Sustainable Development  
Welsh Government  
5th Floor  
Tŷ Hywel  
Cardiff Bay  
CF99 1NA

15<sup>th</sup> March 2012

Ref: RW/OT/NVZ/15032012

Dear *John,*

I believe the farming community within the Llangorse Lake catchment area has been let down by the lack of consultation for the proposed implementation of a Nitrate Vulnerable Zone (NVZ).

Those I have spoken to have expressed their disappointment at having to find out about the proposals via a third party and at a far later date (1<sup>st</sup> February) some two months after the consultation period had begun.

I am also aware that this appears to be a far wider issue than agricultural inputs altering the nitrate levels within the area, for example the two sewage works in Llangorse and Bwlch, or the 70 plus properties with their own septic tanks. Imposing sensitive farming practices will penalise the farming community the most, and I ask on their behalf for you to consider these impacts more thoroughly in order to achieve a fair conclusion for all parties in this case.

Please find attached the letter of concern from my constituents.

Best wishes

A handwritten signature in cursive script, appearing to read 'Roger Williams'.

Roger Williams MP

Member of Parliament for Brecon and Radnorshire



# Pen-y-Bryn Farms

Gilfach Farm, Llangorse, Brecon, Powys, LD3 7UH  
Tel: 01874 658584 or 658272 | Fax: 01874 658280  
Email: enquiry@activityuk.com | Web: www.activityuk.com

Water Policy Branch,  
Welsh Government,  
Cathays Park,  
Cardiff,  
CF10 3NQ  
15<sup>TH</sup> March 2012

Dear Sir/Madam,

## NVZ designation within the Llangorse Lake catchment area

We the undersigned are a group of farmers farming within the designated area of the proposed NVZ.

As a group and individually we are appalled to discover that we have had no prior notification of the proposals of an NVZ designation and facility to make representations. Had we not been informed from an outside source we would not have been in a position to make representations on our thoughts and worries within the short timescale.

We have met on many occasions in the short time allowed for consultations and have submitted the attached points of concern which need to be addressed prior to future discussions with our group as to how best implement future management controls.

Please find enclosed attachments:

1. Points of Concern
2. NFU Letter
3. FUW Letter
4. Local County Councillor

Correspondence to be directly sent:

1. CLA Letter
2. MP and AM Letter
3. Community Council Letter

CC:

CCW and Environment Agency

Yours Sincerely,

The Undersigned



Awards:  
Business Excellence Awards 2006  
Worldwide Small Business Awards 2005  
Welsh Tourism Awards 2005

THE BRITISH  
HORSE SOCIETY



APPROVED RIDING  
ESTABLISHMENT



Points of concern to be addressed before further consultation with farmers on the implication of a NVZ on land in the catchment area of Llangorse Lake

1. Landowners were not given prior warning for the consultation document and not supplied with a copy, when they are the most important people affected. This contravenes our legal rights under the Human Justices Act.
2. The relevant authority must first look to what originally caused the problem in the lake and make them responsible for the damage done. Also address the current position where the Bwlch sewage works is constantly overflowing due to problems pumping over the cutting. Compounding this issue there is over 70 properties with their own septic tanks and soak aways emptying into a clay basin. After this has been achieved then come back to the farmers and with their cooperation look at how the quality of the lake can be further improved. In the 30-year time span there was no control of the nutrients entering the lake from the two sewage works at Llangorse and Bwlch. This allowed further damage when the motor boats churned up this powerful cocktail and aided by the prevailing wind washed it into and onto the north east shore and over a period of time destroyed the then present reed beds. This has not been rectified and has resulted in damaging the ecological status of the lake.
3. CCW arranged for sections of the eastern side of the lake to be fenced off to allow them to re-establish the reed beds that were extensive prior to the construction of the sewage plant in the early 1950's. They have not made any effort to undertake this work having put the farmers to great expense.
4. There is little reference to the extensive damage done up to the time the sewage was diverted to Talgarth. This damage had long lasting implications with over 30 years of effluent entering the lake from Llangorse and Bwlch, much of the time untreated.
5. Numbers of stock are grossly inaccurate. The number of cattle in 1993/7 was just under 600 and sheep just under 4,000. This has changed to date with cattle remaining the same and sheep reducing to fewer than 3,000. This reflects badly in the figures and graphs submitted in the consultation document.
6. Change by farmers, has been made due to costs and efficiency and no reference or allowances has been made to accommodate these e.g. N levels reduced, due to high pricing, along with nutrient management plans in place for most farms around the lake. The reports are out dated and do not reflect the present as most of the farmers in the catchment area have spent large amounts of money building and installing modern systems to greatly reduce the environmental impact on their own land and eventual run off into the lake.
7. The report is not damning. Since this report has been conducted several improvements have been made on numerous farms that have not been taken into account.

8. To impose restriction on farmers on the use of certain buildings built prior to 1991 is unacceptable unless the rebuild is completely financed by government or the authority imposing these restrictions. Much of the land in the catchment area is about to complete ten years in Tir Gofal and are signed up for Glastir as from 2012 with more entering the scheme 2013/14. To comply with their current entry agreement they would be compelled to replace their slurry systems etc. This would not be cost effective and the only answer would be to withdraw from the Glastir scheme prior to any payments been made.
9. Farmers are the best custodians of the countryside and are more aware of the preservation of the countryside than the bodies of bureaucrats who impose their personal interpretation on out of date research. Unfortunately the Llangorse Lake Advisory Group is not of like mind and do not have an overall policy as to present and future management of the lake.
10. Before imposing more restrictions on the already vulnerable agricultural community in this area the authorities need to get their own house in order and do an in depth study of the amount of effluent created from private sewage disposal from private properties on the south east section of the catchment area. This from CCW studies is being shown to have the highest level of nutrients entering the lake. Most of the other catchment area is already disposed of into the existing mains sewage system. This area of land is not intensively farmed due to the land soil structure, white clay-underlying layer. However this is an area that has the largest number of dwellings with septic tanks emptying into this impenetrable clay base, so all effluent freely entering the lake via the river completely untreated.
11. Compulsory intervention never works; negotiation and mutual need to improve will win hearts and ultimately improve the lake for our future generation to enjoy. It is only there as it was prior to the advent of the sewage problem due to the way our forefathers farmed and moulded the countryside around the lake. Bureaucrats think they are an express train but farmers look to the future in a completely different way and continue to mould the countryside in a fashion that will meet future needs and preserve the fabric of the countryside to meet this need.
12. The suggestion that it may be necessary to purchase some of the land adjoining the lake, this may be acceptable if agreement could be reached, however there is a greater issue, the devaluing of the land forming the catchment area a total of approximately 7,000 acres. This could lead to a claim of at least £45,000,000 from the affected landowners along with annual claims for loss of income.
13. It is the belief of all the land owners that over and above the current improvements made that with cooperation and careful management and monitoring further improvements can be achieved without damaging or curtailing the present level of farming undertaken by farmers of this exceptional area. We are not only farmers but are conservationists as well and seriously want to protect and enhance the environment we have the privilege of farming and living in. without detriment to the lake.

**NFU CYMRU**

Tŷ Amaeth – Agriculture House, Royal Welsh  
Showground

Llanelwedd, Builth Wells, Powys, LD2 3TU

Telephone: 01982 554200 Fax: 01982 554201

Website: [www.nfu-cymru.org.uk](http://www.nfu-cymru.org.uk)



Director: **Mary James**

Ein cyf/Our ref:

Eich cyf/Your ref:

E-mail:

Dyddiad/Date: 13 March 2012

To whom it may concern,

Dear Sir/Madam,

**Proposed NVZ Llangors Lake catchment**

NFU Cymru has met with farmers in the proposed NVZ designation in the Llangors Lake area and a number of concerns have been raised, as outlined in their letter of correspondence enclosed.

We have particular concern regarding the proposal to repeal the exemption for slurry, silage and fuel stores on farms that were built or were committed to being built before 1 March 1991 under SSAFO regulations. NFU Cymru has written to the Minister for Environment and Sustainable Development regarding this issue. There are a large number of these structures on Welsh farms which were soundly built that pose no pollution threat. A significant proportion of these structures will have many years of useful life left in them. We would strongly contend that there is no good reason or evidence to suggest that in these circumstances farmers should be forced into the huge cost of having to build new structures by 2015.

NFU Cymru will also raise other issues regarding the burden of bureaucracy and the impact of this designation, in our direct response to the NVZ consultation which is currently open.

The group of farmers in the Llangors area are hugely concerned regarding the proposed designation. NFU Cymru notes that the reason for the notification is eutrophication in the lake. Nitrate levels in the lake are very low and we would question the implication in the proposed designation that nitrates from agriculture are a significant contributor to eutrophication. This is after all a nitrates directive. We would suggest that those farmers in the catchment appeal against its' inclusion on this basis.

NFU Cymru fully understands these concerns which have been raised by these farmers in the area and we support their representations made.

Yours sincerely,

**Stella Owen**  
Farm Policy Advisor NFU Cymru



**FARMERS' UNION OF WALES**  
**UNDEB AMAETHWYR CYMRU**  
**BRECON & RADNOR BRANCH • CANGEN BRYCHEINIOG A MAESYFED**

County Office/Swyddfa Sirol: 8 Ship Street, Brecon, Powys, LD3 9AF.  
Tel/Ffôn: (01874) 622779. Fax/Ffacs: (01874) 610374.  
E-mail/E-bost: brecon-fuw@btinternet.com

Reference/Cyfeirnod:

Date/Dyddiad:

12<sup>th</sup> March 2012

To Whom It May Concern:

The Farmers Union of Wales fully supports the farmers of the Llangorse area in opposing any NVZ Designation for the area. We agree with their points of concern and have raised similar concerns regarding the inclusion of Llangorse as a potential NVZ and numerous other concerns in our own consultation response.

Yours sincerely,

Aled Jones

Melanie Davies  
County Councillor  
Llangorse Ward

Castle House  
Llangorse  
Brecon  
LD3 7UD

14<sup>th</sup> March 2012

**Response to the consultation on the review of Nitrate Vulnerable Zones in Wales with reference to Llangorse Lake**

I have been part of a family business that operates on Llangorse Lake all my life, I am a member of the Llangorse Lake Advisory Group and am the County Councillor for the Llangorse Ward.

Please note my following comments as part of your consultation regarding the Nitrate Vulnerable Zone designation proposals, as outlined in 'Nutrient Modelling and Nutrient budget for Llangors Lake Report 831 April 2008'.

I am very concerned about the whole process and how it bypasses the local farming community directly affected in the proposed Zone. I do not understand the rationale of not fully engaging at the report and consultation stages, the result is that it leaves affected landowners disengaged and only able to give any challenge after the area has been designated through an appeals process. I am amazed that this is seen as good practice, where is the open and transparent democratic accountability, even within Local Planning Authorities those directly affected are consulted before, as part of a rounded report.

The farming community should have been integral to the report, I am informed that the stock numbers are inaccurate; how then, can the assumptions based on their numbers be given any weight? And why was this information not qualified by asking those who knew eg, the farmers?

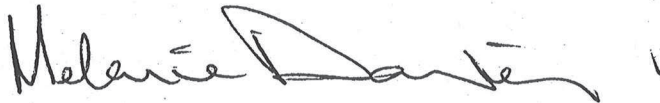
I understand that nutrient management plans are in place already and are common practice and that if the Zone is imposed it will just increase the bureaucracy that local businesses are expected to comply with, resulting in little or no results on the ground, except to devalue the effected land and burden owners with more red tape. I also have a real concern that this will have huge cost implications on individuals with regards to infrastructure and that no audit has been carried out to assess the current suitability of existing buildings, silage, slurry and oil fuel provision. It could undermine some farming practices to the point were some individuals could be driven out of the industry altogether.

I do not understand why the reports recommendations target the Nitrates which are recorded as entering the lake from the North area and does not tackle the issue of the greater in-flow and Nitrate load (50-56%) entering the Lake from the Llynfi inlet (site No 6 in report). Is the Bwlch Sewage Pump Station spilling effluent into the lakes flood zone so it feeds in as sub-surface water?

What is being done to ensure that all the septic tanks in the north eastern area and out towards Bwlch are not polluting the Lake, what about soak-aways in old properties?

The Lake water quality has improved greatly over the last two decades and its status and how this status is arrived at is regularly debated at LLAG. Unfortunately part of the report, the recommendations are drawn from, was drawn up in a very dry spell and samples could only be taken from two inputs into the lake which means the wrong conclusions could be drawn. It is on this basis and those already mentioned above that I would suggest a management agreement should be drawn up between the interested parties and monitoring should be continued to ensure a fair, transparent and equitable way forward any other system at the present point in time is pre-emptive and unsound and while it may have no detrimental effect on the Lake it would have a disproportionate one on the local inhabitants.

I strongly support the conservation of the Lake and the surrounding area, I also believe that voluntary agreements and working groups foster better mutual understanding, respect and working practices than heavy handed legislation. The best placed people to support this work are the farmers themselves who have long term invested interests in the environment by the very fact that they live and work in the area from generation to generation.

A handwritten signature in black ink, appearing to read 'Melanie Davies', with a stylized flourish at the end.

**Melanie Davies**  
**County Councillor**

John Griffiths AC /AM  
Gweinidog yr Amgylchedd a Datblygu Cynaliadwy  
Minister for Environment and Sustainable Development



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref P-04-383  
Ein cyf/Our ref JG/05808/12

William Powell AM  
Chair Petition's committee

committeebusiness@Wales.gsi.gov.uk

18 April 2012

*Dear William,*

Thank you for your letter of 26 March regarding a petition against the proposed designation of Llangorse Lake as a Nitrate Vulnerable Zones (NVZ).

The EC Nitrates Directive (91/676/EEC) is intended to reduce water pollution caused by nitrates from agricultural sources and to prevent any further pollution. The Directive is transposed in Wales by the Nitrate Pollution Prevention (Wales) Regulations 2008. Since the introduction of the Directive in 1991, Member States are required to assess and designate areas as Nitrate Vulnerable Zones (NVZs) and produce an Action Programme of measures to reduce levels of nitrogen entering watercourses.

Member States are required to review their implementation of the Directive every four years. The outcome of the review is used to make appropriate amendments to the NVZs and/or the measures in the Nitrates Action Programme. The last review undertaken by the Welsh Government in 2007 resulted in 2.3% of the land area of Wales being designated as NVZs and introduced a strengthened range of measures in the Nitrates Action Programme.

The recent consultation on the Review of Nitrate Vulnerable Zones in Wales which closed on the 16 March invited opinions from individuals and organisations on proposals to:

- revise the coverage of Nitrate Vulnerable Zones
- modify the Nitrates Action Programme measures implemented within the Nitrate Vulnerable Zones.

The consultation was published on the Welsh Government website and was sent to a wide range of stakeholders.

Over the last 12 months, my officials have been working with a NVZ Methodology Working Group to ensure that the method for identifying NVZ's makes use of the best techniques and data available, in order to gather evidence and in particular, learn lessons from previous designation exercises.

Acting upon feedback received during the last review of NVZs, we have ensured the inclusion of farming representatives and independent academics in the Methodology Working Group.

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1NA

English Enquiry Line 0845 010 3300  
Llinell Ymholiadau Cymraeg 0845 010 4400  
Correspondence: John.Griffiths@wales.gsi.gov.uk  
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The Group includes representation from the National Farming Union (NFU), the Country Landowners Association (CLA) and the National Farming Union Cymru (NFU Cymru). Group members guided, informed and challenged the development of the NVZ designation methodology, which has provided a high level of transparency to a very technical process.

Llangorse Lake was included as a draft NVZ designation within the consultation as it met set criteria in the NVZ assessment process. This is the same for all new draft NVZ designations which have been proposed based on the latest evidence and data from the Environment Agency about waters in Wales that are classed as nitrate polluted waters under the Directive.

The NVZ assessment methodology used for the 2012 review of surface water quality in England and Wales adopted a weight of evidence approach. It combined observed data from monitoring with data on agricultural land use calculated using a national-scale nitrate leaching model.

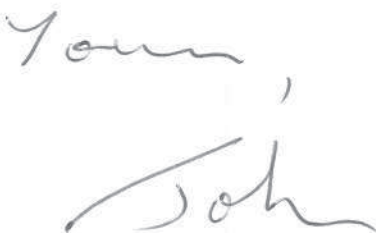
Diffuse nitrate loads from agriculture were derived from the results of the NEAP-N model (Environment Agency, 2008; Anthony *et al.* 1996; Lord and Anthony, 2000; Silgram *et al.* 2001).

The model contains data related to average annual soil drainage, nitrate flux and concentrations from diffuse sources at a 1 km<sup>2</sup> resolution. It used average climate conditions (1971-2000) and data on agricultural land use based on the 2010 Defra Agricultural Census. The model excluded any point source or urban contributions.

Since the consultation closed, my officials are now in the process of summarising and analysing all the responses received. Following analysis of the responses on the issue of the approach to designation of NVZs, I have made a decision that we should continue our policy of designating discrete NVZs. The interim summary of responses on this issue will be published on the Welsh Government website shortly. The next steps are to prepare the detailed maps showing the areas to be designated as NVZs along with information and supporting data that explain the rationale for designation of each area. This information will be available on the Environment Agency website by mid May and will write to all affected landowners.

You may wish to be aware that there is a mechanism in place for landowners who are not content with proposed NVZ designated areas to appeal. Full details on the appeal framework will be provided to all affected landowners. Following this, it is intended that the final changes to the proposed NVZ designated areas will be made under the Nitrate Pollution Prevention (Wales) Regulations which are proposed for implementation in 2013.

We intend to publish a full Government response to the consultation shortly and a copy of the consultation document is attached for your information.



**John Griffiths AC / AM**

Gweinidog yr Amgylchedd a Datblygu Cynaliadwy  
Minister for Environment and Sustainable Development

**WG14458**



Llywodraeth Cymru  
Welsh Government

[www.cymru.gov.uk](http://www.cymru.gov.uk)

Welsh Government

## Consultation Document

# Review of Nitrate Vulnerable Zones in Wales

Date of issue: **23 December 2011**

Action required: Responses by **16 March 2011**



## Overview

The Nitrates Directive (91/676/EC) aims to reduce water pollution by nitrates from agricultural sources and to prevent such pollution occurring in the future.

The Directive requires the Welsh Government to identify surface or groundwaters that are, or could be high in nitrate from agricultural sources.

Nitrogen is one of the nutrients that can effect plant growth. Surface waters also have to be identified if too much nitrogen has caused a change in plant growth which affects existing plants and animals and the use of the water.

Once a water has been identified, all land draining to that water is designated as a Nitrate Vulnerable Zone. Within these zones, farmers must observe an action programme of measures which include restricting the timing and application of fertilisers and manure, and keeping accurate records.

We have undertaken a review of all Nitrate Vulnerable Zones and are seeking the public's views before making a final decision.

## How to respond

To respond to the consultation, please send your comments, either electronically or in hard copy to the address below.

## Further information and related documents

**Large print, Braille and alternative language versions of this document are available on request.**

The Nitrates Directive (91/676/EC) can be accessed here: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31991L0676:EN:HTML>

Should you wish to ask any questions about the Directive or how Nitrate Vulnerable Zones are designated, you can email the dedicated inbox at: [water@wales.gsi.gov.uk](mailto:water@wales.gsi.gov.uk)

## Contact details

For further information:

[water@wales.gsi.gov.uk](mailto:water@wales.gsi.gov.uk)

Water Policy

Welsh Government

Cathays Park

Cardiff

CF10 3NQ

## Data protection

How the views and information you give us will be used.

Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about. It may also be seen by other Welsh Government staff to help them plan future consultations.

The Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. This helps to show that the consultation was carried out properly. If you do not want your name or address published, please tell us this in writing when you send your response. We will then blank them out.

Names or addresses we blank out might still get published later, though we do not think this would happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including the Welsh Government. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances. If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account. However, there might sometimes be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published. We would get in touch with the person and ask their views before we finally decided to reveal the information.

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## 1. Introduction

The EC Nitrates Directive (91/676/EEC) is intended to reduce water pollution caused by nitrates from agricultural sources and to prevent any further pollution. The Directive is transposed in Wales by the Nitrate Pollution Prevention (Wales) Regulations 2008. Since the introduction of the Directive in 1991, Member States are required to assess and designate areas as Nitrate Vulnerable Zones (NVZs) and produce an Action Programme of measures to reduce levels of Nitrogen entering watercourses.

Member States are required to review their implementation of the Directive every four years. The outcome of the review is used to make appropriate amendments to the NVZs and/or the measures in the Action Programme. The last review undertaken by the Welsh Government in 2007 resulted in the designation of 2.3% of the land area of Wales as Nitrate Vulnerable Zones and introduced a strengthened range of measures in the Nitrates Action Programme that farms located within NVZs must implement to comply with the Directive.

This consultation document is part of the current review and invites opinions from individuals and organisations on proposals to:

- Revise the coverage of Nitrate Vulnerable Zones
- Modify the Action Programme measures implemented within the Nitrate Vulnerable Zones.

The NVZ proposals have potential implications for all farmers **in existing NVZs and in new NVZs**. The general location of these designated areas are indicated at Annex 1.

Implementation of the Nitrates Directive in Wales has evolved with our understanding of the Directive and as the evidence base for nitrate pollution has grown. The proposed new NVZs for designation follow the latest evidence and data from the Environment Agency about waters in Wales that are classed as nitrate polluted waters under the Directive.

The proposed revisions to the existing Action Programme take account of our 'Working Smarter' commitment to reduce bureaucracy in the farming industry, and builds upon informal consultation with a wide range of stakeholders and research into the effectiveness of the existing measures. We have considered recommendations made by the Farming Regulation Task Force in England (as set out in the 'Macdonald Report') on the Nitrates Directive. These include the 'earned recognition' principle of rewarding good practice with less frequent inspections.

Implementation of the proposals in the Action Programme following the designation process will ensure compliance with the Directive and will contribute to an integrated approach to tackling diffuse pollution in water courses. This will in turn contribute to meeting other European water quality Directives in Wales, such as the Water Framework Directive and Groundwater Directive.

This consultation document covers all elements of the proposed changes to NVZs and Action Programme. The maps at Annex 1 show the new **indicative** NVZ areas. These maps are also available on the What's in Your Backyard section (WIYBY) of the Environment Agency website<sup>1</sup>

All Action Programme proposals in this consultation document are underpinned by detailed scientific evidence generated through research commissioned by the Department for Environment, Food and Rural Affairs (Defra) in consultation with the Welsh Government. The research was carried out across England and Wales, therefore the conclusions and evidence base are applicable to both countries.

This consultation also invites opinions on:

- Rationalising the Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (Wales) Regulations 2010 (SSAFO).

The proposals aim to remove the duplication that currently exists between the Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (Wales) Regulations 2010 and the Nitrate Pollution Prevention (Wales) Regulations 2008 and simplify compliance with both sets of Regulations. We propose standardising the calculation of storage capacity to that of the NVZ Action Programme. This will have potential implications for **all farmers** in Wales and further information can be found in section 9d.

Full details of the rationale and methodology for designation as well as the Action Plan is outlined in full in this document.

## **2. Responding to this consultation paper**

The Welsh Government invites views and comments on the proposed revision of NVZ coverage and the individual Action Programme proposals. Comments are welcome from all interested parties and in particular, farmers, farm consultants, trade and industry bodies.

While consultees may wish to comment on the proposed NVZs and on the proposed changes to the Action Programme rules, these are requirements of the Nitrates Directive or have been discussed with the European Commission in some detail. The Welsh Government is obliged to implement the Nitrates Directive fully in its current form, and is not in a position to make changes to the basic requirements.

<sup>1</sup> [http://maps.environment-agency.gov.uk/wiyby/wiybyController?x=357683.0&y=355134.0&scale=1&layerGroups=default&ep=map&textonly=off&lang=\\_e&topic=nvz](http://maps.environment-agency.gov.uk/wiyby/wiybyController?x=357683.0&y=355134.0&scale=1&layerGroups=default&ep=map&textonly=off&lang=_e&topic=nvz)

**Specific questions have been posed throughout this consultation document. Please refer to these questions when submitting your response.**

Comments are requested by 16th March 2012

Please send your comments to:

Water Policy team  
Welsh Government,  
Cathays Park,  
Cardiff  
CF10 3NQ

(02920) 823192

Email: [water@wales.gsi.gov.uk](mailto:water@wales.gsi.gov.uk)

The Welsh Government will make available all responses to this consultation paper or deposit them in its libraries, unless a respondent specifically asks for his or her response to be treated as confidential. Should you wish some or all of your response to be treated as confidential, please indicate this clearly. Confidential responses will, nonetheless, be included in any statistical summary of numbers of comments received or views expressed.

The Welsh Government will inform all respondees of the outcome of this consultation and the final decision on designating NVZs.

### 3. Background

#### Nitrate loss from agriculture

Water is a vital resource and over the past fifty years, more intensive farming methods have led to an increase in overall loadings of Nitrogen to land, and the loss of some of this Nitrogen into the aquatic environment.

A significant proportion of the UK's nitrate input to the aquatic environment originates from diffuse water pollution which can be described as individual small sources of water pollution, that collectively cause a significant impact. One of which includes sources from agricultural activities.

The Member States of the European Union adopted the Nitrates Directive in 1991. The Directive is designed to reduce pollution from nitrates originating from agricultural sources to surface and groundwater systems.

There are two main reasons for ensuring nitrate concentrations in coastal waters, estuaries, rivers, lakes and groundwaters are maintained below prescribed limits:

- High nitrate concentrations can contaminate drinking water sources. As prescribed in the EC Drinking Water Directives (80/778/EC and 98/83/EC), water companies are required to provide drinking water containing nitrate concentrations less than 50 mg/l.
- High nitrate concentrations can contribute to an overall deterioration in water quality and lead to eutrophication, where nutrient enrichment can result in an undesirable disturbance of the aquatic ecosystem. High levels of nutrients such as nitrate can encourage prolific growth of aquatic organisms including toxic algal blooms and can reduce the oxygen status of water (deoxygenation) leading to fish kills. This reduces the biodiversity and conservation value of aquatic systems as well as the navigational and recreational value of water bodies.

In addition to the Nitrates and Drinking Water Directives, the Welsh Government also has an obligation under the Water Framework Directive to improve and enhance the quality of water in Wales. These include:

- surface freshwater (including lakes, streams and rivers)
- groundwaters
- groundwater dependant ecosystems
- estuaries
- coastal waters out to one mile from low-water.

The Directive requires member states to achieve 'good status' on all water bodies by 2015 in the first instance, through the implementation of River Basin Management Plans and targeted improvement plans.

#### **4. Designated Areas**

The 1991 Nitrates Directive established a broad framework for reducing nitrate pollution from agriculture throughout Europe. The Directive requires Member States to establish Action Programmes, which set out specific good agricultural practice measures for farmers to follow in order to reduce nitrate pollution. It also requires Member States to apply the Action Programme either throughout their national territory (whole Wales NVZ designation), or to specific areas where farmers have to implement the measures (with farmers in other areas being subject only to other national baseline standards).

Where Action Programmes are not applied throughout their national territories, Member States have to designate NVZs using specific tests and review these designations every four years. The tests require the designation of land draining into:

- Groundwaters or surface fresh water systems that contain, or could contain (e.g. due to an upward trend) if protective action (i.e. applying Action Programme measures) is not taken, nitrate concentrations above 50 mg/litre; a significant part of which comes from agricultural sources;
- Freshwaters (e.g. lakes, rivers), estuaries, coastal waters and marine waters that are (or may become so in the near future if protective action is not taken) eutrophic when Nitrogen compounds (e.g. nitrate from fertiliser or manure) enrich the waters and cause accelerated growth of higher forms of plant life and algae. This produces an undesirable disturbance to the balance of organisms and to the quality of water.

The Nitrates Directive requires reviews of both the extent of the NVZs and the effectiveness of the Action Programme every four years. The outcomes of the reviews should be used to make appropriate amendments (i.e. revise the NVZs and/or the Action Programme measures).

#### **5. Action Programme requirements**

The Nitrates Directive requires farmers within designated NVZs to follow Action Programme measures with the aim of reducing nitrate pollution. The Action Programme consists of statutory measures of good agricultural practice, including:

- controlling the dates (closed periods) and conditions under which Nitrogen fertiliser and organic materials are spread;
- having sufficient facilities for storage of manures and slurries;
- limiting Nitrogen fertiliser applications to the crop requirement only;
- limiting quantities of organic material applied per hectare per year;
- limiting the total quantity of organic material plus excreta applied at farm level;
- controlling the areas where Nitrogen fertilisers (both organic and inorganic) can be applied;
- controls on application methods; and

- preparing plans and keeping adequate farm records.

The measures outlined in the Nitrates Directive are intended to contribute to sustainable development by limiting and/or reducing agricultural losses of nitrate through good agricultural practice coupled with limits on fertiliser and slurry/manure loadings and timings, whilst promoting sustainable and adaptable farming. Good practice measures to limit losses of other pollutants are also included.

There are specific benefits arising from implementing the measures required by the Nitrates Directive, including:

- Reducing the escape of nitrate and other nutrients into the water environment to reduce further the risk of eutrophication and excessive plant growth.
- Helping to ensure industries dependent on high water quality remain viable, these include recreation and tourism, fisheries and agriculture, horticulture and food processing.
- Helping to protect habitats important for wildlife conservation and to prevent decreases in biodiversity.
- Helping to maintain and improve the quality of drinking water, and reduce the complexity and cost of water treatment.

In addition to the risk of nitrate pollution, loss of applied Nitrogen by leaching and surface runoff represents an economic loss to farmers. Manures and slurries are a valuable resource as they provide available Nitrogen to plants. Adequate allowance for the nutrients supplied in organic materials can therefore reduce the need for applications of more costly bagged mineral fertiliser. As a result, more efficient, targeted applications of Nitrogen coupled with better accounting for the nutrient value in applied organic fertilisers can lead to lower overall fertiliser costs for individual farm businesses.

