

ENVIRONMENT, PLANNING AND TRANSPORT COMMITTEE

Date: Wednesday 14 February 2001
Time: 2.00 to 5.00 pm
Venue: Committee Room 3, National Assembly Building

NANTYGWYDDON: PROGRESS REPORT FROM DAVID PURCHON INDEPENDENT INVESTIGATOR

PURPOSE

1. To advise the committee on progress and activities.

RECOMMENDATION

2. The committee is invited to note progress, and comment on the future work programme.

BACKGROUND

3. The Terms of Reference for the Investigation require me to submit bi-monthly progress reports to the Committee. These reports outline both developments to date and my plans for the rest of the investigation.

PROGRESS TO DATE

Investigation Team

4. The Investigation team has been completed with the appointment of Mr Morris Owens, a casual AO, to look after the Resource Centre at Pentre.
5. I have also engaged the services of Mr Peter Wright on a temporary, ad hoc, basis to assist me in gathering and assessing evidence as it is made available to me.

Progress

6. I have continued to meet with the Chair on a monthly basis to report on progress.
7. Similarly, the weekly meetings between the Project Manager and the Committee Clerk are proceeding.

Meetings

8. I have met with Eversheds to discuss the details of their role as my legal advisers for the duration of the investigation. Talks are continuing (also involving the Office of the Counsel General) as to the extent of their involvement on my behalf. Encouragingly, to date, persons and bodies giving evidence have not sought to be legally represented although no doubt legal advice is being taken. This is enabling hearings to proceed quickly when they can be programmed.
9. I have had discussions with, both at their headquarters and on site at Nantygwyddon, the British Geological Survey which has agreed terms for studying, sampling and preparing a report on hydro-geological aspects of the investigation.
10. I have met with the Institute of Civil Engineers (Wales) who have offered to prepare an opinion on the construction of the Nantygwyddon landfill site on the top of an exposed mountain in 1980-1985. I have also invited them to comment on future approaches to waste management in Wales.
11. Discussions have continued and a site visit has been undertaken with staff of the Institute of Environment and Health, Leicester, on toxicological advice. I have also pursued the matter of epidemiological advice with them. The rates they have quoted me for consultancy advice are acceptable and a work programme is being developed with them, The Scottish Institute for Communicable Disease and Health, after due consideration of my requirements, did not feel they had the necessary expertise to advise and referred me to another source. The individual recommended was however already undertaking similar work on another study relevant to issue of landfills and human health and I felt it unwise to confuse the two roles.

Contacts with Other Government Departments and Public/Corporate Bodies

12. Contact has also been made with the following organisations seeking specific or background information connected with the Nantygwyddon site:
 - Health and Safety Executive – on Health & Safety at work on and off the site. I have met with the Area Director in Cardiff for discussions.
 - Forest Enterprise- on land acquisition/assembly by Rhondda BC. Mr Chaffey has visited them and I have requested evidence from them in public session.

- Food Standards Agency – Contamination Branch re leachate/dust & food crops and possible health implications.
- The Meteorology Office- re wind speeds/rainfall on the site.
- Dwr Cymru/Welsh Water-re water-quality and analysis.
- South Wales Police- Fraud Squad and Chief Constable re land deals and contracts.

All these contacts have proved fruitful.

1. Purolite International Ltd (the source of water treatment filter cake) is the one body corporate contacted which has made no response whatsoever to date.

RECEIPT OF EVIDENCE

2. Considerable quantities of evidence have been received from individuals who have raised many pertinent questions, made serious allegations and named persons they believe have relevant information or responsibility for events. Much of this evidence has been presented at hearings and some follow up questions have been posed to those individuals, one of whom has indicated a readiness to answer those questions at a later hearing, now programmed. Others are expected to continue to present material and to answer questions in public.
3. I requested evidence from the various public bodies by the end of December 2000, mindful of the Committee's time scale of 6 months for the entire investigation. All of the bodies promised to co-operate fully but it is unfortunate that only Bro Taf Health Authority and the Medical/Health Group of the Assembly's own staffs were able to meet this target.
4. The Environment Group of the National Assembly followed in late January 2001. There does however still appear to be an issue about disclosure of files "belonging" to former Secretaries of State, Messrs Hague and Redwood, I believe.
5. Rhondda Cynon Taf local authority provided a summary of their files shortly after the agreed date, this proved to be enlightening but incomplete as the necessary prime documents referred to in that summary were not made available until 31st January 2001. Indeed access was specifically denied. Some documents, identified in a public report to the Council, are being held back as confidential to the Council.
6. The Environment Agency has been the tardiest, despite having dedicated a team to the task, it has proved to be beyond them. Evidence was requested from them based on 10 themes. To date (1st Feb), evidence on only half of those themes has been submitted although many background reports were made available early in December 2000. Members may care to note that Sir John Harman Chairman of the Agency visited the site during January 2001.
7. Amgen Rhondda Ltd has been very co-operative, permitting access to the site on a number of occasions and providing transport in appalling weather conditions, supplying photographs,

drawings and a recent site stability assessment. They are unable as yet to supply a current working plan for the site, as they cannot resolve outstanding planning applications relevant to the waste "footprint" and finished height of the landform. They do appear to have found a solution to a long running problem of lack of tip cover faced by their predecessors by purchasing large quantities of colliery spoil on adjacent Gelli 1 and 2 tips. "Cover" for dumped waste is a vital requirement for landfills and is even more important for exposed landforms such as Nantygwyddon.

