



**Cynulliad Cenedlaethol Cymru
Pwyllgor yr Amgylchedd, Cynllunio a Chefn Gwlad**

**The National Assembly for Wales
The Environment, Planning and Countryside
Committee**

**Dydd Mercher, 28 Mehefin 2006
Wednesday, 28 June 2006**

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

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

Aelodau o'r Cynulliad yn bresennol: Glyn Davies (Cadeirydd), Lorraine Barrett, Mick Bates, Janet Davies, Tamsin Dunwoody, Carwyn Jones (y Gweinidog dros yr Amgylchedd, Cynllunio a Chefn Gwlad), Elin Jones, Brynle Williams.

Swyddogion yn bresennol: Claire Bennett, Cangen Ansawdd yr Aer a'r Amgylchedd, Llywodraeth Cynulliad Cymru; Christianne Glossop, y Prif Swyddog Milfeddygol, Llywodraeth Cynulliad Cymru; Ross Hunter, Cangen Ansawdd yr Aer a'r Amgylchedd, Llywodraeth Cynulliad Cymru; Joanest Jackson, Cyngorydd Cyfreithiol y Pwyllgor, Gwasanaeth Seneddol y Cynulliad; Gareth Jones, Cyfarwyddwr Adran yr Amgylchedd, Cynllunio a Chefn Gwlad, Llywodraeth Cynulliad Cymru; Rory O'Sullivan, yr Is-adran Polisi Cefn Gwlad, Llywodraeth Cynulliad Cymru; Rosemary Thomas, Pennaeth yr Is-adran Gynllunio, Llywodraeth Cynulliad Cymru.

Eraill yn bresennol: Kevin Bishop, Pennaeth Adfywio a'r Amgylchedd, CLILC; Delme Bowen, CLILC; Wynne Davies, Dirprwy Gadair, CORWM; Mike Dolan, Cyfarwyddwr Gweithredol, Cymdeithas y Gweithredwyr Ffonau Symudol; Stuart Eke, Rheolwr Materion Gwleidyddol, Cymdeithas y Gweithredwyr Ffonau Symudol; Catherine Milner, Pennaeth Rheoli Datblygu, Awdurdod Parc Cenedlaethol Arfordir Penfro; Rob Thomas, Cyngorydd Cynllunio, CLILC.

Gwasanaeth Pwyllgor: Kathryn Jenkins, Clerc; Dan Collier, Dirprwy Glerc.

Assembly Members in attendance: Glyn Davies (Chair), Lorraine Barrett, Mick Bates, Janet Davies, Tamsin Dunwoody, Carwyn Jones (the Minister for Environment, Planning and Countryside), Elin Jones, Brynle Williams.

Officials in attendance: Claire Bennett, Air and Environment Quality Branch, Welsh Assembly Government; Christianne Glossop, Chief Veterinary Officer, Welsh Assembly Government; Ross Hunter, Air and Environment Quality Branch, Welsh Assembly Government; Joanest Jackson, Legal Adviser to the Committee, Assembly Parliamentary Service; Gareth Jones, Director of Environment, Planning and Countryside Department, Welsh Assembly Government; Rory O'Sullivan, Countryside Policy Division, Welsh Assembly Government; Rosemary Thomas, Head of Planning Division, Welsh Assembly Government.

Others in attendance: Kevin Bishop, Head of Regeneration and Environment, WLGA; Delme Bowen, WLGA; Wynne Davies, Deputy Chairman, CORWM; Mike Dolan, Executive Director, Mobile Operators Association; Stuart Eke, Political Affairs Manager, Mobile Operators Association; Catherine Milner, Head of Development Control, Pembrokeshire Coast National Park Authority; Rob Thomas, WLGA Planning Adviser.

Committee Service: Kathryn Jenkins, Clerk; Dan Collier, Deputy Clerk.

*Dechreuodd y cyfarfod am 9.30 a.m.
The meeting began at 9.30 a.m.*

Cyflwyniad, Ymddiheuriadau, Dirprwyon a Datgan Buddiannau Introduction, Apologies, Substitutions and Declarations of Interest

[1] **Glyn Davies:** Bore da, a chroeso. **Glyn Davies:** Good morning, and Croeso i'r cyhoedd hefyd, er nad oes rhywun yn welcome. I also welcome the public, yr oriel gyhoeddus ar hyn o bryd. Yr wyf yn although there is nobody in the public eich atgoffa i droi eich ffonau symudol i ffwrdd gallery at the moment. I remind you to yn gyfan gwbl. Os bydd rhyw fath o argyfwng, switch your mobile phones off completely. edrychwch ar y tywysyddion a gwnewch beth y If there is any sort of emergency, look to

maent yn ei ddweud. Atgoffaf y cyhoedd mai pwyllgor dwyieithog yw hwn a bod offer cyfieithu ar gael drwy'r tywysyddion.

the ushers and do whatever they tell you to do. I remind the public that this is a bilingual committee and that translation equipment is available from the ushers.

[2] A oes gan yr Aelodau fuddiannau i'w datgan? Gwelaf nad oes.

Do the Members have any interests to declare? I see that they do not.

9.31 a.m.

Cofnodion y Cyfarfod Blaenorol Minutes of the Previous Meeting

[3] **Glyn Davies:** A yw cofnodion y cyfarfod diwethaf yn iawn? Mae'n rhaid i rywun dweud eu bod yn hapus gyda hwy. Nid oes neb am ymateb? Wel, yr wyf i'n hapus gyda hwy.

Glyn Davies: Are the minutes of the last meeting okay? Someone has to say that they are happy with them. Does no-one wish to respond? Well, I am happy with them.

*Cadarnhawyd cofnodion y cyfarfod blaenorol.
The minutes of the previous meeting were ratified.*

9.31 a.m.

Adroddiad ar Lafar gan y Gweinidog Minister's Oral Update

[4] **Glyn Davies:** Elin has asked whether she can ask a question on this. I have only discussed it with the Minister this morning, so he has not had a chance to prepare. It is about the written statement that came out about Cardigan bay yesterday. What we have before us is anything that the Minister wishes to make an announcement about. The second issue will be the question that I have asked about atypical scrapie. I do not know whether that is a significant issue or not. The third issue will be the question that Elin wants to ask about Cardigan bay.

[5] **Carwyn Jones:** There are four items, then, Chair. First, I will deal with the discharge that took place in the Menai last week and the latest on that. The source of the contamination has been identified and action has been taken to prevent further discharges. The cause of the incident is believed to be malicious. It is believed that persons unknown stole valves that led to disused oil containers and the leaking oil subsequently breached bund walls and flowed into a catchment sewer. We understand that the police are investigating that issue. It was not a major incident, fortunately, as defined by the Maritime and Coastguard Agency, which has confirmed that much of the slick has now evaporated in any event. The incident room will now be closed down and the agencies that were involved in dealing with the incident will now not meet regularly again to deal with it, although they will obviously liaise during the clean-up phase. So, the matter is in hand and has been dealt with.

[6] I will turn to some of the issues that I anticipate that Elin will raise regarding the Cabinet written statement on oil and gas licensing around applications in Cardigan bay. I will explain, from the environmental point of view alone, the procedure that needs to be gone through. Any licensee proposing to carry out seismic surveys or drilling under the licence requires permission to do so. The UK Government would consider any application in the light of several environmental protection provisions, including the habitats directive, the birds directive and the environmental impact assessment directive. It would have to be a full

consultation and the Welsh Assembly Government would be a consultee, but it would be a decision for the UK Government.

[7] In terms of strategic environmental assessments, during the environmental report consultation of strategic environmental assessment 6, the Joint Nature Conservation Committee stated that any individual project requiring consent must ensure that there is adequate environmental protection of the Cardigan bay area. So, no blocks need to be excluded from the licensing round but there nevertheless has to be, as I said, adequate environmental protection. JNCC comprises the Countryside Council for Wales, of course, as well as other countryside agencies.

[8] On top of that, the western coast has several European Natura 2000 marine sites that are protected under the habitats and wild birds directives. The closest of these to the three blocks for which a licence has been applied is the Cardigan bay special area of conservation. We know, of course, that Cardigan bay has been designated as an SAC for features such as the bottlenose dolphin; it is one of the two main areas in the UK in which bottlenose dolphins are semi-resident, to use the technical term. So, any project likely to have an impact on European protected species or habitats will be subject to an appropriate assessment of its implications for the site in view of the site's conservation objectives, and that has to be carried out before any work can begin, and under the guidance of CCW in any event.

[9] All of the three blocks identified in Cardigan bay are either partially within or adjacent to SACs, so the Department of Trade and Industry will need to carry out a strategic and environmental assessment under the relevant European directive, as well as appropriate assessments under the habitats and birds directives. I understand that its officials are about to commence with the appropriate assessment in the very near future, and that will look specifically at whether future oil and gas exploration has the potential to impact on the areas protected under the habitats and birds directives.

[10] The two other issues of which I was notified beforehand are atypical scrapie and the Transport and Works (Model Clauses for Railways and Tramways) Order 2006—I understand that the committee required an update on that.

[11] I beg your pardon; I have just been told that the second one was something that I wanted to raise, and not the committee. I will address the second point very briefly.

[12] Atypical scrapie is a newly identified prion disease found in sheep and goats. It was first recognised in the UK in 2002, when more sensitive transmissible spongiform encephalopathy diagnostic techniques were introduced. It has been found in several EU countries, as well as, we understand, in the Falkland islands, where there has been one case. It is unlike either classic scrapie or experimental BSE in sheep, and its precise relationship to other TSEs is unknown; so, it is not like classic BSE. Atypical scrapie rarely causes a spongiform change in the brains of affected sheep, unlike the changes found in the brains of sheep affected by classic scrapie, and it tends to be found in older animals. It has been found in type 1 sheep—that is, those regarded as most resistant to classic scrapie—but it has not yet been found in type 5 sheep, which are those with the least resistance to classic scrapie.

[13] Discussions have been held at Government level about the disease, and the UK Government's Spongiform Encephalopathy Advisory Committee, which advises on BSE, and which some of you will remember from some years ago, has issued a statement that there is no evidence of a risk to human health from atypical scrapie, but a theoretical risk cannot be excluded. Basically, it is the same position as we are in, and have been in for several years, with regard to classic scrapie.

[14] In terms of the Food Standards Agency's advice, the FSA board has agreed four

things. First is that its advice and recommendations on precautionary measures should be kept under review and brought back to the board if there are significant changes in the understanding of the risk. Secondly, it agreed that no further precautionary risk reduction measures need to be recommended at this time, but measures obviously need to be reviewed. Thirdly, it agreed that discussions should be initiated with the European commissioner about what action might be taken if—and it is ‘if’—atypical scrapie were shown to be a human health risk. At the moment, this is regarded as premature in terms of changing labelling for sheep and goat products. Fourthly, it decided that its advice to consumers should be reworded, and the FSA’s communications directorate was asked to consider this further. This is a new disease, but nevertheless, the FSA’s advice with regard to eating sheep meat and goat meat remains the same—the risk has been not increased, from the point of view of the FSA’s giving of advice.

[15] Finally, Chair, I will briefly deal with the Transport and Works (Model Clauses for Railways and Tramways) Order 2006. I draw the committee’s attention to a request for the Assembly’s approval under Standing Order No. 26 of this Order, which has been drafted by the Department of Transport. The Order is part of a review to improve procedures associated with the 1992 Act, and it will update and replace the original Order of 1992. It revises some of the model clauses to make the Transport and Works Act 1992 process more efficient by reducing the time spent checking draft Orders and resolving problems with applicants. The changes also bring the Order into line with human rights legislation and provide for the electronic handling of applications. Essentially, these are technical amendments, but nevertheless I need to bring them to the attention of the committee. There will be a motion before Plenary on 12 July seeking the approval of the model clauses Order.

9.40 a.m.

[16] **Glyn Davies:** Thank you, Carwyn. I understand that my translation equipment was not working at the beginning of the meeting. Therefore, for Members’ information, I approved the minutes of the last meeting myself. When I asked Members whether you were willing to accept them, clearly, some of you did not hear what I was saying, as no-one responded. Therefore, I decided to approve them myself. I felt that I had to tell you that because, apparently, the translation equipment was not working and I was speaking to myself. I guess, therefore, that the advice that I gave to the public was not heard by the public.

[17] There are four points, Minister. Can we discuss them in the order that you gave them? In terms of the point on the Menai Straits, the only question that I have is on how much damage was done. Do we have any idea how much damage was done by the leak into the Menai Straits?

[18] **Carwyn Jones:** There has been some report of minor tar-like residue on the bows of boats in the area, but that is mainly of visual concern, if I can put it that way, rather than environmental concern. That has been addressed by the harbour authority. None of the shellfish beds have been closed as a result of the spillage. There has been sampling, which has been done by the FSA through its agents purely as a precautionary measure, so it appears that, at present, environmental damage has not been done but, obviously, the slick itself has been noticed by people on the bows of boats.

[19] **Glyn Davies:** Are there any other questions on that? [*Inaudible.*]

[20] **Elin Jones:** Yes, please, Chair. I notice that the written statement—[*Inaudible.*] I am not quite sure why that was. [*Inaudible.*] I just want to confirm that that is the case, that it will be your department that will respond to the Department of Trade and Industry, rather than Andrew Davies’s department, because it is primarily on the environmental aspects that you will be consulted on. At some point, can we have further detail on the process that you will

use in putting together your consultation response? What will form the parameters of that consultation response, and who will be responsible for doing it? You mentioned the Countryside Council for Wales—will it be the author of your consultation response, and will you require any independent assessments for the purpose of putting together your response in terms of the ‘appropriate assessments’, as you have called them here? The statement says that the Department of Trade and Industry will announce the results of the licensing round in the autumn. Do these appropriate assessments and the strategic environmental assessment all have to be undertaken from now until the autumn prior to the approval by the Department of Trade and Industry of those companies and those areas that will be approved for exploration?

[21] **Carwyn Jones:** First, in terms of the response, the reason why the Cabinet written statement is in Andrew Davies’s name is because primarily it is an energy issue, although it is right to say that it has a significant environmental input. A major part of it is environmental, but nevertheless it is an energy issue. The response will need to be a joint response but, from my point of view, it will be very closely informed by what the CCW is advising. The CCW will be the only adviser to Government, because it is the statutory adviser. There is little point in having a statutory adviser and then saying that there also needs to be another group of independent advisers. However, there is a consultation exercise and I would assume that it will be possible for consultees to put forward their views as appropriate.