The existing Action Programme measures have been in place since January 2009, and are set out in detail in the Welsh Government publication “Nitrate Vulnerable Zones in Wales – Guidance for Farmers” (2009 Edition) available from [www.wales.gov.uk](http://www.wales.gov.uk).

The main requirements of the existing Action Programme are that farmers should:

- Not apply organic manure containing high readily available Nitrogen (such as slurries and poultry manures) on land during the following inclusive dates (the closed periods):

*Table 1 – closed periods for manure with high readily available Nitrogen*

<b>Soil type</b>	<b>Grassland</b>	<b>Tillage land</b>
<b>Sandy or shallow soil</b>	1 September to 31 December	1 August to 31 December
<b>All other soils</b>	15 October to 15 January	1 October to 15

		January
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- Not apply manufactured Nitrogen fertiliser on land during the following inclusive dates (the closed periods)

*Table 2 – closed periods for manufactured fertiliser*

<b>Grassland</b>	<b>Tillage land</b>
15 September to 15 January	1 September to 15 January

- Ensure adequate storage capacity is available to allow for the annual closed periods (comes into force January 2012)
- Limit Nitrogen applications (from both manufactured fertiliser and organic materials) to crop requirements, after allowing for Nitrogen supply from the soil and other sources
- Limit the total amount of Nitrogen in livestock manure applied to agricultural land, whether directly by animals whilst grazing or by spreading, to an average of 170kg/ha across the whole holding.
- Spread no more than 250kg/ha total Nitrogen in organic material on any area of the farm (the field limit)
- Not apply manufactured fertiliser or organic materials when the soil is waterlogged, flooded, frozen or snow covered; or if the field is steeply sloping.
- Spread organic materials and fertilisers as accurately as possible and in a way which does not contaminate watercourses (manufactured Nitrogen fertiliser must not be spread within 2 meters of a surface water, and organic manure must not be spread within 10 meters)
- Keep adequate farm records, including the timing and level of manure/slurry and manufactured Nitrogen fertiliser applications.

The Environment Agency Wales (EA(W)) is responsible for enforcement of the Nitrates Directive in Wales, including Action Programmes measures. The Action Programme requirements also fall under the scope of the Single Payment Scheme (SPS) cross-compliance measures. Accordingly, where relevant, inspections assess compliance with NVZ Action Programme measures and penalties can be applied to SPS payments where breaches are found.

## **6. Timeline Overview**

The Nitrates Directive requires us to review both our designation of NVZs, and the Action Programme of measures that applies inside them, every four years. We are required to do this, and have any new designations and measures in place by 1 January 2013. The outcome of this process, particularly the shape of the Action Programme, will depend not only on your responses to this consultation but also on negotiations with the European Commission.

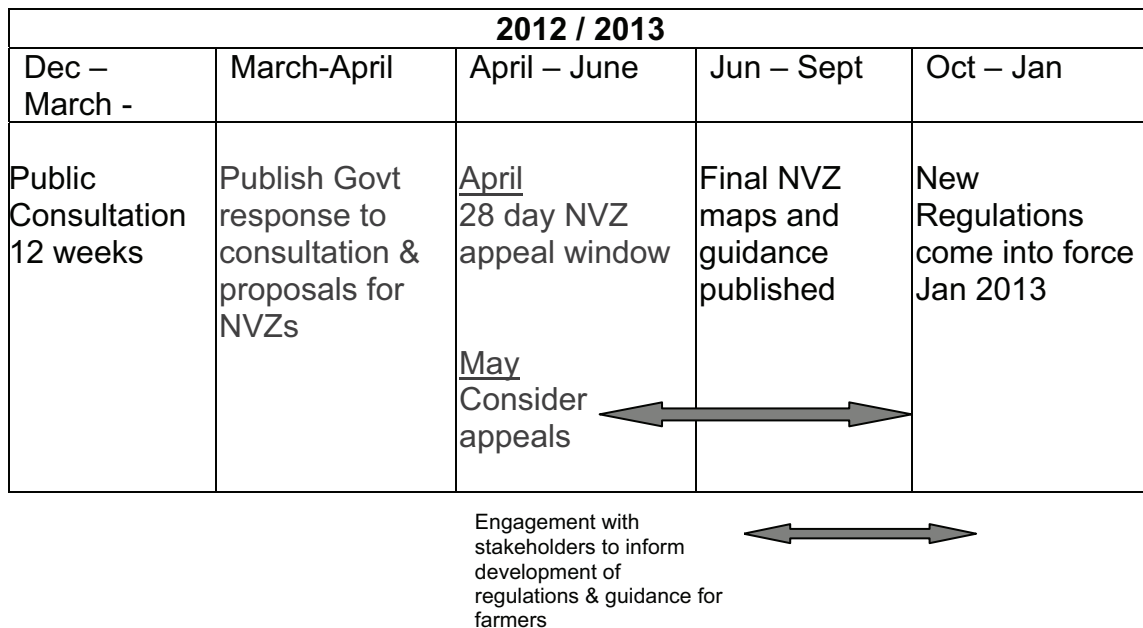
This consultation is a key stage in the current review of the designation of NVZs and consideration of the Action Programme. To get to this stage work has been ongoing for the last 12 months on both the methodology (discussed in section 7) which will be used to identify NVZs and the Action Programme (discussed in section 9).

Looking forward, if we designate discrete NVZs, we will aim to publish firm recommendations, with field level maps on where these will be, in April 2012. There will then be a period during which any challenges to the recommended designations could be made, and following consideration and adjudication of these appeals, we intend to publish final NVZ boundaries in autumn 2012, to be applied through regulation from 1 January 2013 onwards.

In parallel with this consultation, we will be discussing the Action Programme with both the Commission and farming representatives. During the first three months of 2012 we will be reviewing your responses to this consultation and using the evidence you provide, to support our discussions with the Commission. We aim to publish our final proposals for NVZ boundaries and Action Programme around April 2012, although the precise timing is also dependent on discussions between the UK and the European Commission.

The chart below seeks to summarise this time line.

**Chart 1 - Timeline Overview**



## 7. Proposals for designating new NVZs in Wales

Under the Directive we have two options to review and designate land. Our first option requires **as a minimum**, the designation of discrete Nitrate Vulnerable Zones that drain into polluted waters, within which an Action Programme of measures is implemented by farmers. Our second option under the Directive is to designate 'whole territory' NVZs and apply the Action Programmes across the whole of the nation. Most of the northern EU

countries have opted for the 'whole territory' approach, including the UK in respect of Northern Ireland.

### **Option 1 – Targeted approach to designation of discrete NVZ areas.**

To date we have taken a targeted approach and designated NVZs, which currently cover approximately 2.3% of land in Wales. This is consistent with the objective of the Directive, which aims to reduce pollution where it occurs and ensure that those who contribute to it take action to reduce the pollution. In other words, this approach encapsulates the 'polluter pays principle'. It also ensures that burdens are not imposed on those whose land does not drain to nitrate-polluted waters and therefore ensures that any costs are directly associated with implementation of the Directive.

However, the four yearly cycle of reviewing water quality creates uncertainty for farmers, whose land may be removed from NVZ designation at one round and then re-designated at the next, or vice versa. This can make it difficult for farmers to take a long term view and make the right investment decisions for their business. Having land within an NVZ requires landowners to bear the extra costs of complying with the Action Programme. The four-yearly cycle requires a significant resource from both Welsh Government and the Environment Agency in both developing and implementing the appropriate methodologies.

Adoption of the targeted approach would mean modest changes to the current designation picture for 2012/13. The total area designated would increase from 2.3% to 2.5%. This change includes a number of new NVZs as well as some land which would no longer be an NVZ owing to sustained improvements in water quality. A description of the methodology and the potential areas that would be designated as NVZ are included in Annex 1.

#### Proposed Designations

A key part of this review has been the development of the NVZ Methodology Working Group. The group was set up during this review process to ensure that the method for identifying NVZs makes use of the best techniques and data available, and in particular learns the lessons from previous experience. The group consisted of farming representatives and independent academics who have been able to inform and challenge the development of the methodology throughout. The establishment of this group, which included representatives from the National Farmers Union, Country Landowners Association, National Farmers Union (Cymru) and Farmers Union of Wales, has provided a high level of transparency to a very technical process and has enabled informed debate, challenge and change. The details of the membership of the Group is included as part of Annex 1.

The methodologies employed in this review were developed by the NVZ Methodology Working Group. The group reviewed the evidence available and the various methods of analysing the data in accordance with the requirements of the Directive. Once agreed and signed off by the group, the methodologies were then used by the Environment Agency to develop the draft NVZ boundaries.

A number of local quality assurance workshops were then held where the suggested areas were looked at in detail using local knowledge to identify any

anomalies in the data. These workshops were attended by local Environment Agency Wales staff with the Farming Unions attending as observers.

The Environment Agency has completed a review of waters in Wales that may be polluted by nitrates from agricultural sources and has provided its data to the Welsh Government.

The full methodologies will be published by the Environment Agency on behalf of the Welsh Government in February which will include the full rationale behind the designations. A summary of the methodologies is included at Annex 1 of this document.

### **Option 2 – Whole Wales NVZ designation.**

As an alternative, we could introduce a whole Wales approach to designating NVZs and apply the Action Programme throughout Wales. This has been done in Northern Ireland. We know that we need to improve water quality (including phosphate and sediment, not only nitrate) across much of the country to meet the requirements of the Water Framework Directive – based on the 2009 baseline, 33% of all water bodies in Wales are at ‘good’ status.

A ‘Whole Wales’ designation would provide an opportunity to develop an integrated approach to a number of different though related issues. When we consider the many-stranded requirements of the Water Framework Directive, as well as other key objectives on air quality and reducing greenhouse gas emissions, there are likely to be efficiency gains. Using a single legal instrument to set a baseline level of farming nutrient management would give us the opportunity to coordinate action aimed at achieving our objectives and make the base line rules as simple as possible.

Such an approach would make it difficult to determine the costs on the agriculture industry attributable to implementation of the Nitrates Directive. It may appear that costs would be higher than with discrete NVZs though being able to coordinate basic measures to deliver the Water Framework Directive, air quality and climate change policy objectives within one instrument would facilitate minimising the costs on the industry overall by ensuring that measures were fully integrated.

**Q1 - Do you prefer Option 1 (continuing with discrete NVZ designations), or Option 2 (applying the Action Programme to a ‘Whole Wales’ NVZ designation)? Please include comments on the advantages and disadvantages of the two options and the reasons why you prefer one over the other.**

**Q2 - Do you have comments on the areas proposed for designation as NVZs in Wales shown on the indicative maps (at Annex 1) given the Nitrates Directive's basis on which nitrate polluted waters must be identified and land draining into those waters must subsequently be designated?**

## **8. Appeals**

If a whole Wales approach (option 2) is not the preferred option and we continue to designate discrete areas, we intend to publish the Environment Agency's recommendations for NVZ boundaries in April 2012.

When the recommended NVZ boundaries are published you may not agree with those proposals on the basis that you feel areas proposed for inclusion should not be included. If that is the case, you will be able to appeal against that recommendation.

This section is intended to help you understand the timing and opportunity for those appeals. **We are not seeking or accepting appeals at this stage as the maps we have included here are intended to be indicative: they are not firm recommendations and open to change.**

Appeals can be made on either or both of the following grounds:

- **The land does not drain into water which the Welsh Ministers are minded to identify as polluted within the meaning of the Nitrates Directive; or**
- **The land drains into water that the Welsh Ministers should not identify as polluted within the meaning of the Nitrates Directive.**

These two grounds for appeal will be established through regulations. Appeals will be limited to factual matters in relation to the way in which land drains into water bodies and the level of pollution in water bodies. If you wish to appeal, you will need to provide appropriate evidence to support your case.

The appeals will be handled by the Planning Inspectorate who are currently developing the process. They will issue full details of the appeal process (including guidance, forms and appeal deadline) early in 2012 prior to the publication of the field level NVZ designations (expected at Easter 2012). A 28 day window for making appeals will be advertised in the Government's response document. Publishing appeal arrangements in advance of the Welsh Government response to the consultation will allow landowners sufficient time to fully consider the appeals mechanism prior to the appeal window opening.

If the Welsh Government decides to opt for a whole territory approach then the provisions for appeals will be withdrawn from the process as the Whole of Wales will be subject to the regulations rather than discrete areas.

## **9. Action programme**

### *Existing Action Programme Measures*

The proposals in this consultation for changes to the Action Programme reflect developments in our understanding of the pathways of agricultural pollution and key inputs of research commissioned by Defra. The early findings of this research was shared with farming representatives at a stakeholder workshop in April 2011 to explore the advantages and disadvantages of differing options.

The Welsh Government, jointly with Defra, has been continually reviewing the existing measures to establish their effectiveness in reducing nitrate pollution. Many of the most recent surface and groundwater monitoring results have shown a reduction in nitrate concentrations, and can, in part, be attributed to the effect of the current and previous Action Programmes.

Some of the key Action Programme measures, such as the storage requirements, have yet to fully enter into force. When they do, they are likely to take a number of years to have full effect, especially on groundwater. There are also wider trends in agriculture that are not driven by the NVZ Action Programme but may contribute significantly to the reduction of water pollution. For example, there has been a long-term downward trend in the application of Nitrogen fertiliser to grassland, and livestock numbers have fallen in recent years, which will tend to reduce nitrate pollution.

As a result we consider it too early to meaningfully analyse the success of the existing Action Programme. Therefore, other than where new evidence has been generated, the proposals contained within this consultation document are mainly focused on reducing bureaucracy rather than making significant changes to the Action Programme and farming practices.

### *Proposals for the NVZ Action Programme*

This section outlines the changes we propose, or are considering, making to the measures in the existing Action Programme. Most aspects will remain as they are now, but where there is evidence that measures can be improved upon we have developed proposals for further consideration. In selecting a final package of measures we will be looking for the best suite of proposals that support an economically viable farming industry whilst achieving the following goals:

- reductions in losses of Nitrogen from agriculture (with associated benefits of improving water quality and enhancing biodiversity);
- Improving the efficiency with which all sources of Nitrogen are used on farms;
- Minimising pollution swapping (i.e. reducing losses of one pollutant that results in increasing the losses of another pollutant);

- Delivering coherent interventions to support agriculture whilst improving the environment;
- Fulfilling our obligations under the Nitrates Directive;
- Reducing the burden of reporting for farmers.

When commenting on the proposals you should be aware that the Nitrates Directive specifically lists measures that must be implemented by the Welsh Government within an Action Programme. Therefore there is little scope to remove completely many of the basic measures.

The proposed measures are based on research and evidence. However we have presented options or alternatives for consultation purposes and in reaching a final decision on the way forward we will have to consider the best 'package' of proposals to achieve the above goals.

The consultation proposals address the following issues:

- **Rates and limits on the field application of organic manures and manufactured Nitrogen fertilisers**
- **Closed periods for spreading**
- **Restrictions on spreading**
- **Storage of organic manures**
- **Planning nutrient use and keeping records**
- **Cover crops**

**Q3 - How do you think the proposed Action Programme changes will impact on the practical management of typical farm enterprises in the new or existing zones?**

### **9 (a). Rates and limits on the field application of organic manures and manufactured Nitrogen fertilisers**

We intend to maintain the three key application limits at the levels they are now. These are:

- in any twelve month period, the total amount of Nitrogen in organic spread manure on any given hectare must not exceed 250kg.
- in any calendar year the total amount of Nitrogen in livestock manure applied to the agricultural land (either directly whilst grazing or by spreading) must not exceed an average of 170kg/ha.
- the existing Nmax limits which stipulate the maximum amount of crop available Nitrogen that may be applied to a specific crop.

However, we propose to make the following technical changes.

*Contribution of all organic materials to Nmax*

We propose to make a technical change to the Nitrogen-containing materials that must be included in Nmax calculations.

Nitrogen fertilisers are defined in the regulations and include those derived from plant or human sources. At present the Regulations require farmers to only count farm livestock manures and manufactured Nitrogen fertilisers in their Nmax calculations. Nitrogen derived from sewage sludge (biosolids), compost or other organic manures that do not originate from farm livestock are excluded from the calculations.

We consider that the Nitrogen in all organic manures should be counted in the Nmax calculation. This would ensure that assessments of the crop available Nitrogen supplied to crops is more accurate and therefore the chance of applying more Nitrogen than the crop requires will be reduced, thus reducing the likelihood of pollution. Crop yields will not be penalised as it will still be possible to apply the optimum amount of Nitrogen that a crop requires.

Alternatively, we could maintain the current narrow Nmax rule. This would continue the risk of nitrate pollution (and quite probably other pollution such as phosphate, since Nitrogen is not the only nutrient these materials contain). In addition some farmers may be near their Nmax limit already in their calculations using the existing limited range of Nitrogen sources.

**Q4 - Do you agree that crop available Nitrogen from other organic materials should count towards the Nmax limits?**

*Livestock manure Nitrogen efficiency standard values used in Nmax*

The current Regulations require farmers to establish the total amount of Nitrogen available for crop uptake in organic manure that contributes towards the Nmax limit.

The amount of Nitrogen available for crop uptake in organic manure can be established using minimum manure Nitrogen efficiency standard values. These values represent the percentage of the manure total Nitrogen content that has the same effectiveness as manufactured Nitrogen fertiliser.

Table 3 sets out the current standard values in Wales, and those that will come into force from January 2012. These are some of the lowest standard values in the EU.

Recent research has been carried out in England and Wales to review the scientific evidence concerning livestock manure Nitrogen efficiency values. Manure Nitrogen efficiency was measured during 127 replicated field experiments in different geographical locations where soil types, rainfall patterns, land uses (i.e. cereals, potatoes, sugar beet and grassland), manure types, manure application timings and methods, and soil incorporation strategies were different.

The evidence showed that with current good farming practice methods of application, it is realistic to expect higher Nitrogen efficiency values with cattle and pig slurry than those set to apply from 1 January 2012. It showed that significantly more of the original Nitrogen content was available for crop

uptake with spring and summer applications than with autumn and winter applications.

We propose to increase the manure Nitrogen efficiency values for cattle and pig slurries to ensure that all crop available Nitrogen is taken into account when considering Nitrogen plans, and to encourage the uptake of good practice. Table 3 also sets out the manure Nitrogen efficiency standard values that we propose for the next Action Programme.

*Table 3 - Proposed manure Nitrogen efficiency standard values for adoption in the next NVZ Action Programme in Wales (% of total manure Nitrogen).*

Manure type	Current NVZ AP From January 2009 until 31 December 2011	Current NVZ-AP From January 2012	Proposed values for next NVZ- Action Programme
<b>Cattle slurry</b>	<b>20</b>	<b>35</b>	<b>40</b>
<b>Pig slurry</b>	<b>25</b>	<b>45</b>	<b>50</b>
<b>Poultry manures</b>	<b>20</b>	<b>30</b>	<b>30</b>
<b>Farm Yard Manure</b>	<b>10</b>	<b>10</b>	<b>10</b>

#### Advantages

- Updating the manure Nitrogen efficiency standard values will help ensure the Action Programme is based on the most up-to-date evidence.
- Recognising the full Nitrogen contribution that organic manures make to meeting crop demand will reduce the need for additional manufactured Nitrogen fertiliser and should increase farming efficiency.
- This proposal should also encourage a move to best practice in the handling and timing of applying organic manures to land, which will reduce nitrate pollution and manufactured fertiliser bills.

#### Disadvantages

- Changing the Nitrogen efficiency standards so soon after the introduction of the January 2012 standard values may cause confusion.

**Q5 - Do you agree with the proposed changes to the Nitrogen efficiency standard values used in Nmax?**

**Q6 - What concerns or benefits do you think this change may raise?**

### *Organic Manure Nitrogen Field Limit for Composts*

The Farming Regulation Task Force (the Task Force) in England received concerns that the application of the Nitrogen field limit is inappropriate for some slow release organic manures such as compost. The Task Force considered the current field limit does not allow enough of these materials to be used to satisfy plant needs in some instances.

Table 4 sets out the total Nitrogen content and readily available Nitrogen in green compost (commonly made from landscaping and garden 'wastes') compared to cattle Farm Yard Manure (FYM). Green composts have a lower readily available Nitrogen than cattle FYM, therefore they pose much less of a nitrate leaching risk, even at higher rates of application. We therefore propose to allow the application of green composts to supply up to 500kg/ha of total Nitrogen in any two year period.

*Table 4: Typical nutrient content values of composts*

	Dry matter %	Total Nitrogen content kg N/t fresh wt	Readily available Nitrogen kg N/t fresh wt
Green compost	60	7.5	<0.2
Cattle Farm Yard Manure – old	25	6.0	0.6

**Q7 - Do you consider the limit of 500kg/ha of green compost total Nitrogen in any two year period is workable?**

**Q8 - Are there any working restrictions we should consider to ensure we are not creating any unintended adverse consequences?**

### *Organic Manure Nitrogen Field Limit for composts used as mulch*

The fruit growing sector have highlighted that the current NVZ Regulations with respect to the use of compost in fruit orchards are an impediment to improved production and profitability. The mandatory NVZ organic manure Nitrogen field limit of 250 kg/ha of manure total Nitrogen in a (rolling) 12 month period, was viewed as a potential impediment to improved UK top-fruit production.

The use of green compost as mulch on agricultural land at application rates in excess of the current NVZ limit of 250 kg/ha of total Nitrogen represents a very low risk of nitrate leaching to the environment. The proven benefits of compost application to the yields of some crops (e.g. fruit) due to mulching is likely to improve the uptake of soil Nitrogen by the crop (and thus reduce the risk of soil Nitrogen being leached). There is a reported increased yield (by nearly 50%) of apple numbers and weight, and improved soil/plant moisture supply following compost application.

We therefore propose to change the organic manure Nitrogen field limit for compost used as a mulch for top fruit production to 1000kg/ha of total Nitrogen in any 4 year period.

**Q9 - Do you agree that a limit of 1000kg/ha of compost total Nitrogen in any 4 year period when used as mulch for top fruit production is workable?**

**Q10 - Do you have concerns about and/or can you identify benefits from such a change?**

*Derogation from the Livestock Manure-Nitrogen Farm Limit of 170 kg total N/ha/annum.*

In 2009, the European Commission granted Great Britain a derogation from the Livestock Manure-Nitrogen Farm Limit, enabling grassland farmers with grazing livestock to farm with a Nitrogen loading of up to 250 kg of total Nitrogen per hectare per calendar year (total N/ha/yr) subject to a successful annual application being approved annually and satisfying certain conditions aimed at reducing the levels of Nitrogen and phosphorus entering waters.

Less than 1% of farmers farming in Nitrate Vulnerable Zones applied to use this derogation in 2011 in Wales.

Whilst uptake to date has been consistently low, we believe the number of farmers wishing to take advantage of the derogation in future may increase. Therefore we plan to negotiate with the European Commission for a further four year extension (until 2016). While many of the derogation conditions are likely to remain unchanged, we intend to seek to reduce some of the administrative burdens associated with the derogation (e.g. the requirement to submit Fertilisation Accounts to the Environment Agency Wales).

**Q11 - What are your views as to whether or not the Derogation should be renewed?**

## 9(b). Closed periods

### *Closed periods for Organic Manure*

The Nitrates Directive requires the establishment of 'closed periods' that prohibit the spreading of organic manures that contain high readily available Nitrogen (i.e. manures that have more than 30% of the total Nitrogen content in a form that can be readily taken up by the crop; these include slurry, poultry manures and liquid digested sewage sludge) to land at times of the year when the risk of nitrate loss is high, that is when the ground is generally wet and crop growth (therefore nitrate demand) is low.

*Table 5: Existing Closed Periods for organic manures that contain a high readily available Nitrogen*

	<b>Grassland</b>	<b>Tillage land</b>
<b>Sandy or shallow soils</b>	1 September to 31 December	1 August to 31 December
<b>All other soils</b>	15 October to 15 January	1 October to 15 January

These closed periods are in the autumn and early winter, and are times of year when plant growth is limited, resulting in low nutrient uptake and a high risk of nitrate loss

Research has been undertaken by ADAS/Rothamsted Research to investigate the effect on Nitrogen pollution of extending the closed period. The research has shown that the later in the winter slurry is applied, the less nitrate leaches from the soil. On sandy/shallow soils, leaching from slurry applied after mid-late January is negligible. On medium/heavy soils, leaching is considerably reduced at this time compared with slurry applied in November. However 5-10% of what is applied can still be lost to water under average rainfall conditions due to rapid drainage through soil cracks or by surface runoff. Leaching from these soils can be detectable even from slurry applied at the end of March. These results show that closed periods are important to eliminate high risk nitrate leaching situations.

In the absence of any other considerations, the evidence might suggest longer closed periods on medium/heavy soils. However it is difficult to set mandatory closed periods that eliminate the risk of leaching, yet allow practical beneficial application of manures to agricultural land. There is already a limited time in spring for the application of slurry if growing crops are not to be damaged or grass is to be suitable (uncontaminated) for grazing or silage making. Moreover, if more slurry is applied in summer, ammonia losses are likely to increase. There is therefore a balance to be struck between minimising nitrate losses by spreading manures later, and keeping ammonia losses down by spreading before it gets too warm. The policy aim is to encourage manure application in spring and summer to meet the period of high crop Nitrogen requirement whilst achieving a more integrated approach to minimising potential pollution.

There are also further practical considerations on the question of extending closed periods. One of the most significant is the impact an extension would

have on storage requirements due to the Nitrates Directive requiring more storage capacity than needed for the closed period alone. We consider it would be disproportionate to require farmers who have only recently built new stores at considerable expense to further extend their stores now. While the environmental benefit would be modest, the cost of installation would be very high.

The current storage rules were designed to ensure that farmers could always comply with closed period and spreading limitations rules. This results in requirement for 26 weeks storage capacity for pig slurry and poultry manure and 22 weeks storage capacity for all other slurry, including cattle slurry.

We have developed the proposals below so that the construction of additional storage capacity should not be required. Table 6 below assists in explaining this issue

#### *Option 1 - Keep the existing closed periods*

##### Advantages

- The industry is familiar with the existing closed periods, though for some they will only apply from 1 January 2012. This option therefore avoids change before the existing closed periods have been able to have their full impact.
- We would avoid imposing a further round of significant costs on farmers for storage construction, some of whom will have only recently built stores in good faith to meet the current rules.
- Ensures a reasonable period to get manures onto the land in spring, and so secures a balance between environmental protection and the beneficial application of manure.

##### Disadvantages

- Some pollution risk does occur immediately after the end of the closed period.

#### *Option 2 - Extend the end of the closed period by two weeks for all soils other than sandy or shallow soils.*

##### Advantages

- The evidence shows that the pollution risk is higher on these soils than it is in sandy / shallow soils due to rapid drainage through soil cracks or in surface runoff, and therefore this option would reduce that specific risk.
- The existing storage capacity requirement exceeds the end of the closed period by approximately 6 weeks. Therefore increasing the length of the closed periods by two weeks would mean that slurry stores currently compliant with the Directive would not become non-compliant.

##### Disadvantages

- The extension of the closed period would reduce the period available for spreading on key crops, making managing farm activities more difficult.
- The extension of the closed period would reduce the spare storage capacity for farmers to manage slurry production at the end of the closed period. If the weather is wet, or the ground takes a long time to dry out, the spare storage might not be enough.

*Option 3 – extend the closed period by one month for all soils other than sandy or shallow soils.*

#### Advantages

- The evidence shows that the pollution risk is higher on these soils than it is in sandy / shallow soils due to rapid drainage through soil cracks or in surface runoff, and therefore this option would reduce that specific risk.

#### Disadvantages

- The extension of the closed period would reduce the period available for spreading on key crops, making managing farm activities more difficult.
- The extension of the closed period would leave little spare storage capacity for farmers to manage slurry production at the end of the closed period. If the weather is wet, or the ground takes a long time to dry out, there would be a greater chance that spare storage capacity would not be sufficient.

*Table 6: Summary of the closed period date options, (where the option would result in a change from the existing Action Programme the text is provided in italic)*

<b>Option 1</b> Keep as existing	<b>Grassland</b>	<b>Months</b>	<b>Tillage land</b>	<b>Months</b>
<b>Sandy or shallow soils</b>	1 Sept to 31 Dec	4	1 Aug to 31 Dec	5
<b>All other soils</b>	15 Oct to 15 Jan	3	1 Oct to 15 Jan	3.5

<b>Option 2</b> Extend by 2 weeks for soils other than sandy or shallow	<b>Grassland</b>	<b>Months</b>	<b>Tillage land</b>	<b>Months</b>
<b>Sandy or shallow soils</b>	1 Sept to 31 Dec	4	1 Aug to 31 Dec	5
<b>All other soils</b>	<i>15 Oct to 31 Jan</i>	3.5	<i>1 Oct to 31 Jan</i>	4

<b>Option 3 Extend by 1 month for soils other than sandy or shallow</b>	<b>Grassland</b>	<b>Months</b>	<b>Tillage land</b>	<b>Months</b>
<b>Sandy or shallow soils</b>	1 Sept to 31 Dec	4	1 Aug to 31 Dec	5
<b>All other soils</b>	15 Oct to 15 February	4	1 Oct to 15 February	4.5

**Q12 - Which of the three closed period options do you prefer?**

**Q13 - Do you have any comments or further evidence on any of the options that you think the Welsh Government should be aware of?**

### *Rainfall Banding*

The Task Force on Farming Regulation in England recommended making the start and end-dates flexible, and to reflect differences in rainfall and growing season across the country.

We have reservations as to whether flexible end dates to the closed periods are practical. Even when weather conditions mean slurry could be applied later in the autumn, or shortly before the end of the closed period in winter, the scientific evidence shows that there would still be a high risk of its Nitrogen content being leached by rain before it could be taken up by crops. This would risk harm to the environment, and would be a waste of valuable Nitrogen in the slurry. There is also concern that variable ends to closed periods would be unenforceable because weather forecasts are not accurate over the necessary time period (about two weeks).

In England, Defra are proposing to bring forward by two weeks the end of the closed period for sandy or shallow soils in areas with up to 750 mm average annual rainfall per year (to 15 December for both grassland and arable). This is with the intention of reflecting that in areas of less rain there is less leaching. We are not consulting on this proposal as there are very few areas, if any, where this flexibility could be applied in Wales. The map at Annex X shows the broad areas of the country within within this rainfall band (the map does not show the soils criteria).

Furthermore we believe that this proposal adds unwanted complexity to the existing Action Programme and does not take into account the fact that nitrate leaching is not related to rainfall alone.

**Q14 - What are your views on whether the Welsh Government should consider bringing forward by two weeks the end of the closed period for sandy / shallow soils in areas with up to 750 mm average annual rainfall per year (to 15 December for both grassland and arable)?**

## 9(c). Restrictions on manure spreading

Research on the duration of closed periods has highlighted the increased risk of nitrate loss in the period immediately following the closed period on medium/heavy soils. In order to manage this risk the existing Action Programme already restricts the rate of spreading immediately following the closed period until the end of February so that the maximum amount of slurry that may be spread at any one time is 50 m<sup>3</sup>/ha in one application and no repeat application is permitted within three weeks. To further reduce the risk, yet allow practical beneficial application of manures, organic fertilisers and soil conditioners to agricultural land we propose to reduce these rates.

This section explores whether further restrictions on the spreading of slurry immediately after the closed period is a better mechanism to prevent nitrate leaching than extending the closed period.

### *Restrictions on manure applications outside the closed period*

We propose to limit the amount of slurry that can be spread between the end of the closed period and the end of February to 30m<sup>3</sup>/ha of slurry (and other liquid manures with high readily available Nitrogen) in a single application if ground conditions are suitable, and still require a three week period between each individual application. We do not propose any change to the limit on poultry manure.

#### Advantages

- We are often told of the perceived adverse impacts of ‘national slurry spreading day’ immediately after the end of the closed period. Reducing the volume of slurry that may be spread in a short space of time would reduce the risk presented by many farmers spreading slurry simultaneously.
- Reduces the potential for high nitrate leaching risk situations such as direct run-off of Nitrogen containing material at a time of the year when the soil is at or near to field capacity.
- Managing the risk of leaching in this way would enable continued application of manures to agricultural land at the start of the season and may avoid the need to extend the closed periods.

#### Disadvantages

- Could put pressure on existing storage capacity by limiting volume to be spread.

**Q15 - Do you think that reducing the quantity of slurry that can be spread immediately after the closed period is a better or worse mechanism for managing nitrate leaching than extending the closed periods?**

**Q16 - If the application rate during this period were reduced, do you agree with the suggested reductions in the rate of application?**

**Q17 - What further points should the Welsh Government take into account when considering this issue?**

### *Applying organic manures & manufactured Nitrogen fertiliser*

As well as managing pollution through determining when organic manures can be spread, and at what rate, the current rules also seek to reduce pollution by requiring organic manure to be spread in as accurate a manner as possible, using slurry spreading equipment that has a low spreading trajectory (i.e. below 4 meters from the ground, unless the equipment used can achieve an average slurry application rate of not more than 2mm per hour when operating continuously and is used on land with a low risk of run off). The rules also restrict the spreading of organic manures or manufactured Nitrogen fertiliser close to surface water.

The purpose of these rules is to reduce harmful ammonia pollution to air, to prevent spray drift (by limiting the spreading trajectory) and to ensure that there is a reasonable buffer between land where slurry has been applied and watercourses.

We wish to further encourage the uptake of more precise slurry spreading techniques which minimise the risk of pollution. Such techniques make good business sense because they ensure crops get the full benefit from slurry applications whilst minimising the losses of valuable Nitrogen to water and air. We therefore wish to recognise the different risks associated with broadcast or more precise slurry spreading methods by allowing those using more precise techniques and equipment to spread closer to watercourses than at present.

The proposed amendment would allow farmers to spread organic manures to within 6 metres of surface water if using more precise spreading techniques. Otherwise the 10 metre restriction remains.

The Action Programme would include a definition of precision spreading equipment and techniques which would include band spreading (trailing hoses and shoes) and shallow injection.

#### Advantages

- This proposal would encourage accurate spreading of slurry and utilisation of slurry nutrients over a larger field area than presently allowed.
- The wider adoption of more precise application would result in more efficient use of the Nitrogen in organic manures, increasing crop yields and/or reducing the need to buy manufactured fertilisers.
- Studies of more precise slurry spreading techniques have shown they significantly reduce ammonia emissions compared with broadcast spreading.

## Disadvantages

- Increased risk of pollution by placing slurry closer to watercourses.

**Q18 - Do you agree with the proposals to reduce the minimum distance for spreading slurry near watercourses if more precise equipment is used?**

**Q19 - Is the proposed minimum distance from watercourses (6 metres) correct, or does it pose an unacceptable risk of pollution?**

**Q20 - Do you have any comments on how this proposal could work or be improved?**

## 9(d) Storage of Organic Manures

### *Calculating the capacity of storage vessels*

Under the Nitrates Directive, the slurry storage capacity must exceed that required for storage throughout the closed period. This is to ensure that farms have enough slurry storage to comply with the closed periods, and prevent the spreading of slurry at inappropriate times of year. These rules are environmentally important.

In calculating the required capacity we include estimated volumes of water (whether rainwater or wash waters) and other liquids that find their way into slurry stores during the autumn and winter months.

The current rules require that farms that produce livestock manure must provide the following storage capacity requirements:

- 26 weeks storage capacity for pig slurry and poultry manure
- 22 weeks storage capacity for all other slurry, including cattle slurry

We do not propose to change these rules.

As signalled at the beginning of this consultation we are also considering aspects where we can reduce the burden and duplication of Regulation. One such area of duplication is the existing Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (Wales) Regulations 2010 (SSAFO). These regulation apply both within and outside of NVZs, and require farmers building or substantially renovating stores to have four months' storage capacity. The SSAFO Regulations and Nitrates Regulations have different calculation methods for the way that rain water is accounted for. Currently farmers in NVZs are required to calculate storage by both methods and work to the one that gives the larger volume.

There is in fact very little difference in the volume of storage required for four months as calculated using the SSAFO method (based on a 1 in 5 years highest rainfall amount) and five months as calculated by the NVZ Action Programme method (based on average rainfall). The difference is estimated

to be the equivalent of around an extra two weeks for cattle and an additional six weeks for pigs.

To remove the duplication and simplify compliance with both sets of Regulations, we propose standardising the calculation of storage capacity to that of the NVZ Action Programme method for all farmers. If accepted, the storage capacity requirement will be increased throughout Wales (including outside NVZs) to 5 months (based on average rainfall). This would not impose any other NVZ Rules on farms outside NVZs.

The proposal will have a variable impact farmers in different areas due to different rainfall rates over Wales.

We also recognise that some people will have less storage than required under the revised requirement. We therefore propose to make a transitional provision which would mean that enforcement action would not ordinarily be taken solely on the basis of the volume of storage available. However, if in the future any stores were renovated or replaced they would be required to comply with the results of the new calculation.

#### Advantages

- This proposal would reduce regulatory duplication by providing one method of calculation which would apply to determine all slurry storage capacities.
- It would mean that farmers in NVZs only have to perform one calculation.
- The proposal would also make clear that in terms of slurry storage, there is very little if any difference in the treatment of farmers inside and outside NVZs (except for pig and poultry farmers, who require six months of storage).

#### Disadvantages

- Some farmers outside NVZs would need additional capacity when renovating or rebuilding their stores.

**Q21 - Do you agree with this proposed change to the SSAFO calculation? What other factors should be considered?**

#### *Storage of solid livestock manures in field heaps*

In contrast to many other Member States, temporary field heaps of solid manure are an important part of farming practice in Wales which, if not permitted, would have a significant impact on farming operations and would incur significant additional costs for the construction of stores with an impermeable base and effluent collection facilities.

The current NVZ Action Programme has rules on what types of manure may be stored in field heaps, the location of these heaps and the maximum storage time. Manure may only be stored in temporary field heaps if it is solid

enough to be stacked in a free-standing heap and does not give rise to free drainage from within the stacked material.

Since the last review of the Action Programme research has been carried out on the leaching that occurs from solid manure heaps. Leachate production volumes and nutrient losses during solid manure storage were measured from pig FYM, cattle FYM and poultry manure heaps stored for a range of time periods, and from contrasting management practices (e.g. covered or uncovered heaps). The highest total Nitrogen concentrations in leachate were generally measured in the first one to two months from the start of leachate generation, after which only small volumes of leachate containing Nitrogen at low levels were measured.

In other countries there have been concerns that leaving a field heap in situ for a year would lead to a high risk of nitrate leaching. These results show that this is not the case. Based on this scientific evidence, we intend to continue focusing controls on the location of temporary field heaps of solid manure – i.e. preventing field heaps being located on land with rapid hydrological connectivity to a watercourse or groundwater. We intend to retain the current requirements in the Action Programme and no changes are proposed.

**Q22 - Do you agree that the Action Programme does not require any amendments with respect to the storage of solid livestock manures?**

### **9(e) Planning Nutrient Use and Keeping Records**

One key issue raised by the farming community is the extent of the planning and record-keeping requirements under the Nitrates Regulations and the complexity of the guidance. We are committed to reducing this burden, and have developed a number of proposals aimed to achieve this.

#### *Nutrient Management Planning*

It has long been recognised that nutrient management planning is good farming practice. Good nutrient management enables farmers and land managers to better assess the fertiliser required for the range of crops they plan to grow. By matching the usage of fertiliser closely to crop requirements farmers can save money, time and resources as well as minimise the risk of nutrient pollution. We wish to encourage more farmers to adopt nutrient management as a routine part of farm management.

To comply with the NVZ Action Programme, farmers are currently required to plan the application of Nitrogen to crops. As a minimum the Directive requires the Nitrogen planning process to include the following steps:

- Calculate the amount of Nitrogen in the soil that is likely to be available for uptake by the crop during the growing season (i.e. the “soil Nitrogen supply”);

- Calculate the optimum amount of Nitrogen that should be applied to the crop, taking into account the soil Nitrogen supply (i.e. the crop Nitrogen requirement);
- Calculate the amount of Nitrogen from any planned applications of organic manure that is likely to be available for crop uptake in the growing season in which it is spread (i.e. the crop available manure Nitrogen); and
- Calculate the amount of manufactured Nitrogen fertiliser required.

The Nitrates Directive states that actions set out in the Code of Good Agricultural Practice (CoGAP) must be made compulsory in NVZs. Our CoGAP states that you should carefully work out the amount of Nitrogen fertiliser each crop needs, taking into account soil Nitrogen supply, and ensure that you do not exceed the crop Nitrogen requirement.

As with the existing Action Programme we do not propose to specify the format in which the nutrient management plan must be made and kept. In the event of a farm inspection, the farmer or land manager would be responsible for demonstrating that the planning process has been undertaken.

In line with the Working Smarter programme we want to explore whether the principle of 'earned recognition' can be applied in NVZs i.e. good farming practise, such as nutrient management planning, is rewarded with less frequent inspections.

#### *Keeping records – the general burden*

Record keeping has been the accepted way of demonstrating compliance with the Regulations to date, and there is some scope to reduce the level of detail set out in the Regulations.

The advice in the CoGAP is the minimum that we must require of farmers under the terms of the Directive. This is a straightforward need to keep accurate records of the application of Nitrogen-containing materials to crops.

We wish to receive your views about whether we can/should enact the 'polluter pays' principle i.e. exempt from the regulations extensive or small farming systems where the cost of compliance would be disproportionately burdensome compared to the environmental benefit. This would need to be done through reliance on pre-defined categories in order to avoid incurring significant financial or resourcing costs in terms of designation and or appeals.

For example, farms could be exempted on the basis of small size (as done by a number of other Member States), type (e.g. extensive hill grazing where Nitrogen leaching, ammonia and nitrous oxide emissions are generally very low), or other categories such as Less Favoured Areas status.

An alternative is to "low intensity". One possibility is to relate the level of Nitrogen applications to the anticipated crop Nitrogen requirement for maximum economic production. We could, for example, define low intensity farming systems as ones in which less than 50% of the N<sub>max</sub> limit is applied (NB 50% is used here purely for illustration purposes, it is not a proposal).

Another alternative would be to explore using EU thresholds which relate to area for cereals (less than 5 hectares) and animal numbers for Dairy, Beef,

Pigs and Poultry (10,10, 10 and 1000 head respectively). Use of the EU thresholds would eliminate only a small proportion of the arable cropping area and livestock from the NVZ regulations. It would however eliminate a significant number of holdings from the administrative burden of the NVZ Action Programme.

It may be that a combined threshold is required to deal with mixed enterprises which are below the chosen criteria in all of the categories, but represent significant numbers in total. This complexity is less likely to be required with the EU thresholds, which are already very low.

**Q23 – How do you think the Welsh Government could enact the earned recognition principle?**

**Q24 - How else do you think the record keeping burden could be reduced whilst maintaining the environmental benefits of the Nitrates Directive?**

**Q25 - What low intensity farming systems do you consider should not have to keep Nitrates Regulations records?**

**Q26 - Should “low intensity” be defined in terms of the Nmax limit, manure Nitrogen applications, or both? Or should other factors be part of the definition (and if so, what are they)? For your preferred way of defining “low intensity”, what level(s) of the relevant measures would be appropriate?**

**Q27 - Are there any situations where the above should not apply?**

#### *Keeping records – removing duplication*

We are aware of instances where similar records are required by different sets of rules. For example Organic Control Bodies require certified organic farmers to keep records to prove compliance with the Organic Standards. These may also show compliance with the Nitrates Regulations, and those records are checked by the Organic Control Bodies. Provided that compliance with the organic standards provides the assurances we need, we propose to exempt certified organic farms from the need to keep records.

This exemption could be extended to other assurance schemes provided there was sufficient confidence that:

- the record-keeping required by the quality assurance scheme would show compliance with the Nitrates Regulations, or
- the application of fertilisers was at a level low enough to ensure compliance with the Nitrates Regulations.

Where assurance might be provided by accredited private sector or third-party audit, arrangements must be agreed / in place that any farm not meeting the requirements of the scheme relevant to the Nitrates Regulations will not retain membership without correcting those deficiencies.

**Q28 - Do you agree in principle that certified organic farms should not have to comply with the record keeping requirements of the Nitrates Regulations?**

**Q29 - What other quality assurance schemes are you aware of that keep sufficient records to enable exemption from the need to keep Nitrate Regulations records? We would be interested to discuss suggestions with those responsible for running such quality schemes.**

### **9(f) Cover crops**

The Nitrates Directive does not explicitly require cover crops to be included in the Action Programme – they are included in the Directive as an optional measure. A number of other Member States make use of cover crops, and they are currently under consideration as a measure for greening of the Common Agricultural Policy.

We consulted on the use of cover crops throughout NVZs in 2007 but consultees rejected the idea, and Ministers agreed. However, the available evidence indicates that when used in the right way they can be a significant and cost-effective measure for tackling diffuse water pollution from arable land. Research carried out by ADAS showed that the presence of cover crops reduced the concentration of nitrate in leachate by about 25% on farmland where manure was not part of the crop rotation. Where manure was included in the rotation, this effect was greater – about a 40% reduction. We are only proposing the issue of cover crops in certain circumstances and therefore the overall benefits of reduced leaching to groundwater is estimated at around 10%. Allowing volunteers and natural regrowth, plus where necessary sowing other crops to establish a cover following harvest, was as effective in reducing nitrate leaching as purpose sown cover (such as stubble turnips). In practice, therefore, it would be possible to minimise cost by using minimum tillage methods, cheap seed and, where appropriate, using the crop for grazing.

In light of the evidence outlined above, we are considering including cover crops in the Action Programme. We recognise that cover crops would not suit all soils and farming systems. In general, it is where soils are lighter that spring crops are favoured, and therefore where the soil will be bare over the winter. A further consideration in the assessment of cost-effectiveness is securing secondary benefits. As the cost of removing nitrate from drinking water is high, preventing nitrate leaching into drinking water sources (mainly groundwater) is particularly cost-effective.

Our proposal would be to introduce a requirement to ensure cover crops on sandy soils over those areas designated as groundwater NVZs, where the ground would otherwise be left bare over winter. The NVZ maps would highlight where the ground water NVZs and sandy soils are, as defined in the existing regulations. Farmers would be required to establish or maintain a cover crop if the land would otherwise be bare between 1st September and 15th January (i.e. crop harvested before 1st September and following crop not planted until after 15th January). In such cases the cover crop would have to

be sown (or achieved in part through volunteers) by 15th September and not destroyed until after 15<sup>th</sup> December.

#### Advantages

- The available evidence suggests that the use of cover crops under these circumstances would take up significant quantities of nitrate over the autumn and winter period and thereby reduce leaching into groundwater, possibly by as much as 10%.
- This would be a cost-effective measure to reduce nitrate pollution from arable land.
- The presence of a crop would help reduce soil erosion.
- Crops such as stubble turnips could also feed livestock.

#### Disadvantages

- The presence of a cover crop could interfere with operations such as de-stoning of potato land, and preparation of a quality seedbed could be difficult in wet years.

**Q30 - Do you think cover crops should be included in the Action Programme?**

**Q31 - If so, have we identified the correct circumstances (sandy soils over groundwater) for their use?**

**Q32 - Are the suggested dates appropriate? If not, what dates would you suggest?**

**Q33 - What actions do you consider should be defined to show compliance?**

#### **Proposals on the Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (Wales) Regulations 2010**

The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (Wales) Regulations 2010, as amended, (SSAFO) lay down the construction standards and specifications for stores of these materials. Both the Nitrates Regulations and the SSAFO Regulations have the same aim; reducing the risk of water pollution. Both set out rules about slurry storage. Given the overlap in policy objectives, we intend to reduce the regulatory duplication by merging the relevant sections of the Nitrates Regulations and the SSAFO Regulations into one statutory instrument.

In doing so, we have only undertaken a selective review of the SSAFO Regulations, the existing rules on silage and fuel oils, and also the technical standards set out in the schedules remain unchanged. It is intended that the suggested changes will become part of the Nitrates Regulations. As now,

they will apply throughout the whole of Wales – their application will not be confined to discrete NVZs

The Regulation's are inconsistent in some respects, such as in the way the volume of slurry storage required must be calculated. So we intend to take the opportunity to simplify the Regulations by removing these anomalies. In addition to the earlier section on storage calculations we have a further two proposals on which we are consulting.

#### *Regulation 6 exemption*

The SSAFO Regulations were introduced to provide a minimum standard of safety for people in the farmyard and the environment, which is why they set construction standards and a minimum volume of storage for slurry.

When the regulations were introduced over 20 years ago, an exemption was enacted to avoid farmers who had recently invested in new infrastructure being required to make costly alterations for minimal environmental benefit. This was achieved through Regulation 6 of SSAFO, which says that the Regulations do not apply to slurry stores built before 1 March 1991, or stores for which irreversible commitments had been made by that date – such as the signing of construction contracts. Such stores were therefore not necessarily built to the specification set out in the Regulations, and may be smaller than the capacity required for stores to which the Regulations do apply.

By the time the revised Nitrates Regulations come into force, the SSAFO storage capacity and construction standard will be almost 22 years old. Stores benefitting from the exemption will, apart from those under construction when the rule entered into force, be older. As such, they will be nearing or at the end of their useful lives; the risk of pollution from ongoing leaks or catastrophic failure will be increasing significantly.

There is anecdotal evidence that the exemption is now acting as a perverse incentive in some cases: some farmers are avoiding refurbishing or replacing stores that they know have reached the end of their lives because doing so would mean that they would have to build a larger store. This could result in some people taking increased safety and environment risks

We consider that the public has a reasonable expectation, over two decades after the rules were first introduced, that all stores should now comply with the standards set out in the Regulations. Similar arguments apply in the case of silos and fuel storage tanks. We therefore propose to remove this exemption.

The Regulations will generally enter into force on 1 January 2013. To allow a reasonable time for business planning and adjustment, we propose that the exemption will be repealed from 22 December 2015. This coincides with the start of the second period of action under the Water Framework Directive, and would provide almost another 3 years for the exemption to run, meaning that stores to which the exemption then applied would be nearly 26 years old.

Alternatively, we could maintain the exemption. There would be no direct costs to farmers because there would be no new requirement. However, as existing stores get older and not all of them are replaced, there is likely to be a number of failures of stores resulting in adverse impacts on the environment

and costly work at public expense to clear up the pollution and possibly investigate and prosecute.

**Q34 - Do you agree that the exemption in Regulation 6 should be repealed?**

**Q35 - Do you think the deadline for doing so (22 December 2015) is the right one?**

### *Notification of storage*

Regulation 9 requires farmers to notify the Environment Agency Wales (EA(W)) at least 14 days before material is first stored in a new or refurbished store. The purpose of this rule is to give the enforcement authority the opportunity to inspect the store and assure itself that it complies with the Regulations.

We consider that this is not an effective rule. If a store had been built which did not conform to the standards then enforcement of the rules at that stage would involve considerable expense for the farmer (to make amends) that could have been avoided by earlier intervention. If there were any doubts about compliance, there would therefore also be an incentive not to comply with the requirement to inform the EA(W).

We propose that during the planning phase of a new store (i.e. before irreversible decisions about site and construction method have been made) a farmer should be required to inform the EA(W)

- of the intended construction or renovation of the store,
- its intended purpose,
- its capacity,
- its location, and
- that construction will meet the SSAFO standards

Not to notify the EA(W) would be an offence

It would be assumed that a person constructing a store would select the site consistent with the Regulations and ensure that construction met the appropriate standards and volume. Notification to the EA(W) would enable it to inspect the proposed site and to raise concerns if it had any. A lack of objections or concerns from the EA(W) could not be taken as signalling its approval, but neither would it result in any delay as the notification process would not put a hold on development. If the store was not located in accordance with the Regulations or was badly constructed, the EA(W) would be able to make use of the full range of enforcement options to address the situation.

We consider that the immediate burden of this proposal on farmers would be neutral as its effect would merely be to change the timing of a notification to the EA(W). However, by enabling potential problems to be highlighted and addressed early, it could potentially provide significant savings for anyone who would otherwise have built a non-compliant store.

The alternative is not to make this change. Also cost-neutral in the short term, this option may result in the construction of non-compliant stores resulting in increased environmental risk and costs to farmers to correct defects.

**Q36 - Do you agree that a person constructing a store should notify the EA(W) of his/her intention to do so before firmly committing to the project?**

**Q37 - How might we improve this provision?**

**Q38 - We have asked a number of questions, but are there any other issues about the Action Programme you would like to raise?**

## **10. Next steps**

Your responses to this consultation will help the Welsh Government to decide on the way ahead for the next 4 year period of the Action Programme. The Regulations giving effect to the revised NVZs and Action Programme are anticipated to come into force on 1 January 2013. In previous reviews we have recognised that a number of farmers will not be able to comply with some of the proposed measures straight away. We also recognise that slurry storage facilities and the amendment of the manure Nitrogen efficiency standard values may require further consideration of the timeline to phase in implementations.

**Q39 - Do you consider all the Action Programme measures should be implemented from 1 January 2013?**

To ensure that farmers are aware of, understand, and are able to fulfil their obligations under the proposed Action Programme, we will continue to identify effective mechanisms to provide advice and guidance.

## 11. Summary of Questions:

Q1	Do you prefer Option 1 (continuing with discrete NVZ designations), or Option 2 (applying the Action Programme to a 'Whole Wales' NVZ designation)? Please include comments on the advantages and disadvantages of the two options and the reasons why you prefer one over the other.
Q2	Do you have comments on the areas proposed for designation as NVZs in Wales shown on the indicative map (at Annex 1 given the Nitrates Directive's basis on which nitrate polluted waters must be identified and land draining into those waters must subsequently be designated)?
Q3	How do you think the proposed Action Programme changes will impact on the practical management of typical farm enterprises in the new or existing zones?
Q4	Do you agree that crop available Nitrogen from other organic materials should count towards the Nmax limits?
Q5	Do you agree with the proposed changes to the Nitrogen efficiency standard values used in Nmax?
Q6	Q6 - What concerns or benefits do you think this change may raise?
Q7	Do you consider the limit of 500kg/ha of green compost total Nitrogen in any 2-year period is workable?
Q8	Are there any working restrictions we should consider to ensure we are not creating any unintended adverse consequences?
Q9	Do you agree that a limit of 1000kg/ha of compost total Nitrogen in any 4 year period when used as mulch for top fruit production is workable?
Q10	Do you have concerns about and/or can you identify benefits from such a change?
Q11	What are your views as to whether or not the Derogation should be renewed?
Q12	Which of the three closed period options do you prefer?
Q13	Do you have any comments or further evidence on any of the options that you think the Welsh Government should be aware of?
Q14	What are your views on whether the Welsh Government should consider bringing forward by two weeks the end of the closed period for sandy / shallow soils in areas with up to 750 mm average annual rainfall per year (to 15 December for both grassland and arable)?

Q15	Do you think that reducing the quantity of slurry that can be spread immediately after the closed period is a better or worse mechanism for managing nitrate leaching than extending the closed periods?
Q16	If the application rate during this period were reduced, do you agree with the suggested reductions in the rate of application?
Q17	What further points should the Welsh Government take into account when considering this issue?
Q18	Do you agree with the proposals to reduce the minimum distance for spreading slurry near watercourses if more precise equipment is used?
Q19	Is the proposed minimum distance from watercourses (6 metres) correct, or does it pose an unacceptable risk of pollution?
Q20	Do you have any comments on how this proposal could work or be improved?
Q21	Do you agree with this proposed change to the SSAFO calculation? What other factors should be considered?
Q22	Do you agree that the Action Programme does not require any amendments with respect to the storage of solid livestock manures?
Q23	How do you think the Welsh Government could enact the earned recognition principle?
Q24	How else do you think the record keeping burden could be reduced whilst maintaining the environmental benefits of the Nitrates Directive?
Q25	What low intensity farming systems do you consider should not have to keep Nitrates Regulations records?
Q26	Should “low intensity” be defined in terms of the Nmax limit, manure Nitrogen applications, or both? Or should other factors be part of the definition (and if so, what are they)? For your preferred way of defining “low intensity”, what level(s) of the relevant measures would be appropriate?
Q27	Are there any situations where the above should not apply?
Q28	Do you agree in principle that certified organic farms should not have to comply with the record keeping requirements of the Nitrates Regulations?
Q29	What other quality assurance schemes are you aware of that keep sufficient records to enable exemption from the need to keep Nitrate Regulations records? We would be interested to discuss suggestions with those responsible for running such quality

	schemes.
Q30	Do you think cover crops should be included in the Action Programme?
Q31	If so, have we identified the correct circumstances (sandy soils over groundwater) for their use?
Q32	Are the suggested dates appropriate? If not, what dates would you suggest?
Q33	What actions do you consider should be defined to show compliance?
Q34	Do you agree that the exemption in Regulation 6 should be repealed?
Q35	Do you think the deadline for doing so (22 December 2015) is the right one?
Q36	Do you agree that a person constructing a store should notify the EA(W) of his/her intention to do so before firmly committing to the project?
Q37	How might we improve this provision?
Q38	We have asked a number of questions, but are there any other issues about the Action Programme you would like to raise?
Q39	Do you consider all the Action Programme measures should be implemented from 1 January 2013?

## **Annex 1: Description of the methodology for identifying individual NVZs**

The areas recommended for designation are in line with the criteria set out in the Nitrates Directive - that is land draining to and contributing to the pollution of a “polluted” water, specifically:

- a **surface water** which has, or could have if action is not taken, a nitrate concentration greater than 50 mg per litre
- a **groundwater** which has, or could have if action is not taken, a nitrate concentration greater than 50 mg per litre
- a surface water which is **eutrophic**, or in the near future may become eutrophic if action is not taken.

This consultation includes maps of sufficient clarity to indicate the NVZs compared with existing designations and whether additional areas are identified or deleted. These maps are therefore an indication as to the possible extent of the NVZs.

Following this consultation and if the Welsh Government decide to continue with discrete NVZs, fully interactive field level maps will be published on the Environment Agency website. These maps can be used to determine whether individual parcels of land would fall within an NVZ and also the reason for its potential designation.

For information we have shown below on separate maps the extent and any potential changes of groundwater NVZs, the extent and any potential changes of surface water NVZs, and the extent and any potential changes of eutrophic NVZs. The map at figure 1 combines these areas (areas are designated under differing methodologies but the same area can be included under more than one designation method).

### **Methodology Working Group**

The methods developed have been reviewed in detail during 2010 and 2011 by the Environment Agency, advised by a Defra Steering Group which included both UK and Welsh Government officials, stakeholders and independent academic experts. The ‘Methodology Working Group’ has been able to learn from the previous designation, and inform and challenge the development of the process.

We consider the use of the peer review process has improved the level of transparency of an otherwise very technical process.

The membership of the Methodology Working Group was:

#### **Department for Environment Food and Rural Affairs.**

Simon Crabbe,  
Alex Bowness,  
Alan D’Arcy

**Welsh Government**

James Dowling,  
Tamlyn Rabey

**Environment Agency**

Robert Willows,  
Alwyn Hart,  
Simon Leaf,  
Nigel Crane,  
Ian Davey

**Environment Agency (Wales)**

Clare Blackledge

**Countryside Council for Wales**

Tristan Hatton-Ellis

**WRc (Consultants for EA)**

Andy Davey,  
Rob Moore

**Natural England**

Lindsey Stewart  
Alastair Burn

**Independent Experts;**

David Lerner (University of Sheffield)  
Adrian Butler (Imperial College)  
Anne Williams (British Geological Society)  
Kevin Hiscock (University of East Anglia)  
Stephen Maberly (Centre for Ecology and Hydrology)

**Stakeholders**

Michael Payne, National Farmers Union  
Derek Holliday, CLA  
Dafydd Jarrett, NFU Cymru  
Rhian Nowell-Phillips, Farmers Union Wales  
Sara Crocombe, Tenant Farmers Association  
Luke de Vial, Wessex Water (for Water UK)

**Methodology**

The methodology used represents a robust and practical approach to the identification of polluted waters and NVZs, consistent with assessment approaches adopted for the Water Framework Directive (2000/60/EC) requirements and Groundwater protection. It makes use of all the available data; up to 20 years' worth of monitoring in some cases.