[22] In terms of our position and the timescale in terms of the licensing round, it is very clear that certainly no work can commence without an SEA and appropriate assessments. I am not aware of what the timescale is, but what I can say to the committee is that the work cannot start without these assessments having been put into place. Whether it is possible for a theoretical approval for a licence to be given, without its being carried out, is a different issue. However, it is certainly the case that the work cannot be carried out without a strategic environmental assessment. It is a similar situation to coal winning, in a sense, in that it is possible to get a licence to win coal in a particular area, but it cannot be actioned unless planning permission is obtained first of all; I suspect that the process here is very similar. There is no doubt that the work cannot be carried out without the appropriate SEA.

[23] **Elin Jones:** To clarify then—[*Inaudible.*]*—*the Assembly Government likely to be undertaking the assessments that are required for you to be able to form your consultation response? When do you expect to have that consultation response finalised and sent to the DTI?

[24] **Carwyn Jones:** The assessments are being done by the—[*Inaudible.*]*—*contact DTI to provide the Committee with a closer appreciation of the timescale by the next meeting.

[25] **Elin Jones:** Okay.

[26] **Glyn Davies:** Are there any other comments? I see that there are none. I have raised the issue of atypical scrapie with the Minister, largely because of the publicity that surrounded the change in the Food Standards Agency’s position. The negative publicity certainly had potential to seriously damage the market for sheep meat. I am content with what the Minister has said, and I do not have anything else to ask. Does anyone else want to ask anything about atypical scrapie? I see that there are no questions.

[27] I did not manage to write down the fourth issue that the Minister raised, but I am sure that you remember. Does anyone want to ask anything about that? It does not look like it.

[28] My translation equipment was not working when I asked Members if they wanted to declare any interests, so I should go back to that. It may be that Members did not hear me asking that question, so I had better re-ask it. Does anyone want to declare an interest on any items?

Brynle Williams: I declare the usual interest: I am a farmer.

9.47 a.m.

**Rheoliadau Sŵn (Asesu a Rheoli) (Cymru) 2006
The Environmental Noise (Wales) Regulations 2006**

[29] **Glyn Davies:** Do Members want clarification? Are there any comments?

[30] **Lorraine Barrett:** I was interested in this measure, and, as I read through it, I wondered what it will achieve. However, at the end I could see that it is to mitigate the impact of various environmental noise issues. I will mention something that happens in my constituency, particularly on big event days. A helicopter is deployed for hours on end, flying over Grangetown and Cardiff bay, with a big advertising banner. I have written to complain to various air authorities, but, apparently, there is nothing that can be done, as permission has been given. My concern is what would happen if there was an emergency, and something else was in the air, given that this helicopter is hovering nearly all day. The noise and the way it affects many of my constituents is horrible. All it does is advertise this banner. Apparently, there is nothing that we can do about it, but—I am just hoping—from looking at these regulations, I wonder whether something can be done. It is unnecessary noise. It is a nuisance, like someone revving their car outside your house all day long. To me, it is noise pollution and it should not be allowed.

[31] My other point is on the various new roads being built. Some major roads that I can name, such as the one in the Rhondda, will be built quite close to people—my own family are affected by it. Will this help them, for example, receive better noise protection? Will it strengthen the case for having more noise bunds provided, where these roads are impacting on terraces? I am talking about major roads rather than just a new village road.

9.50 a.m.

[32] **Carwyn Jones:** What the regulations do, Chair, is to—[*Inaudible.*]—noise climate in Wales. I would assume that all sources of noise would be assessed as part of that mapping exercise. I do not know whether Ross wants to say something entirely different.

[33] **Mr Hunter:** Due to the largely strategic nature of it, it is primarily a basic mapping exercise in which we are getting data from various noise sources specified within the directive and inputting them into the noise modelling environment. As such, in terms of specific noise events, the noise mapping will not capture them in the first round because those noise events cannot be modelled beforehand. So, things like a helicopter coming over, unless it is a planned event, which can be taken beforehand and put into the modelling environment, cannot be taken into account. However, turning to the roads aspect, we are mapping roads above threshold levels outlined within the directive, and we use data inputs and modelling systems in order to calculate noise level for those specific roads. Roads with over 6 million users per year will be included in the first round, hence all the major motorways and trunk roads will be included in the first round in Wales.

[34] **Ms Bennett:** The subsequent action planning may be about specific measures or it may be about responding to what the mapping reveals. That may be about specific measures, or it may be about preview mapping. It is not entirely clear exactly what form this will take, because this is the first time that environmental noise mapping on this scale has been done. It is an exploratory process across the whole of the EU.

[35] **Brynle Williams:** With the mapping, obviously, we must—[*Inaudible.*] What

concerns me is whether that, with the current resurfacing of certain roads and so on, has been taken into consideration? Once we get the mapping, and then after 2009-10, we start stepping it down, it will place a terrific financial burden on a lot of authorities if we have to rip up surfaces now that will have a potential 10-year renewal life. Are we putting sound-deadening tarmac down? I know that there are certain stretches of road in north Wales, but we also have major stretches where there is vast noise pollution—the A55 in particular can be heard six or seven miles away. Are we looking at renewing all these surfaces and are the highway authorities putting down sound-deadening surfaces now, as opposed to having to rip them all up? I have spoken to one tarmac contractor who is under the impression that many roads will have to be ripped up by the year 2010, and present major expenditure will all have been for nothing.

[36] **Carwyn Jones:** I do not think, in fairness, that we can answer that—*[Inaudible.]* The point of the regulation is to provide the evidence base for whatever action might be taken in the future.

[37] **Brynle Williams:** Digion teg. **Brynle Williams:** Fair enough.

[38] **Glyn Davies:** I welcome Janet, who is substituting for Jocelyn today. Do you want to come in on this debate?

[39] **Janet Davies:** I think that Claire may have answered the question that I was going to ask about what effect it will have on planning for major new roads in the future and any major new railways that are not planned at the moment, but might be in the future. Claire said—*[Inaudible.]*

[40] **Carwyn Jones:** Certainly it would be a factor in terms of planning—*[Inaudible.]*

[41] **Elin Jones:** Would I be right in understanding that Cardiff would be the only agglomeration subject to these regulations and this mapping because it requires more than 250,000 plus inhabitants? If that is the case, I am slightly surprised that Cardiff County Council has not responded to the consultation. I am not surprised that Ceredigion County Council has not, but I am surprised that Cardiff council has not.

[42] On the cost of implementing the regulations, and the estimated £400,000 that this will cost, I understand that we have little choice but to implement the European directive that makes these regulations necessary, but as this is new work in Wales, would that be additional to the block grant and subject to Barnett formula funding mechanisms from the Treasury, or would it have to be found from within the current block grant?

[43] **Glyn Davies:** Does anyone have anything to say about that?

[44] **Mr Hunter:** Yes. In terms of the agglomerations, in the first round there are two conglomerations, Cardiff and Swansea, and Neath Port Talbot—*[Inaudible.]*

[45] **Ms Bennett:** On the cost, there already is a system—*[Inaudible.]*

[46] **Elin Jones:** But it has not been spent previously, then, because this work has not been done?

[47] **Ms Bennett:** Not all of it. *[Inaudible.]* Some initial scoping work was done, but only a small proportion of the budget.

[48] **Glyn Davies:** Is there anyone else on this? No?

[49] I would just like to record my dissatisfaction with the translation and recording equipment today. It is pretty damaging to how the committee operates when I do the first three items in Welsh, and the translation equipment is not working. That is pretty disappointing. Also, I look around and see people speaking, but the microphones are not on. For two thirds of Elin's last question the microphone was not on, and the responder's microphone was not on at all. I do not know whether the public can hear what is being said when the microphone is not on, but when you are chairing a committee, as I am chairing this one, it is really disrupting, and it is probably disrupting to all of us. I think that that should be put on record. Whoever organises the equipment in this place ought to know that it is operating in a way that is pretty unsatisfactory.

[50] **Carwyn Jones:** I echo that, Chair. They ought to know. I do not know how powerful these microphones are in terms of picking up what people are saying, and how close we have to be to them, but if it is anything like what happens in the Chamber, as soon as you turn your head, you are lost, to the extent that I have been described by people watching as a radio being tuned in and out, as I have a habit of turning around when I speak. I am sure that other Members have the same experience.

[51] **Tamsin Dunwoody:** I also echo your view, but I would like to add that the acoustics are appalling. In the middle section, I lost two thirds of what was said in response, because I simply could not hear it. The acoustics in this room are just not very good, and we are being badly let down by this equipment.

[52] **Glyn Davies:** I have raised this now, because a few things have gone wrong today. I will speak to the clerk about this afterwards, because I think that I should write a letter on this. It is difficult to chair a committee in these circumstances. Brynle, you wanted to say something?

[53] **Brynle Williams:** It is particularly bad Chair, when we have many people—
[*Inaudible.*]

[54] **Tamsin Dunwoody:** Your microphone is not on, Brynle. Mine is.

[55] **Glyn Davies:** That is the point, is it not?

[56] **Brynle Williams:** [*Inaudible.*] People have travelled many miles to be here, and cannot hear what is going on.

[57] **Glyn Davies:** Yes, and people have not heard what you have said, Brynle. Lorraine, do you have a comment?

[58] **Lorraine Barrett:** I will just wait for the microphone to come on.

[59] **Glyn Davies:** You will be waiting for a while.

[60] **Tamsin Dunwoody:** Your microphone is not on, Lorraine. Mine is, and Carwyn's is.

[61] **Lorraine Barrett:** As chair of the buildings sub-group, I know that we had some people in last week monitoring the Plenary and committee meetings—these are the people who installed the equipment—and we are awaiting a report from them, but I am coming to speak to the Panel of Chairs about issues relating to the committee rooms next month.

[62] **Glyn Davies:** I was starting to feel increasingly agitated as the committee was going on, so I thought that I should raise it. I will talk to the clerk about to whom I should write about this after the meeting.

[63] **Elin Jones:** In addition to that, it is obviously interfering with the recording, and if we are not heard—[*Inaudible.*].

[64] **Glyn Davies:** There is no point in pursuing this further. We have made our views pretty clear, and those will be recorded in the minutes, if anybody heard it. I shall write afterwards, but it just is not good enough. It is as simple as that.

10.00 a.m.

Y Cynllun Datblygu Gwledig Drafft i Gymru Draft Rural Development Plan for Wales

[65] **Glyn Davies:** This item was on the agenda for the last meeting, but we thought that it might be useful to include it on today's agenda in case anyone wanted to make any comments after reading it. Minister, do you want to add anything before we start?

[66] **Carwyn Jones:** I just thought that I would take the opportunity this morning to discuss the review that is taking place—[*Inaudible.*]—to inform Members that we now know—[*Inaudible.*]—that it will no longer be possible for both the Assembly Government and the Countryside Council for Wales to continue paying using the method that was used in the past. As a result of that—

[67] **Lorraine Barrett:** Point of order. Both Brynle's microphone and mine are switched on, but the people in the public gallery cannot hear the Minister because his microphone is not switched on. Do not touch it, Carwyn. I am sorry; we cannot hear you.

[68] **Glyn Davies:** I know. It is hopeless, but I do not think that we can stop the meeting because of that; we have to carry on.

[69] **Mick Bates:** Should we pass a microphone around?

[70] **Glyn Davies:** This is farcical.

[71] **Elin Jones:** What the Minister is now saying should be recorded.

[72] **Glyn Davies:** It should.

[73] **Elin Jones:** [*Inaudible.*]

[74] **Glyn Davies:** I know what the Minister was going to say, and it is an important issue. It is important for our debate this afternoon, and it is important for those who are interested in CCW. Minister, go on and grab the chance.

[75] **Carwyn Jones:** Shall I say that again, Chair? We know that, from 1 January next year, there has to be a single paying agency. It will not be possible for the Assembly Government and CCW to continue paying using the method that was used in the past. It was one of the reasons why responsibility for Tir Gofal was moved from CCW to the Assembly Government. We debated this in July, and the result was that the work should continue. I raise this only because there are three possible outcomes if the regulations do not go through. We will have this discussion again this afternoon, but I think that it is only fair to point this out now, as we now have the date for the single paying agency.

[76] The first possible outcome is that it may raise a question with regard to our ability to

get Tir Gofal out in terms of the confusion over who should pay. Secondly—and this is the most unlikely outcome—we would have to transfer everything to CCW, including agri-food and so on, and probably the single farm payment, which is not realistic, as you can imagine. Thirdly, and perhaps more pressingly, from 1 January, the only paying agency in Wales will be the Assembly Government. That means that we will have to pay Tir Gofal. It means that we will have to set up staff within the Assembly Government to ensure that the money is paid, which means that, potentially, 100 staff in CCW could be made redundant. I think that it is only fair to point that out now because we have that date.

[77] **Glyn Davies:** Thank you for that. It is important. As you know, an amendment has been tabled for the debate this afternoon. Those proposing the amendment will have to think about their position, which I am sure that they will. I have no idea what will happen, but I am grateful to you for saying that now, because that could have an impact on the debate this afternoon.

[78] **Mick Bates:** Notwithstanding what the Minister has just said about Tir Gofal and—*[Inaudible.]* I would like to clarify who brought this issue back to the agenda today about—*[Inaudible.]* Is it our intention, Chair, as a committee, to respond to this?

[79] **Glyn Davies:** If you want to.

[80] **Mick Bates:** I would like to suggest that that may be a good course of action for the committee to take in view of—*[Inaudible.]*—budget last time and our particular desire to—*[Inaudible.]*—the budgeting priority. It may prove useful if, today, we recorded the issues around Tir Mynydd, young farmers, and, in particular, for me, in terms of climate change—*[Inaudible.]* When we discussed it last time, Members raised those issues. The committee has a role to play in writing to the Minister to say that these issues must be a priority. It would then enhance the budget position of things such as Tir Mynydd.

[81] **Glyn Davies:** My understanding is that, if the committee wishes to write to the Minister about the document, then we can do so as a result of today's meeting. That is my understanding of it. That is one reason why we are having this discussion now. Is the submission to Europe due by the end of July?

[82] **Carwyn Jones:** The consultation ends on 1 July. The committee will then have—*[Inaudible.]*

[83] **Glyn Davies:** The point is that that is exactly what you can do, Mick, if you have any suggestions. It can be a committee view, or, if one Member had a minority view that he or she wanted to raise, our response could reflect the fact that one Member said this, or said that. It is an opportunity for Members individually, or the committee as a whole, to give whatever response they want to give. Do you want to formulate what you suggest should be the response?