### ***Surface Water Methodology***

Surface waters affected by nitrate pollution were identified using a series of steps. These include dividing the country into a large number of surface water catchments in which all watercourses are deemed to be 'surface water'. The next step was analysing water quality monitoring data to find out whether the nitrate levels in the surface water were above 50mg/l. In parallel to this exercise, a modelling assessment of nitrate pollution in surface waters was undertaken which provides an additional assessment of the risk of nitrate pollution based on how the land is used. The combination of the results of these two methods provided an initial determination of whether the surface water was polluted.

Workshops were then held allowing local area Environment Agency staff to comment on the preliminary results of the assessment and to highlight, for example, where other sources of pollution may have been the reason for high nitrate levels. The workshops were attended by observers from external stakeholder groups. The next and final stages were to check whether the land that drains into the 'polluted' waters.

Figure 2 shows the land identified as draining to polluted surface water.

Surface water NVZs would cover 1.6% of Wales. For surface water NVZs some small areas have been added as shown on the indicative map. Please note that some of this land may remain designated because of polluted groundwater or eutrophication and therefore the percentage figures of the three indicative maps are not cumulative.

These maps are not intended to be definitive at this stage, but rather to give a good overall picture of the extent of likely designations based on the water quality analysis that has been carried out.

### ***Groundwater Methodology***

Groundwaters affected by nitrate pollution were identified using a series of steps. Water quality monitoring data was analysed to determine the mean nitrate concentration in mid 2010 and the predicted mean nitrate concentration in 2025 to determine if the water was, or was likely to become, polluted. If the mean current or predicted nitrate concentration of a groundwater exceeds 50mg/l, it is deemed to be polluted and these areas were mapped.

The area of the 'failed' groundwater is then determined. In parallel, as for surface water, an assessment of nitrate leaching to groundwater using land use data was modelled. The outputs of these 2 methods were combined to provide an initial assessment of whether a ground water was polluted, and the confidence of that conclusion. As for surface water, to incorporate local knowledge and understanding, the results were reviewed and modified where necessary by groundwater quality teams within the Environment Agency at local workshops, which were attended by observers from external stakeholder groups.

Land that is directly above a polluted groundwater does not necessarily drain into it and therefore the final stage was to use geology and other hydrogeological features such as surface water outflows and groundwater flow lines to delineate the catchments of the 'polluted' groundwater.

Figure 3 below shows the land identified as draining to polluted groundwater. Groundwater NVZs would cover 0.8% of Wales.

### ***Methodology for eutrophic waters***

Assessing eutrophication is complex. It describes a process of change rather than a state. It is not possible to assess whether a water is, or may become, eutrophic simply by reference to a single numeric threshold such as a nitrate concentration. Whether a water is eutrophic depends on a large number of variables in addition to the concentration of nutrients. It is necessary to consider the current condition of the water body, including its ecology, and whether undesirable effects and the growth of algae or plants are due to Nitrogen inputs. As with the surface and groundwater assessments, we are also required to consider whether such effects may occur if preventative action is not taken. All these elements are included in the methodology and conclusions are reached based on the weight of the evidence of eutrophication.

Criteria have been established for the relevant water types to decide whether waters are affected by eutrophication. The Environment Agency identified polluted waters if sufficient nitrate was present to promote eutrophication and the elevated nutrient concentrations were having an adverse impact on the plant life in the waters. Information on the impact on water quality and use (e.g. recreation or conservation value) of the water bodies was also considered. Therefore a number of factors were considered in order to come to a rounded judgement, taking into account the weight of evidence, as to whether an individual water was suffering from eutrophication or might do so without preventative action. Having identified candidate eutrophic water bodies the Environment Agency convened a national panel of its own and external experts to ensure consistency in application of the assessment procedure.

External, academic experts were included on the panel because of the greater degree of expert judgement that this methodology requires (compared with the surface and groundwater processes). Observers from stakeholder groups also attended the panel meetings. The final stage was that the land draining to these surface waters was identified.

Figure 4 below shows the land identified as draining to eutrophic water. Eutrophic NVZs would cover 0.3% of Wales.

Figure 1 combines the three individual maps. It shows all three classifications of NVZ, overlapping where this occurs. In total, taking account of the overlaps, about 2.5% of Wales would be indicative NVZs using this methodology. This compares with 2.3% that was identified following the consideration of appeals

in the last round. The indicative NVZ figure of 2.5% may slightly rise or fall as new water catchment boundaries and as the indicative boundaries are firmed up with field boundaries or other features over the next few months.

Figure 1 – Combined NVZ areas

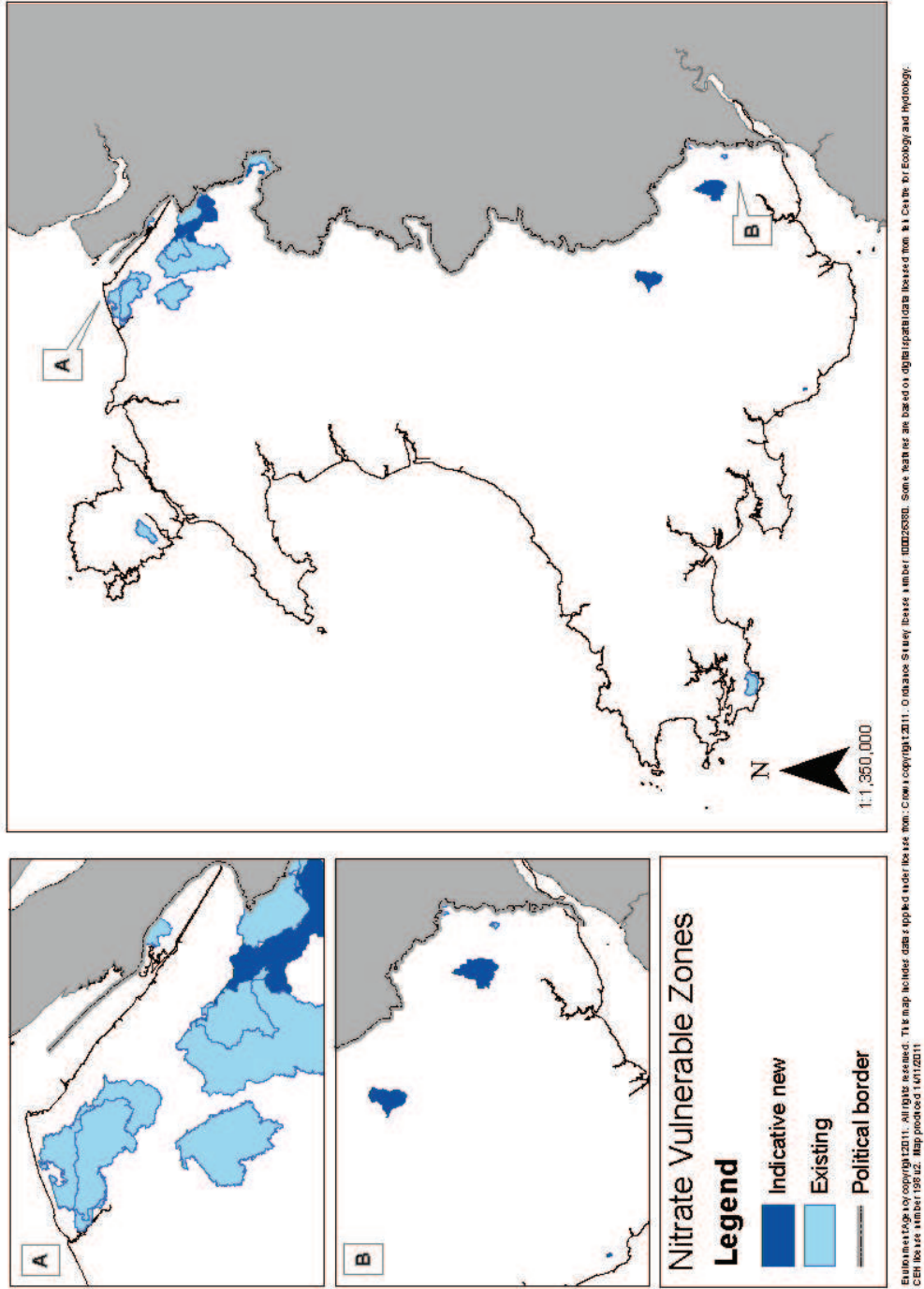


Figure 2 – Surface Water NVZ

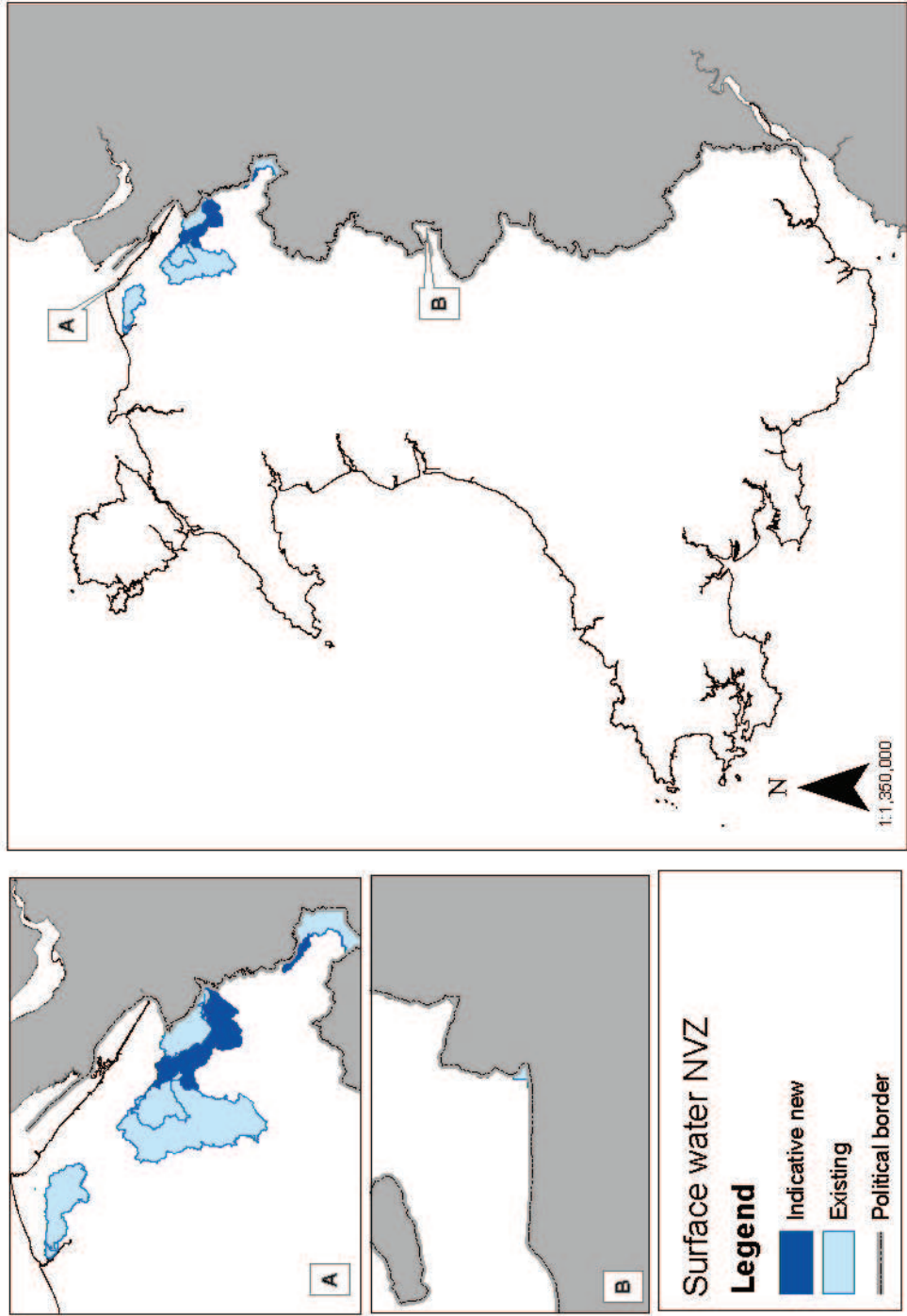


Figure 3 – Groundwater NVZ

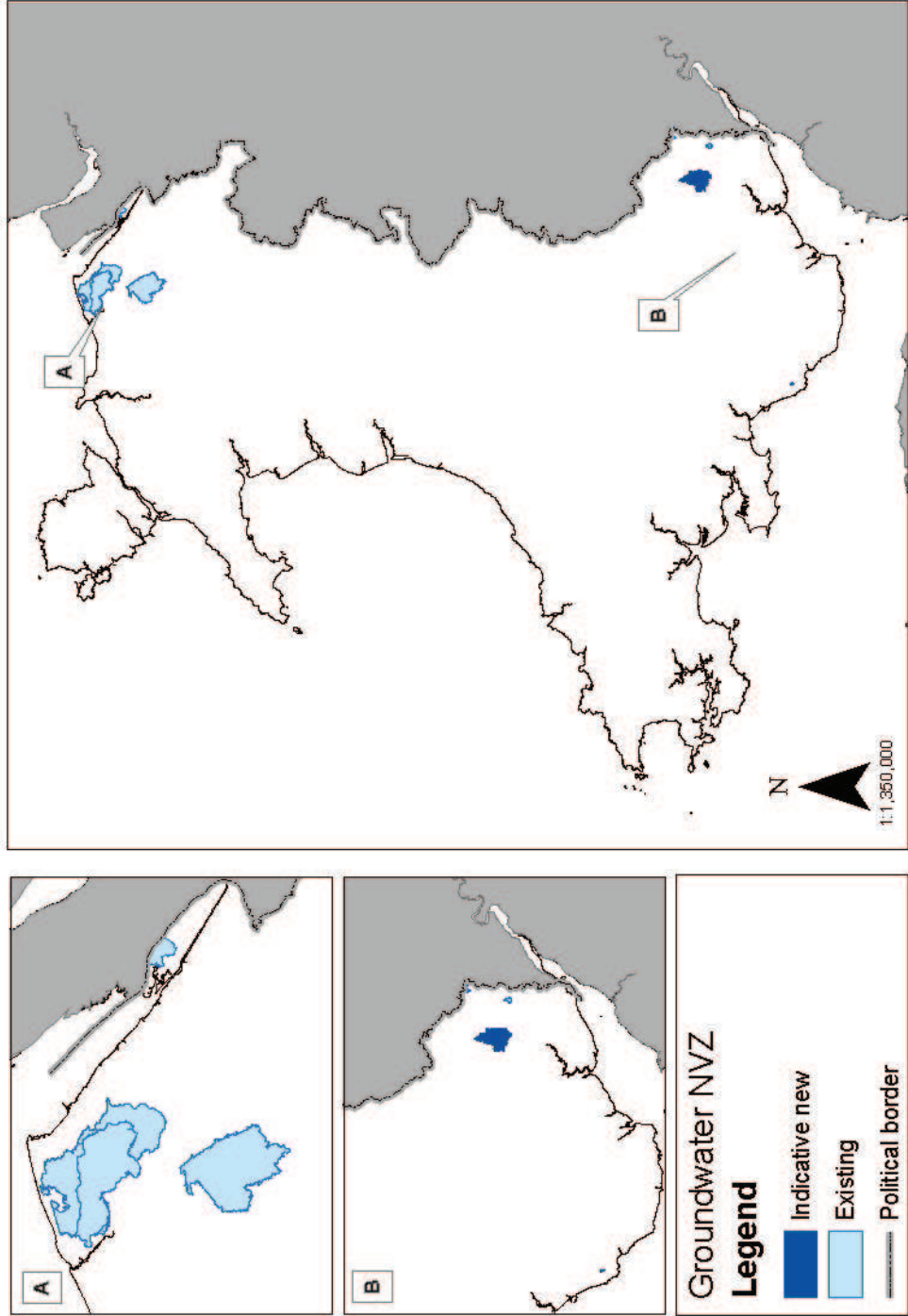
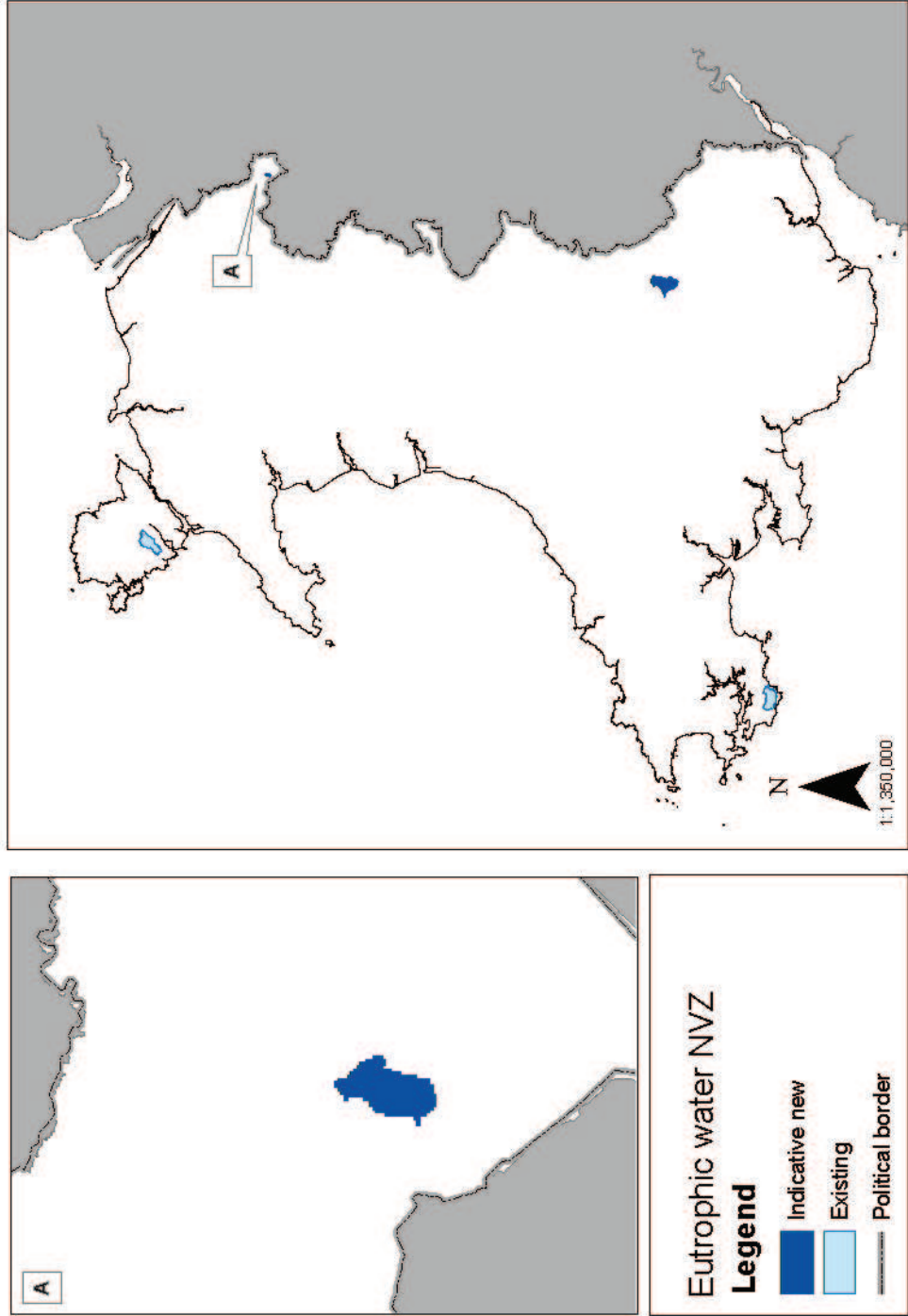


Figure 4 – Eutrophic NVZ



Eutrofiemetingen copyright 2011. All rights reserved. This map includes data supplied under license from: Crown copyright 2011. Database Streekl. Beers, number 10026389. Some features are based on digital spatial data licensed from: 1. Centre for Ecology and Hydrology; Centre for Water 1962. Map produced 1/01/2011

## **P-04-346 Free Childcare for 3-4 Year Olds in Wales**

### **Petition wording:**

We call on the National Assembly for Wales to urge the Welsh Government to ensure that free childcare for 3-4 year olds is delivered more flexibly across Wales allowing parents, and in particular working parents, to choose when and where they access the free childcare.

### **Supporting Information:**

All three and four year olds are entitled to 15 hours of free nursery until they reach compulsory school age however many parents living in certain local authority areas in Wales are unable to utilise this free childcare due to the restrictions in place.

For example, parents living in the Vale of Glamorgan are only able to redeem free childcare at nurseries attached to schools and this childcare is split into 2.5 hours a day from Monday to Friday. In Newport Council however parents are offered a wrap around service whereby 12.5 hours are available for parents to use against childcare provided in either a nursery school or private nursery setting of their choice. This essentially means that working parents in certain local authority areas who are unable to drop and collect their children for 2.5 hours of childcare a day are being discriminated against and losing out on free childcare whilst parents in other areas are receiving a disproportionate amount of money towards their childcare costs. I would urge the Welsh Government to standardise this system so that parents in all local authority areas can use a wrap around service thus making the free childcare accessible to all including working parents.

**Petition raised by:** Zelda Smith

**Date petition first considered by Committee:** 29 November 2011

**Number of signatures:** 67

**Our Ref/Ein Cyf:**

**Your Ref/Eich Cyf:**

**Date/Dyddiad:**

13<sup>th</sup> February 2012

**Please ask for/Gofynnwch am:**

Daisy Seabourne

**Direct line/Llinell uniongyrchol:** 029 2046 8612

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William Powell AM  
Chair Petitions Committee  
National Assembly for Wales  
Cardiff Bay  
Cardiff  
CF99 1NA

Dear William

### **Petition on provision of early years education**

Thank you for the opportunity to respond to the National Assembly's Petitions Committee regarding the provision of early years education in Wales. Providing and securing childcare is an important function of the local authority and has been shown to encourage development in children with a recent study demonstrating the lasting impact on educational achievement. Ensuring provision of adequate childcare also provides additional benefits to the parents, carers and community and can allow parents to return to employment.

When securing provision for free childcare local authorities take into account a full range of factors such as the needs of disabled children, locality and transport, the specific needs of rural communities and access to Welsh provision, in accordance with the Welsh Government's policy statement on childcare *Nurturing Children, Supporting Families*. Local authorities work hard to ensure that sufficient childcare is secured in every locality which allows all children access good-quality provision, and in addition to the factors outlined above, the needs of working parents are considered in the planning process. This not only takes into account the Welsh Government's policy statement on childcare but is also in line with national and local government, commitments to tackle family poverty.

Local authorities secure provision of early years education through a variety of maintained and non-maintained settings. The census shows that there are approximately 170,000 children under the age of 5 in Wales, with 70,293 children accessing nursery provision from the local authority. In 2010/11 there were 63 distinct nursery schools in Wales providing for 1,572 pupils in 10 local authorities in Wales.

The Welsh Government has placed a duty on local authorities to undertake a formal Childcare Sufficiency Audit, to assess current demand for childcare in their area. Each local authority has to

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[www.wlga.gov.uk](http://www.wlga.gov.uk)

produce an action plan, based on the findings of the audit, which addresses how future supply will meet the anticipated demand. Local authorities are in the process of updating the audit for this year and will then adjust their action plans for provision accordingly. Although all local authorities have a duty to ensure effective childcare, each local authority has different demands so will fulfil this function in a different way according to the needs of their community.

If you require any further information about the provision of childcare for 3 and 4 year olds in Wales, then please do not hesitate to contact me.

Yours sincerely

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

Dr Chris Llewelyn  
Director Lifelong Learning, Leisure and Information

Leighton Andrews AC / AM  
Y Gweinidog Addysg a Sgiliau  
Minister for Education and Skills



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref P-04-346  
Ein cyf/Our ref LA/06626/11

William Powell AM

committeebusiness@Wales.gsi.gov.uk

9 December 2011

*Dear William,*

Thank you for your letter dated 28 November about free childcare for 3-4 year olds.

You will wish to be aware that all local authorities have a statutory duty to offer a minimum of 10 hours a week of free education (Foundation Phase) to all three and four year olds. This provision plays an important part of parent's childcare arrangements and funding to support local authorities meet this duty is provided through the "Nursery and primary school teaching and other services" element of the Welsh Local Government Revenue Settlement.

However, the responsibility for planning and securing suitable nursery education rests with individual local authorities and their Early Years Development and Childcare Partnership.

I am aware that the arrangements adopted by some local authorities provide parents with more flexibility when taking up the offer of a free education places. My officials are currently exploring options which will ensure that similar arrangements are applied across Wales.

The Deputy Minister for Social Services is also considering how best to support parents and respond to the recommendations of the recent Daycare Trust/Save the Children report "The Childcare Trap: Making Work Pay".

*Yours sincerely*  
*Leighton Andrews*

Leighton Andrews AC / AM  
Y Gweinidog Addysg a Sgiliau  
Minister for Education and Skills

# Comisiynydd Plant Cymru Children's Commissioner for Wales Keith Towler

William Powell AM c/o Abigail Phillips  
Clerk  
Petitions Committee  
National Assembly for Wales  
Cardiff Bay  
Cardiff CF99 1NA

21.12.2011

Dear William

I write to you in relation to two petitions that have been received by your committee regarding which you have requested a response from me as the Children's Commissioner for Wales.

## **P04-346 Free Childcare for 3-4 year olds**

My Investigations and Advice officers have taken calls relating to associated issues, which tend to reflect the confusion among members of the public. Early years services is a complex area of service provision which differs from area to area and has a variety of structures, such as flying start, foundation phase and early education funding.

I think it would be useful to clarify the wording of the petition. When the petitioners refer to free childcare for 3-4 year olds, are they referring to free education places? My understanding is that though the setting could be in nursery schools, nursery classes in primary schools or reception classes in primary schools, playgroups, private day nurseries, independent schools, or with child minders who belong to an approved network, they can all be referred to as providers of free education places. It is clear that the local discretion afforded to local authorities leads to various models of discharging their obligations to free education places.

I would refer you to Newport Council's family service to ascertain that the information attached in your correspondence is an accurate description of the situation in Newport. Its website states:

*'Some Private Day Nurseries are also recognised as providers of education. Children who are resident in Newport and who attend one of the Private Day Nurseries or Playgroups who are Registered Education Providers, may be entitled to funding to cover a half-time early years education place (term time only) instead of a Council Nursery place. Please note that the funding will be paid directly to the setting. If your child does attend one of these settings, they must attend a minimum of 3 sessions on separate days to be eligible for the funding. Please be aware that this funding may not cover the usual charge of the setting, therefore you may still incur a charge. Please speak to individual settings to discuss this in more detail.'*

This will, of course, benefit some families. However the Council may not be able to offer

**Comisiynydd Plant Cymru**  
**Children's Commissioner for Wales**  
**Keith Towler**

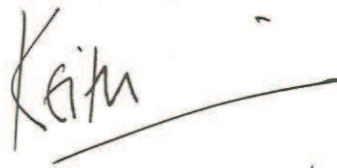
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the flexibility to facilitate the needs of all families. It is almost inevitable that some parents will benefit more than others, based on their particular circumstances.

**P-04-337 Free Sunscreen for all School Children under the age of 11**

Whilst acknowledging this as an issue which is relevant to children's right to be healthy, I don't feel as if my Office can add value to the deliberations relating to this particular petition. I do note with interest the response from the Minister for Health and Social Services and will monitor other contributions published by the Committee.

Yours sincerely

A handwritten signature in black ink that reads "Keith". The signature is written in a cursive style and is underlined with a single horizontal stroke.

Keith Towler  
Children's Commissioner for Wales

## **P-04-376 Reorganise Education in Powys**

### **Petition wording:**

We call on the National Assembly for Wales to urge the Welsh Government to call in Powys County Council's proposals to reorganise education in Powys, which would lead to Builth Wells' bilingual dual stream English-medium sixth form becoming a Welsh designated sixth form.

**Petition raised by:** Sarah Wheeler

**Date petition first considered by Committee:** 13 March 2012

**Number of signatures:** 1,177

E-mail 05-03-2012

Hi Sarita,

The letter from Cllr Avril York was received December 2011 and was sent to Builth Wells Supporting Education for All as an update to members following the county councillors meeting with the Education portfolio holder – Cllr. Stephen Hayes.

The letter from Cllr Stephen Hayes was sent to the Builth and surrounding area county councillors on 7/12/11. Please find attached the minutes from the cabinet meeting 22/11/11 which was a public meeting, Cllr Avril York, attempted to present the Builth Wells Community outrage at the decision to close the English medium sixth form at Builth Wells High School. Builth Wells Supporting Education for All met with Cllr Stephen Hayes early Dec 2011 along with Cllr Avril York and his rationale for closing Builth Wells High School English medium sixth form was that 'some will say having a bilingual dual stream high school will contaminate the Welsh language', hence Welsh designation sixth form, despite not having the critical mass to maintain a Welsh designation sixth form. Please note throughout the consultation process we have as a community attempted to ensure the maintenance of a bilingual dual stream 11 – 18 yrs high school. The supporting petition was also acknowledged as part of the consultation process with 1021 signatures. All we are now aiming for is the removal of the Welsh only designation sixth form and all members hope for is fair and equitable education for **All** in Builth Wells High School with the ability to have a thriving bilingual dual stream 11 – 18 yrs school and maintenance of a bilingual dual stream sixth form.

Hope this is of help?

Please contact me if you require any further background information.

Best wishes

Sarah Wheeler

**E-mail 02-03-2012**

Dear Rhodri,

Please find three documents attached as evidence for the petitions committee. I am sending apologies due to the inability to attend the formal meeting to present the evidence.

Please note Sarita Marshall, Deputy Committee Clerk, Petitions Committee has a copy of the manual petition containing over 1020 signatures as supporting evidence for Builth Wells Community.

May I take this opportunity to thank you and your team for your on-going support and advice throughout the E-petition process.

Please do not hesitate to contact me for any further information.

Very best wishes.

Yours sincerely

Sarah Wheeler

(Sent on behalf of Builth Wells Supporting Education for All)

**Petition Committee evidence**  
**Builth Wells Supporting Education for All**  
**1<sup>st</sup> march 2012**

‘We call on the National Assembly for Wales to urge the Welsh Government to call in Powys County Council’s proposals to reorganise education in Powys, which would lead to Builth Wells’s **bilingual dual stream** English-medium sixth form becoming a Welsh designated sixth form.’

As a community what we are petitioning for is that the Education Portfolio Holder Cllr. Stephen Hayes, Powys County Council, will re-instate the Sixth form English Medium A level designation at Builth Wells High School, which he has closed in the secondary education modernisation in Powys. He has stated there have been radical changes in secondary education, but it appears the only change he has made is close the second largest viable English medium sixth form in Powys (Currently 125 pupils). This option taken by Cllr Hayes was not part of the consultation for secondary school modernisation. This decision has now created inequity, segregation of pupils who wish to maintain their Bilingual dual stream sixth form. (Currently there is one pupil studying 'A' levels in Welsh medium from the 2011 cohort). Builth Wells High School Welsh designation sixth form is mentioned throughout the draft Welsh Education Strategy Plan document for Powys, which also has made the Builth Wells community feel very nervous and powerless despite the majority of the community not being in support of this proposal. The community are very proud of the bilingual dual stream High School at Builth Wells and it forms the centre of a rural community, the change to the designation of the school will also lead to negative effects to the socio-economics of this rural bilingual speaking community.

Please find attached two letters that were sent to the Builth Wells Supporting Education for All, one from local councillors and one from the Education Portfolio Holder Cllr. Stephen Hayes on the 7th December 2011 to the local Councillors. The letters evidence that there is not the critical mass to have a viable Welsh medium sixth form at Builth Wells High School :-

*“the implementation of post 16 education solely through the medium of Welsh should be allowed to grow organically and at its own speed and not implemented until a) it was financially viable and b) that there were sufficient pupils seeking to be educated through the medium of Welsh at ‘A’ Level.*

**AND**

*“I also accept that the date mentioned in the report of 2015 for full change-over is likely to prove unrealistic, as the time necessary for cohorts of pupils to move through earlier stages of their education will require a lengthier transition period.”*

With this statement in mind, why sanction the closure and demise of a large thriving, successful and viable English medium sixth form? The majority of the community oppose this decision and still remain proud of the bilingual dual stream 11-18 yrs High School. All the members hope for is that the Welsh designation is changed back to Bilingual dual stream sixth form, to give the English medium A level students equality of opportunity which is an entitlement for all pupils regardless of the medium of education.

### **Summary of points relating to the closure of the English Medium Sixth form at Builth Wells High School.**

This decision still dismays and confuses the Builth Wells community for several reasons:-

- Builth Wells High School is the only sixth form in Powys to be closed for English medium, the community feels there is now an **inequity** that Powys County Council education portfolio holder has endorsed, compared to the rest of Powys sixth forms. Equality of opportunity which is an entitlement for all pupils regardless of the medium of education.
- Builth Wells High School is the second largest English medium sixth forms in South Powys and has maintained high achievement's with A level results and the sixth form is financially viable.
- The current sixth form AS & A level 2011-2012 has 120 pupils opting to take their A levels at Builth Wells High School, this figure includes 8 pupils from the Welsh medium GCSE cohort, 7 of those pupils elected to take English medium A levels and now 1 (one) pupil is taking Welsh medium A levels.
- The area is 95% English speaking households, but the community remains proud of the bilingual status of the High School and closure of the English medium sixth form will inevitably lead to the demise and eventual closure of the 11 to 16 English medium education provision.
- The education portfolio holder Cllr Stephen Hayes has now acknowledged that *“the implementation of post 16 education solely through the medium of Welsh should be allowed to grow organically and at its own speed and not implemented until a) it was financially viable and b) that there were sufficient pupils seeking to be educated through the medium of Welsh at ‘A’ Level.*
- *Education Portfolio holder, Cllr. Stephen Hayes quoted “I also accept that the date mentioned in the report of 2015 for full change-over is likely to prove unrealistic, as the time necessary for cohorts of pupils to move through earlier stages of their education will require a lengthier transition period.”*

- **Most importantly the pupils wish to continue the bilingual dual stream sixth form in Builth Wells High School, pupils do not want separation or segregation from their friends/peers.**
- The decision will lead to the slow demise of the school with parents opting to not send their children to Builth Wells High School English Medium school due to the lack of choices, uncertainty and loss of continuation of English medium education provision to 18yrs.
- The local economy of Builth Wells community will be severely affected, potentially less investment and less migration to this beautiful area due to loss of English medium High School Education. The community are proud of the bilingual status of the school.

We hope that Powys County Council will change the designation of the sixth form and re-instate the English medium sixth form. Please keep our High School as a Dual Stream Bilingual sixth form. Let the school prove they have a financially viable bilingual dual stream sixth form, why close a Band 2 school, one of only two High Schools who achieved this level in all of South Powys?

Please help the High School and community in Builth Wells to request a re-think of Powys County Councils decision to close the English medium sixth form, give Builth Wells High School an equal chance with the rest of the sixth forms in Powys. The request is that Powys County Council removes the welsh designation and re-instates the bilingual dual stream sixth form. Please do not treat Builth Wells High School and community unequally compared to the rest of Powys High School pupils.

Yours sincerely  
 Builth Wells Supporting education For All  
 (Sarah Wheeler)

NB. Sarita Marshall, Deputy Committee Clerk, Petitions Committee has a copy of the manual petition containing over 1020 signatures as supporting evidence for Builth Wells Community.

Cllr Kelvyn Curry,  
Cllr Maureen MacKenzie,  
Cllr David Price,  
Cllr T Van Rees,  
Cllr Avril York

Dear Members,

### **Secondary, Welsh Medium and Post-16 school modernisation**

Thank you for your letter of 5<sup>th</sup> December regarding the modernisation proposals as they affect Builth High School.

As you know, and I am happy to confirm, the proposals to establish centres of excellence for post-16 Welsh Medium education at Caereinion and Builth High Schools, which were agreed by Cabinet on 22<sup>nd</sup> November, envisage a move by increments to a position where the two schools offer A and AS courses through the medium of Welsh only.

As the Cabinet paper stated, the intention is 'to create sufficient critical mass of learners to enable the cost-effective delivery of courses and to enhance the range of courses available'. The aim, as the paper said, is to commission an increasing number of Welsh medium A/AS courses from Builth Wells Secondary school. The paper went on to say that it is anticipated that English Medium A/AS provision will cease to be provided at Builth in due course, with pupils accessing this provision at Llandrindod Wells High School.

It is clearly accepted, therefore, that progression to designated Welsh medium status at post-16 will occur over time, with no overnight cessation of English medium courses. I referred in presenting the report to the undertaking that no pupil who begins a course or a key stage at a school will be required to move before they complete that course of study. I also accept that the date mentioned in the report of 2015 for full change-over is likely to prove unrealistic, as the time necessary for cohorts of pupils to move through earlier stages of their education will require a lengthier transition period.

At the Cabinet meeting, a question was asked about the effect of the new central commissioning of courses on post-16 provision in Builth HS, and I confirmed that any new commissioning body would be free to make such decisions relating to courses in either medium as it considered justified by demand and available resources. It is not proposed that any application

will be made to alter the designation of Builth and Caereinion High Schools prior to the setting up of the new commissioning body.

The commitment to providing a full range of Welsh-medium courses at post-16 is an important one, and goes hand in hand with the decision to fund enhanced Welsh medium provision at 11-16 at both Builth and Brecon High Schools. There are currently over 450 pupils receiving primary education through the Welsh medium in the catchments of the two High Schools, with demand growing. It is important that we give these pupils, and others in the future, the prospect of first-class secondary education through the Welsh medium. Far from being a threat to the future of Builth HS, the proposal gives the school a key strategic role in the south of the county.

Finally, I am happy to confirm that the details of implementing what is a high-level strategy decision will need to be considered and taken forward through the Authority's Welsh in Education Strategic Plan. The draft of this plan will be worked up with stakeholders, including school governing bodies and senior management teams, and consultation will take place before submission of the final document to Welsh Government. This gives a genuine opportunity not only for those immediately affected, but for the wider public, to input their views on all aspects of implementation of the decision.

Yours sincerely,

## Schools Modernisation Programme

Since the announcements on Schools Modernisation on 8th November, I have been working to improve the position of Builth Wells High School in relation to its sixth form provision.

**Cabinet meeting on 22<sup>nd</sup> November:** I spoke against the proposal for a Welsh only sixth form provision and requested that Builth Wells High School was able to work with the commissioning body to put on a range of economically viable English medium courses. This was picked up by one of the cabinet members, Tony Thomas; the minutes for the meeting state ..

*The Portfolio Holder explained the rationale for a central planning and funding system for commissioning post-16 courses. He confirmed that this approach had the support of the Welsh Government. In answer to Members' questions he advised that it was necessary for the commissioning body to be autonomous and free from competing interests. Democratic overview would be provided by the Scrutiny Committees. He confirmed that when a preferred model for the commissioning body had been approved by Cabinet, consultation would take place before submission to Welsh Government. He wanted the commissioning body to work with neighbouring authorities including those in England. He advised that there was nothing preventing the new body commissioning a small number of subjects in English at the schools designated Welsh medium.*

Because of continued confusion about what had been agreed, Cllr Tim Van Rees, myself and three other councillors wrote to the portfolio holder, Stephen Hayes, on 5<sup>th</sup> December to clarify the position. We reminded Cllr Hayes that the concession was given that *"the implementation of post 16 education solely through the medium of Welsh should be allowed to grow organically and at its own speed and not implemented until a) it was financially viable and b) that there were sufficient pupils seeking to be educated through the medium of Welsh at 'A' Level. It was also conceded that the commissioning body could provide 'A' Level education through the medium of English in subjects again if financially viable"*

Cllr Hayes responded by letter on December 7<sup>th</sup>. He accepts that the date in the report of 2015 is likely to prove unrealistic and that it will require a much lengthier transition period. He confirmed that *"any new commissioning body would be free to make such decisions relating to courses in either medium as it considered justified by demand and available resources"* Cllr Hayes continued that *"It is not proposed that any application to change the designation of Builth and Caereinion High Schools will be made prior to setting up of the new Commissioning Body"*

I trust this clarifies the position for Builth Wells High School – and I wish to record my thanks to Cllrs Tim Van Rees, David Price, Maureen Mackenzie and Kelvyn Curry for supporting me.

Avril York

**MINUTES OF A MEETING OF THE CABINET HELD AT THE PAVILION,  
LLANDRINDOD WELLS ON 22<sup>ND</sup> NOVEMBER 2011**

PRESENT County Councillor E.M. Jones (Leader)

County Councillors L.G. Davies, W.A. Fitzpatrick, K.A. Harris, Mrs M.R. Harris, S.M. Hayes, G.G. Hopkins, W.T. Jones, Mrs K.M. Roberts-Jones and A.G. Thomas

<b>1.</b>	<b>APOLOGIES</b>	<b>C140 – 2011</b>
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There were no apologies for absence.

<b>2.</b>	<b>DECLARATIONS OF INTEREST</b>	<b>C141 – 2011</b>
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County Councillors L.G. Davies, W.A. Fitzpatrick, K.A. Harris, Mrs M.R. Harris, G.G. Hopkins, E.M. Jones, W.J. Jones and Mrs K.M. Roberts-Jones declared personal but non pecuniary interests in C142 – 2011 Secondary School Modernisation as LEA appointed governors.

<b>3.</b>	<b>SECONDARY SCHOOL MODERNISATION</b>	<b>C142 – 2011</b>
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The Portfolio Holder for Learning and Leisure gave an overview of the proposals contained within his reports. He referred to the challenges of improving educational standards, pressures on school budgets and falling pupil numbers. He referred to the consultation and feedback arrangements which would apply to the various proposals.

The Cabinet then heard representations from County Councillors D.R. Jones, for the Shires Independent Group, A.W. Davies for the Welsh Conservative Group, Mrs S.C. Davies for the Welsh Labour Group, D.W. Meredith for Brecon High School, Mrs A. York for Builth Wells High School, Miss M.J.B. Davies for Gwernyfed High School and speaking also on behalf of J.G. Morris for Crickhowell High School who was unable to attend, M.D. Hodges for Llandrindod Wells High School, P.E. Lewis for Llanfyllin High School, G. Morgan for Llanidloes High School, Mrs F.H. Jump for Welshpool High School, J.M. Williams for Ysgol Bro Ddyfi, K. Pathak for Ysgol Maesydderwen and Mrs E.M. Jones for Ysgol Uwchradd Caereinion.

The Cabinet then considered each of the reports in turn.

### **Secondary and Post 16 Modernisation Overview**

The report set out the background to the proposals and made the case for change.

<b>RESOLVED</b>	<b>Reason for Decision:</b>
<b>That the Cabinet notes the strategy for transforming secondary and post-16 education contained within this report.</b>	<b>To ensure full understanding of the challenges facing the sector and the strategy to address these.</b>

## Secondary Modernisation – proposals for 11 – 16 Secondary Education

The Portfolio Holder set out the rationale for the proposals to establish families of schools with formal collaborative governance arrangements and explained that the funding formula would be reviewed to incentivise collaboration. The proposed families were:

- Maesydderwen-Crickhowell-Brecon-Gwernyfed
- Builth Wells-Llandrindod Wells-John Beddoes
- Newtown-Llanidloes-Bro Ddyfi
- Welshpool-Llanfair Caereinion-Llanfyllin

It was proposed that the arrangements would be in place from September 2012. In answer to Members' questions he noted that the proposals would allow for a substantial reallocation of funds to 11-16 education equivalent to approximately £150 per pupil. He did not feel it was appropriate to slot the three special schools into the local families of schools as the three constituted a family in themselves and had been a model of collaboration. In relation to these proposals a two month feedback period commencing 29<sup>th</sup> November 2011 would allow the views of interested parties to be considered during the implementation process.

<b>RESOLVED</b>	<b>Reason for Decision:</b>
<p>1. To establish 'Families' of schools with formal collaborative governance arrangements under the Collaboration between Maintained Schools Regulations 2008;</p>	<p>To ensure that schools collaborate to raise standards and develop a cost-effective education system.</p>
<p>2. To carry out a review of the Authority's overall funding formula for schools.</p>	<p>To ensure that the secondary sector is funded in a transparent, standardised and sustainable manner.</p>

## Secondary Modernisation – Proposal for Post-16 education

The Portfolio Holder explained the rationale for a central planning and funding system for commissioning post-16 courses. He confirmed that this approach had the support of the Welsh Government. In answer to Members' questions he advised that it was necessary for the commissioning body to be autonomous and free from competing interests. Democratic overview would be provided by the Scrutiny Committees. He confirmed that when a preferred model for the commissioning body had been approved by Cabinet, consultation would take place before submission to Welsh Government. He wanted the commissioning body to work with neighbouring authorities including those in England. He advised that there was nothing preventing the new body commissioning a small number of subjects in English at the schools designated Welsh medium.

<b>RESOLVED</b>	<b>Reason for Decision:</b>
<p>1. That the Local Authority moves to a central planning and funding</p>	<p>To ensure that post-16 education is delivered as cost-effectively and</p>

<p>system of commissioning post-16 courses;</p> <p>2. That in collaboration with other education providers in Powys, the Authority takes forward plans to formalise the central commissioning system by establishing a new legal entity for all academic and vocational provision within three years.</p>	<p>sustainably as possible, whilst ensuring that learners have access to a broad curriculum, both in English and Welsh.</p>
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### Secondary Modernisation – proposals for Welsh Medium education

The Portfolio Holder explained that the rationale for his proposals to focus provision was to foster and encourage Welsh language provision, provide continuity of provision for pupils and increase breadth of curriculum choice through the Welsh medium. He explained that he had taken on board representations made in respect of Ysgol Dyffryn Trannon and was therefore recommending to the Cabinet that funding for Welsh medium 11-16 education at Llanidloes High School be retained at its current level pending consideration of needs of pupils at Ysgol Dyffryn Trannon under the Welsh in Education Strategic Plan. All proposals relating to Welsh Medium Education would be taken forward under the authority's Welsh in Education Strategic Plan which included a period of consultation before the final plan was submitted to the Welsh Government.

<b>RESOLVED</b>	<b>Reason for Decision:</b>
<p>1. To deliver 11-16 Welsh Medium education from <u>five</u> dual-stream schools as follows:</p> <ul style="list-style-type: none"> <li>• Brecon High School</li> <li>• Builth Wells High School</li> <li>• Caereinion High School</li> <li>• Llanfyllin High School</li> <li>• Ysgol Bro Ddyfi</li> </ul> <p>2. To provide additional investment and support to these schools to enhance and maintain the curriculum at the appropriate level;</p> <p>3. To retain funding of Welsh medium 11-16 education at Llanidloes High School at its current level pending consideration of the needs of Welsh medium learners at Ysgol Dyffryn Trannon under the Welsh in Education Strategic Plan.</p> <p>4. To commission post-16 Welsh</p>	<p>To ensure that all pupils have equal access to the broadest range of subjects through the medium of Welsh.</p> <p>To ensure that the provision is delivered in a efficient and effective manner</p>

<p>Medium provision from <u>three</u> of these schools, of which two will become designated Welsh Medium post-16 providers and one continues as a dual-stream provider:</p> <ul style="list-style-type: none"> <li>• Caereinion High School – Welsh Medium</li> <li>• Builth Wells High School – Welsh Medium</li> <li>• Ysgol Bro Ddyfi – dual stream</li> </ul>	
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### **Secondary Modernisation – Associated proposals, including All Through Schools**

The Portfolio Holder presented a number of further proposals in relation to

- supporting the establishment of an All Through school in Machynlleth;
- supporting investigation into the feasibility of All Through Schools in other catchment areas if appropriate;
- the implementation of a long term strategy of modernising school buildings and maximising the benefits of ICT to support teaching and learning in schools;
- reducing surplus places by removing surplus buildings and demountables and investigating alternative community use of empty spaces;
- local consultation on the revised home to school transport policy and undertake a review of all transport routes.

The Portfolio Holder confirmed that the two month feedback period would apply to these proposals.

<b>RESOLVED</b>	<b>Reason for Decision:</b>
<p>1. To actively support the development of an All Through School in Machynlleth;</p>	<p>To ensure a sustainable, cost-effective education system in this area that leads to an improvement in outcomes for learners.</p>
<p>2. To support schools in other catchment areas to explore the feasibility of All Through Schools, if appropriate;</p>	<p>To assess the potential of this model to deliver a sustainable, cost-effective education system in this area that leads to an improvement in outcomes for learners.</p>
<p>3. To support the proposals in respect of modernising school buildings, reducing surplus capacity, and reviewing home-to-school transport policy as set out in the report.</p>	<p>To create a long-term, sustainable education infrastructure;</p>

The Leader thanked the Portfolio Holder for Learning and Leisure and officers for their work and he also thanked the previous Portfolio Holder whose earlier work and consultations had informed much of the proposals.

<b>4.</b>	<b>LOCAL AUTHORITY MORTGAGE SCHEME</b>	<b>C143 – 2011</b>
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It was agreed to defer this report to 6<sup>th</sup> December.

E.M. JONES  
Leader

Leighton Andrews AC / AM  
Y Gweinidog Addysg a Sgiliau  
Minister for Education and Skills



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref P-04-376  
Ein cyf/Our ref LA/05504/12

William Powell AM

committeebusiness@Wales.gsi.gov.uk

*Dear William,*

21 March 2012

Thank you for your letter of 12 March about a petition received from Sarah Wheeler of Powys.

I believe that the concerns about 6<sup>th</sup> form provision at Builth Wells High School have arisen because of 2 separate but related consultation exercises recently conducted by Powys. On 29 November 2011 the local authority issued, for consultation, plans for secondary schools and sixth forms which were based on an expectation that schools would be retained but that they would collaborate to raise standards. The plans also suggested that commissioning arrangements would be put in place to coordinate provision and that 2 secondary schools, one of which was Builth Wells High, would become designated Welsh medium post-16 providers. This consultation was followed by a wider consultation on the local authority's Welsh Education Strategic Plan, and this exercise was completed in mid February. This plan reflected the earlier suggestion that Builth Wells High would provide Welsh medium education at post-16. I understand that the local authority does not plan to make this change in the very near future, but that change by 2015 is under consideration.

The inclusion of this target for Builth Wells High in the strategic plan does not render the change inevitable, and there is no specific mechanism for the plan to be called in at present. The Welsh Education Strategic Plan has in any case been submitted to Welsh Ministers and will be scrutinised by the Welsh Language Unit in my department and feedback on its content will be provided to the local authority before Easter.

Under current legislation, even if a regulated change forms part of a plan such as a Welsh Education Strategic Plan, it would still be necessary to undertake statutory procedures under the School Standards and Framework Act 1998. The change from dual stream provision to Welsh-only provision would be a regulated change at the sixth form at Builth Wells School. The statutory procedures include consultation on proposals and the publication of notices with the opportunity for objection. Such proposals currently come to me for determination where objections arise. When I am required to determine proposals to make changes to schools, I take account of all relevant factors, including the views of objectors, before deciding whether or not to approve them.

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1NA

English Enquiry Line 0845 010 3300  
Llinell Ymholiadau Cymraeg 0845 010 4400  
Correspondence.Leighton.Andrews@wales.gsi.gov.uk

Wedi'i argraffu ar bapur wedi'i ailgylchu (100%)

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I hope that this explanation provides some reassurance that appropriate mechanisms are in place when changes to schools are under consideration. I will ensure that when the local authority is provided with feedback on its Welsh Education Strategic Plan, they are reminded that statutory procedures would be necessary for a number of the changes contained within the plan, including that in view for Builth Wells High School.

*Yours sincerely*



**Leighton Andrews AC / AM**  
Y Gweinidog Addysg a Sgiliau  
Minister for Education and Skills

**PET(4)-08-12 : Tuesday 15 May 2012**  
**P-04-376 Reorganise Education in Powys**

3<sup>rd</sup> May 2012

Petitions committee- response for 15<sup>th</sup> May 2012 meeting

**Sarah Wheeler on behalf of Builth Wells Supporting Education for All**

Thank you for the copy of the letter from Leighton Andrews AM, Minister for Education and Skills dated 21/3/12. Can I take this opportunity to clarify the petition statement?

‘We call on the National Assembly for Wales to urge the Welsh Government to call in Powys County Council’s proposals to reorganise education in Powys, which would lead to Builth Wells’ **bilingual dual stream** English-medium sixth form becoming a Welsh designated sixth form.’

Regarding Leighton's first paragraph where he stated that there were 2 consultations one in November 2011, modernisation plans for education and a welsh education strategy consultation (WESP) in February 2012. The Minister needs to be aware that the secondary school and sixth form consultation options within the document **have no relation** to the proposals now sanctioned for the sixth form that was decided by Powys County Council education committee for Builth Wells High School. The proposals have been opposed by the majority of the Builth Wells Community, with a large petition(1180) submitted to the petitions committee; the social and economic effects of the closure of the thriving English medium sixth form would be devastating for the school and the community.

To date we are unaware of the outcome of the WESP and have been unable to source any current information regarding the strategy, welsh designated sixth form at Builth Wells High School is fundamental to the consulted document. At no point has there been an impact assessment released for this proposal in Builth Wells. As a community when the minister states these changes are not imminent, 2015 is imminent and having closure of the sixth form ‘hanging over the school’ compromises future intakes of students.

We as a community wonder what the minister means by 'no specific mechanism for the plans to be called in at present' if there is a statutory procedure for regulated change under the Schools Standards and Framework Act 1998.

We as a community do feel that the minister has clearly stated there will be a statutory procedure including consultation on proposals and the publication of

notices with the opportunity for objection. Builth Wells hope to be given the chance to comment and object; or would this be a closed consultation process?

Please find attached two letters that were forwarded to the Builth Wells Supporting Education for all, from the Education Portfolio Holder Cllr. Stephen Hayes on the 7th December 2011 and the local Councillor. The letters evidence that there is not the critical mass to have a viable welsh medium sixth form at Builth Wells High School:-

*“the implementation of post 16 education solely through the medium of Welsh should be allowed to grow organically and at its own speed and not implemented until a) it was financially viable and b) that there were sufficient pupils seeking to be educated through the medium of Welsh at ‘A’ Level.*

**AND**

*“I also accept that the date mentioned in the report of 2015 for full change-over is likely to prove unrealistic, as the time necessary for cohorts of pupils to move through earlier stages of their education will require a lengthier transition period.”*

With this statement in mind, why sanction the closure and demise of a large thriving, successful and viable English medium sixth form? The majority of the community oppose this decision and still remain proud of the bilingual dual stream 11-18 yrs. High School. All the members hope for is the welsh designation is changed back to Bilingual dual stream sixth form, to give the English medium A level students equality of opportunity which is an entitlement for all pupils regardless of the medium of education.

Yours sincerely

Builth Wells Supporting Education for All

And

Sarah Wheeler

## **P-03-294 Wales Women's National Coalition**

### **Petition wording**

We the undersigned call upon the National Assembly for Wales to urge the Welsh Government to publish firm plans which state how, in the absence of Wales Women's National Coalition, the voice, needs and views, of women in Wales will be reflected into policy and decision-making in Wales, the UK, Europe and the UN.

**Link to the petition:** <http://www.assemblywales.org/gethome/e-petitions-old/admissible-pet/p-03-294.htm>

**Petition raised by:** Wales Women's National Coalition

**Number of signatures:** 51

**Update:** An update will be considered to this petition.

PET(4)-08-12 : Tuesday 15 May 2012  
P-03-294 Wales Women's National Coalition

Sarita

I'm sorry for any delay and to hear that you have been awaiting a response. By the time I saw these e-mails it was my understanding that a bid had been opened and had been won by the Women's Equality Network, WEN Wales. I fully support WEN in the work that they are doing.

However, obviously, it is a great disappointment to me and to the many members of WWNC that the need for such funding was only recognised too late to be assistance to WWNC, which formally closed in June 2010 due to withdrawal of core funding by WG. Had this offer come earlier, the trustees and I would have been in a position to bid. With core funding I would have been able to secure the other avenues of funding that I was pursuing at the time. However, this did not happen.

I still feel that a short-sighted and disappointing decision was taken by WG, although I acknowledge that this has now been partially addressed. I would still like to know how they will continue to ensure that the voice of women in Wales can be made loud and clear in policy and decision-making at a local, national and international level.

I would be interested to receive the response of the petitions committee. Please forgive a reply by e-mail only, but I am going on leave today and thought a quick response was better than none.

Thank you

Naomi Brightmore

**Naomi Brightmore, Manager**

Port Talbot and Afan Women's Aid is registered as a Company Limited  
by Guarantee No: 027142217

Registered as a charity No:1014363

Registered address: 1st Floor, Commercial Buildings, Beverley Street, Port  
Talbot SA13 1DY.

Affiliated to Welsh Women's Aid.

## **P-03-085 Surgeries in Flintshire**

### **Petition wording**

We, the doctors at the Laurels Surgery, Eyton Place Surgery and Allt Goch Medical Centre are frustrated (as we are sure you are) by our difficulties in offering enough appointments for our patients.

As you will be aware, we are totally constrained by the size of our building and desperately need to move to larger premises — preferably in a new Primary Care Centre.

Progress towards this has stopped following the recent appointment of the new Health Minister and we wish to bring our concerns to her notice.

We would ask that you sign this petition to support our efforts to have this process speeded up;

“As a patient at a GP Surgery in Flint, we would ask that our Assembly Member, Mrs Sandy Mewies, applies pressure at the Welsh Assembly Government for the development of a new Primary Care Centre as a matter of urgency.”

**Petition raised by:** Gillian Robinson

**Date petition first considered by Committee:** 21 February 2008

**Number of signatures:** 412



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www.communityhealthcouncils.org.uk

Your ref: P-03-85

15 December 2011

Mr William Powell AM  
Chair, Petitions Committee  
National Assembly for Wales  
Cardiff Bay  
CF99 1NA

Dear Mr Powell

**Re: P-03-85 Surgeries in Flint**

Thank you for your letter of 23 November last. The Betsi Cadwaladr Community Health Council (BCCHC) welcomes the opportunity to give our views on the content of the petition.

We feel it would be useful, however, to provide some background since the original petition was lodged in 2007.

You will be aware that Community Health Councils in Wales were reconfigured in April 2010. This reconfiguration dissolved the former six CHCs in North Wales and established the single BCCHC. In 2007, Flintshire formed part of the Clwyd CHC. Our response is therefore based on documentation from the Clwyd CHC archive and current information acquired during CHC monitoring visits to the practices concerned and from patient feedback passed to CHC members based in the Flintshire locality.

During 2004/05 Flintshire Local Health Board undertook a review of community hospital and primary care services in Flint (which included the three GP practices of the Laurels, Eyton Place and Allt Goch with a combined list of some 14,000-15,000 registered patients) with involvement of all stakeholders including the CHC. Following the review, the health board undertook a consultation on a proposed service model for Flint with two options, both of which proposed a new build integrated primary and community resource centre either in a central location in Flint or on the existing Flint hospital site.