[84] **Mick Bates:** Thank you for this opportunity, and for the clarification of our intention today under this agenda item. The big strategic issue for me would be that the RDP reflects our concerns about climate change, and that climate change and carbon reduction are embedded into this document. They are mentioned in the document. However, on the reference to the axes and the work of LEADER—now that the LEADER programme is in there—the strategic direction taken on climate change would enhance the document, and this Government has a duty to take sustainable development into account, under section 121 of the Government of Wales Act 1998.

[85] **Elin Jones:** I support Mick on that. Mick also mentioned two aspects of work that I would like to see us taking the opportunity to consider. I mentioned them in the last session,

so I will not cover them fully again. One is the support for young farmers, and the mechanism available in the rural development plan, and the other is the Tir Mynydd support and the hill livestock compensatory allowance support that is available, which should be put in it. Therefore, I would like to add those two. We should provide that—[*Inaudible.*]

[86] **Glyn Davies:** Support for young farmers would be axis 1, would it not?

[87] **Brynle Williams:** Yes.

[88] **Glyn Davies:** I suppose that Tir Mynydd would be axis 2.

[89] **Mr O'Sullivan:** On young farmers, it would not necessarily be under axis 1; it could also be in terms of what we would do under axis 3—[*Inaudible.*]—finalised the scheme.

[90] **Glyn Davies:** Are there any other points? If we are going to respond, the best way in which to do that would probably be to do so in a letter from the chair. I will write a letter on the basis of what I am hearing in the committee, and have Members agree to it. Is that the best way forward on this? I see that Members are in agreement. Does anyone else wish to raise any issues now, or come back on this? The three issues that you wish me to include in a letter, which are fairly uncontentious, I would have thought, include Mick's point on embedding climate change. I do not know whether that was meant to be a criticism of the existing document, Mick, but it could be a statement saying that we want to see climate change embedded in all aspects of the document; I do not believe that anyone would argue with that.

[91] **Mick Bates:** Okay, fine.

[92] **Glyn Davies:** That would be fine. On support for young farmers, is that a whole-committee view? I suspect that, on Tir Mynydd—and, again, you must correct me if I am wrong—it would be best to phrase it as, 'the majority of Members felt this'. I want to reflect what I said on the budget issue, and take the same position. We can debate it and argue it, but that is where we finish up. Support for young farmers is a separate issue.

10.10 a.m.

[93] **Tamsin Dunwoody:** I am just going to be a bit picky, because you used the phrase 'the majority of the committee' relating to another issue previously. The implication, therefore, is that nine out of 10 committee members agreed with your view. Can you find a different form of wording?

[94] **Glyn Davies:** Why do you not suggest one?

[95] **Tamsin Dunwoody:** It could be two-thirds or a political block, or whatever, but I do not agree with the term 'the majority of'.

[96] **Glyn Davies:** I will draft a letter and include the same wording as last time, and then you can suggest how I should amend it.

[97] **Tamsin Dunwoody:** The other alternative is to put 'except for X, X and X'.

[98] **Glyn Davies:** Fine. I am quite happy to do that, and so, if X, X and X write to me to ask me put that in, I will be quite happy to do so; I would have done it last time if anyone had asked.

[99] **Mick Bates:** I think that it is an excellent suggestion from Tamsin, but that not only

applies to the young farmers issue but to the Tir Mynydd issue.

[100] **Tamsin Dunwoody:** That was the issue that it was on last time.

[101] **Glyn Davies:** I was using it in terms of the way that it reflected on the Tir Mynydd issue. I am not sure about the young farmer issue; at the moment, I have not decided how I will write it up. I assume that the young farmers issue is an issue that I can just put in the letter without making any reference to a majority of the committee. Does anyone want to say anything about that particular proposal? I am not quite sure what the Minister's position might be. I will write this letter and you can suggest amendments to it. I will only come back to Members if I find some kind of a problem in dealing with the suggested amendments to my letter.

[102] **Carwyn Jones:** I have no idea what the committee is proposing.

[103] **Glyn Davies:** Can you give us more detail on that?

[104] **Elin Jones:** I was going to give more detail about the young farmers issue and the lack of detail. What I would like to put is that the committee believes that, probably under axis 1—[*Inaudible.*—]—have a young farmers entrance scheme. However, in the absence of that being agreed by the Minister, measures throughout the axes that promote young farmers entering the agricultural industry should be supported in a more general sense.

[105] **Glyn Davies:** I would not have thought that it would be contentious to include it in a general sense, but it might be. Are there any other suggestions that we make reference to the fact that the document should reflect the importance of attracting young farmers to enter the industry?

[106] **Elin Jones:** The formal young farmers entrance scheme might well be contentious. If that is the case, it should be discussed separately, but perhaps there is no contention about the general support for young farmers throughout the axes. It is there in some places, and I accept that.

[107] **Glyn Davies:** If I move on to the Tir Mynydd issue, Elin, do you know to which part of the consultation draft I should refer when making reference to Tir Mynydd?

[108] **Elin Jones:** It is axis 2.

[109] **Glyn Davies:** I think that I can do that. I hope that I can write a response with which all Members will be content. We shall have to see. If anyone is not happy with that, they should speak now.

[110] **Tamsin Dunwoody:** What about 'X, X and X'?

[111] **Glyn Davies:** Yes, but at the moment, I do not know who X, X and X are. I can guess who the people who respond to me as X, X and X will be, but I do not like writing things just as dressing.

[112] **Tamsin Dunwoody:** I am having difficulty with the concept of proscribing one particular area of rural improvement within a document that outlines a process by which communities have to bid. Why should one area be mentioned and not the remainder? My difficulty is that, during the original EU funding round on Objective 1, when the first document was written, which tried to be that proscriptive under priorities and measures, it created problems with implementation. My concern is that by proscribing specific things like young farmers' entrance, you exclude others and therefore make it harder to bring forward.

That is my concern, from personal experience in the past.

[113] **Elin Jones:** But it is not subject to bidding.

[114] **Tamsin Dunwoody:** But I am talking about its use within the axes of that funding.

[115] **Glyn Davies:** I will just say first, Tamsin, that I perfectly understand the point that you make, which is why I expect you to be unhappy with a specific reference to Tir Mynydd. At the moment, I expect the reference to support for young farmers to be worded generally, so that it would not cause you concern. We will have to wait and see.

[116] **Tamsin Dunwoody:** So why are you not putting in retiring farmers? Why are you not putting in local authority—

[117] **Elin Jones:** Because they do not support it. That is why I proposed young farmers; it is perfectly logical. This item asks for priorities from committee members.

[118] **Tamsin Dunwoody:** I am sorry, but I therefore object.

[119] **Elin Jones:** Well, that is fine.

[120] **Glyn Davies:** Okay. We can do two or three things. The clerk can write a letter for us, but we cannot bring it back to the next meeting. Normally, I would say that the clerk would write the response and we would bring it back to our next meeting, but we do not have the time. It has to go before the next meeting, which is the only reason why I am suggesting that I write the thing. I shall do the best that I can to reflect the views of all Members and, if people are not happy with that, they will have to tell me. If we cannot come to a solution, I will not be able to write.

[121] **Carwyn Jones:** You can bring it back to the next meeting.

[122] **Glyn Davies:** Can I?

[123] **Carwyn Jones:** The next meeting is on 13 July. [*Inaudible.*]

[124] **Glyn Davies:** All right. That has saved me an awful lot of problems. In actual fact, I am now changing my strategy—I will not write this letter. Let me clarify what I am going to do, because I am changing my position. It seems that we have time to bring back the suggested response that the clerk will write to the next meeting.

[125] **Brynle Williams:** In terms of the emphasis being made on the entrance of young farmers, what Tamsin has said is very relevant. What is happening is that we have a lot of old farmers who are keeping young farmers out, because they simply cannot afford to get off the land or to leave it to the young people. It is exacerbating the problem—[*Interruption.*]

[126] **Glyn Davies:** Does anyone else want to make a contribution here?

[127] **Lorraine Barrett:** No, I dare not. However, it is true.

[128] **Brynle Williams:** It is very true.

[129] **Mick Bates:** They could become Assembly Members. [*Laughter.*]

[130] **Glyn Davies:** This is an issue that has been looked at before. When I looked at this previously, I thought that the cost of a retirement scheme seemed to make it almost

impossible to incorporate. However, the draft that the clerk will write will say that one Member raised the issue of a retirement scheme. We can write a response like that. I have no objection to that at all. However, at the moment, it is only one Member who had said that.

[131] **Brynle Williams:** I could add that this also exacerbates housing problems. We have serious housing problems in rural communities, which we are exacerbating by trying to keep too many people living on one plot of land. As far as rural development and rural housing go, we are not responding quickly enough to the situation. If I am speaking out of order, so be it, but I believe that we are not responding quickly enough.

[132] **Glyn Davies:** I do not think that affordable housing comes under the rural development plan at all, does it?

[133] **Carwyn Jones:** No.

[134] **Glyn Davies:** So, I cannot really respond on the housing issue, although it is a hugely important point, of course.

[135] I want to incorporate all the issues that Members want to raise in our response, and the clerk is making notes of everything that everyone is saying. Does anyone want to raise anything else?

[136] **Elin Jones:** I do not think that individual requests by Members should form part of the committee response. I am supportive of Glyn Davies's proposals, and I am happy to support all those. In addition, I propose a slight amendment, which would split the expression of support for young farmers to two votes, if we put them into that category. One is to express a general support for young farmers throughout the axes, and another is to ask for support for the young farmers' entrance scheme under axis 1. In the past when I have suggested that, the committee has not supported it, and it might well be that it is not supported today and would not be part of the committee's formal response. I think that we should finish this today and I think that we could do it if we went through a vote process.

10.20 a.m.

[137] **Glyn Davies:** You would have to force me to do that, I must say. I do not think that that is a positive way forward.

[138] **Elin Jones:** Okay, not a vote process then, but you could just ask whether any aspect of this is supported.

[139] **Mick Bates:** It appears to me as though you have suggested a perfectly good way forward with this. Since we do have another meeting, it is an opportunity for us to look at the letter that will be provided. Is that going to happen?

[140] **Glyn Davies:** Yes.

[141] **Mick Bates:** Further to that, if individual Members wish to write as part of the consultation process, they are perfectly at liberty to do that. If there are issues that do not really fit the consensus that already surrounds climate change, farmers and Tir Mynydd, I think that individual Members should write in before 21 July, should they so wish.

[142] **Glyn Davies:** I want to do a report on this discussion. To respond to the point that Elin just made, I want us to include a reference to Brynle's suggestion that there should be a retirement scheme. The reference would be, 'One Member raised it'. At our next meeting, if we decide as a committee that we do not want that in the final report, I will accept that.

However, if we go down the road of deciding what will and will not be in it today, I think that we will be here for hours. It will be difficult to assess where we are.

[143] **Elin Jones:** It will be the third time that we have discussed this.

[144] **Glyn Davies:** I would suggest that if Elin takes the same position when we have the report before us at the next meeting, namely that she does not want any reference in the report to a scheme for retiring farmers, and the committee does not agree, I would hope that we would not include it. Brynle could then write about that separately on his own. If we can bring it to the committee again, and the Minister has told us that we can do that, we will bring a draft of the response and we can change it. Does anyone want to raise anything else?

[145] **Janet Davies:** Could I just say something on this issue? As I am only on the committee a substitute for another Member, I am hesitating to intervene in what sounds to me like rather an old argument. However, if there is assistance, which I assume is money, going to young entrants, enabling them to pay a good price for a farm, the farmer who owns the land can retire with that money, but if you are going to put in a scheme for both young entrants and retiring farmers, surely that would mean that the retiring farmers would get double grants. Or am I being totally naive?

[146] **Carwyn Jones:** I can answer that question. The amount of money that would be in these schemes would be something close to €20,000, whereas farms can cost £450,000. So, it is not going to help young farmers to buy farms. The argument that Brynle put forward is that you should get the old farmers to retire, which is expensive. [*Inaudible.*]

[147] **Glyn Davies:** Even if I was wearing my colleague's hat, as a colleague of Brynle's, I would not be supporting his suggestion. I understand why he suggested it; it is an entirely logical thing to do to restructure the industry. However, when I looked at it before, I realised that the cost was such that it would take money out of everything else, and so I would not support it.

[148] **Brynle Williams:** I am just looking at ways of trying to resolve this and come up with a solution. I have made one suggestion. Tamsin's idea was dismissed out of hand, but I think that there is certain merit in it. The solution may not be that exact scheme, but we have to look at that.

[149] **Glyn Davies:** You have made the point and it will be in the report that comes back to us at the next meeting. Is there anything else?

[150] **Carwyn Jones:** Could I have clarification on what Mick said about climate change?

[151] **Glyn Davies:** I took it as a general point.

[152] **Mick Bates:** To save the committee's time, perhaps I could write to the Minister on that.

[153] **Glyn Davies:** I looked on that as a general point, not relating to any specific part of the document, but just asking that it be embedded in the entire document. I do not think that there was anything specific in what he said. That is the way in which I was looking at it.

[154] **Carwyn Jones:** With respect, we do need some idea of the details of that—

[155] **Glyn Davies:** Mick has accepted that.

[156] **Elin Jones:** May I just refer to something that I said at the last committee meeting

when we discussed this? It was about climate change generally, but also about energy use, methane production on farms and biogases. The response that I had at that point was that some of these issues would not fall within the remit of the rural development plan. I do not know whether that is still the case.

[157] **Mr O’Sullivan:** In terms of broader biomass, it does fall within the rural development plan; it can be undertaken via axis 2 or axis 1. We floated this in the strategic consultation, certainly on biomass, while pointing out that, if we were to introduce such a scheme, we would have to fund it via additional modulation.

[158] **Glyn Davies:** I well remember you saying that. Does anyone want to add anything else? We will have a report of this discussion before us at the next meeting, and we can amend or approve it as we so desire. And I thought that item 6 would be the contentious one.

10.26 a.m.

Y Pwyllgor Rheoli Gwastraff Ymbelydrol—Casgliadau sy’n Dod i’r Amlwg Committee on Radioactive Waste Management—Emerging Conclusions

[159] **Glyn Davies:** I welcome Dr Wynne Davies, the deputy chair of CORWM. The chair is not able to join us today. Do you want to comment on the report before I ask Members to comment or ask questions of you?

[160] **Dr Davies:** May I have perhaps five minutes to put it into context and explain what has happened since I last came here on 1 February?

[161] **Glyn Davies:** Okay.