During the review and consultation period, Clwyd CHC actively sought the views on the proposals from the public, patients and other stakeholders in the Flint catchment via public meetings, listening events and a questionnaire. Clwyd CHC's response to the consultation and pertinent appendices are enclosed for information.

The issues of provision of the primary care resource centre and the future of Flint Community Hospital were inextricably linked throughout the process. In the response to the consultation Clwyd CHC felt that the two proposals should have been divorced and undertaken as separate consultations.

Although the issue of closure of the Flint Community Hospital was at the forefront of the feedback to the consultation, there was recognition of a need for change to the delivery of primary care in Flint and a good support for the proposal of a primary and community resource centre.

Members of the Committee may recall the various consultations on changes to NHS services throughout Wales and the strength of feeling voiced by the public that ensued. Subsequently proposed changes, particularly to primary and community care, were not taken forward.

The BCCHC has not undertaken any consultation since 2007 surrounding the current GP practices in Flint but has been actively engaged. CHC members from the Flintshire locality and the practice manager of the Laurels surgery have advised that the inadequacies of the three premises as noted in previous CHC engagement activity and from CHC monitoring visits to the practices, are still very much apparent. The development of a primary resource centre – in a central location in Flint - is supported by patients of the practices. We are aware that the petition continues to generate support sporadically and is still considered 'live'.

We further understand that discussions between the Laurels Surgery and the Betsi Cadwaladr University Health Board have been ongoing but there appears to be something of a stalemate as regards the availability of funding for any such development and a question of who should fund the appointment of further GPs and associated personnel.

The BCCHC is currently awaiting an update from the health board on the overall situation regarding any development of the practices and will advise the Petitions Committee further once received.

Yours sincerely



Pat Billingham (Mrs)  
Chief Officer

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## CLWYD COMMUNITY HEALTH COUNCIL'S RESPONSE TO THE FLINTSHIRE LOCAL HEALTH BOARD'S CONSULTATION ON THE MODERNISING AND IMPROVING OF HEALTH SERVICES IN FLINT, INCLUDING FLINT COMMUNITY HOSPITAL

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The vision described in *Designed for North Wales* and in *Designed for Life* sees more and more services being transferred from the acute setting into the community. A successful move of services from the acute hospitals to the community relies on the availability of good, appropriate, community facilities which will enable individuals to live with confidence in their own community and an infrastructure that would be adaptable to the transfer of more and more services from the acute setting to the community as technology advances and the population of Flint increases.

Currently, the people of Flint receive their primary care and community care from three GP practices, Borough Grove Clinic and Flint Community Hospital, all of which require refurbishment and modernisation. Advances in the treatment of patients in primary care have progressed considerably and the current care providers have no capacity to expand to provide any new services.

The population of Flint is increasing, with consent having been given for the build of approximately 900 new houses. This will impact greatly on primary care services, especially GPs who are currently working to capacity. We have been advised that some of the GPs in Flint are unable to accept any new patients and existing patients are complaining that they have difficulty in getting an appointment to see their doctor.

The review of the *Community Hospital and Primary Care Services in Flint* undertaken by Tribal Secta in 2005 (to be referred to from here on as the Tribal Secta Review) advised that primary and community health care services should be integrated to enable them to provide the most effective and efficient care and their recommendation was that those services would be best provided on a single site.

There were 9 options for delivering primary care short listed and each was awarded scores against the benefit criteria by participating stakeholders. The Integrated Community Hospital and Primary Care Centre at a central location in Flint came out as the clear, preferred choice with 886 points. This is the option that Clwyd Community Health Council would have fully supported, but this option was disregarded by Flintshire Local Health Board and the two options which were chosen for public consultation were:

### **Option 1:**

New Build Integrated Primary and Community Resource Centre **in a central location in Flint** with 10 nurse led beds provided by the NHS within other Community Hospitals in Flintshire – which ranked as 6<sup>th</sup> choice with 531points.

### **Option 2:**

New Build Integrated Primary and Community Resource Centre **on the existing Community Hospital site** with 10 nurse led beds provided by the NHS within other Community Hospitals in Flintshire – which ranked as 8<sup>th</sup> choice with 506 points.

Clwyd Community Health Council, in particular Flintshire Area Committee, has studied both of the options contained in the consultation document *Designed for Flint* and has listened to the views and opinions expressed by the people of Flint, both at the public meetings and at the listening event which the Community Health Council held in Flint Library on 8<sup>th</sup> January 2007. We have also studied the Tribal Secta Review produced in November 2005, which undertook a review of the community hospital services in Wrexham and Flintshire and an independent Research Project carried out at Flint Library by Nathan Griffiths, a resident of Flint.

Out of the 121 responses to our questionnaire (see Appendix 1), 84 did not support either option and 114 said that they could not support the closure of the community hospital. Whilst talking to people it soon became very clear that many people were not against the development of an Integrated Primary and Community Resource Centre, indeed it was supported to a large extent, but that they would like to see the Integrated Primary and Community Resource Centre as well as, not instead of, the community hospital. What also became apparent was that people were not aware of the improvement in health services that they would receive in the Integrated Primary and Community Resource Centre because the focus of their attention was on the closure of the hospital. In this respect Clwyd Community Health Council feels that the consultation would have been improved if it had been carried out as two separate consultations:

**one** to discuss the role of the community hospital and how and where the services provided there could be re-provided in a safer and more appropriate setting and

**two** the integration of the current health services and location of the new Integrated Primary and Community Resource Centre.

Clwyd Community Health Council appreciates that new models of health care are continuously being developed to support individuals to care for themselves in their own homes and that this should reduce demand for hospital beds, but the need for some beds will always be there. The Tribal Secta Review stated that the population of Flint will grow dramatically over the next 10 years. The increase in the number of elderly patients will also grow, ensuring that there will be a constant demand for both nursing and intermediate care beds in Flint. The needs assessment carried out by Tribal Secta identified that there would be a future need in Flint for 10 nursing beds and 10 intermediate care beds. It was recognised that to provide a unit for 10 nursing beds only could not be an option from a clinical safety point of view, but if the nursing beds and intermediate care beds were combined in a single unit then it could be a viable option. This would require a partnership approach by health and Social Services and would provide a mutually beneficial facility.

For many years Flint Cottage Hospital has provided a social care safety net paid for by the NHS but really the financial responsibility of Flintshire County Council. Clwyd Community Health Council would like to see a much stronger and on-going commitment from Flintshire Local Health Board and Flintshire County Council to work together, in line with *Making the Connections – Delivering Beyond Boundaries (November 2006)*, to ensure a fully integrated health and social care service for the people of Flint. Concerns have been expressed about the impact and the cost to Social Services of providing more care in the community and these concerns need

to be addressed to enable Health and Social Services to work together to provide a robust, sustainable service to the people of Flint. Clwyd Community Health Council and the wider public are not convinced that Flintshire County Council will have the resources and the commitment to provide the level of social care which will be required in Flint if the 'social care' beds provided by Flint Community Hospital are lost. A lack of joined up working between local authority and health care providers does not inspire the people of Flint with confidence that the proposals on offer have been well thought out and are realistic.

Currently, the people of Flint have no confidence in the promises of new, increased and improved primary care services. Many people commented that promises of improvements to health services in Flint have been made before and those improvements have not materialised; therefore, the people of Flint, understandably, want to retain the services they currently have. Flint Community Hospital has a long history of serving its community and that community in return, feels very protective towards the hospital. However, the current system is failing the majority of its patients; indeed the main complaint from patients being the inability to obtain a doctor's appointment. Changes need to be made and any delay will mean that access to primary health care services will just get worse.

The people of Flint need to see proof that the changes being proposed are actually going to happen and that primary health care services will be improved. This was also the view of the Welsh Assembly Government who, at a minority Party Debate on 3<sup>rd</sup> October 2006, passed a motion which read:

*The National Assembly believes that no reconfiguration of hospital services should take place without adequately planned community provision; and believes that before any reconfiguration occurs there must be genuine public consultation, with the views of local communities not only listened to but taken on board.*

This will necessitate short term investment to allow the running of both the old and the new services as alternative forms of care (which reduce the need for hospital admission) are developed and put in place. GP access must be improved and other services, currently provided by the hospital, must be re-located **before** the hospital is closed. Once these new services are in place the redundant services provided by the hospital can then be allowed to close down.

However, although improvements to Primary Care Services are urgently needed, Clwyd Community Health Council is concerned there are no plans to re-provide the beds from Flint Community Hospital elsewhere in Flint to reflect the current and future identified need. Although we would like to see a New Build Integrated Primary and Community Resource Centre **in a central location in Flint**, we would ask Flintshire Local Health Board to reconsider its position on providing beds in Flint. If Health and Social Services are not prepared to work together to provide a jointly funded unit, then we would ask Flintshire Local Health Board to provide NHS beds locally in Flint at one or more of the Nursing Homes, particularly for people who are near the end of their life and who cannot, or do not wish to, die at home.

Clwyd Community Health Council would like to re-iterate the Welsh Assembly Government motion that the views of the local community must be taken on board.

## Responses to The Future of Health Services in Flint

	1. The Consultation document outlines a new model of care for Flint which includes more support and treatment in the community and more access to specialist skills when you need them - do you agree with this new model?	2. Do you think that the proposed changes will provide Flint residents with the healthcare services they need?	3. Which of the Options set out in the consultation document do you most support?				4. In order to modernise health Services in Flint it will be necessary to close Flint Community Hospital and provide beds in other community hospitals in Flintshire - do you think this is acceptable?		
			Option 1	Option 2	Neither	Yes	Not Sure	No	
<b>Yes Completely</b>	10	3							
<b>Yes with some changes</b>	55	52							
<b>Not sure/ don't know</b>	6	8							
<b>No Not at all</b>	48	56							
<b>Total</b>	119	119	16	6	84	2	2	114	

<b>Age Groups</b>	
Under 25	2
26 - 45	19
46 - 64	39
Over 65	58
Not stated	3
<b>Total</b>	121

## COMMENTS RECEIVED

The beds inclusive of those that have been provided by the local people and the NHS should be kept in the Flint community - once they are gone they are gone

Flint Cottage Hospital is vital to the residents of Flint, Bagillt and Northop. None of these residents want to travel to any of the other proposed hospitals- more so when they have not got any transport. The Flint Cottage Hospital has provided good health care for as long as I can remember and parents before. If we wanted American rubbish ideas we could go and live there.

We need extra facilities in Flint and with the forecast increase in population, hospital beds as well

The beds should be retained as they are needed by the people of Flint

If ned to attend Mold hospital in evening virtually no public transport. If needed to attend Deeside in evening only 1 bus every hour Then must either walk or wait for another. Holywell same as Deeside.

I have relied on the hospital over the last years having been a patient there several times. I do rely on this hospital as it is, particularly GP Surgeries in Flint Centre

Access to GP surgeries needs to be in Flint Town Centre

ideally I would like the hospital to be kept open with the beds as I think it is needed in Flint

Leave the hospital where it is

Already made my comments in replying to the consultation document. NB at the leisure centre meeting we were told Flint House was already sold but it is up for sale or let. How can we believe what you tell us! Also care in the community is not working. This community needs beds in its own hospital. A few years ago we were promised that Flint hospital would not be closed but improved with clinic rooms and an Xray department. Where is the Xray department? Again how can we believe what you say. You and the government are not listening to what people say or want. Where has all the money gone? Is it in redundancies every time change takes place or is it moved into other budgets which are then unnegotiable when money is needed in another area e.g. to cover debts of General hospitals rather

The town of Flint needs beds in the community

Flint needs hospital beds

In agreement with central clinic but not hospital closure. Please listen to the people. If Flint people are expected to travel to Deeside or Holywell then build new clinic or land adjoining hospital and let Flint have both facilities.

Empty Promises. This is Hobson's choice. We cannot lose our hospital beds - FLHB plan - short term gains for long term disaster

New facilities without closure of hospital

As a growing town with future housing increases to over a 1000 more, doctors and services required but not at the expense of

I am against closing the hospital

We want the hospital left open

Flint Community hospital has always been available and a necessary and much needed part of the community. I would like the hospital kept open

The review identified the need for 10 intermediate beds and 10 nurse led beds. Then this LHB adjudged that the intermediate care beds could be catered for in the community and that nurse led beds could not. So the intermediate care beds are still required wherever they are cared for. The figures given for the running cost for Flint Hospital works out at £950,000 This is approximately £50,000 per bed per year for 19 beds. On a best value criteria not many (if any) hospitals can compete with this for value as for the 30 bed criteria this makes financial mockery of the minimum bed numbers and compares to the other local community hospitals. The review and consultation had only one result and that was the closing of Flint Community Hospital prior to it taking place. Regardless of the Wanless and other reports. As holywell hospital was decided upon over 10 years ago and not over the past 4 years (of these reports) no public consultations, glossy brochures. The only time a consultation has taken place is when facilities are being taken away from this community. The CHC should reject the closure of Flint Community Hospital to allow the Welsh Assembly to make the decision as the I would like the hospital kept open

I would like the hospital to stay open

My main concern is that no-one is listening to the people of Flint - We are educated people and do not like to be thought of as stupid. The care in the community is certainly not working. As some point in our lives we will need a stay at Flint Cottage Hospital. I attended a meeting a few years ago and we were told that the services in Flint hospital would be improved by installing X ray equipment - this has not been done. A lot of money has been spent already refurbishing this little hospital is in very good condition. After 10 years in office, I read in the paper today that now the government will now start to focus on Patient Services!! What more can I say? Where has all the We need beds in Flint for the local people

I would like to keep the hospital in Flint

People wish to die in their own community hospital

I would like to keep the hospital in Flint

I prefer to keep things as they are

Should not have to travel outside Flint for a bed. Flint hospital is full (contrary to what LHB says)

I would like the hospital beds kept open

The population of Flint has a lot of elderly people and we need to keep the beds.

Older people have problems with transport and would not be able to travel as public transport is not very good.

Flint community needs the hospital beds.

Leave the hospital open and expand the services.

I want to keep hospital beds in Flint so that people can see and visit their friends and family

By closing the hospital it is leaving residents of Flint without the care some require.  
 Putting the health centre in the middle of Flint is not a good idea as it will be vandalised.  
 Beds are needed in Flint  
 A new hospital I would agree to.  
 Flint needs its own hospital facilities  
 Keep beds in Flint  
 I would like the hospital turned into a hospice  
 Terminally ill patients need to be in a hospital near their families.  
 I would like FLHB to go back to the drawing board and come up with a new proposal to satisfy all the people of Flint and the surrounding area. I see no reason why you cannot provide a brand new Community Hospital for the town with all the latest facilities (much on the lines of Mold, Deeside and eventually Holywell) According to the press reports, the government has allotted extra money to the Welsh Assembly for National Health services. So why cannot some of this money be spent on providing Flint with a new Community Hospital.  
 The present cottage hospital (as it is locally known) once had an operating theatre and other facilities and a nurses' home, but over the years they were removed. Unlike your Chief Executive, I believe that a town the size of Flint should have on the doorstep, health Beds should be kept local for friends and family to visit and also public transport is a big problem.  
 As Flint is growing even bigger in population it is vital that we do have more services for the health of our community plus we do need the The resource centre must be in the centre of Flint for older people who cannot walk to the cottage hospital  
 I have 4 children and each has been a minor patient in Flint hospital. Both my wife and I have also been patients there.  
 They had to shut Glan Clwyd because of no beds, Flint would have been an alternative.  
 I thought we lived in a democracy. None of the residents of Flint I have spoken to wants to lose the beds in Flint hospital only the LHB are in favour. What about the transport to these other hospitals? Buses don't go direct to Mold and local charity transport is overstrtdched.  
 Now no provision has been made for people who don't have cars . Build a new by all means but keep beds in Flint. The new facility needs to be modified to include beds. At the meeting in St Asaph regarding the main hospitals we were told that more treatment would I think it is disgraceful that you think that Flint does not deserve a hospital when it is the largest town in the county and yet you are spending millions of pounds in Holywell.

1. With the advent of the Oakenholt building Flint will become a large centre of population, retention of a hospital is a must.2. The allocation of beds to the various hospitals is a variable so it is possible to have the members of a family hospitalised in different localities.
3. Visiting relatives could be a major problem a) are the hospitals on a bus route b) frequency of bus services especially on weekends c) We have all turned to Flint hospital at one time or another and are very grateful to them. We need it to stay open and keep the beds

Transportation to the alternative hospitals is practically non-existent and current charitable/voluntary organisations cannot provide for any extra transport. Currently the funds for the proposals have not been allocated and will only be requested after Flint hospital has gone. Once again a cart before a horse situation. If funding is not available after our hospital has ceased, it will be too late to reinstate it. There is no guarantee funds will ever be available. This is all pie in the sky.

Flint is a growing town and needs the beds. 24 hour care will be taken away if Flint Community hospital closes. The consultation provided by the LHB in my view was not a consultation because they have proposed the choices for the residents of Flint. I wish strongly for beds to be kept in the community.

We welcome new services but not at the cost of loss of hospital beds and hospital

We welcome new and improved services in Flint but not at the loss of beds or the hospital. Doctors would have a nice new premise at the cost of NHS, but they have their own budget.

I agree with the improvement of GP surgeries in Flint but we still need inpatient beds.

Flint does need an improved service but inpatient beds should be retained in Flint. As the town gets larger, the elderly population are the main users of beds and demand will increase.

Do not close Flint Community Hospital

It is a disgrace the people of Flint will be losing their hospital if the proposals are accepted.

Have you thought how people are going to get to other hospitals who have no transport and also the patients won't get the care that they As th population of Flint is likely to increase with the building of 900 new houses in Oakenholt, we need more hospital space not less.

For the size of Flint beds are desperately needed in Flint.

The people of Flint need bed space in their local hospital i.e. Flint Cottage Hospital.

This town needs its own hospital beds in the town.

Flint needs beds in a community hospital in its own town. The residents of the town deserve this.

We need a medical centre in the centre of Flint but we also need the hospital with twenty plus beds.

Question 1: The consultation document outlines a new model of care for Flint which includes more support and treatment in the community and more access to specialist skills when you need them - do you agree with this new model?	Question 2: Do you think that the changes proposed in the consultation document will provide Flint residents with the healthcare services they need?	Question 3: Which of the proposals set out in the consultation document do you most support?	Question 4: In order to modernise health services in Flint, it will be necessary to close Flint Community Hospital and provide 10 Nurse led beds in other community hospitals in Flintshire (Mold, Deeside or Holywell). Do you think that this is acceptable?
No, not at all	No, not at all	Neither	No
No, not at all	No, not at all	Neither	No
No, not at all	No, not at all	Neither	No
-	-	Neither	No
No, not at all	No, not at all	Neither	No
-	Yes with some changes	Neither	No
Yes with some changes	No, not at all	-	No
Yes with some changes	No, not at all	Neither	No

-	Yes with some changes	No, not at all	-	-
	Yes with some changes	Not sure/don't know	Neither	No
	Yes with some changes	Yes with some changes	Neither	No
	Yes with some changes	Yes with some changes	Neither	No
	Yes, completely	Yes with some changes	Neither	No
		Yes with some changes	Proposal 2	Yes
	No, not at all	No, not at all	Neither	No
	No, not at all	No, not at all	Neither	No
	No, not at all	No, not at all	Neither	No



There is no doubt that facilities need investment and improvement but why is this at the expense of the Hospital and its beds. The two things should not have been linked. We want new facilities but we also want to keep, improve and develop our hospital. Keep the hospital open.

I think beds are needed in Flint  
Community needs their hospital

-

-

With the largest housing development ever undertaken in Flintshire shortly to commence at Oakenholt has this been taken into account?

-

I find it totally unacceptable that residents of the size of Flint are expected to travel to receive medical treatment or convalescence. There is a total lack of consideration for patients as well as families who provide support and comfort. I have heard

-

26 to 45 Local Resident  
other

46 to 64 NHS member of staff

46 to 64 other

46 to 64 Local Resident

over 65 Local Resident

46 to 64 Local Resident

46 to 64 Local Resident

over 65 Relative or Carer of patient : Local Resident

**Dave Heggarty**  
Head of Regeneration  
Pennaeth Adfywio



Mr William Powell AM  
Petitions Committee  
National Assembly for Wales  
Cardiff Bay  
Cardiff  
CF99 1NA

Your Ref/Eich Cyf P-03-085  
Our Ref/Ein Cyf R/DH/AD  
Date/Dyddiad 22 December 2011  
Ask for/Gofynner am Dave Heggarty  
Direct Dial/Rhif Union 01352 703203  
Fax/Ffacs 01352 704550

Dear Mr. Powell,

### **P-03-085 Surgeries in Flintshire**

Thank you for your letter of 23 November 2011, regarding surgeries in Flintshire.

Flintshire County Council (FCC) is leading a partnership approach to the redevelopment of Flint Town Centre. FCC has commissioned DTZ to prepare a masterplan for the town on behalf of the Town Partnership.


This masterplan is still at an early stage of development and is making excellent progress. Extensive consultation has taken place so far and the strategic framework for the town has been agreed. More detailed work on the options for the town is now underway. The masterplan is due to be completed in February 2012.

The masterplan is considering a wide range of possible land uses for the town; including housing, retail, public space, parking, public service facilities and primary health care facilities. DTZ have the task of producing a range of options incorporating these uses and of extensively testing the preferred option for deliverability. It is, at this stage, too early to predict what mix of uses for the town will be deliverable and when they might be delivered.

FCC is already in discussion with Betsi Cadwallader University Health Board regarding future primary care provision in Flint and would welcome Welsh Government support for the process.

Thank you again for your interest in the regeneration of Flint.

Yours sincerely

  
Dave Heggarty  
Head of Regeneration

**Carl Longland**  
Director of Environment  
Cyfarwyddwr yr Amgylchedd

Environment Directorate  
Cyfarwyddiaeth yr Amgylchedd

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Dear Rhodri,

With reference to the above Petition, please note Mark's e-mail below to the Betsi Cadwaladr University Health Board for your information and further consideration in the Committee's review.

Kind regards

Jessica

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Dear Mr. Lang,

After having received correspondence from William Powell, Chair of the Petitions Committee for the National Assembly for Wales regarding the petition P-03-85 Surgeries in Flintshire, which raised concerns of GP Practices difficulties in offering enough appointments to patients and the need to move to larger premises, I referred the matter to the Betsi Community Health Council who advised that "discussions between the Laurels Surgery and the Betsi Cadwaladr University Health Board have been on-going...".

They stated that "the Betsi Cadwaladr Community Health Council is currently awaiting an update from the health board on the overall situation regarding any development of the practices...".

I have since met with The Laurels Surgery, one of the Practices affected and have been advised of the following:

- There are 3 Flint GP Surgeries within 80 miles of each other.
- A survey undertaken 4/5 years ago found that the Cottage Hospital was not big enough.
- I understand that the Health Board said that GP Surgeries and the Cottage Hospital were not linked, but this was contested on the basis of evidence by local politicians. For example, the three GP Practices have beds in the Cottage Hospital.
- There are potential new housing developments, but GP Practices are being told that there is no money available to them but that they must keep their lists open.
- I am informed that the initial problem is that when housing developments are approved, there is no discussion of the infrastructure needed. We must start linking the two together.
- It is becoming clinically unsafe in some GP surgeries. Welsh Government statistics in September 2010 reported 1,838 average patients per full time equivalent GP, but they currently have 2,060 – and that is only because they took on a new GP last year. A GP Practice in Shotton is on nearly 2,200.
- They are bursting at the seams and lots of Practices are in the same situation.
- The Laurels Surgery would like to be a training Practice but that would require a dedicated room, which they don't have. They are therefore not able to help young Doctors coming through.
- Closure of minor injury units is affecting GP Practices – they don't have the capacity or the equipment but are taking the flack.
- There has been no on-going discussion with Betsi Cadwaladr University Health Board for years other than over the portakabin outside.

I would therefore be grateful if you could give this matter your attention, clarify the current situation and confirm the Health Board's intended course of action.

Yours sincerely

Mark Isherwood AM

---

Dear Mr. Lang,

Further to my previous e-mail below to you, please note that the first bullet point should state that:

- There are 3 Flint GP Surgeries within 80 yards of each other.

And not 80 miles.

Yours sincerely

Mark Isherwood AM



**GIG**  
CYMRU  
**NHS**  
WALES

Bwrdd Iechyd Prifysgol  
Betsi Cadwaladr  
University Health Board

Mr W Powell AM  
Chair, Petitions Committee  
National Assembly for Wales  
Cardiff Bay  
Cardiff  
CF99 1NA

**Ein cyf / Our ref:** GL/LH/6878/980

**Eich cyf / Your ref:**

**☎:** 01248 384910

**Gofynnwch am / Ask for:** Geoff Lang

**Ffacs / Fax:** 01248 384937

**E-bost / Email:** geoff.lang@wales.nhs.uk

**Dyddiad / Date:** 29 March 2012

**PET(4)-08-12 : Tuesday 15 May 2012**  
**P-03-085 Surgeries in Flintshire**

Dear Mr Powell

**Peititon: Surgeries in Flintshire**

Thank you for your letter dated February 2012.

The Health Board is presently engaged in a number of Locality Stakeholder events to discuss the development of Primary and Community Services.

One such locality is that which includes Flint and Holywell. We have held one meeting and will be holding another in April and a third in May. The purpose of these meetings is to address some of the current and future challenges in local areas. I would envisage this discussion covering the need for a Primary Care Centre in Flint to identify options as to the way forward. Local GP Practices and other stakeholders are engaged in this work.

Recommendations regarding change will be brought to the Health Board in June.

I trust that this provides an appropriate update on this issue.

Yours sincerely

**GEOFF LANG**  
**ACTING CHIEF EXECUTIVE**

# Agenda Item 7.18

## **P-04-342 MS Nurses**

### **Petition wording**

We, the undersigned, believe that MS specialist nurses provide a vital service for people living with MS and their families and should be protected from Health Board cuts. We therefore call on the Welsh Government to ensure that the numbers of MS specialist nurses are not reduced over the length of the Fourth Assembly and that investment continues to provide 1 nurse for every 300 people living with MS.

**Petition raised by:** Joseph Carter

**First considered by Committee:** November 2011

**Number of signatures:** 2,163



**Multiple Sclerosis Society**  
Cymru

**MS Society Cymru**

Cwrt y Deml/Temple Court  
Heol y Gadeirlan/Cathedral Road  
Caerdydd/Cardiff CF11 9HA

Ffôn/Phone 029 2078 6676  
Ffacs/Fax 029 2078 6677

mscymru@mssociety.org.uk  
www.mssociety.org.uk/wales  
Llinell Gymorth/Helpline 0808 800 8000

Abigail Phillips  
Petitions Committee  
National Assembly for Wales  
Cardiff Bay  
CARDIFF  
CF99 1NA

05 April 2012

Dear Ms Phillips

### **Protecting MS Specialist Nurse posts - P-04-342**

Thank you for the letter from William Powell AM dated 22 March 2012 and the copy of the letter from the Minister for Health and Social Services.

We are satisfied by the assurances made by the Minister in this letter that there are no specific "proposals to reduce the current number of dedicated MS nurses."

We believe that the interventions by the Petition Committee have helped to raise the profile of the role of specialist nurses in Wales and that this has helped the long term security of these positions.

The letters that the committee have sent to the Health Boards and to the Minister have resulted in written reassurances that were previously not available. We still have concerns about the shortage of specialist nurses in North Wales and the long term security of posts in West Wales, but at this stage we would be content for the committee to close the petition.

Thank you considering our petition and investigating our concerns.

Yours sincerely,

Joseph Carter  
POLICY, PRESS AND CAMPAIGNS MANAGER  
RHEOLWR POLISI, YR WASG AC YMGYRCHOEDD  
MS Society Cymru

Email/ Epost: [jcarter@mssociety.org.uk](mailto:jcarter@mssociety.org.uk)  
Ffon/Tel: 029 2078 6676

Prif Weithredydd/Chief Executive **Simon Gillespie**  
Cadeirydd/Chairman **Tony Kennan CBE**  
Noddwr/Patron **Professor, The Baroness Finlay of Llandaff**  
Sylfaenydd/Founder **Sir Richard Cave KCVO CB DL**



# Agenda Item 7.19

## **P-04-362 Ambulance Services in Monmouth**

### **Petition wording:**

We believe that Monmouth should be granted the appropriate ambulance provision. With its population set to rise, and the Minor Injuries Unit at Monnow Vale recently closed down, demand will increase for the ambulance service.

### **National Assembly for Wales:**

We request the Health and Social Committee of the National Assembly to undertake a scrutiny inquiry into the ambulance service in rural Wales. We would urge the Committee to investigate the particular problems in Monmouth and the impact of the closure of the Monnow Vale Minor Injuries Unit on the ambulance service.

### **Welsh Government:**

We urge the Minister for Health and social Care to use her powers to require the Wales NHS Ambulance Trust to provide a uniformly high standard of ambulance provision throughout Wales and especially rural areas such as Monmouthshire.

### **Welsh Ambulance NHS Trust:**

We urge Welsh Ambulance NHS Trust to increase provision for Monmouth in real terms, with a high dependency unit and/or ambulance based within Monmouth town.

**Petition raised by:** Mathew Davies

**Date petition first considered by Committee:** 7 February 2012

**Number of signatures:** Approximately 450 signatures.

Cynulliad  
Cenedlaethol  
Cymru

National  
Assembly for  
Wales



**Y Pwyllgor Cyfrifon Cyhoeddus  
Public Accounts Committee**

William Powell  
Chair  
Petitions Committee  
National Assembly for Wales  
Cardiff Bay  
CF99 1NA

28 February 2012

Dear *William,*

**Petition: P-04-362 Ambulance Services in Monmouth**

Thank you for your recent correspondence of 21 February regarding the above. The Public Accounts Committee currently has no specific plans to undertake a further review of ambulance services.