[162] **Dr Davies:** Thank you for seeing us. I apologise for Professor Mackerron’s not being able to attend but, unfortunately, an urgent appointment relating to a family illness has prevented him from so doing. I would like to review where we have got to in the last few months since we were here in February. It has been a pretty hectic period of activity for us because, in March and April, we were trying to bring together the work that CORWM has been doing over the past two and a half years. We did that in three plenary sessions, which amounted to about 10 days over some six weeks. It is probably a unique process, because I think that it is the first time that a committee like ours has deliberated its recommendations in public so, at the end of that period of six weeks, the public knew exactly what recommendations would be appearing, essentially in draft form, in the report that we will publish at the end of July. That is a very unusual circumstance.

[163] After that period, we went into some more public and stakeholder engagement on those draft recommendations to try to gauge the reaction to them and to see whether they made it clearer for people to understand what we were putting forward. I can report that the citizens’ panel from Bridgend that had taken part in our deliberations over about the last two years was able to contribute to that, and the members of the round tables from north Wales were also able to comment on those recommendations. So, that was also part of our public and stakeholder engagement activities.

[164] The key focus of the recommendations is that it is an integrated package. We were very much emphasising that, on the grounds that it should be taken as a whole. It clearly recommends geological disposal as an end point of the process, and I define ‘disposal’ here as being the emplacement or burial of material with no intention to retrieve it. However, we also recognise the integral part that storage will play in the whole strategy, because, as I will explain in a couple of minutes’ time, the process will take a long time. Therefore, storage is

an integral element of our strategy.

[165] The third part of the package is, essentially, advice on implementation, drawing on a lot of the information that we have gained from overseas, where people are trying to do the same sorts of things as we are in this country, but also drawing on that public and stakeholder engagement as to how people feel they can become engaged in such a process. So, essentially, those are the main points.

[166] I believe that you have in front of you the draft recommendations. You will see there a series of bold statements—and I use the word ‘bold’ as a description of the type, not necessarily the content—and the rationales that support them. If I may, I will quickly go through them to pick out the key issues that arise from that.

10.30 a.m.

[167] We are starting with the statement that, within the present state of knowledge, CORWM considers that geological disposal is the best available approach for the long-term management of the material that is categorised as waste in our inventory. That is taking account of comparison with the risks of other methods of dealing with the material. As I said, disposal in that sense is emplacement, with no intention to retrieve it. We do, of course, recognise, as a result of our public and stakeholder engagement process, that there are a range of social and ethical concerns that might mean that we would not get to that position in a short time. Certainly, whatever happens, it will take decades to get from where we are today to having a facility in place. So, to recognise the time periods that could be involved as a result, we are saying that robust interim storage is a key element of the strategy.

[168] In recommendation 4 we cover a number of points relating to storage, including a review of existing facilities, ensuring the longevity of the store, and then minimising the need for reworking materials. What we are trying to do is to ensure that the stores will be suitable to take us through as a form of contingency if there are delays or, indeed, a failure in the process as a whole. Supporting that, clearly, we recommend that there should be intensified research and development aimed at trying to resolve some of the uncertainties that exist in some communities in relation to the long-term safety of geological disposal.

[169] In point 4c, we emphasise the need for flexibility in the decision-making process, in that we are suggesting that people leave open as long as possible the options that other things may come along. Certainly, much of the feedback that we got included optimism that there might be something else that you could do. However, we are not saying that that should preclude you from going ahead and doing something, just that you should keep an eye on what, potentially, will come along in the future.

[170] We are very clear that ongoing public and stakeholder engagement is crucial to this process. We have found that the confidence that has been built up by open engagement through these activities has been essential for the way in which we have moved forward. So, a staged decision-making process allows that flexibility to perhaps go back and check before you foreclose on options going forward.

[171] In the draft recommendations before you, we made the point that, at the time, at the end of April, we were undecided as to whether to make a recommendation on the form of geological disposal. As part of our engagement between April and May, we looked for feedback as to whether, generally, the stakeholders and the public thought it necessary for us to make that statement. In fact, what we are going to do is explain our views on that without necessarily making a recommendation, and I will explain that in a second, if you like.

[172] We have also made a recommendation in relation to managing uranium, plutonium

and spent fuel. We are not making a statement as to whether it should be waste, but if it becomes waste, then it should form part of the inventory. We also make the point that the clarity of inventory, the knowledge of what it is that a community will have in a facility, is absolutely crucial, and that is a fundamental stepping stone in the whole process going forward.

[173] The remainder of the recommendations, 7 to 12, try to draw on the experience that we have gained, as I said, from overseas work and from discussions with communities in this country. We see that the early stage is communities expressing some sort of willingness to participate. In other words, they are volunteering to take part in the activity. This should have several packages supporting it. We have characterised two so far. One is an involvement package, that is, something that gives them support in taking part in the activity; it is some means of enabling them perhaps to get some information about things or to actively take part in discussions. Then there is what we call a community package, that is, something which is aimed at increasing a community's wellbeing now and into the future. That is very important. We see community involvement as being a partnership, and one that has an equal and open relationship with the implementing body, when that is set up.

[174] There should be a right to withdraw up to a certain point in the proceedings. Clearly, when things have gone beyond a particular stage, that would become unreasonable. We see it as being an important element to have in place, but at some predefined point it would cease to be available.

[175] Recommendation 11 is ratification by democratically-elected bodies, and then, as I say, maintaining this openness and transparency in the process is recommendation 12.

[176] As a codicil to the draft recommendations, we have repeated the statement that we made on new build, because it is important to recognise that we are not giving a green light or a red light to new build. We have simply been considering, in essence, the legacy of waste that the United Kingdom has. We regard any future waste that may arise as something that needs to be part of debates in relation to that specific discussion.

[177] So, those are, in essence, the headline elements of the recommendations. Since these have been out in the public domain I can report that we have had pretty wide-ranging support for the recommendations; it is seen as a sensible package of recommendations. We have had further thoughts on the issue of what form of geological disposal there should be. Our current position is that we are likely to give an opinion on the form of geological disposal, but, importantly, because of the need for the communities that will eventually become involved in this to have a part in that, maybe it should not be until they become involved that the decision is ultimately made. Again, from a lot of the work that we have done, we realise that it is important to identify the geology that is suitable and then decide what facilities suit the geology of a particular area. So, I think that it is that way around that it needs to be done. We are not avoiding the issue; I think that we will give an opinion on it, but at present it looks as though we will make the recommendation that the decision should be delayed until later in the process.

[178] I do not think that you will see significant changes to the recommendations in front of you now other than minor modifications for clarity, and to increase clarity in the presentation. There is, perhaps, a slightly more important change, which is that, among the implementation recommendations, we will suggest that the Government presses forward rather rapidly to appoint the overseeing body to take the implementation process forward. Very importantly, we recognise that there is a momentum that exists at present in this process in the country as a whole, and it would be a shame to lose that. Therefore, the sooner that decisions can be made on progressing with the recommendations, the better, from our point of view.

[179] We are on target for the delivery of the report on 31 July. I think that our key message, as I say, is for an integrated package and urgent progress so that we maintain momentum. I am open to any questions or clarifications.

[180] **Tamsin Dunwoody:** First, thank you very much for being here and for referring to the report. [*Inaudible.*] I very much welcome paragraph 6 on uranium, nuclear fuel and plutonium. A lot of communities would have expected perhaps a little more detail or identification of sites. I think that there was an expectation of that, but I think that your argument about not doing that until the point at which communities are directly involved in that discussion is completely correct. I think that openness with the public will be, as you say, critical and is a very good move forward.

[181] I have concerns about the physical limitations of Britain per se based on the underlying geological structure. For example, in terms of Cardigan bay—and we were talking about drilling earlier—the geological faults that lie off the coast of Wales will automatically mean that certain areas are, not no-go areas, but not necessarily appropriate for certain types of geological or geophysical interference in terms of disposal. I would welcome some more information from you on how you intend to carry that forward because you were saying, very specifically, that you will be doing quite a bit more work on those issues.

10.40 a.m.

[182] **Dr Davies:** I will respond first on the point of siting. Very specifically, we were not asked to make any recommendations on siting. I think that that was a critical separation of the two issues. Where these sorts of processes have failed internationally before, is where it is almost a foregone conclusion. We have been trying to literally separate out those two things. We are considering what should be done, and then it is the next phase that will take on a lot of the siting issues.

[183] You asked about the physical limitations of the United Kingdom. We are actually in a fairly advantageous position in the UK; our geology is more varied than that of the majority of the countries that are trying to deal with this at the moment. Scandinavia, for example, has a fairly uniform geology, whereas we have a varied geology. We understand from the geologists that would advise us on this, that something like 30 per cent of the UK is suitable for some form of geological disposal, at a depth of more than 300m or so. So that was an encouraging starting point. You are right, though, that, going forward, what one will have to do is to initially identify the forms of geology that are suitable, and then go into a process of inviting communities to express a willingness to participate, and then, following that, move forward with the other activities. That, hopefully, answers some of the points raised.

[184] **Glyn Davies:** Do you want to come back on that, Tamsin?

[185] **Tamsin Dunwoody:** The other thing is that, at some stage in the future, we will need further clarification on the type of storage—not geophysical—that will be looked at, and that, again, will involve emotive issues. It is critical that further detail is brought forward to us at some stage.

[186] **Glyn Davies:** Are there two types? You have looked at the possibility of storing low-level decommissioned waste on the site where it is coming from, have you not?

[187] **Dr Davies:** That is right; there are a number of issues to do with storage. To reassure you, perhaps, we hope, within the actual body of the report, to explain a lot more about the detail of what we learned about storage. We considered a whole range of variants of storage, including storage on the site of arising or nearby, to take account of changes in the climate, perhaps, going forward. Also, there is the idea of having centralised stores, versus regional

stores, versus local stores. We will have more to say on those issues as we cover the report. There is also a subset of storage, which was covered, and that is reactor decommissioning waste. We had considered some of the materials that would be relatively short lived, in other words, those which would have half lives of less than 30 years or so, and so, in essence, would have decayed to low levels within a few hundred years.

[188] The recommendation, as it is written here, is perhaps not as clear as it might be. Obviously, it is not huge volumes, as the bulk of the intermediate-level waste is. Therefore, if you have a facility for the longer-lived intermediate-level waste, then the short lived could also go there. However, we do try to recognise that there is an ongoing review of low-level waste, which would affect a number of sites. If that review came up with a situation whereby safety cases could be made to leave certain wastes on a site—you will be aware that there is a lot of very low-level waste that might arise from a decommissioning activity, and it would not be sensible to transport that around—then it may be that some of the reactor decommissioning intermediate-level wastes that are short lived could also fit into the same sort of decisions on management.

[189] **Glyn Davies:** When I read the report, this is one question that I had in my mind. You have made quite a big point of not wanting to move the waste around if you can possibly help it. However, it seems that you will be identifying storage, which means that it will have to be moved to storage, before you identify where the long-term disposal will be. It seems to me that the logic of what you were saying is that you need to identify where the long-term disposal might be before you go to storage.

[190] **Dr Davies:** Perhaps I can address the storage issue in that sense. Clearly, we try to recognise, and are recognising in the report, where the waste currently is, and we will present maps of the country to show where the material currently lies. For several decades the material is likely to stay where it is, and so we are saying that there is a need to continue ongoing reviews of the suitability of those stores to ensure that they are robust, going forward—hence the recommendations that we specifically made about reviewing storage from the point of view of security, safety and everything else. We are also, as you will be aware, conscious that the Nuclear Decommissioning Authority exists to manage a good chunk of the nation's legacy waste, and it is thinking over strategies as to what to do with sites and whether it should be consolidating waste in certain places. Clearly, we are saying that if you are considering doing that, then you need to take into account some of the recommendations we make in relation to storage when doing that. So, I hope that that clarifies that point.

[191] **Janet Davies:** First, I think that this process is a very good one. It is such a contrast to what happened in the 1980s and I say that as someone who has sat in a car for more than one day in a country lane, keeping an eye on inspectors—[*Inaudible.*]

[192] This is so much better and it is so open. It seems that there are still problems with long-term disposal. I have not managed to—[*Inaudible.*] What concerns me is that we are not talking about storage for the next 40 or 50 years, but the long-term geological disposal. How convinced are you that it is possible to store highly radioactive material safely for such a long time? How it is going to be handled and how will this knowledge get passed down through the generations? It is such a long time. Although we are talking about a legacy here—[*Inaudible.*]—must have a long-term effect on any decisions—[*Inaudible.*] As I say, I am much happier—[*Inaudible.*]

[193] **Glyn Davies:** That will—[*Inaudible.*]

[194] **Dr Davies:** That is right. Thank you very much indeed for your comments on the process and we are pleased with the way that it has gone. You put your finger on a very

important point. What we are saying is that the knowledge that exists today can be applied to building stores that will last for 50 or 100 years. We have taken evidence from a whole range of sources—from the scientific community and the international community, and also from a number of environmental groups—to try to get as balanced a view as possible. We, as a committee, came to the majority view, in relation to the geological disposal, that there was enough confidence in the long-term safety of it for us to make the recommendation to move towards it. However, we were clearly recognising that there are views on the other side of the fence, and that over the period of the next 50, 70 years or so, the research and development can perhaps try to clarify some of those issues.

[195] Interestingly, we have had some extra work done recently, which looked at some of the work surrounding the long-term doses of radiation that you might get from something hundreds and thousands of years into the future, and we have done that in collaboration, or in debate and discussion, with one of the groups that is very much supporting the fact that radiation is more hazardous than we currently believe it to be. So, we have tried to take account of those views as well, and recommended a phased process, where we do not close down options too soon, and where we are actually saying that we are targeting and moving towards geological disposal, keeping the stuff as safe as you can in storage in the meantime, and doing research that clarifies or sorts out some of the uncertainties. You would then be in a better position to perhaps make the decision to close a facility in 70 to 100 years' time.

[196] On the very issue that you raised in relation to how you pass the knowledge on, the fact that you have now placed it certainly more than 300m under ground, perhaps 1,000m, means that it is not as critical to have that information going on long-term into the future. Yes, you will have monitoring and you will be able to do that within the regimes of the time, but not having the skills that we have today available there would not be so much of a problem. We are trying to balance that. The argument goes around into generational equity—can we do as much as we can today so that we are not passing burdens on into the future. That is one of the fundamental debates that we have been having.

10.50 a.m.

[197] **Mick Bates:** I will—[*Inaudible.*] There are three main issues. The assumption that your examination of the—[*Inaudible.*] It reminded me of the type of figures that you were using to project the need to look at further disposal facilities.

[198] **Dr Davies:** Can you clarify that?

[199] **Mick Bates:** Where are your figures to say how much we will have to bury in 50 years?

[200] **Dr Davies:** Okay.

[201] **Glyn Davies:** Can you ask all of your questions, Mick?

[202] **Mick Bates:** Okay. The second question is: what consideration has been given to the planning process? You expounded well the issue of transparency in communities. However, the planning process would ultimately be crucial to whatever happens in this. Can you tell us what powers would be available for any Government to implement its desire to use the 30 per cent of the geology of Great Britain where it is possible to bury this stuff? Will it have powers to say, 'At the end of the day, your suggestion that we have transparency and community engagement has failed, but this is the only geological site available'? Will the Government have powers to say, 'It is going there'?

[203] Finally, you talked about community wellbeing. Have you considered what the

communities may gain in the form of financial reward for their community council in order to tempt them to accept your reasoning and your recommendations?

[204] **Dr Davies:** I will try to answer those in sequence. In relation to the timescales and the waste materials, one of the earliest things that we did was to produce an inventory of the waste materials that exist today and which are likely to exist as a result of the decommissioning going forward. You will probably have seen figures of around 350,000 cu m of waste projected for 2100—essentially going forward 100 years. Of that, something like 80,000 cu m exists today. A lot of it will be generated through the decommissioning process. Material will be generated as reactors and facilities are closed down. There is some uncertainty with regard to those timescales, but it depends on how rapidly those are pressed forward. The strategies in the past were, perhaps, to allow a period of decay, so that some of the shorter-lived materials would have decayed to a lower level, making it less hazardous for people to handle. However, some initiatives are trying to draw forward that decommissioning process. We are clear that materials will arise over the next 70 to 100 years from the decommissioning process; the exact phasing of that may be different, depending on the decisions that people take. However, we understand what the inventory is.

[205] We are aware that there are discussions on the future of the planning process. A number of our members have experience in this area. It is not unusual to be asked whether we need to change the planning process in order to move forward with this. A number feel that it could be done within the existing facilities and processes. I cannot comment on whether the Government would have powers to implement it. In our report, we say that, if you follow the strategy that we are laying out in the sense of having an open process from the very beginning, inviting people to participate—they do not have to participate, but when someone expresses a willingness to participate—we are confident that that will generate a suitable way forward, and imposition would not be required. We may be optimistic, but this is the message that we get from experiences overseas. It is more likely to succeed where there is a proper partnership, and where there is equality between those in the community and those who are implementing the process.

[206] We only have some preliminary views on community wellbeing in the report as it stands. It may be that, between 31 July, when we are due to publish the report, and November, when our appointments terminate, we will be able to give more advice on that area. We see it as a general community wellbeing. It is not necessarily simply financial; it is something that is looking in the near term and in the long term, because it is something that will go on over generations. It has to be a sustainable community benefit. That is an important area.

[207] **Lorraine Barrett:** I wish that we had another hour or so to discuss this. I do not know whether we will have another opportunity to do so. I would like to see a computer-generated video of what we are talking about; I cannot envisage 1,000m underground, and I cannot envisage nuclear waste, the material and the type of area—[*Inaudible.*] I am looking at the video screens waiting for something to show up. I would like a clearer idea of what the geological option would be. I picture this waste just being poured down, or being pumped, into the earth. I know that we probably would not do that, but it is a minefield. We all wish that we did not have to be here dealing with this, but we do. I do not really have a question. As Mick touched upon the community benefit, will every house will be offered a nuclear bunker?

[208] I know that partnership, transparency, and consultation is great. Who would be the elected representatives? Would it be local authorities, National Assembly Members, MPs, everyone, including the people living in the nearby communities? As soon as a list of potential sites hits the ground, no-one will want to engage with us. On a minor scale, as soon as the list of disposal sites for carcasses during the outbreak of foot and mouth disease was

published, the demonstrations started, and rightly so; people have fears. If I am still alive when all of this happens, I will probably be there saying, 'Not in my backyard, thank you very much'. So, there is a huge piece of work to be done here, and I do not envy those who will have the responsibility when this starts. It depresses me, and I am sure that it depresses a number of people.

[209] However well you are handling this now—and you are; you are dealing with a situation that is not of your making, and you are doing your job—I would like us to continue, if possible, to have updates or further discussions. Is there anything available that would give us a visual explanation of what is meant by a community? Are we talking about the middle of Snowdonia, for example? How near to villages would this be? What could we be talking about? I know that we did not want to start talking about sites, and I just have, but those are the issues that will be in the public domain once this starts. People will be asking what you mean and what are you talking about. I do not know if that is a question, but those are my concerns and thoughts on what we have discussed.

[210] **Glyn Davies:** I will follow on from what Lorraine has said and give my own impression of your report. Before reading it, these were the questions in my mind. It struck me that this is the right process, and an engaging process. You accept that it might not be successful, and that you could have it in storage for ever on the grounds that we might not reach a conclusion on the location of a disposal site, or we may change our minds—there is an element of flexibility. The stage that you have reached seems to be an initial step in the process. This is just a first step. You have identified what I thought was policy anyway. I thought that we were storing this stuff until we could bury it. That is what I thought was our policy. I do not want to be dismissive; I liked the process, but I did not see anything that was in the least bit surprising. I thought that you might have gone a step or two further at this stage. That was my impression, though I am supportive of the process and the way in which it has been handled. Would you like to respond to Lorraine's impressions?

11.00 a.m.

[211] **Dr Davies:** And yours as well, Chair. It is difficult to envisage what one is talking about. To reassure you, in the report, we will try to give some graphic representations—including maps to show where the material currently is, and what a facility looks like. Several different types have been considered around the world, and we have used those as benchmarks, if you like, to consider what could or could not be suitable here. However, it is an engineered facility, which would be at a depth of 1,000m or so. Even as a Welshman, I must confess that I had not been down the vertical shaft of a mine to 1,000m until a few months ago, as part of my work with CORWM. It brings it home to you exactly how far it is and the issues with that sort of depth. Therefore, it would be an engineered facility at that depth, and the waste would be in multiple-barriered containers, which would then be put in place and backfilled, so you would have material that would act as a barrier locally as well.

[212] Therefore, it is a complex design, and it will be dependent on the geology. My earlier answer to you was that we are assured, by engineers and geologists, that, if you define suitable geologies, you can design a facility to suit that geology. Therefore, that is as far as we are going in our recommendations at present.

[213] You mentioned ratification. We felt that it was important that it should form part of the normal democratic processes. The idea of defining communities is tricky. From our discussions in different parts of the world, we know that they have approaches to an involved community, which would include a community that may perhaps have an existing facility, those that neighbour it, and even those that might be affected by movements to and from it. Therefore, you almost have three different communities, with different levels of involvement. One of the early things that will need to be done is to consider in more detail that sort of

debate and build on partnerships that exist in communities to date, to see how we can, as a country, build up on those activities.

[214] I welcome again the response that it is a good process. In terms of your surprise that we have come up with the recommendation that we have suggested, there is innovation there; what we are saying is that, on the basis of the evidence, we believe that it is still right to have a policy to aim for geological disposal. What perhaps strengthens the recommendation is to recognise that there is a need for that storage to be available for longer than perhaps people had thought in the past. It is an important point to be saying today that you need to plan for storage facilities that will be robust to delays and to the potential for failure. We do not believe that it will fail—I may be wildly optimistic—because of the innovation that we are trying to bring in through the implementation process. If you follow those steps of implementation, in that you systematically go through looking for communities that are willing to participate, and if an existing community has facilities, and it will improve how that material is looked after, there is that community wellbeing straight away; in terms of the wellbeing of the mind, they are happier that it is in better condition.

[215] Therefore, there is a range of things within that implementation package that is about being positive; that is where we are being innovative.

[216] **Glyn Davies:** What I meant was that it is an initial step, which suggested to me that the process in which you are involved will have to carry on. However, I cannot imagine you having reached an initial step on this important journey; you are going to have to have a similar kind of body doing your sort of work for a long time to come.

[217] **Dr Davies:** That is why we make the point that it is important to maintain the impetus. The time is right to continue with the impetus; we have some momentum that has been built up, and it is vital that a body to follow us is appointed as soon as practicable, so that it can move forward with the next steps of looking at the geology, and starting to define with communities the sort of siting criteria that you want to apply. Therefore, again, we are following the process, to answer your point; we are going through it in a way that involves communities, so that they can understand that it is an open, transparent and equitable process.

[218] **Tamsin Dunwoody:** I have a brief addition to Lorraine's request for further information. It would be extremely helpful if we were given a definition of the different types of waste, because there are so many different levels, what they are made up of, what their half-lives are, and where they are generated. I do not mean the exact sites, but, for example, hospitals generate nuclear waste, in a small but managed way. So, it is also those issues, as well as the further information.

[219] **Dr Davies:** Thank you, and we will take that into account in the final report.

[220] **Glyn Davies:** Can we also leave that with the clerk, because if there is information that is available that would help us on that, the clerk can circulate it to us. Brynle, you wanted to come in.

[221] **Brynle Williams:** Just very briefly, Chair; I thank Dr Davies for such a comprehensive answer to the question. This is for UK waste; we are not talking about—*[Inaudible.]*

[222] **Dr Davies:** That is correct. The inventory that we have put forward in the documents that you will have seen in the past relate to UK waste. You will be aware that there are materials that are subject to contract where material has come back for reprocessing in the UK, which is contracted to return to the country of origin. However, there is a Government decision on substitution, the concept being that the UK could send back some of the higher

levels of activity of waste that are in much concentrated forms, together with the high-level waste that belongs to the country of origin, in compensation for perhaps retaining some of the lower levels of activity in the UK. That is a codicil, if you like, in relation to that element of policy. However, in essence, you are right—we are not considering foreign waste other than that.

[223] **Glyn Davies:** Thank you. I suspect that we will return to this issue, as will the British Government. We will aim to return at 11.25 a.m..

*Gohiriwyd y cyfarfod rhwng 11.06 a.m. a 11.27 a.m.
The meeting adjourned between 11.06 a.m. and 11.27 a.m.*

Agweddau Cynllunio ar Offer Cyfathrebu Electronig Planning Aspects of Electronic Communications Apparatus

[224] **Glyn Davies:** [*Inaudible.*]—that is Stuart Eke—I think that that is the right pronunciation—Mike Dolan, and Dr Kevin Bishop from the Welsh Local Government Association. It is not Richard Parry Hughes who is accompanying them—you do not look much like him, Delme. Finally, we have Rob Thomas, and then Catherine Milner from the Pembrokeshire Coast National Park Authority. We tend to run these sorts of sessions pretty informally. I have not discussed this with Members, but, normally, we have a discussion about issues, the clerk writes a report for us and then we look at it in our next meeting and decide what sort of report we want to send and to whom we want to send it. That is what we have tended to do with these sorts of things in the past. To start off, please make your presentations on what you think we ought to know. Stuart Eke is the first name that I have on the order, and, as you are nearest to me at the end of the row, we may as well start there, Stuart.

[225] **Mr Eke:** Actually, I will hand over to Mike.

[226] **Mr Dolan:** Where I come from—[*Inaudible.*]

[227] **Glyn Davies:** That is a hospital pass in Wales.

[228] **Mr Dolan:** I am the executive director of the Mobile Operators Association, and my association represents the five UK mobile phone operators on—[*Inaudible.*]—between health and planning issues, that is—[*Inaudible.*] We have been doing that since 1999 and the Welsh Assembly—[*Inaudible.*] On this issue we speak—[*Inaudible.*]—with a single industry voice. I thank the Chair and the members of the committee for the opportunity to be present today, to have this discussion and to be involved, because dialogue with key stakeholders on this report—[*Inaudible.*]—is a really important part of our business.

[229] When I first came to England in 1999, there were approximately 23 million mobile phone handsets in use in the UK. Today, there are 62.5 million, so, in a space of just under seven years, we have almost had a trebling of the number of handsets in use in this country—which exceeds the population, in fact.

11.30 a.m.

[230] One fact that is not understood by many people is that these mobile phones are small hand-held radios and, because they are radio technology, they cannot work without antennas. The antennas sit on top of structures that are often commonly referred to as ‘masts’. Without a network of those masts or radio base stations to support their use, the phones simply will not work. Given that a mast can handle only about 120 to 140 simultaneous calls, as call

traffic increases, with larger numbers of people using their phones and using them more often, you must expand the network. That is why we call it a very much demand-driven network. It is the customer use of the mobile phones that drives the need for the network and its expansion. You will understand, from what I said at the outset, that a trebling of the number of mobile handsets in the United Kingdom in a comparatively short space of time has brought with it a need to expand the networks at a rapid rate.

[231] Having said that, I am sure that it would be apparent to you all, from letters and representations that you have had from your constituents, that, while people absolutely love their mobile phones—they have taken to this technology, it is important to their daily lives and to the economies of the countries in which it operates, particularly those with rural areas, such as Wales—there is a level of public concern about the masts and whether any adverse health effects stem from those masts. Back in 2001, following the publication of the Stewart report, the operators published a list of 10 commitments to best siting practice, to improve consultation with local authorities and the planning system, and with the local people who would be using the technology near where they work and live. The aim of those 10 commitments to best siting practice was to increase transparency in the building of a network and to increase the role of the community in that function. We have always believed that pre-application consultation with local authorities and local communities is the single most important thing in helping us to develop our networks in a way that is environmentally friendly but which also meets the needs of the 62.5 million handset users.

[232] One of the most important things that we did in the 10 commitments was to introduce a system whereby each operator would provide annually to every local planning authority in the country its forward network build plans for the next 12 months. So, for the first time, local authorities could see over the horizon as to what was coming to their patch over the ensuing year in terms of proposed network development. When operators provided that in September/October each year, they also offered to hold a meeting with local authorities, to sit down and talk about those plans. At that point, when those plans often consist of no more than little Xs on maps, driven by radio planners, that provides a real opportunity to have a meaningful dialogue with local authorities and communities on the location of future base stations. That has been going on since 2001 but, last year, for the first time, under the auspices of the Mobile Operators Association—my organisation—those plans were sent out electronically in one hit to every local authority in the United Kingdom. We offered, again, to meet the local authorities and we sincerely hoped that those offers would be taken up.

[233] Unfortunately, to date, and this has now been going on for five years, the response rate in taking up the offers of meetings has been incredibly small. When we started, the response rate was down at about 2 per cent to 3 per cent; it has now increased somewhat from that level, but even now, it is still a small number. We still think that this is perhaps the single most important thing that we can do. We will continue to encourage local councils to respond to those offers of meetings and ask the National Assembly to give any help possible in encouraging councils to do so, because where they have taken place, they have been phenomenally successful. We have a number of examples of good practice. It gives an opportunity for dialogue between the operators and the local authority and with local communities. The 10 commitments to best practice are now contained in the Welsh Assembly Government code of practice, which was published in July 2003, so they are now part of the planning regime here.