However, as you may be aware, the third Assembly Audit Committee's review of ambulance services featured reports provided by the Wales Audit Office, such as:

- 'Ambulance Services in Wales - further update to the National Assembly for Wales' Audit Committee;' and
- 'Unscheduled Care - patient handovers at hospital emergency departments'

Following your correspondence, I have asked the Auditor General to advise me whether he plans to do follow-up work on these investigations, or whether he would consider doing associated work as part of his forward work programme.

Yours sincerely

**Darren Millar AM**  
Chair of the Public Accounts Committee

## Y Pwyllgor Iechyd a Gofal Cymdeithasol Health and Social Care Committee

Cynulliad  
Cenedlaethol  
Cymru  
National  
Assembly for  
Wales



**William Powell AC AM**  
Chair, Petitions Committee  
Cadeirydd, Pwyllgor Deisebau

29 February 2012

Dear William,

### **Health and Social Care Committee – Petition P-04-362 Ambulance Services in Monmouth**

Thank you for your letter regarding the petition on ambulance services in Monmouth.

The Committee considered your letter at its meeting this morning. The Committee noted that you have written to the Minister for Health and Social Services and the Welsh Ambulance NHS Trust to seek their views on this petition. The Committee agreed that, in order to avoid any duplication of effort, it would await responses to your respective letters before considering any further work on this matter.

I would be grateful if you could share the responses with me once they are received.

Yours sincerely,

**Mark Drakeford AC AM**  
Cadeirydd - Chair

Bae Caerdydd  
Cardiff Bay  
CF99 1NA

Ffôn /Tel: 029 2089 8403  
E-bost /Email: HSCCommittee@wales.gov.uk

Lesley Griffiths AC / AM  
Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol  
Minister for Health and Social Services



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref P-04-362  
Ein cyf/Our ref LG/05872/12

William Powell AM  
Chair Petition's Committee  
Ty Hywel  
Cardiff Bay  
Cardiff  
CF99 1NA

March 2012

Dear Bill

Thank you for your letter of 21 February in regard to petition: P-04-362 Ambulance Services in Monmouth.

The Welsh Government and NHS Wales are committed to delivering safe, efficient and effective focused emergency care services, and this is applicable to rural parts of Wales as well as more urban and sparsely populated regions.

Whilst I acknowledge the petition's focus on the provision of appropriate ambulance services in Monmouthshire, and rural Wales, it should be recognised response times have improved significantly over recent times. The Monmouthshire locality has achieved well in excess of the 60% equity standard for 8 minute response times for Category A calls during 11 of the past 12 months. The standard was not met during December when demand on ambulance services escalated to record levels.

We are working closely with the Welsh Ambulance Services NHS Trust and Health Boards to sustain and improve on response time performance in rural areas and across Wales. However, I feel the statement made in the petition about a high standard of ambulance provision, "...especially in rural areas such as Monmouthshire" is inappropriate. The Welsh Government and NHS Wales' objective is to provide a high quality, timely and clinically appropriate ambulance response to patients who require a response, irrespective of their location.

Turning to the closure of the Minor Injuries Unit at Monnow Vale, this decision and others about how and where services are provided in Gwent localities are the responsibility of Aneurin Bevan Health Board. However, it is important we accept services cannot be frozen in time and importantly services are not about buildings, they are about care. To ensure patients receive the best services, we need to constantly remind ourselves who these services are for and what is in their best interests and the Welsh Government is committed to working closely with communities to work these issues through.

Finally, the petition urges the Welsh Ambulance Services NHS Trust to "...increase provision of ambulance services...with a high dependency unit and / or ambulance based within Monmouth town". The delivery of ambulance services is the responsibility of the Welsh Ambulance Services NHS Trust from within its discretionary allowance and I understand the Trust has provided a response to this request.

Thank you for seeking my views on this petition.

Regards  
Lesley

**Lesley Griffiths AC / AM**

Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol  
Minister for Health and Social Services

**Pwyllgor Cyfrifon Cyhoeddus  
Public Accounts Committee**

William Powell AM  
Chair  
Petitions Committee  
National Assembly for Wales  
Cardiff Bay  
CF99 1NA

National Assembly for Wales  
Cardiff Bay  
Cardiff  
CF99 1NA

8 March 2012

**Petition on the provision of ambulance services in Monmouthshire**

Dear Bill

I have recently received correspondence from the Auditor General for Wales in response to my letter of 27 February which asked whether he would be conducting any follow-up work on investigations into '*Ambulance Services in Wales*' and '*Unscheduled Care - patient handovers at hospital emergency departments*'.

The Auditor General has advised us that he is currently undertaking an inquiry into unscheduled care services, which involves gauging the process that health boards and the Welsh Ambulance Trust are making against recommendations made in his report '*Unscheduled Care: A Whole Systems Approach*'.

I attach the Auditor General's correspondence for your consideration.

I should be grateful if you could keep me informed of the outcome of any consideration of this issue by your Committee.

Yours sincerely



**Darren Millar AM  
Chair of the Public Accounts Committee**



Date: 7 March 2012  
Our ref: HVT/1574/fgb  
Page: 1 of 1

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Mr Darren Millar AM  
Chair of the Public Accounts Committee  
National Assembly for Wales  
Cardiff Bay  
Cardiff CF99 1NA

Dear Darren

## **FOLLOW UP WORK ON AMBULANCE SERVICES AND UNSCHEDULED CARE**

Thank you for your letter of 28 February 2012 relating to the petition on the provision of ambulance services in Monmouthshire.

Your query is a timely one as I am actually undertaking follow up work on unscheduled care services at present. The work involves gauging the progress that health boards and the Welsh Ambulance Trust are making against recommendations identified in my previous report "*Unscheduled Care: A Whole Systems Approach*". The work is being taken forward through local audit plans and includes examination of patient handovers at emergency departments.

The findings will initially be reported to each of the individual NHS bodies concerned but I fully expect to prepare a national summary from this work later in the year, as indicated in my recent briefing to the Committee on my programme of value for money studies.

I trust that this is helpful.

Yours sincerely

**HUW VAUGHAN THOMAS**  
AUDITOR GENERAL FOR WALES



**WALES AUDIT OFFICE**  
**SWYDDFA ARCHWILLO CYMRU**

**Wales Audit Office / Swyddfa Archwilio Cymru**

Date: 7 March 2012  
Our ref: HVT/1574/fgb  
Page: 1 of 1

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Mr Darren Millar AM  
Chair of the Public Accounts Committee  
National Assembly for Wales  
Cardiff Bay  
Cardiff CF99 1NA

Dear Darren

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I trust that this is helpful.

Yours sincerely

**HUW VAUGHAN THOMAS**  
**AUDITOR GENERAL FOR WALES**

Direct Line: 029 2032 0510

Page 264 E-mail: [huw.vaughan.thomas@wao.gov.uk](mailto:huw.vaughan.thomas@wao.gov.uk)





Pencadlys yr Ymddiriedolaeth, Ysbyty H M Stanley, Llanelwy, Sir Ddinbych LL17 0RS  
Trust Headquarters, H M Stanley Hospital, St Asaph, Denbighshire LL17 0RS  
Tel/Ffôn 01745 532900 Fax/Ffacs 01745 532901  
[www.ambulance.wales.nhs.uk](http://www.ambulance.wales.nhs.uk)

Our Ref: EPM/rc  
Your Ref:

20<sup>th</sup> April 2012

Please reply to: Rose Cook  
PA to the Chairman & Chief Executive  
Direct Line: 01745 532944  
WHTN: 1713 3944

Mr W. Powell  
Committee Chair  
Petitions Committee  
National Assembly for Wales  
Cardiff Bay  
Cardiff  
CF99 1NA

Dear Mr Powell,

**Petition: P 04-362 Ambulance Services in Monmouth**

Thank you for the opportunity to discuss the petition request. Please accept my apologies for only now formally writing, this was due to an administrative oversight on my behalf.

I am therefore responding to your letter dated February 2012 regarding the petition the Committee considered at its meeting on 7 February 2012. Before I address the issues raised within the petition, I would like to make it clear that the Welsh Ambulance Services NHS Trust (the Trust) is committed to continually improving the quality and safety of the services we deliver and takes this matter very seriously indeed.

Turning to the petition, the petition requests that the National Assembly for Wales undertakes a scrutiny review into the ambulance service in rural areas, with a specific focus on Monmouth and the issues that have arisen as a result of the closure of the Monnow Vale Minor Injuries Unit; that the Minister for Health, Social Services and Children requires the Trust to provide a service of uniform standard across all rural areas; and that the Trust increases the levels of service provision in Monmouth.

I have examined each of these requests and believe that they have already been addressed through various means. First, the Welsh Government has set out clear national standards relating to the response time performance with the Trust required to achieve a national average of 65% of Category A calls be to responded to within 8 minutes and 60% within each Local Health

Board area. In respect of this, the ambulance service performance within Monmouth for the previous twelve months is set out below.

Month	Monmouthshire Cat A 8 minute performance
Jan-11	51.43%
Feb-11	62.85%
Mar-11	63.20%
Apr-11	64.71%
May-11	65.73%
Jun-11	63.12%
Jul-11	65.80%
Aug-11	65.22%
Sep-11	63.01%
Oct-11	66.28%
Nov-11	69.90%
Dec-11	54.42%
Jan-12	68.37%
Feb-12	62.54%

Second, the Welsh Government and Local Health Boards and Trusts have also undertaken a significant amount of work to understand the challenges relating to the provision of high-quality and equitable services within rural areas across Wales. This culminated in the production of the Rural Health Plan in 2009 which the Trust is currently implementing. Third, the challenges of providing services to Monmouth are well understood by the Trust through the work it has undertaken and have been highlighted within a recent Coroners report relating to a serious adverse incident which occurred in January 2011 and is the incident which gave rise to this petition. The Coroner subsequently issued a rule 43 to the WAST, Aneurin Bevan Local Health Board and Welsh Government which we have recently responded to.

I therefore feel that the collective efforts of the Trust, Aneurin Bevan Local Health Board and the Welsh Government will be better spent working together with the Monmouth community to identify and implement the actions required to achieve the levels of service required in a consistent and sustainable way.

In light of this, one of my Executive Directors and the Operational Director for South East Wales attended a public meeting held in Monmouth on 11 January at which these issues were discussed at great length. In response, the Trust has identified a range of actions which should further improve the provision of services within Monmouth. These include:-

- The ring-fencing a Rapid Response Vehicle (RRV) resource for the Monmouth area by removing it from the deployment plan (completed);
- A review of the deployment plans to reduce the travelling times for ambulance resources in the Monmouth area and the number of occasions resources are called out of area (completed);

- The provision of additional High Dependency Services vehicles and crews in Monmouth to manage lower acuity patients allowing the RRV to focus on Cat A calls (completed and in operation since 19 February 2012);
- Further work with the local Town Council to continue to develop the Community First Responder Scheme (CFRS) and Public Access Defibrillator Scheme (PADs) within the community e.g. the local supermarket; (A new First Responder Team scheme is in place in Abergavenny and further work is being undertaken to identify more Community First Responder and PADS schemes);
- Further work with Aneurin Bevan LHB to reduce patient handover delays (this is ongoing);
- Further work with Aneurin Bevan Local Health Board to develop additional clinical skills and pathways of care other than A & E. The Trust, Aneurin Bevan and Cardiff and Vale Local Health Boards have introduced a Multi-Disciplinary Team of nurses, paramedics and GPs into the control centre to support paramedics in providing more care at home/on-scene and directing more patients to appropriate care pathways (implemented October 2011); and
- The Trust will continue to meet with Monmouth Town Council and the community and provide them with regular progress reports.

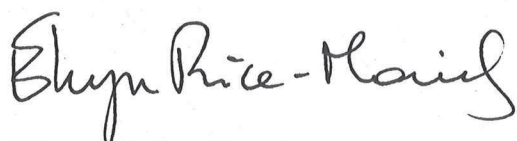
These actions were shared with the community at the public meeting on 11 January, Monmouth Town Council on 27 February and included within the Trust's response to the Coroner on 30 January 2012.

The majority of actions identified are generic ones which are also being taken forward across the whole of Wales, with a particular focus in rural areas which offer a very different challenge. In addition to this, the Trust is continuing to implement its strategy 'Working Together for Success' which will see more patients provided with treatment over the phone or on scene by skilled paramedics and nurse, and directed to pathways of care other than A & E departments. This will support the Trust in reducing the number of ambulance deployed unnecessarily and ensure that more resources are available for life-threatening calls across Wales.

I hope that the information contained above provides you with the assurance that the Trust takes this matter extremely seriously and is doing all it can to improve and sustain the quality of services across the whole of Wales. As stated previously, I believe that the challenge is well understood and that our time is best spent taking action to improve services rather than undertaking further reviews.

Please do not hesitate to contact me if you wish to discuss anything further.

Yours sincerely



**Elwyn Price-Morris**  
CHIEF EXECUTIVE

## **P-04-367 Save our Hospital Services**

### **Petition wording:**

- We the undersigned want to see ALL of our local health services maintained and protected at Prince Philip Hospital.
- We oppose the downgrading of our hospital.
- We ask the Health Minister and the Welsh Labour Government to review their plans as a matter of urgency.

**Petition raised by:** Rhydwyn Ifan

**Date petition first considered by Committee:** 28 February 2012

**Number of signatures:** Approximately 9,000 signatures

Lesley Griffiths AC / AM  
Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol  
Minister for Health and Social Services



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref LG/06034/12

William Powell AM  
Chair Petition's Committee  
Ty Hywel  
Cardiff Bay  
Cardiff  
CF99 1NA

11<sup>th</sup>

March 2012

Dear Bill,

**Petition P-04-367 Save our Hospital Services**

Thank you for your letter of 27 February regarding the Save Our Hospital Services petition and Prince Philip Hospital. I want to reassure you neither I, nor Hywel Dda Local Health Board, have any plans to downgrade or close any district general hospitals, Prince Philip included.

In regular meetings with the Chair of Hywel Dda Health Board, I have been reassured plans are very much focused on upgrading, rather than downgrading services across Hywel Dda including Prince Phillip.

The Health Board tells me there are no plans for significant change to Prince Philip and I am pleased to hear there are options currently being considered to enhance the role of the Breast Care Unit and Elective Orthopaedic services and to provide a new Specialised Rehab Centre of Excellence.

Hywel Dda Health Board is in the process of engaging with staff and the local population to produce proposals for service change, which will be put forward in the next few months for thorough public consultation

I have made it clear the status quo is not an option for the Health Service in Wales. As the Wanless Report of 2003 said and the Bevan Commission reiterated recently, the NHS has to change to ensure future services are safe, sustainable and of the best quality.

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1NA

Wedi'i argraffu ar bapur wedi'i ailgylchu (100%)

English Enquiry Line 0845 010 3300  
Llinell Ymholiadau Cymraeg 0845 010 4400  
Correspondence.lesley.Griffiths@wales.gsi.gov.uk  
Printed on 100% recycled paper

All local Health Boards are currently drafting proposals for the future of services to ensure the Welsh NHS meets a number of challenges, from an ageing population to a UK-wide problem with recruitment.

All plans put forward by Health Boards across Wales will be scrutinised, not only by independent clinicians on the National Clinical Forum, but by the Welsh Government and most importantly, by the public. It is vital people engage with those plans over the coming months.

Regards  
Lesley

**Lesley Griffiths AC / AM**

Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol  
Minister for Health and Social Services

# Agenda Item 7.21

## **P-04-368 Promote physical activity and health in Further Education colleges**

### **Petition wording:**

We call on the National Assembly for Wales to urge the Welsh Government to promote physical activity and health in Further Education colleges.

**Petition raised by:** Alun Jones

**Date petition first considered by Committee:** 28 February 2012

**Number of signatures:** 23

**Supporting information:** Physical Activity has the ability to enhance & maintain not only the physical attributes of an individual but their overall health & wellbeing. I believe FE Colleges need to have clear goals, targets to increase participation in physical activity & recreational sports through a well-structured, inclusive and fun programme that unites, includes & adapts to the needs of the learners. The overall health of students can provide many benefits to the performance of not only the college but Wales as a whole. We do not only have a duty to promote physical activity, health & wellbeing but to actively seek involvement in programmes that will inspire our students to become healthier & more physically active.

I believe there is a wide gap and clear lack of promoting physical activity and health amongst colleges of FE. There needs to be a clear strategy and guidelines which colleges should have to meet. We have a duty to try and promote physical activity and health amongst our students to improve the general health of our nation.

Lesley Griffiths AC / AM  
Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol  
Minister for Health and Social Services



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref P-04-368  
Ein cyf/Our ref LG/06190/12

William Powell AM  
Chair Petition's Committee  
Ty Hywel  
Cardiff Bay  
Cardiff  
CF99 1NA

  
March 2012

Dear Bill,

Thank you for your letter dated 27 February 2012 to Leighton Andrews AC/AM regarding promoting physical activity and health in Further Education colleges. Your letter has been passed to me as this area of work is part of my portfolio.

The Welsh Government encourages adults and children to increase their participation in physical activity through active lifestyles, play, active recreation and sport. It is envisaged that people should be able access physical activity opportunities in a range of settings, rather than being restricted to leisure centres. Colleges can help promote the importance of leading an active life through both through the curriculum and extra curricular activities offered to students.

We have set a commitment to extend our *Welsh Network of Healthy School Schemes (WNHSS)* into colleges in the *Programme for Government 2011-2016*. My policy officials will be setting up a task and finish group in the summer to begin the initial stages of extending the scheme to Further Education (FE) and High Education (HE) settings.

Regards  
Lesley

Lesley Griffiths AC / AM  
Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol  
Minister for Health and Social Services

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1NA

Wedi'i argraffu ar bapur wedi'i ailgylchu (100%)

English Enquiry Line 0845 010 3300  
Llinell Ymholiadau Cymraeg 0845 010 4400  
Correspondence.lesley.Griffiths@wales.gsi.gov.uk  
Printed on 100% recycled paper

PET(4)-08-12 : Tuesday 15 May 2012

P-04-368 Promote Physical Activity and Health in Further Education Colleges

**The Physical Activity Network for Wales response to consultation on petition received by the National Assembly for Wales entitled: 'We call on the National Assembly for Wales to urge the Welsh Government to promote physical activity and health in Further Education colleges.'**

Whilst we have no particular knowledge or understanding of the present specific physical activity promotion activities of Further Education colleges in Wales, we would always endorse any actions that promoted an increase in physical activity in the Welsh population as a whole and amongst particularly 'inactive' groups in particular. In that regard we know that over 70% of the population do not achieve the necessary recommended levels of physical activity to benefit their health, and teenage girls appear to be a group where levels of physical activity appear to drop significantly.

However, whilst there is undoubtedly a role for Further Education colleges, we have no evidence that they are any better or worse at promoting physical activity than other educational sectors or settings including schools, Higher Education or workplaces. Nonetheless the potential for post-16 education to contribute to improving physical activity is recognised within the Welsh Assembly Government's Physical Activity Action Plan 'Creating an Active Wales' with a specific identified action to "*Develop a 'healthy campus' model for use by further and higher education institutions in order to provide increased physical activity in the post-16 sector*", with a timescale of 2010 – 2015, and we are pleased to see that work has been initiated at a number of colleges within the context of a 'Health College' scheme modelled on the 'Healthy Schools' programme to address this action.

In terms of feasibility, there are a range of actions available to colleges to increase physical activity amongst their student population including:

- Utilising existing sport & exercise facilities outside of the normal curricular timetable.
- Encouraging the development of individual travel plans that promote the use of active travel options.
- The provision of adequate facilities on-site that support walking and cycling. e.g. Covered and lockable cycle storage areas, showers &

changing facilities, safe routes to local amenities to/from the college.

- The development of college-based sport and recreation teams with associated events to promote them.

Among the barriers to participation may be:

Lack of facilities or infrastructure.

Perceived lack of time.

Prioritising academic responsibilities.

Alternative attractions during free time. e.g. The bar.

I hope this contributes usefully to the debate.

Sincerely

Malcolm Ward FFPH, MPH, PG Dip.

Principal Health Promotion Specialist & Manager of Public Health Networks

Public Health Wales

PET(4)-08-12 : Tuesday 15 May 2012

P-04-368 Promote Physical Activity and Health in Further Education Colleges



## **Response to the National Assembly for Wales Petitions Committee consultation on P-04-368 Promote physical activity and health in Further Education colleges**

**Respondent's name:** Ele Hicks

**Respondent's Role:** Social Policy Officer

**Organisation:** Diverse Cymru

### **Contact details**

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### **Background**

Diverse Cymru is an innovative new organisation in the Welsh Third Sector, created in recognition of the realities faced by people experiencing inequality in Wales.

Diverse Cymru promotes equality for all. We believe that we can work together to challenge discrimination in all its forms and create an equitable future for the people of Wales.

Diverse Cymru aims to make a real difference to people's lives through delivering services that reduce inequality and increase independence; supporting people to speak for themselves and to connect with decision makers; creating opportunities for participation and development; raising awareness of equality issues; and inspiring people to take action against inequality.

Our current services include direct payments, self directed and independent living support, befriending and advocacy. We produce information resources, run a service user involvement project and co-ordinate volunteer placements. We facilitate forums and groups that work on various issues, from improving disability access to equality impact assessments. We provide consultancy services and deliver a range of training courses on equality related topics.

We are happy for our response to this inquiry to be published and would be pleased to present further oral evidence if this would be of use to the committee.

### **Consultation Questions**

#### **1. Do you feel that the action called for is reasonable and/or feasible?**

We agree that requiring Further Education institutions to take action to actively promote participation in physical activities is reasonable and feasible. Existing promotional materials and activities such as prospectuses, freshers fairs, websites, and information packs for new students could easily be adapted to incorporate further information and promotion of physical activities programmes. Therefore this could be achieved without placing a significant financial or administrative burden on Further Education Institutions.

However we feel that any such promotion must clearly be subject to equality duties and therefore should include addressing both provision and barriers to participation for people from protected characteristic (equalities) groups, in particular for disabled, BME and LGBT people and for women. Further information regarding these barriers and methods of overcoming them is provided in response to question 3.

#### **2. If so, what in your view is the best way of promoting and/or increasing physical activity in further education institutions?**

As mentioned in response to question 1, we feel that integration of physical activity promotion into existing promotion opportunities would be the most effective and least resource intensive method of ensuring consistent and wide-spread promotion of activities.

Additionally tutors and/or lecturers could promote opportunities to learners at the beginning of each academic term.

Any promotion should be mindful of the need to ensure inclusive opportunities and promotion. The petitioner themselves states that further education institutions should have a *“well-structured, inclusive and fun programme that unites, includes & adapts to the needs of the learners.”* In order to be able to unite and include learners there is a need to address equality issues regarding participation in physical activity and the culture of racism, homophobia, disability and gender segregation in sports in general, which actively excludes individuals rather than includes them. Therefore we believe that all promotion of physical activity within further education should include both anti-discrimination information which promotes the positive contributions that people from different backgrounds and abilities can make through sport, and information on sports and activities that are accessible to disabled people and those that are available to mixed genders.

### **3. What are the barriers to promoting and/or increasing participation in physical activity in further education institutions?**

A large number of sports, particularly the most popular, such as football, rugby and cricket, segregate women and men into separate teams, and in many cases there is no women's team where there is a men's team. This segregation contributes to societal prejudice, such as feelings that women are physically weaker than men and not capable of participating in sport at the same level. It is essential that further education institutions both ensure that there is provision for women's teams alongside men's teams, and also ensure that mixed gender sports are promoted to both genders as equal participants.

Inclusion of trans students should be ensured and promoted, as gender segregation within sports can be a particularly complex area regarding transsexual students and whether they qualify for competitions within the men's or women's sports and insurance. At a practice, non-competitive level the gender identity of all trans students should be respected, yet many staff will not be aware of this and therefore require guidance on dealing with these concerns. Regarding competitive entry into sports trainers should be supported to enter sensitive discussions with sports professional bodies, without disclosing personal information about any trans participants.

Regarding BME participation in physical activities it is vital to ensure that cultural and religious considerations, such as ensuring that the timings of activities do not clash with religious observances and that adaptations can be made for cultural requirements, such as women-only swimming sessions.

Regarding disabled people's participation, there are a range of issues, given the vast spectrum of impairments. Some provision should be made for specific disability sports, with links to local or national disability sports organisations such as Disability Sports Wales. Sports such as boccia should be provided where there is a lack of sports that disabled learners can participate in. However consideration should also

always be given to adaptations that can be made so that disabled learners can participate alongside their non-disabled peers, in order to achieve inclusion and unity, rather than further separate disabled learners. For example disabled athletes could train alongside non-disabled athletes in track and field sports.

Across the protected (equality) characteristics it is essential to actively challenge all discrimination and prejudice displayed by both participants and spectators. Many groups across the protected characteristics participate in sports far less than others, due to their experiences and/or fear of prejudice and discrimination. This fear is further heightened by cases such as the recent racism cases in football and the tragic suicide of Justin Fashanu due to homophobia and racism in football. Therefore active policies and tackling discrimination and prejudice in physical activity is required in order to ensure that all learners feel included and able to participate without fear of discrimination.

# Agenda Item 7.22

## **P-04-375 Stop Opt-Out Organ Donation**

### **Petition wording:**

We call on the Welsh Government to stop proposals for its opt-out organ donation system. I think it is completely unethical for the Welsh Government to be pushing through an opt out system for organ donation. This system should not be implemented, particularly if it does not consider the views of relatives. Whilst appreciating the need to donate organs in order to prevent unnecessary deaths, I still strongly believe it should be a decision that each individual takes and not something that is forced on them by the state. Archbishop of Wales Dr Morgan said: organ donation surely ought to be a matter of gift and not of duty and I agree with his statement. This is violating individual rights and is an unfair system. Please sign this petition should you feel the same and want to stop this legislation being passed.

**Petition raised by:** Bablin Molik

**Date petition first considered by Committee:** 13 March 2012

**Number of signatures:** 98

Lesley Griffiths AC / AM  
Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol  
Minister for Health and Social Services



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref  
Ein cyf/Our ref LG/06240/12

William Powell AM  
Chair Petition's Committee  
Ty Hywel  
Cardiff Bay  
CF99 1NA

20<sup>th</sup>  
March 2012

Dear Bill,

Thank you for your letter of 12 March regarding Petition: P-04-375 Stop Opt-Out Organ Donation.

The Welsh Government is committed to introducing a soft opt-out system of organ donation which, evidence suggests, could increase the number of organ donations by up to 25 per cent. Last year one person a week on average died in Wales, whilst waiting for a transplant. I realise this is a very emotive issue and this is why it was so important to consult widely on how the arrangements for an opt-out system will work. The One Wales Government held debates across Wales on the issue of organ donation in 2008. The outcomes of these public debates and a formal public consultation in 2009, clearly demonstrated the majority supported a change to the status quo and the introduction of legislation in respect of organ donation. You may also be aware a recent BBC poll showed two thirds of the Welsh public are in favour of a change in the law.

Members will be aware we made it clear in our 2011 Manifesto, we would introduce an Assembly Bill in order to move to a 'soft opt-out' system of donation, backed up by a comprehensive communication programme. A White Paper, published in November, last year focused on how a Bill might be implemented. Nevertheless the consultation on the White Paper offered respondents the opportunity to make any points they wished on the issue. The consultation attracted a large response with 1,234 replies received, of those who offered an opinion, 52% of all respondents (646) supported the proposals and 39% (478) opposed. There are, of course, a number of sensitive issues involved and we are, therefore, considering the responses carefully as the draft Bill is developed, which we intend to publish for consultation before the summer.

I should like to reassure those people who signed the petition a soft opt-out does not mean people's organs will be taken automatically or forcibly. The White Paper explained if someone dies in circumstances which makes them a potential donor, there will be a clear emphasis on the need for families to be involved in the decision making process around donation.

Thank you again for the opportunity to comment on this petition.

Regards  
Lesley

**Lesley Griffiths AC / AM**

Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol  
Minister for Health and Social Services



Llywodraeth Cymru  
Welsh Government

PET(4)-08-12 : Tuesday 15 May 2012  
P-04-375 Stop Opt-Out Organ Donation

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**WRITTEN STATEMENT  
BY  
THE WELSH GOVERNMENT**

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**TITLE**           **Proposals for organ and tissue donation legislation – publication of consultation responses and related qualitative research**

**DATE**           **18 April 2012**

**BY**              **Lesley Griffiths AM, Minister for Health and Social Services**

On 8 March 2012, I published a summary of the responses to the consultation on our White Paper regarding proposals for legislation on organ and tissue donation.

Today, I am releasing the list of the 1,234 respondents as an Annex to that summary and also publishing the responses we received. We have protected the anonymity of all respondents who requested it and are withholding one response at the request of the respondent.

<http://new.wales.gov.uk/consultations/healthsocialcare/organ/?lang=en&status=closed>

I am also publishing qualitative research conducted by Beaufort Research Ltd to support the consultation. The researchers held six focus groups across Wales and, in addition, carried out seven in-depth interviews in order to explore attitudes towards organ donation and the Welsh Government's proposals for legislation. The researchers were asked to ensure a range of ages was included within the focus groups and also quotas were set in order to ensure participation from Black and Minority Ethnic communities.

<http://wales.gov.uk/about/aboutresearch/social/latestresearch/organdonation/?lang=en>

I am pleased to note the broad support for organ donation amongst the focus group participants. Generally, people found it easier to argue for our opt-out proposals than against. Whilst noting this is qualitative research with a small sample, it is consistent with what we know from wider surveys of opinion.

At the same time the research illustrates how we need to raise awareness of the organ donation process in general and also of our proposals for an opt-out system. Good communications is vital. We are committed to a phased public awareness campaign in the two year lead in between the passage of the legislation in the Assembly and full implementation of the opt-out system. With this in mind, I plan to publish a Draft Bill for further consultation on the Welsh Government's approach in June 2012.