[234] Beyond the annual roll-out plans, we offered—and this was a voluntary commitment—to have pre-application dialogue, again with local authorities and local communities, ahead of specific site builds, so that, before any planning application was lodged with the local authority, there would be a meeting between the operator or its agent and the local authority planning officer to determine the amount of pre-application consultation needed for that site, to try to engage with the local community. We devised what

we call a 'traffic-light rating system' to determine whether one particular site might need more community consultation than another. That is agreed with the planning officer and it is then carried out. It is only after that has happened, with feedback from local authorities and, where appropriate, from local communities, that a planning application is then lodged. So, that, again, is part of the 10 commitments and code of best practice.

[235] The Welsh Assembly Government and what was then the Office of the Deputy Prime Minister in England, commissioned a review by Arup, a consulting firm, and the University of Reading to see how well the code was working. The main conclusions of that review were: that there had been significant improvements in the process of planning for mobile network development, especially in relation to information dissemination and consultation; that local authorities varied in the extent to which they engage in planning for mobile phone network development as set out in the code; that beyond the very active community groups, the wider public has a very limited awareness or knowledge of the code or any of its components; and that local authorities were very positive about the impact of the code on operators' performance, commenting on significant improvements in information submitted with applications and increased transparency in consultation. They also found that site-specific pre-application discussions, which I referred to earlier, are of considerable value where local authorities have the resources to offer such a service. We appreciate that the resourcing issue is a major one for local authorities. Finally, they found that the code has had a significant positive impact on mobile phone mast development and that impact is increasing as awareness of the code and its requirements becomes more embedded within the operating practices of the industry and of the local authorities.

[236] As well as that review that was carried out by Government, we had previously had the operators' performance in relation to the 10 commitments assessed independently by Deloitte. It assessed it very early in its operation, during the first 12 months, and concluded that the operators had made demonstrable progress in the way in which they were implementing the 10 commitments. We asked it to assess it again a couple of years later and it said again that it was continuing to make that demonstrable progress. Those reports are in the public domain and on the Mobile Operators Association website.

[237] Finally, in relation to external evidence as to how well the operators have implemented their 10 commitments in the code, for the past six years, we have commissioned perception research by Market and Opinion Research International, which is now Ipsos MORI, to determine what local planners think about the operators and how they interact with them. It takes a sample of 100 local planners right across the United Kingdom, but picks up each of the four countries of the UK. The headline results of that—and the 2006 research has only just been made available to us—are that: four in five planners agree that there has been an improvement in the quality of information and level of consultation by operators; seven in eight planners feel that operators co-operate positively with requests for more information about planning applications; three quarters of planners agree that the operators provide them with enough information about their plans for base stations within their local authority area; four in five planners, or 80 per cent, agree that operators make themselves available for discussion with planners before submitting applications; and around a third of those planners say that there are no areas for the operators to address more effectively—that is up from just 10 per cent in 2001. We had MORI produce booklets with the first five years of that research, and we have copies available, which we can distribute to members of the committee to look at that research, which is also published on our website.

11.40 a.m.

[238] In conclusion, Chair and members of the committee, the operators will continue to develop their networks in Wales to support the mobile telecommunications system, which is of such importance to Welsh society and the Welsh economy. We will continue to do that in

consultation with local communities, local authorities, Assembly Members and MPs in order to provide a high quality mobile network service for communities across this country. Thank you very much. We have several colleagues from the operators sitting at the back so if specific questions are asked when we come to the discussion, and questions and answers, we can have some assistance from those people who build these base stations as their day job. Thank you very much.

[239] **Glyn Davies:** We will just go down our list of presenters now, so we will hear from Dr Kevin Bishop next, unless you are also throwing a hospital pass out.

[240] **Dr Bishop:** No, it is not a hospital pass; it is a generous pass to councillor Delme Bowen to catch, who I think will lead off.

[241] **Mr Bowen:** I will start with a few introductory remarks, Mr Cadeirydd.

[242] Diolch am eich gwahoddiad. Mae'n bleser bod yma ar ran CLILC. Thank you for your invitation. It is a pleasure to be here on behalf of the WLGA.

[243] Our delegation includes officers from the local authority, Rob Thomas, and a national park authority, Cathy Milner, because we felt that it was important to address the issues across the two different approaches. One is where planning permission is required in all cases, and the other is where it is required solely on the planning merits of the application, as advocated by current national policy and guidance.

[244] We welcome this opportunity to speak to the committee about this issue that is of real concern to many communities. The level of interest is shown in the fact that most local councillors will be aware of many issues raised by constituents in their locality, many of which were replayed at the recent Plenary debate here at the Assembly. The reality is that people have significant concerns regarding the perceived health risks and the sitings of telecommunication masts. There may be arguments over the science and evidence underpinning these concerns, but it is indisputable that the public has these fears and concerns, and they have not yet been allayed by the Government or the industry. The WLGA concludes, in fact, that the use of the planning process by stakeholders as a way to raise issues of health concern raises false expectations, given national advice and policy. There is a need for planning control on masts—it is essential. It should be full control; all developments should be subject to planning application, and the planning and appeals system should be scrapped, as it undermines confidence.

[245] We feel that masts should require planning permission, as should the equipment. However, before the equipment is installed, it should perhaps be subject to a separate regulatory or licensing procedure that looks solely at health issues or risks and so on. This suggestion requires further work to evaluate the pros and cons of any such approach. This will potentially leave the planning system to concentrate on the visual planning and design matters.

[246] Lastly, the WLGA considers that further independent research should be undertaken into the possible health risks of telecommunication development to reassure the public over its real health concerns. Diolch.

[247] **Glyn Davies:** Moving down the list, are there any further contributions? Are we now moving back up the table?

[248] **Dr Bishop:** No, we are not coming back up the table. Well, I hope that we are not. We thought that Members would want an opportunity to explore some of the points that we

have made.

[249] **Glyn Davies:** Does anyone else want to make a contribution? Janet, do you want to come in first, since it was you who started this?

[250] **Janet Davies:** Sort of. I think that it was the public that started it, actually.

[251] **Glyn Davies:** This particular discussion today was started by you and the Minister's response to your debate.

[252] **Janet Davies:** Okay.

[253] First, I thank you, Chair, for bringing this to the committee, and I thank everybody who has come. It is clear that the use of mobile phones is very popular. I think that there is a far greater health risk from the constant use of a mobile phone itself than from the transmitters. Nevertheless, the public is very concerned about the transmitters. The operators have made very positive statements about the system as it exists at present but, nevertheless, the planning authorities are not happy with what is happening to them and the public is not happy. I am having as many complaints as I have ever had about the installation of new masts. Members of the public do not really understand how permission is given, but when they do understand, I have to say that they do not like it. Members of the public do not feel that they are consulted.

[254] You were saying that there is a much higher degree of consultation than there used to be. I do not find that the public is saying that to me. The public says that it is not getting the consultation and that if it is consulted, it is not listened to. There is an issue there—anyone who is involved in something can go out and ask, 'What do you think?', but then, when you get back to the office, do you actually carry out anything to address those complaints?

[255] I am slightly concerned about the figures that you give from the MORI planners research. It is 2006 and therefore the figures have understandably changed from the 2002 research that I have here. You are saying that:

[256] 'Around a third of planners say that there are no areas for mobile phone operators to address more effectively—up from just over ten per cent in 2001'.

[257] You say that one third says that but that means that two thirds, presumably, think that there are areas to be addressed, which is twice as many as are happy. Not everyone agrees. There are planners who do not agree, and, after all, they are professionals. They are not just people panicking on the ground; they are the professionals who have to operate the system, and 20 per cent do not think that there has been an improvement in the quality of information; 25 per cent do not think that operators provide them with enough information. So, it seems that there is still a major issue here. Sir William Stewart, who is the chairman of what used to be the National Radiological Protection Board, which now has a new name—I am sorry, I cannot remember the new name—

[258] **Mr Dolan:** It is the Health Protection Agency.

[259] **Janet Davies:** In January 2005, it is said that Sir William Stewart had:

[260] 'called for a review of the planning process for mobile transmission masts and said that recent research made him more concerned about possible health hazards than he was five years ago.'

[261] I think that you have to have some concern if someone of his standing is saying that.

How will you all make the consultation better, higher, wider, deeper and then follow up the issues that are taken? Until you can make sure that the public has far more confidence in what is happening at present, planning authorities are put in a totally invidious position. They are getting a great deal of blame and are being caused a great deal more work at public expense in order to deal with the situation. I would like to ask those questions to you both.

[262] **Glyn Davies:** Does anyone want to respond?

[263] **Mr Dolan:** I am happy to respond in the first instance, Chair. I fully acknowledge what you say, that people do still remain concerned—[*Inaudible.*]

[264] **Glyn Davies:** Sorry, we are having real trouble with the sound equipment at the moment. Delme was just going to press the button on the only microphone that works. Although the microphone at the front works, it still has not come on. Once you press the button it cuts off—

[265] **Mr Bowen:** I was trying to be helpful.

[266] **Glyn Davies:** Yes, that is what everyone does, but it stops the equipment from coming on. It is not on now. I apologise, because it really is pretty outrageous from our point of view. We are all very unhappy about the inadequacies of the system.

[267] **Mr Dolan:** Chair, do you want me to start again?

[268] **Glyn Davies:** Yes. I think that that would be best, now that your microphone is on. People want to hear what you are saying in response.

11.50 a.m.

[269] **Mr Dolan:** Yes, indeed. I appreciate the concerns that have been raised by Ms Davies, and which are, clearly, raised by her constituents and those of other Members, I am sure. Again, it is interesting in that it is almost a paradox that people do not seem to be in any way concerned about the use of mobile phones, whereas they are concerned about the use of the masts. I was at a conference last week at which Professor Lawrence Challis, a physicist who was vice chairman of the Stewart inquiry, and who is now the chairman of the independent mobile telephone health research programme in this country, was basically saying that the amount of radio-wave emissions that you receive from a mast is about a thousand times less than you get from a handset. As a physicist, he simply cannot understand, nor can his scientific colleagues, why there is concern about that extremely low level of radio-wave emissions. This issue has been looked at extensively by scientific bodies not only in this country, but around the world.

[270] The National Radiological Protection Board, which is now part of the Health Protection Agency and is chaired by Sir William Stewart, issued a report, 'Mobile Phones and Health', which was published at the beginning of 2005. It was a reassuring report, but one thing that it did was to list 26 separate international reviews that had been done on this subject around the world—there have been a couple more since then—and certainly, as far as base stations are concerned, those reviews all say the same thing, which is that, due to the extremely low level of emissions, which are typically many thousands of times below the international exposure guidelines, from a scientific point of view, people do not need to be concerned. Only last month, the World Health Organization issued a fact sheet on this issue, which, again, said the same thing. Therefore, what we hear from the international scientific community is that the emissions are incredibly low, that they are thousands of times within the health and safety guidelines, and we, as scientists, are saying to you that we do not think that there is an issue.

[271] The paradox is that a number of people out in the community are saying that they either do not believe us, or that they do not understand it or accept it, and they are still concerned about this. The real challenge for Government and for industry—and it is a major one, because governments and industries are not exactly at the top of the list of trusted people—is how to get the message across to people that this is what independent, third-party experts say on this issue. Certainly, more publications about the science and what is being said by health authorities, here in Wales and in the other countries of the UK, would be very welcome. The difficulty with industry telling people not to worry about these things, is that if we say that, no-one will believe us. They would say, ‘You are industry, you would say that’, and I readily accept that. From the point of view of my own conscience, I would hope not to be biased, and to be even handed. However, I accept that I am unlikely to be trusted in the public domain. Therefore, it is important that there be further information out there.

[272] It is a difficult issue for local authorities, and I am sure that the colleagues on my right, from the WLGA, would agree with me. I think that local authorities are stuck between a rock and a hard place, to use that expression. They are there as expert planners to try to get the right balance in the planning system, and they are almost expected to be quasi-scientific experts on an incredibly complex scientific subject. Government, across the board, has said that this ultimately needs to be a matter for central Government, as it has the resources and the expertise available to it, through the Health Protection Agency and its links into the World Health Organization, to give advice in relation to that. In terms of consultation, I appreciate what you say about the statistics, but if you look at the graphs and how they have run over the last five years, and now with the sixth year of research, we will be publishing a new book that will also show that. They are all going incredibly in the right direction as far as the planners’ perceptions are concerned. What my colleagues and the operators tell me is that, in reality, most base stations are built without a great deal of concern or controversy, due to the fact that there has been good dialogue and consultation.

[273] However, at the end of the day, if people are really concerned about the health issue, then no matter what is done by way of consultation, they will not be happy if the base station is built, even if everything was complied with. We will do everything that we can, and the operators will also continue to do everything that they can, to have an early dialogue with local councillors and local people in order to take their concerns on board, and try to get this technology operating where people need it.

[274] **Dr Bishop:** Chair, as I understand it, the key issue here is the one of public concern about health, whether those concerns are real or perceived. The public looks at the planning system as the mechanism for addressing that concern, or they expect the planning system to address that concern. Normally, the planning system would hold that health and public safety is a material planning consideration, but if you look at our current guidance, we are told that it should not normally be necessary for a local planning authority, in processing an application for planning permission or prior approval, to consider further the health aspects of telecommunication developments. If you like, we have a contradiction here in the sense that we are being told that we can look at health implications as the material consideration. The public have concerns about this, and it does not matter whether they are real or perceived—they have those concerns. They look at the planning system as the means of addressing those concerns and then we are told, ‘It is not really a matter for you’. Those concerns are not being addressed and my colleagues at the coalface may want to make some further points about that.

[275] **Mr Thomas:** I think that that is the central issue. The guidance and the advice would be to assess all these things in terms of visual impact—does the mast or the equipment sited on a building have a visual impact? Is it acceptable to—[*Inaudible.*] The vast majority of concerns that are raised by staff in the Vale of Glamorgan, and countless other professionals

across Wales, do not relate to the visual impact—they relate to worries over health concerns and radiation exposure as a consequence of these masts. As Kevin has suggested, it is largely immaterial if that is based on science or on worry. Those fears exist and they are relayed to elected members and to Assembly Members, and as a result, the concerns go on.

[276] It does not help when local planning authorities then concede that health is not central to this issue simply because the Assembly advice that is out there, and which is given in terms of a communication paper, says that we should not normally take that into account. The public do not accept that because they have concerns, so they want to challenge that. It makes it very difficult for elected Members and it also makes it very difficult as well, within the timescales allowed for us to consider these issues, to properly explain that to members of the public. As Members are aware, we are given 56 days to determine applications for prior approval. If we do not determine those applications within 56 days, planning permission is, by default, granted, which is another failing of the current system; with any other application for full planning permission, if you do not determine it within eight weeks or 56 days, you are allowed to extend that determination period to allow more discussion and more negotiation, whether it is more negotiation with members of the public to explain the position you are taking. The prior notification procedure does not allow that to happen. Once that period expires, permission is deemed to be granted. That puts local authorities, and members in particular, in a very difficult position, which goes to the heart of your question about consultation. It does not allow that period for negotiation, for explaining, for sitting down with people to explain the stance that you are taking.

[277] **Glyn Davies:** Are you saying that the guidance for you as planning authorities is not clear enough? We, in this committee, would obviously have some sympathy with the dilemma in which you find yourself, because we are a committee that looks at planning issues; we are not the health committee. Normally, you would expect this issue to be one that the health committee discussed and decided upon. From our point of view, anything that we decide or recommend will be related entirely to planning issues. I can understand your dilemma. If someone says that this should be a material planning consideration in terms of some of your guidance, how the devil are you going to judge that? All the experts in the world are not clear on it and people disagree about it, so how are you going to decide this in the case of every single application?

[278] **Mr Thomas:** There are two or three key issues here. ‘Planning Policy Wales’ is the bible, giving general advice on all planning matters. It says that health can be a material consideration in looking at all planning issues. You then have the topic paper on telecommunication, which says that, provided a certificate is issued when an application comes in, it should not normally be appropriate for local authorities to look at health issues, because the certificate demonstrates that the radiation exposure is below what is acceptable. Most authorities would come clean and explain that to members of the public.

12.00 p.m.

[279] However, members of the public are not happy on the back of that, because they still have this perception and very real concern that health implications should be considered. Local authorities are in a very difficult position, in that they have to take on board and consider the responses that are received, but they must be considered in light of what the advice says. Members are lobbied on this constantly. It is very difficult for members of the public to understand and, even when consultations happen, people are not happy with the result. The local government system is in a very difficult position. The guidance is that we should not normally consider health.

[280] **Tamsin Dunwoody:** I will make a couple of points and I then have two very specific questions. First, I disagree with the statement that was made that people are not concerned

about the use of mobile phones. I would like it recorded that I am now speaking as an Assembly Member. As a mother, I have concerns about the use of mobile phones with regard to my very young children. Secondly, the health perception is a very real issue. It has been highlighted here, time and again, that we, as elected representatives, are lobbied very significantly by our populations. They are extremely concerned about the perception of the impact on their health and on the health of their children, and about the siting of these masts on schools or close to residential areas. I represent people who have those concerns. I have problems, as do planning authorities, with the lack of conclusive data.

[281] I will now go on to the two specific points. Point 18 of the WLGA paper is very relevant, but on the specifics, it says in the MORI paper that has just been given to us that two-thirds of planners disagree that mobile phone operators make sufficient effort to share base stations, and that that is not happening. I would like the WLGA—the planning people—to answer the specific question of whether that should be obligatory in all applications.

[282] My other specific question to the planning people is how many planning applications would this involve if they were all to go back through LPAs? I note that there are 2,500 masts in Wales, but over how long a period have those been established and put up? In other words, how many applications would you have to deal with? Would it be an onerous burden?

[283] **Mr Thomas:** On the sharing of masts, most local authorities would advocate mast sharing and, when applications come in, would immediately look to see if there are any other options as opposed to putting up new masts. We have a number of examples where we have done that recently. To be perfectly honest, we were very surprised, initially, when the applications came in, that they came in as stand-alone masts. When it was pointed out to the operators that there was an option for mast sharing, to be fair, they went away, spoke about it, came back and mast sharing has taken place. As part of the 10 commitments, operators look at mast sharing. Whether it needs to be obligatory is a matter for debate. Potentially, that would help local authorities in that they would have gone through the search, looked at masts and tall buildings where equipment could be sited and produced some kind of statement on that. However, the operators will tell you that they do that anyway through the 10 commitments.

[284] The second point related to the number of applications. From my perspective, it is quite straightforward. There will be always be a form of application; it will either be a full planning application for masts over a certain size or a prior notification application. So, the number of applications will not change—it is just the form that changes. The form will change from prior notification to a full planning application. The two main differences are that the fee for a full application is slightly higher, but the other, very real difference from my perspective, is the point that I made earlier that, if after 56 days you have not determined it, deemed planning permission is not granted; the authority still has a little longer to deal with it and to deal with these very real issues. Make no mistake, these applications, whether they are full or prior notification, generate a significant workload and a significant number of consultation responses, which have to be taken on board.

[285] **Glyn Davies:** The mobile phone operator may be able to tell us about the experience in Ireland and Scotland. Have both those countries removed permitted development rights? I read somewhere that that was the case in Ireland. What is the experience of those countries in terms of workload and capacity to deal with applications?

[286] **Mr Dolan:** They are obviously smaller countries than Wales and England combined. In Northern Ireland—[*Inaudible.*—] full planning system back in 2001. There has been some slowing down of the network as a result. Scotland has an almost full planning system, but it has not dealt with the issue of people's concern with regard to health. Even in England and Wales, many of the more controversial sites will be full-planning sites. As my colleague has

said, even if you add an extra four weeks, it will not satisfy someone who is fundamentally unhappy—[*Inaudible.*]

[287] The other point that I would like to make on the 56 days is that it does not start to run until the planning application is lodged. If you look at the code of best practice, which includes the 10 commitments, much of the work of that consultation has happened well before any planning application is lodged—[*Inaudible.*] Where you can sit down many months ahead and talk to local authorities and local communities about that, and talk about the opportunities for site-sharing and so on, and with regard to a specific site application, you will do that before the planning application has been lodged. With a red-rated site, which is thought to require more public consultation than others, it is compulsory for the operators to contact the local ward councillors and community councillors in order to draw out any potential community concerns in that area. So, we do not think that full planning will solve the problem. To go right back to where I started, unless you are building the networks to keep pace with the incredible growth in the take-up of this technology by the public, then it will all start to fall over, and constituents would begin to ask why there is no coverage in their area, and why their calls are dropping out and so on.

[288] **Glyn Davies:** To a certain extent, our witnesses are not giving us the same recommendations. Do you want to come back in on this, Tamsin? I would like to bring in other Members if I can; Elin wanted to ask something. I will come back to you if there is a chance.

[289] **Tamsin Dunwoody:** That is fine.

[290] **Glyn Davies:** I want to finish at 12.25 p.m., so that we can have a five-minute discussion on our next meeting.

[291] **Elin Jones:** I would like to ask the mobile phone operators—[*Inaudible.*]

[292] **Glyn Davies:** That is the issue. People cannot hear, but is this being recorded for the Record of Proceedings?

[293] **Dr Jenkins:** The Record of Proceedings depends on the sound feed from the broadcasters.

[294] **Glyn Davies:** I really do not know what to do. It is frustrating, especially on an issue like this, when you cannot have a proper informal discussion. Sometimes, if you wait, the microphone comes on. Be careful, Mike, if you mutter under your breath, it may go out live.

[295] **Elin Jones:** I would like to ask the mobile operators a question. You referred to the fact that you now send information to local authorities on an annual basis—

[296] **Mr Dolan:** We have been doing that for five or six years.

[297] **Elin Jones:** That is to be welcomed. I want to understand the nature of the document that you send to them. It is not a confidential document, and it could be put into the public domain immediately by local authorities, and sent to the councillors and the communities involved. I think that that is to be welcomed, and I hope that local authorities and all concerned would advocate that local authorities make us of that.

[298] **Mr Eke:** It was a recommendation of the code that that takes place.

12.10 p.m.

[299] **Mr Dolan:** In relation to that, and just to clarify it, in several areas where I have called it best practice, what has happened is that the initial contact is made with the local authority, in discussion with the operators and planning officers. Then, two weeks later, elected members are brought into that discussion, which is a full discussion, many months ahead of any actual development taking place. Effectively, 90 per cent of local authorities throughout the UK are not taking advantage of that procedure.

[300] **Elin Jones:** On sharing masts, we have had data provided to us as Members from Ofcom on the sharing of masts in various local authorities in Wales. It seems that there is a particular problem on sharing in rural authorities—I believe that one in 10 masts in Pembrokeshire is shared, and one in six in Ceredigion, whereas it is five in six in Cardiff and Swansea. Therefore, there is an issue here about sharing masts in rural areas, but I do not know what the reason for that is. However, it has not happened in rural areas as much as in urban areas; whether that is to do with the availability of land, which is different, I do not know. Perhaps the mobile operators could respond on why sharing is not happening in rural areas to the same extent as it is in urban areas.

[301] On consultation with schools, this is in the technical advice note and the code of best practice, but it is not happening in some areas and some schools in my constituency, in particular. There is a breakdown of communication in relation to consultation between the operators and the schools—even though it is in the TANs and the code of best practice, it is not happening universally. What mechanism do the operators have to ensure that local schools and governing bodies are consulted, in the prior notification, and in the full planning process?

[302] I welcome the fact that the WLGA supports the fact that the full planning process should be operated for all applications, and that permitted development should not be allowed, especially for all of those applications under 15m. As mobile phone operators, do you believe that, if permitted development was revoked in Wales, that would in any way detract from the numbers of mobile phone mast applications that you would put forward?

[303] **Mr Dolan:** Do you want me to deal with that question, or with all the issues that you have raised?

[304] **Elin Jones:** Could you deal with all of them, please?

[305] **Mr Dolan:** Okay. Let me work backwards—with my ageing memory, it is probably easier to do that. We do not believe that the revocation of prior approval would be a good thing; we believe that it would slow down the network build, as I say, to keep pace, and it would not cure the problem. The problem will only ever be resolved through early consultation—we have said that all along, for many years now—and that is before any planning application is lodged.

[306] On schools, I am surprised to hear you say what you said. I do not know the specifics and cannot assist you on that, but if you can give us the specifics later, we could ask the operators concerned to contact you directly, in order to address those issues. However, the guidance is clear—if a mast is to be built on or near a school, and the code sets out what that means, then the school needs to be consulted, and that needs to be reported to the local authority. If that has not happened in a particular instance, then that that is a matter of regret. We are all human, and the people who are out there—the agents—are human. If it has not happened and it should have happened, then that is wrong. However, the operators are aware of that as a requirement, under the guidance and under the code, and it is specific about what has to be done. Therefore, it should be happening in full planning, as well as in prior approval.

[307] On sharing, I am not able to address your issue here in Wales; one of my colleagues at the back may or may not be able to assist in that regard. However, as a general comment about site sharing, the operators always look to site sharing as a first option for a good reason—it makes more business sense; it is cheaper to share than it is to build a stand-alone structure. So, there is a business case to be made for it.

[308] As part of the multipath limiting antenna structure that existed before, but which became formalised, we set up a site-sharing group in 2000 across the operators. It meets quite regularly to closely monitor the issue of site sharing. It has developed a database, so there is a ready database that it can access when radio planners are looking for a new site. It is a top priority for us, but many technical considerations come into play, as well as environmental considerations. Because of radio clearance requirements, you must have a separation between the antennas of different operators—it could be a metre or two, or whatever. It means that if you put four operators on a mast, it will be quite high, and, in environmental terms, communities will often say that they would rather have two or three smaller masts dotted around the village, rather than one huge structure that looks like a broadcast tower. Local authorities will often say to operators, ‘We do not want you to share; we want two or three masts’, or they might choose to have it the other way around. The topography of Wales also comes into play because there are many mountains and valleys, and so on, and they are all relevant considerations. I will ask colleagues to try to address the specifics that you have raised later.

[309] **Glyn Davies:** Are there any questions? Brynle?

[310] **Brynle Williams:** On Elin’s point on site sharing in rural areas—[*Inaudible.*]—it is down to individual companies, regrettably, and it is not viable for O2 to compete with Vodafone, and so on, and we are getting a poor service. Something should be done, and there should be more site sharing. You tell me on the one hand that we must have a better service that we can access, and, in the same breath, you then say that companies are not prepared to work together.

[311] **Mr Dolan:** At the end of the day, they are driven by customer demand, and their existing networks and radio plans. If you have specific instances of that and want to make them available to us, we can pass those queries on to the operators concerned.

[312] **Lorraine Barrett:** I will not labour the point because we all have issues, but I have had some specific issues with schools and nurseries not being consulted. There was a famous example where the applicant had looked at a map and said, ‘We have a telephone exchange there, so we will put our mast there’, but no-one had looked at the fact that it was slap bang next to a nursery. When I alerted them, they said that they would withdraw it. However, a week had been enough time in which to get the whole neighbourhood up in arms with petitions and letters—I had people literally crying on my doorstep. It can still happen, and it has happened recently in another example in Penarth, where a nursery school was missed out.

[313] **Glyn Davies:** On the back of that, would it make a difference in this issue if there were a statutory code of conduct, as opposed to the voluntary code of conduct that we have at the moment? It is a point that has been raised by two or three Members.

[314] **Mr Dolan:** If you made it a statutory code of conduct, it would have to be statutory for everyone, including the local authorities. I am not sure whether the local authorities would welcome a statutory code of conduct. In any event, one of the advantages of the codes of conduct in England and Wales has been their flexibility and the ability to work co-operatively within that. At the end of the day, this is all about a partnership between the operators, the local authorities and the local community in terms of trying to make this work. It is often said, ‘If it ain’t broke, don’t fix it’, and if this code works to its full potential in terms of the

way in which it is written, it is actually a good model, and it mirrors another code in another part of the world, which has attempted to do the same thing, and is far ahead of what you might see in some other countries that try to have that engagement. The code's flexibility is one of its significant advantages. Several years ago, we published a handbook on working with the community. It was written by a risk communication specialist academic, and it directly relates to the 10 commitments and how you deal with communities and how you consult. It is on our website, and it is made available to our operators and their agents to try to assist them in engaging with communities. That is the only guidance of that kind that I am aware of anywhere in the world.

12.20 p.m.

[315] **Lorraine Barrett:** There was a specific question—

[316] **Glyn Davies:** This is an issue that we might seriously consider, so, I want to get some responses on this and then I will come back to you, Lorraine.

[317] **Mr Eke:** It is really about the issue of consulting with schools, nurseries and other sensitive areas. The key thing about the code of best practice and the 10 commandments is that pre-application discussion with the local planners. It is at that stage that the operators might become aware that they need to do more consultation, but if they do not have that awareness and if the planners are not willing to engage at that early stage, then the operators may not be aware of any potential concern that is raised.

[318] **Glyn Davies:** Do you have a comment, Lorraine?