This statement is being issued during recess in order to keep members informed. Should members wish me to make a further statement or to answer questions on this when the Assembly returns I would be happy to do so.

## **P-03-197 Save the Vulcan**

### **Petition wording:**

Built in 1853, The Vulcan Hotel in Adam Street is one of Cardiff's oldest pubs. It is scheduled for demolition in June 2009 to make way for a multi-storey car park and flats. Please help make the developers incorporate The Vulcan into their designs and stop this unnecessary vandalism of Cardiff culture and history.

There is talk of moving the pub to St Fagan's Museum but The Vulcan doesn't belong in a museum; it belongs where it has been for 155 years - the heart of Cardiff.

We, the undersigned, believe that The Vulcan Hotel is worth more to Cardiff standing than demolished, and worth more where it stands than in a museum. We urge the developers to respect Cardiff's culture and history and preserve this historic building on its present site.

We also urge Cardiff Council and the Welsh Assembly Government to use all their power to ensure that The Vulcan remains where it is - at the heart of Cardiff.

**Petition raised by:** Rachel Thomas

**Date petition first considered by Committee:** March 2009

**Number of signatures:** 5,000

**National Assembly for Wales**  
Petitions Committee

Save the Vulcan: Protection of historic  
buildings

February 2010



The National Assembly for Wales is the democratically elected body that represents the interests of Wales and its people, makes laws for Wales and holds the Welsh Government to account.

An electronic copy of this report can be found on the National Assembly's website:  
**[www.assemblywales.org](http://www.assemblywales.org)**

Further copies of this document can be obtained from:  
The Petitions Committee  
National Assembly for Wales  
Cardiff Bay  
CF99 1NA

Tel: 029 2089 8393  
Fax: 029 2089 8021  
Email: [Petition@wales.gsi.gov.uk](mailto:Petition@wales.gsi.gov.uk)

**National Assembly for Wales**  
Petitions Committee

**Save the Vulcan: Protection of historic  
buildings**

February 2010



## **Petitions Committee**

The role of the Petitions Committee is to consider petitions submitted by the public, and to take the issue forward on behalf of the petitioners.

## **Powers**

The Committee was established on 26 June 2007 by the Assembly to consider petitions referred to the Committee by the Presiding Officer. It has the power to take any action which the Committee considers appropriate in relation to the petition.

## Committee membership

<i>Committee Member</i>	<i>Party</i>	<i>Constituency or Region</i>
Christine Chapman	Labour	Cynon Valley
Andrew RT Davies	Welsh Conservative Party	South Wales Central
Michael German	Welsh Liberal Democrats	South Wales East
Bethan Jenkins	Plaid Cymru	South Wales West



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## **The Committee's Recommendations**

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The Committee's recommendations to the Welsh Government are listed below. Please refer to the relevant pages of the report to see the supporting evidence and conclusions:

**Recommendation 1.** We recommend that the Welsh Government considers the introduction of guidance, or legislation if necessary, to allow the protection of buildings that are of importance for social and cultural reasons. **(Page 11)**

**Recommendation 2.** We recommend that the Welsh Government consults with Welsh local authorities and the WLGA with a view to strengthening the powers available to local authorities to prevent the demolition of buildings that meet the criteria for local listing. **(Page 15)**

## 1. Background to the petition

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1. The Vulcan Hotel ('The Vulcan') is situated on Adam Street in central Cardiff. It was built in 1853 and it is the only building to survive successive city-centre redevelopments in what was formally known as the Newtown area of Cardiff. The Vulcan is currently owned by Marcol Asset Management Ltd and let to SA Brain & Co.
2. The future of The Vulcan came under threat as a consequence of the most recent redevelopment of Cardiff's city centre - the St David's Phase 2 development. The Vulcan occupies part of the Adam Street site within the development area.
3. In 2005, the former Welsh Development Agency (the 'WDA') began promoting a draft compulsory purchase order (the Order) for the land required for the St David's 2 development. It did this in parallel with negotiations to 'obtain the development by agreement rather than by Order'<sup>1</sup>. This approach was taken in accordance with the extant guidance at the time<sup>2</sup> that recommended that compulsory purchase orders be promoted in parallel with the negotiation process.
4. The objective in making the order was 'not acquisition per se'<sup>3</sup> but achievement of the development scheme. In 2006, the WDA became part of the Welsh Assembly Government (the 'Welsh Government'). The Welsh Government continued with the approach initiated by the WDA, and in November 2006 the Order was made. However, the Order has not been activated to date.
5. At this time, Marcol Asset Management Ltd (Marcol) controlled a substantial part of the Adam Street site. Only two properties remained to be acquired, one of which was The Vulcan which was owned by SA Brain & Co Ltd (SA Brain).
6. Marcol has since acquired the freehold interest in The Vulcan from SA Brain by private negotiations, albeit with the background knowledge that a compulsory purchase order exists. The ownership of the Adam Street site was thus unified in a private development company 'capable of achieving the objective of comprehensive redevelopment'<sup>4</sup>. The WDA had an agreement with Marcol 'not to acquire in the event of them [Marcol] achieving ownership of the whole site'<sup>5</sup>. This agreement was inherited by the Welsh Government upon merger with the WDA in 2006. As a consequence, the Welsh Government has not had to acquire the land by Order

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<sup>1</sup> Email from the Welsh Assembly Government, 'Freedom of Information Request 3034', 23 January 2009

<sup>2</sup> National Assembly for Wales Circular 14/04 'Compulsory Purchase Orders'

<sup>3</sup> Email from the Welsh Assembly Government, 'Freedom of Information Request 3034', 23 January 2009

<sup>4</sup> Ibid

<sup>5</sup> Ibid

7. Since acquiring The Vulcan, Marcol have let it back to SA Brain on a temporary arrangement, pending redevelopment. At the time of receiving this petition, the lease was due to expire in June 2009.

8. In early 2008 the lead petitioners Rachel Thomas and Graham Craig initiated the 'Save The Vulcan' campaign<sup>6</sup>. A central element of this campaign involved raising a petition addressed to the National Assembly for Wales. This petition collected 5,000 signatures and was presented to the Assembly on 12 February 2009. At this point, the Vulcan faced closure and demolition in June 2009.

9. The Petitions Committee initially focused our investigation of this petition on the potential for the Welsh Government to list The Vulcan as a building of national importance.

10. Our investigation of the above issue also led us to examine the powers available to local authorities for the protection of buildings that are important at a local level.

11. In June 2009, the developer offered an extension to the Vulcan's lease for three years, thereby removing the imminent threat of demolition, but not guaranteeing the Vulcan's long-term future.

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<sup>6</sup> The 'Save the Vulcan' Campaign blog can be found at <http://save-the-vulcan.blogspot.com>

## 2. Listed building status

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12. At the outset of their campaign, the petitioners assessed the options available for the protection of The Vulcan from demolition. Mr Graham Craig, an organiser of the 'Save The Vulcan campaign' stated 'listing the building was probably the best way, and the only way we could think of, to get protection for the building'<sup>7</sup>. The endeavour of the petitioners to have The Vulcan listed, and the Welsh Government's response, formed the first part of our investigation of this petition.

### *The petitioners' argument for listing*

13. The petitioners informed us that previous applications to have The Vulcan listed had been made to Cadw<sup>8</sup> and that these applications had been unsuccessful. Cadw indicated that it would consider a new application for listing, on the condition that the application contained new information.

14. Mr Craig researched The Vulcan's history and compiled a new application for Cadw's consideration. His research revealed the following new information:

- A hitherto hidden partition wall
- The remodelling work done under the auspices of the Cardiff architect Fred Veall
- The more recent social and cultural importance of this public house

15. On receipt of the new application, Cadw reassessed The Vulcan against the criteria for listing. The main criteria which Welsh Ministers apply in deciding which buildings to include in statutory lists were summarised by Cadw as being<sup>9</sup>:

- Architectural interest
- Historical interest
- Close historical associations with persons or events of importance to Wales
- Group value

16. These criteria are outlined in circulars 61/96 and 1/98. We noted with some concern that these circulars predate the establishment of the National Assembly for Wales, and that they have not been revised to take account of new priorities

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<sup>7</sup> RoP Petitions Committee 17 March 2009 p.5

<sup>8</sup> Cadw is the Welsh Government's historic environment division

<sup>9</sup> Cadw, *Paper to the Petitions Committee: Petition P-03-197 Save the Vulcan*, 17 March 2009

that may exist in a devolved context. Cadw stated in response to our questioning that:

‘There is a plan for some heritage protection legislation that would cover England and Wales. That legislation is very much intended to tighten up and to bring together the fairly disparate collection of legislation that currently prevails in England and Wales, and also to provide greater clarity and accountability on the heritage protection process. That legislation currently does not have a slot in the UK Parliament, but as part of the underpinning process of that legislation finding its way through the UK Parliament, I think that it is extremely likely that issues such as the criteria will be revisited.’<sup>10</sup>

17. The UK Government did not include a Heritage Protection Bill in its 2009/10 legislative programme<sup>11</sup>, and we have some concerns that this may delay developing the approach taken in Wales to protecting built heritage.

18. During the course of our investigations, the petitioners repeatedly referred to the social and cultural importance of The Vulcan. It was referred to as having ‘important social significance’<sup>12</sup> and ‘strong social connotations’<sup>13</sup> due to its links with Newtown and the construction of Cardiff’s docks. Jenny Randerson AM stated that ‘[...] it is where the Irish labourers in the nineteenth century who built the docks drank [...]’<sup>14</sup> and the petitioners describe The Vulcan as ‘[...] the only visible link to what was Newtown [...]’<sup>15</sup>.

19. The issue of social significance was pursued with Cadw, who stated that:

‘The current criteria do not permit an assessment of a building’s social interest where special architectural or historic interest is absent’<sup>16</sup>.

20. Cadw completed its reassessment of The Vulcan in March 2009, and it concluded that:

‘although there is clearly a strong case to be made for the local significance of the Vulcan, and for its contemporary social and cultural

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<sup>10</sup> RoP Petitions Committee 17 March 2009 p.16

<sup>11</sup> <http://www.commonleader.gov.uk/files/pdf/803%20Cm%207739.pdf>

<sup>12</sup> RoP Petitions Committee 17 March 2009 p.9

<sup>13</sup> Ibid p.7

<sup>14</sup> Ibid p.7

<sup>15</sup> Ibid p.9

<sup>16</sup> Cadw, *Supplementary paper - the Social and Cultural Significance of Buildings*, April 2009

value, there are insufficient grounds to support a recommendation for listing.<sup>17</sup>

21. The Minister for Heritage wrote to us on 22 June 2009 with confirmation that he had decided not to list The Vulcan as it did not meet the listing criteria.

### **Conclusions**

22. We are grateful for Cadw's reassessment of The Vulcan for statutory listing, in light of additional evidence that came to light following work undertaken by the petitioners. After discussing Cadw's recommendation that The Vulcan should not be added to the statutory list, we accept that Cadw can only assess a building according to the criteria specified to it. In light of this, we understand that The Vulcan does not meet the criteria specified and that were Cadw to recommend listing The Vulcan then Cadw could put themselves and potentially the Welsh Ministers at risk of legal challenge. It follows that we accept the decision the Minister for Heritage has made.

23. We believe that the 5,000 signatures that support this petition are testament to the fact that The Vulcan is an important building to the people of Cardiff. Its primary importance is social and cultural, providing the last physical link to the former Newtown area of Cardiff. As the present arrangements for the statutory protection of buildings, at both national and local level, focus exclusively on an assessment of architectural and historical interest, there are no means to protect a building that is important to communities for other reasons.

24. The extant criteria used to determine the listing of buildings predate the establishment of the National Assembly for Wales. We believe that this guidance should be revised. We note that the UK Government has not brought forward the legislation Cadw referred to in its evidence to us, and we are concerned this may have a negative impact on developing a Welsh approach to protecting built heritage.

25. We welcome the Welsh Government's planned consultation and subsequent revision of guidance<sup>18</sup>.

**We recommend that the Welsh Government considers the introduction of guidance, or legislation if necessary, to allow the protection of buildings that are of importance for social and cultural reasons.**

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<sup>17</sup> Letter from the Minister for Heritage to the Chair of the Petitions Committee, *Vulcan Public House, Adamsdown, Cardiff*, 27 April 2009

<sup>18</sup> Letter from the Minister for Heritage to the Chair of the Petitions Committee, 22 June 2009

### 3. Local protection

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26. In considering whether The Vulcan met the criteria for statutory listing, Cadw emphasised the role local government plays in the protection of buildings, stating ‘ [...] the lead responsibility for decisions on the significance and [...] protection of historic buildings in Wales rests locally’ and that ‘ [...] listed building consent [...] is in the domain of the local authority’<sup>19</sup>.

27. Whilst consideration of decisions made by individual local authorities is beyond our remit, we decided to pursue whether or not local authorities have sufficient powers to protect a building of local importance, in the absence of Cadw adding a building to the national list. From the evidence we received from Cardiff Council, it appears that criteria for listing remain the same for local authorities as for Cadw, though without the requirement for a building to be of national importance.

28. Local authorities can add buildings of local importance to a list according to criteria that are identical to that used by Cadw for the national list, without the requirement for the building to be of national significance. These criteria are specified in a circular that, again, predates the establishment of the National Assembly for Wales, and no subsequent direction has been issued to local authorities since the publication of this circular thirteen years ago. The evidence we received indicates that this local list offers little or no protection to buildings from demolition. Officers from Cardiff County Council stated that ‘ [...] local listing did not afford buildings on the list any substantive protection from demolition’<sup>20</sup> and further to this, an officer stated that ‘ I cannot think of an example where the use of that list has resulted in a building not being demolished’<sup>21</sup>

29. We were also informed that Cardiff County Council had previously sought the support of the Wales Office and the National Assembly for Wales to enhance the powers available to it for the protection of buildings included on the local list, but to no avail<sup>22</sup>.

30. The criteria at a local level are limited in the same way as the national criteria i.e. they cannot take account of buildings that are of importance for

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<sup>19</sup> RoP Petitions Committee 17 March 2009 p.15

<sup>20</sup> Ibid p.5

<sup>21</sup> Ibid p.9

<sup>22</sup> Ibid

reasons other than historical or architectural significance. Of more concern to us was the lack of powers available to local authorities to protect buildings that met the criteria and that were included on a local list.

31. Following the evidence from Cardiff Council, we sought the Welsh Local Government Association's (WLGA) view, to see whether other local authorities in Wales shared the view put forward by Cardiff Council. The WLGA confirmed that 'the issue of local importance is indeed an issue of concern to Local Planning Authorities across Wales'<sup>23</sup>.

32. The WLGA stated that:

'The public clearly think it is somewhat strange that as planners Local Authorities can involve ourselves in porches and alterations to houses in the street, but we cannot prevent gaps appearing in those streets through demolition and clearance - which often have a far more detrimental impact'<sup>24</sup>

### ***The draft Heritage Protection Bill***

33. Both Cardiff County Council and the WLGA made reference to the 'continued absence'<sup>25</sup> of a new Heritage Bill. Cardiff County Council stated, in relation to the draft Heritage protection Bill that

'There was a suggestion that the buildings on the local list might benefit from some statutory protection from demolition [...]'

## **4. Other issues**

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34. The issue of seeking protection for the Vulcan through either the national or local listing process dominated most of our consideration of this petition. However, we did touch on a number of other issues, including:

- The Welsh Government's powers in terms of compulsory purchase
- Relocating The Vulcan

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<sup>23</sup> Letter from the WLGA to the Petitions Committee, *Petition - Save the Vulcan*, 27 July 2009

<sup>24</sup> Ibid

<sup>25</sup> Ibid

- Incorporating The Vulcan in future plans

### ***Compulsory Purchase Order***

35. The petitioners suggested that the Welsh Minister may be in a position to use the CPO that he holds as 'leverage' to prevent the demolition of The Vulcan. The Deputy First Minister has confirmed that this would not be possible without opening the Welsh Ministers to legal challenge as it would be contrary to the purposes for which the Order was made.

### ***Relocating the Vulcan***

36. The idea of relocating the Vulcan 'brick by brick' to the National Folk Museum in St. Fagans has been mooted. The petitioners were strongly opposed to this suggestion stating that the Vulcan 'is worth more where it stands than in museum'<sup>26</sup> and that 'it belongs where it has been for 155 years - the heart of Cardiff'<sup>27</sup>.

37. We suggested that the petitioners may wish to consider the possibility of relocating the Vulcan within the immediate area. This approach has been followed on at least two occasions as part of the redevelopment of Cardiff Bay; in the case of the Norwegian Church and the 'D-shed'. The petitioners did not think that this would be feasible on the grounds of cost and the lack of available land in the area.

### ***Including the Vulcan in future plans***

38. The developer has not commented on the long-term future of the Vulcan and the Adam Street site. Recent planning applications that have been submitted to Cardiff Council include the Vulcan alongside other developments<sup>28</sup>.

39. The prominent local architect Jonathan Adams, a named supporter of the petition to save the Vulcan, informed us that he could see no reason why the Vulcan could not be incorporated into any future redevelopment of the site, and that it would pose an exciting opportunity, from an architectural perspective<sup>29</sup>.

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<sup>26</sup> Petition wording [www.assemblywales.org](http://www.assemblywales.org)

<sup>27</sup> Ibid

<sup>28</sup> Cardiff County Council, planning applications [09/01308C](#) and [09/01309C](#)

<sup>29</sup> Oral evidence provided to the Petitions Committee at its meeting with Mr Adams on 18 May 2009.

## 5. Conclusions

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40. On the basis of the evidence received, we are concerned that local authorities in Wales have insufficient powers to protect buildings that meet the criteria for local listing. The UK Government has not included a Heritage Protection Bill in its legislative programme for 2009/10 which may have provided an opportunity to address some of these concerns.

**We recommend that the Welsh Government consults with Welsh local authorities and the WLGA with a view to strengthening the powers available to local authorities to prevent the demolition of buildings that meet the criteria for local listing.**

41. We recognise that the future of the Vulcan lies in the hands of the developer. We acknowledge the extension of the Vulcan's lease and hope that this indicates the developer's recognition of the Vulcan as an asset that will positively contribute to the future development of Cardiff and that the developer will continue to work with all parties to ensure the future preservation of the Vulcan.

## Witnesses

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The following witnesses provided oral evidence to the Committee on the dates noted below. Transcripts of all oral evidence sessions can be viewed in full at [Save the Vulcan transcripts](#)

*17 March 2009*

Rachel Thomas            Lead Petitioner, Save the Vulcan Group

Graham Craig            Save the Vulcan Group

Jenny Randerson        Assembly Member, Cardiff Central

Marilyn Lewis            Director, Cadw

Judith Alfrey            Cadw

Laurence Burr            Cadw

*9 June 2009*

Richard Cole            Senior Planning Officer, Cardiff County Council

Steven Phillips         Corporate Director Environment, Cardiff  
County Council

## List of written evidence

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The following material was considered as written evidence by the Committee. All written evidence can be viewed in full at [National Assembly for Wales | Petitions Committee](#)

<i>Name / Organisation</i>	<i>Document</i>	<i>Reference</i>
Welsh Government	Email 'Freedom of Information Request 3034', 23 January 2009	P-03-197-1
National Assembly for Wales	Circular 14/04 'Compulsory Purchase Orders'	P-03-197-2
Cadw	Paper to the Petitions Committee: P-03-197 Save the Vulcan, 17 March 2009	P-03-197-3
Cadw	Supplementary Paper – the Social and Cultural Significance of Buildings, April 2009	P-03-197-4
Office of the Leader of the House of Commons	The Draft Legislative Programme 2009/10 – Governments Response and Summary of Consultation	P-03-197-5
Minister for Heritage, Welsh Government	Letter to the Chair of the Petitions Committee, 27 April 2009	P-03-197-6
Minister for Heritage, Welsh Government	Letter to the Chair of the Petitions Committee, 22 June 2009	P-03-197-7
Steve Thomas, Chief Executive, Welsh Local Government Association	Letter to the Chair of the Petitions Committee, Petition – Save the Vulcan, 27 July 2009	P-03-197-8

# Agenda Item 7.24

## **P-04-381 Restoration for North Wales Hospital**

### **Petition wording:**

We call on the National Assembly for Wales to urge the Welsh Government to assess the architectural heritage of the North Wales Hospital and to ensure that the bat roosts located there are protected. We would like this truly unique building to be preserved and restored for the nation.

### **Supporting information:**

The North Wales Hospital is a fine example of a Victorian asylum designed by architect Thomas Full James, opening in 1848 and closed 1995. Encompassing a 160 years of history, the threat is imminent, the former North Wales Hospital should impart its sad story with aim of preservation and retention of the site, to preserve the historical context for future generations in this 126 acre site. During the period after disposal, it has had a succession of owners some of whom involved in letting the buildings fall in dereliction, asset stripping and demolishing listed buildings contrary Planning (Listed Building and Conservation Areas) Act 1990. Bat roosts have been disturbed contrary to The Wildlife and Countryside Act 1981.

The disposal and re-development of this Victorian hospital and associated buildings, once described by the Welsh historic environment agency Cadw as the finest purpose-built hospital in Wales, has been beset with problems for more than 15 years. The local authority could be placed at significant financial risk if they were to acquire the site while the condition of the buildings continue to deteriorate unless they have agreed a viable mix of new uses and have a developer partner to deliver the scheme. It is worth examining the history to date of the disposal process as it highlights a number of really useful lessons of wider applicability.'

**Petition raised by:** Paul Sharrock, restoration4nwh

**Date petition first considered by Committee:** 27 March 2012

**Number of signatures:** 29

Huw Lewis AC / AM  
Y Gweinidog Tai, Adfywio a Threftadaeth  
Minister for Housing, Regeneration and Heritage



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref P-04-381  
Ein cyf/Our ref HL/05461/12

William Powell AM  
[committeebusiness@Wales.gsi.gov.uk](mailto:committeebusiness@Wales.gsi.gov.uk)

10 April 2012

*Dear William*

Thank you for your letter of 26 March about the petition by Paul Sharrock, on behalf of the Restoration for North Wales Hospital Group, asking the National Assembly for Wales to urge the Welsh Government to assess the architectural heritage of the former North Wales Hospital and to ensure that the bat roosts at the site are protected.

Responsibility for the condition and restoration of the former hospital is a matter for the owner. Denbighshire County Council has lead responsibility for listed building matters in its area rather than the Welsh Government and may intervene with statutory notices if it has concerns about a building's condition.

The former hospital was assessed – and listed - by my officials in Cadw in 1981 as an exceptionally fine, and pioneering example of, Victorian asylum architecture. In 2000, further buildings at the site were listed on account of their architectural importance at the national level.

Since its closure as a mental hospital in 1995, the Council has been actively seeking a new and appropriate use. In 2006, the Council approved outline planning permission for the restoration and development of the site for residential, commercial and parkland use. In 2008, the Council approved an application for listed building consent to demolish a number of the lesser important listed structures so that the development could proceed and the more significant historic buildings could be retained. My officials in Cadw were notified of that application to consider if it should be called-in for determination by the Welsh Ministers but concluded that such intervention was unnecessary. The work commenced but soon stopped as the development was said, by the private owner based in the Virgin Islands, to be no longer viable due to the economic climate at that time.

The former hospital is currently derelict and in a fragile and dangerous condition. The Council is currently taking action under the Planning (Listed Buildings and Conservation

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Areas) Act 1990, carrying out urgent preservation works in the region of some £850K and attempting to recover the cost of the initial works from the owner's agent. The Council is also considering the feasibility of legally transferring ownership of the buildings so that they may be saved and any such transfer could potentially involve an enforced sale or Compulsory Purchase Order by the Council. My officials are kept fully informed of the position but as the owner has appealed to the Welsh Ministers, in practice the Welsh Government's Planning Division, against the recovery of costs by the Council, it is inappropriate for me, or my officials, to comment.

The condition of the former hospital is such that I understand that it has been necessary to carefully demolish unstable elements of the buildings although the material has been stored for reconstruction at a later date. I understand from previous correspondence with the Restoration for the North Wales Hospital Group that it has reservations about the need to remove so much original fabric and my officials have clarified the position. I also understand that the Council's project team includes the full range of specialists that one would expect to be working on such a project and the Health and Safety Executive, and the Prince's Regeneration Trust, are fully involved.

The Council has explained to my officials that it continues to have proper regard to the protected species, including bats, but this is outside my ministerial portfolio and you may wish to take it up with the Minister for Environment and Sustainable Development.

Finally, the issues raised by the petitioner are matters for the local authority to consider and I understand that the Council's Conservation Architect, Phil Ebbrell, would be pleased to explain the Council's approach to the preservation of this important listed building. Mr Ebbrell may be contacted by email [phil.ebbrell@denbighshire.gov.uk](mailto:phil.ebbrell@denbighshire.gov.uk) or telephone 01824 406937. If the petitioner remains dissatisfied, he may take the matter up with the Council's Monitoring Officer who is also the Council's Head of Legal and Democratic Services Department and can be contacted by telephone 01824 712562 or [dcc\\_admin@denbighshire.gov.uk](mailto:dcc_admin@denbighshire.gov.uk)



**Huw Lewis AC / AM**

Y Gweinidog Tai, Adfywio a Threftadaeth  
Minister for Housing, Regeneration and Heritage

**P-03-170 MENCAP Cymru – Petition to increase the number of people with a learning difficulty employed by the public sector in Wales.**

**Petition wording**

We call upon the National Assembly for Wales to urge the Assembly Commission and the Welsh Assembly Government to take a lead in employing more people with a learning disability, and to encourage other public sector employers, such as the NHS and Local Authorities, to employ more people with a learning disability

Only 1 in 10 people with a learning disability who want to work are in any form of paid employment. This is unfair.

**Link to petition:** <http://assemblywales.org/gethome/e-petitions-old/eform-sign-petition-old/p-03-170.htm>

**Petition raised by:** MENCAP Cymru

**Number of signatures:** 134

Cynulliad  
Cenedlaethol  
Cymru

National  
Assembly for  
Wales



William Powell AM  
Chair  
Petitions Committee  
National Assembly for Wales  
Tŷ Hywel  
Cardiff Bay  
Cardiff  
CF99 1NA

12 April 2012

Dear William

**Petition from Mencap Cymru – more employment opportunities for people with a learning disability**

On 27 April 2010, I wrote to Christine Chapman AM, the Committee's previous Chair, regarding the Petitions Committee's consideration of Mencap Cymru's petition to:

*"urge the Assembly Commission and the Welsh Assembly Government to take a lead in employing more people with a learning disability, and to encourage other public sector employers such as the NHS and local authorities to employ more people with a learning disability."*

Since that time the Assembly Commission has made a commitment to creating work opportunities for people who may experience difficulties entering employment.

From July 2010 to August 2011, we worked with Gofal to run a pilot supported work placement for an individual experiencing mental ill health. The emphasis of the placement was to provide training and valuable work

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Croesewir gohebiaeth yn y Gymraeg a'r Saesneg/We welcome correspondence in both English and Welsh



experience in order to enable the participant to apply for employment through the usual recruitment channels in the future. Prior to the start of the placement, Assembly staff worked hard to ensure that the placement would be safe, welcoming and effective. We will build upon this pilot to deliver more work placements which will be open to people with a learning disability.

Alastair Howells joined the Research Service for an initial six months from July 2010 following a direct request to our Human Resources Department. Alastair and his support worker initially requested that the placement be unpaid. Alastair was originally referred to the Assembly through the Pathways to Work Project, a scheme that helped people who were claiming Employment and Support Allowance or incapacity benefits to get work. Alastair was subsequently supported by Gofal's Pathways to Employment Project, a scheme which offers one-to-one support to people who have been experiencing mental ill health to take the first steps towards employment.

During this first six months, Alastair contributed to the work of the Research Service by adding to the value and quality of the briefings that were provided to Assembly Members.

The placement was extended for a further six months on a four hour per week and paid basis owing to the fact that Alastair had made considerable progress. Since undertaking the placement, Alastair's support worker has noted that his confidence and social skills have been significantly enhanced. This in turn has had a positive impact on Alastair in terms of his quality of life and his confidence to apply for paid employment elsewhere.

Below are testimonials from Alastair and his support worker on the impact of the placement:

**Testimonial from Alastair Howells:**

"I got great satisfaction from my work placement. I found the work very interesting. I now feel more confident meeting new people and am able to use this opportunity to build on my skills and social networks. In conclusion I had a great time working with all the staff at the Assembly. It really has been a worthwhile experience and I will take lots away with me. I have found the experience useful for my future career plans."

**Testimonial from Julie Rees (Support Worker, Gofal)**

"Having worked with Alastair for two years, the positive effect that this placement has had on him on a personal and employability level has been of tremendous value. I can see the huge changes in him: he's far more confident and has gained valuable social and employment skills that will enable him in the future."

The Assembly has also benefited greatly from Alastair's time with us, not only in terms of the work that he has done but also by providing a valuable learning opportunity for staff across the organisation.



We are building upon this positive experience to undertake further paid work placements in the future. The placement will be dependent on the capacity of the service area and the individual's abilities and skills level. If necessary, our HR and Equality Teams will work together with partners to ensure that the person undertaking the placement is supported and empowered to realise their capabilities.

A specific action relating to work placements for people from under-represented groups has been included in our new Equality Plan. Such placements will be available to people with a learning disability. We have recently advertised a work placement for this year with a number of representative organisations, including Mencap.

I am delighted that our work placement scheme demonstrates that the Assembly's petitions process is a valuable contributor to inclusive democracy and we are pleased to be able to provide employment opportunities to people under-represented groups.

If you require any further information please do not hesitate to contact me.

Yours sincerely

**Claire Clancy**  
**Prif Weithredwr a Chlerc/Chief Executive and Clerk**  
**Cynulliad Cenedlaethol Cymru/National Assembly for Wales**

**cc. Sandy Mewies AM, Commissioner for the Sustainable Assembly**