[319] **Lorraine Barrett:** I have a question to the local authorities' representatives with regard to the possibility of the health risk assessment. How could any local authority undertake a proper health risk assessment? I ask the question, because, to me, it is not really realistic—

[320] **Glyn Davies:** It is a fair question.

[321] **Lorraine Barrett:** You have so much conflicting evidence, have you not? The other issue is the visual impact. It is mentioned in the papers that we have had, and my frustration—and, I suppose, it is the local authorities' frustration as well—is that, for example, the cliff top in Penarth looks like the Jodrell Bank Observatory. There is a nursing home there that has about ten masts, and they are huge—they are not just little poles; they are massive things. I have written over the years about them, as Rob will know, asking, 'Can you not stop this?'. There has been some sharing going on, but the visual impact is quite serious in some areas, and I wonder whether the local authorities' representatives could say something about their ability to say 'no', when the visual impact is serious.

[322] **Mr Thomas:** On health assessments, first, I suppose that it comes down to pressure and principle as to whether or not the planning system should be there to look at these health concerns. From the WLGA's perspective, bearing in mind the advice that has come from 'Technical Advice Note 19: Telecommunications', we would argue that the planning system has to be—[*Inaudible.*—]—to look at the health assessment as it is now, let alone if other submissions were made on the back of the applications.

[323] You must bear in mind that the crux of this is that, at the moment, as things stand, the only way in which local people can raise these concerns is by using the planning system. There is no other regime out there that looks at these structures before they are erected. The operators will probably say, 'Well, there is the Health and Safety Executive', but that is always after the event. For members of the public, it is no good to look at these things after

the event; they want the reassurance of having them looked at before they are erected. To be perfectly honest, the planning system could not cope with that, because it would not have the specialisms to look at it, unless there were enough resources to enable the authorities to go out independently to consultants to look at it once those reports had been submitted.

[324] However, you are then back to the issue of whether 56 days is enough time to allow you to do that, and the conundrum continues. That is why the paper advocates that we need more research and a consideration of whether there should be a separate regime in existence, so that once the planning system says, 'Yes, okay, this mast can be sited on that site, because the visual impact is such that it should be allowed', it also says, 'Right, before you put any equipment on it, the health issues need to be addressed'. That sounds simplistic, but at least members of the public would possibly have more confidence that these issues were being addressed before the base station was operational. You would be introducing two tiers into that approach, and the operators would probably argue that that slows down the entire process. So, there has to be a balance of all of these issues, which is why we are not saying, 'This is the way forward', but rather that we should look at it as an option.

[325] **Glyn Davies:** Does anyone want to add anything?

[326] **Lorraine Barrett:** I just wanted a comment on the visual impact and their powers on that.

[327] **Mr Thomas:** On visual impact, from personal experience, we have rejected a handful of these proposals in the Vale of Glamorgan over the last year to 18 months. The success on appeal has been mixed. We rejected some in urban areas and we rejected some in rural areas. We seem to get more success with the ones in rural areas. On the ones in urban areas, you will probably know about the one in Penarth that we rejected on design grounds, because it was in or on the edge of a conservation area. The inspector said, 'It is a secondary part of the conservation area and the mast would, to all intents and purposes, look like one of the street lamps in the area'—you probably know the one that I am talking about. That was not considered favourably in Penarth, quite understandably. So, it has been mixed, but we have had some limited success. Very few authorities have rejected these applications on the grounds of a health risk or a perceived health risk. The research that I have seen suggests that, when that has happened, the success rate has been poor when defending the rejection of that application.

[328] **Glyn Davies:** Are there any other questions that we have to ask? I want to wind up as soon as I can.

[329] **Janet Davies:** I have a brief point, Chair. It is an issue about my original motion, which was not accepted. Originally, it included a paragraph about the issue of the Network Rail system, which is beginning to be rolled out in England. I wondered if, at any time, the committee was going to look at the issues coming out of the Network Rail system. I withdrew that point because there was an issue about increasing safety on rail, but, nevertheless, it is going to be pretty overpowering when it goes in and it may be an issue that should be considered.

[330] **Glyn Davies:** That was more of a question for me, and I think that we are entering the territory of where we should go from here. I would like to leave it, as we often do, with the clerk drawing up a report on the discussion. I do not know whether that report will come to our next meeting—

[331] **Dr Jenkins:** Probably not.

[332] **Glyn Davies:** It probably will not be brought to our next meeting. I would like to

leave it open for the committee to decide to call someone else in, if it wants to. The fact that you have made that comment will be part of the report. I do not know what we might decide to do; we may make recommendations to the Minister, and we may call for more evidence from someone else who we think should come in. It will be open to us to decide, when we have the report before us.

[333] **Mr Bowen:** I wanted to raise again the issue of site sharing in rural areas. It is an important issue and perhaps one might address the operators and ask whether they are sharing information sufficiently and whether they have good information. We have had instances of operators thinking that they cannot share, when we know that there are other masts in the area—that is from a factual record point of view. To what extent do commercial competitive elements cloud the issue of sharing? I know that it is a sensitive issue and, of course, if you are dealing with different companies, they are not going to be 100 per cent in favour of sharing. This may be an issue in rural areas; if O2 does not have a presence in Ferryside, but Orange is there, Orange will not decide overnight to share with O2 because it is excluding a competitor by not doing so. Someone with a more commercial bent than the local authorities needs to look at that.

[334] **Glyn Davies:** I will just ask Mike to comment briefly because I really want to wind up now or we will run out of time.

[335] **Mr Dolan:** We have heard the comments that have been made by Members about site sharing. It is an important issue for us and we will obviously take those comments on board and consider them.

[336] **Glyn Davies:** Thank you all for coming along and helping us to look at what is a pretty difficult issue.

12.28 p.m.

Trefniadau ar gyfer y Cyfarfod Nesaf Arrangements for the Next Meeting

[337] **Glyn Davies:** This is potentially a difficult item concerning our next meeting, which is programmed to be held in north Wales. Tamsin, do you want to come in first?

[338] **Tamsin Dunwoody:** Sorry, it was not me who wanted to bring up this issue. You keep writing me notes—

[339] **Glyn Davies:** Sorry, I thought that I had received a note from you, Tamsin.

[340] **Tamsin Dunwoody:** That is why I passed your response on around the table.

[341] **Glyn Davies:** I see.

[342] **Lorraine Barrett:** Tamsin, I will raise the matter, if you like.

[343] **Glyn Davies:** Sorry, I received a note and I thought that it had come from Tamsin.

[344] **Elin Jones:** I sent the note.

[345] **Glyn Davies:** Sorry, Elin, I sent it back to Tamsin. Elin, you should therefore raise this matter.

[346] **Elin Jones:** I have noticed that the next meeting is scheduled to be held in Colwyn

Bay, north Wales. I must confess that I only realised that this morning, when I read the Members' research service note for this meeting. There has not been sufficient time and information, for me, certainly, to be able to attend that meeting. If other Members feel the same and are in a similar position, and I understand that some are, I think that we should postpone a meeting at that location until the autumn and hold the next meeting in Cardiff.

[347] **Glyn Davies:** I will ask the clerk to comment on the feasibility of that. All I can say is that Members will remember the general point, on which everybody agreed, that we would have one meeting in north Wales during one term, one in west Wales during one of the other terms, and one in mid Wales during what, I guess, would now be our autumn term. I think that I raised the issue of the north Wales meeting here about a month ago, and I remember suggesting to Members that they might want to suggest a preferred location for the meeting in north Wales. Eventually, the clerk decided that the best place for the meeting was Colwyn Bay. It was an issue that I raised about a month ago.

12.30 p.m.

[348] Having said that, I said to Elin in my note that I would resist. It is an important principle that we take the Assembly out to different parts of Wales, but if we are to be inquisitive by going out, we will probably have to think about changing it. However, in my view, if we do that, we really should have two meetings outside Cardiff in the next term: one in mid Wales and another in north Wales. Otherwise, we could just let it slip. Every meeting, it is more convenient to meet here in Cardiff; it is more convenient for Members, for the public, for the media to cover us, and for everyone. If we were going on things like that, we would never go out. Anyway, it is up to Members to say what they think.

[349] **Elin Jones:** I do not disagree with the principle of the Assembly holding meetings in north Wales, mid Wales or elsewhere, but you have to inform the Assembly two weeks in advance of the date.

[350] **Glyn Davies:** We discussed it in committee a month ago.

[351] **Elin Jones:** Yes, but you did not tell us formally. That is not the appropriate way to inform Members of the details of meeting locations. We were not informed of the location of the meeting or of the time at which it would be held. It is not appropriate to do it in that way.

[352] **Brynle Williams:** From a personal point of view, Chair, I knew about this meeting over three weeks ago. My office knew that we would be in north Wales three weeks ago, when I came back from sick leave.

[353] **Lorraine Barrett:** I have to say something. As a Cardiff Member, I think that it is even more important for me to be seen to be going out and about, and I have no objection at all to doing that. It is a nice change to go to north Wales or wherever. However, if we are talking about principles, the important principle is that this particular date—which I have discussed with the clerk, so I will not rehearse the whole thing—clashes with a meeting of the other committee of which I am a member, and we are not supposed to meet outside the area if a Member has another committee meeting that clashes. I may have difficulty finding a substitute for my morning meeting. So, I have a legitimate dilemma, and it would have been helpful to have a reminder by e-mail so that we could have had a proper look at our diaries and alerted you to the fact that the date clashed with another committee. It has also happened with other committees this week, to be honest. Colleagues of mine are supposed to be in north Wales in the afternoon and here in Cardiff in the morning, but it just cannot be done. The whole place has to look at this particular issue. I just want to make clear that it is not that I do not want to make the effort to go to north Wales; in this instance, I have a dilemma in that I have to be in Cardiff in the morning and in north Wales an hour later.

[354] **Glyn Davies:** I will ask the clerk to comment. I have not had a chance to learn what difficulties might arise through not going to north Wales. It will be interesting for her to tell us that. In addition, if a majority of Members wants us to hold that meeting in Cardiff, I will not resist it, obviously. I would be disappointed, though.

[355] **Lorraine Barrett:** I would like it rescheduled for early in the new term.

[356] **Glyn Davies:** Are there any logistical issues in terms of our changing our position?

[357] **Dr Jenkins:** The only difficulties that I can see arising are that certain witnesses have been invited, and they are very much based in north Wales, so we will try to ascertain whether they can come to Cardiff. Catering has also been booked to provide refreshments. We will have to explore whether the Assembly will incur any costs.

[358] If Members are discontent that there was not sufficient consultation, we will look at that. There is scope, I believe, but we will need to consider the periodic timetable in far greater detail, given some of the difficulties that have arisen on this occasion. I think that there is scope for possibly two off-site visits next term, if that is the wish of—I am almost afraid to use the word—the majority.

[359] **Glyn Davies:** Same here.

[360] **Dr Jenkins:** However, if that is the wish of most Members, that is fine; we will accommodate that.

[361] **Glyn Davies:** I will just do what the committee wants. There are not many of us here, really, now. Elin and Lorraine will be coming to the next meeting, and I think that you would both prefer us to postpone the visit, would you not?

[362] **Lorraine Barrett:** Postpone it. Yes, we can explain to people why, and perhaps that issue could be dealt with when we go up there next time, to save those witnesses coming down.

[363] **Glyn Davies:** The reason that I am unhappy is because I just do not want to dilute the principle that we have established.

[364] **Lorraine Barrett:** I have another principle that we have to adhere to.

[365] **Glyn Davies:** The point is that by not meeting outside Cardiff this term, we are diluting the principle. If we postpone it, perhaps by only a little, we are diluting the principle of meeting outside Cardiff each term, but if that is what we have to do, that is what we have to do.

[366] **Brynle Williams:** I would like to make one comment, Chair, which you might think is very true. I would go with the majority but, once again, I think that the people of north Wales would be slightly—*[Inaudible.]* I have said my piece. That is all that I am saying. *[Inaudible.]*

[367] **Glyn Davies:** We hold some of our meetings on a Wednesday. You cannot have Wednesday meetings out of Cardiff, or at least not in north Wales. It is not possible.

[368] **Lorraine Barrett:** In addition, because of our fortnightly timetable, it makes this more difficult, as there is no room for manoeuvre. We should go back to having three-weekly meetings.

[369] **Glyn Davies:** I suppose that what appealed to me when I looked at this term and made the suggestion at this meeting was that it was a Thursday afternoon, which seemed to be a lot easier for people to get up there. A meeting on a Thursday morning would be quite difficult, and you cannot do it on a Wednesday, because of Plenary. You will find that there are very few options for us. There might be only two Thursdays next term when we can hold it outside Cardiff.

[370] **Tamsin Dunwoody:** Actually, just as a point of information, I disagree with something that you have just said. I find it easier to have an external meeting at a distance on the Thursday morning, using the Wednesday night to travel up and stay, because then I can see my children on the Thursday as I am home at a decent time; I am not under these circumstances. So, from my personal perspective, mornings are better.

[371] **Glyn Davies:** Kath tells me that we have two possible slots next term when we could go out. Maybe we should try to use those two slots.

[372] **Elin Jones:** Chair, just to respond to Brynle's point, I do not think that anyone should be under the misapprehension that this is about our not being able to go to north Wales; it is as easy for me to get back from Colwyn Bay as it is for me to get back from Cardiff. It is just that cancelling the meeting today, on the day on which I found out about the meeting, was not helpful. However, I do not think that anyone should be under the impression that this is, in any way, a detraction from the principle of our meeting outside Cardiff. I think that my record of attending those meetings is as good as anyone's.

[373] **Glyn Davies:** I am not being critical of anyone. I am told that it is in the transcript of the meeting on 24 May that we discussed this in committee.

[374] **Elin Jones:** But, Chair, that is not a good enough—[*Inaudible.*]

[375] **Glyn Davies:** I am open to what Members suggest. It sounds pretty much as though people want to postpone the meeting.

[376] **Lorraine Barrett:** I hope that we go to north Wales and that we find a suitable date that will fit in with Members' diaries.

[377] **Glyn Davies:** It seems that we have two slots next term, so if we are to stick with the principle, we will have to hold both of those meetings outside Cardiff.

[378] **Lorraine Barrett:** It would be great if we could have the dates by e-mail. I will then have time to make arrangements.

[379] **Glyn Davies:** Well, they may well clash with something else.

[380] **Dr Jenkins:** We can send out an e-mail.

[381] **Glyn Davies:** Okay. There is nothing else. So, we have decided to postpone our meeting in north Wales next month to an undefined date in the future.

*Daeth y cyfarfod i ben am 12.38 p.m.
The meeting ended at 12.38 p.m.*