8. Much of the historic information about the tip in its most troubled times is however held by the Administrator of Rhondda Waste Disposal Ltd and this has not yet been forthcoming.
9. Requests for information from former directors of RWD Ltd have been acknowledged with few interesting comments. Their former management company 3C's Ltd. merely state, through solicitors, that they now have no employees with any knowledge of the site.

Questions arising from the evidence presented

I have prepared and despatched for answer a series of questions to those submitting evidence with a request that they prepare answers that they can present after they give preliminary evidence to the public hearings.

10. The delay in submitting the original evidence and the availability or willingness of individuals to attend the hearings to give evidence or to answer my questions has meant that progress on the public hearings of the investigation over the last month has been nil. No public sessions have been held so far in 2001, although they have been programmed and abandoned for early and mid February. They are now programmed to recommence on Thursday 22nd February and to continue for a further three or four weeks as per the timetable below. This delay will probably have consequences for the production of my final report.
11. I will keep the Committee apprised of this issue.

Technical Advice

12. Mr Peter Wright continues to assist me on an ad hoc basis in the gathering and examination of evidence and in the taking of samples for analysis. Both he and the British Geological Survey have arranged for samples to be analysed outside Wales at accredited laboratories.
13. Currently I see no need for expert advice other than that referred to above on legal, toxicological, hydro-geological, and epidemiological matters but I am keeping an open mind on such matters.

RESOURCE CENTRE

14. The Resource Centre continues to be well used both as a source for information (all

evidence I receive is copied as a matter of course to the Centre) and as a focal point for the investigation. It is convenient to the site itself, and saves members of the public and others the expense and inconvenience of travelling to Cardiff in order to help the investigation

WEB SITE

15. All evidence submitted electronically is now being published on the National Assembly web-site. Other key information, such as committee papers, transcripts of public sessions, and details of sessions will also be available via the web-site.

BUDGET

16. Expenditure to date is as follows:

CATEGORY	EST. TOTAL SPEND	EXP. TO DATE
	£	£
Pay	72,670	11,800
Travel & subsistence	14,100	8,000
Technical Advice	43,800	5,000
Transcripts etc.	13,000	7,000
Resource centre	5,000	400
Public Sessions	36,500	1,000
Press Adverts	12,500	1,000(1)
Report	14,000	Nil
Contingency	88,430	Nil
TOTAL	300,000	32,200

1. Excludes £16,500 for original "job" advert

FUTURE PROGRAMME

1. Further public/open sessions will take place in February and continue into March. A provisional timetable for the first two weeks is attached. Other material is being gathered relevant to the forward-looking elements of the investigation. There is particular interest in the effect of chemical endocrine/hormone disrupters that could be causing long term chronic adverse health effects from environmental pollution sources including landfills. Environmental pollution data on such substances is however simply not available locally and the collection of data on such substances is somewhat experimental as yet.
2. Once the iterative process of evidence/questions and hearings has been exhausted, I anticipate having sufficient material for the "Investigating" aspect of my report but there will remain serious problems of evaluating health effects. The National Health Service simply does not collect or retain the sort of information required for thorough, let alone conclusive health studies. The health data gathered even now in 2001 is "thin" and historically much thinner and unreliable. The prospect of determining any cause/effect relationship is therefore remote unless health effects are acute and severe.

Lessons for the future

3. This aspect of the investigation is progressing satisfactorily as I am able to gather information from a number of sources, including, amongst a number of others, the Wales Waste Forum. There has only been one meeting of the Forum to date and a great deal of work remains to be done to ground the work in the practicable, the fundable and the sustainable.
4. Certain long-term health studies of the possible health effects of landfill sites are due to report in the coming months and these will be reviewed.
5. I am informed by a colleague, the Chief Executive of Belfast City Council that a group of local authorities in Northern Ireland is in the final stages of a regional waste disposal strategy plan and I have been invited to visit the strategy group for discussions. They currently landfill into seawater with consequent severe smell problems caused by hydrogen sulphide, not unlike at Nantygwyddon.
6. I have met with Professor Stephen Palmer of UWIC and he has agreed to make recommendations on the gathering of health information that will enable meaningful health studies of small areas and groups of individuals to be undertaken in future. The studies of possible health effects undertaken so far have been at best inconclusive due to the inaccessibility and/or quality of the data.
7. The Committee may care to note that the Environment Agency have recently let a contract for "on tap" medical advice, something they have "managed without" for the first 4.5 years of their existence. I have also been informed that the Agency had no formal written or adopted enforcement or prosecution policy prior to 1/11/98.
8. Finally the Committee may care to note that Nantygwyddon is under new Management, Amgen Rhondda Ltd has restructured and slimmed down its management. It is considered that the remaining life of the tip will be some 6-8 years.

Conclusions

9. The Investigation is being frustrated and delayed by the inability of some corporate bodies to produce material in reasonable time scales that were agreed with them in November 2000.
10. Residents are frustrated by the delays and are beginning to fear the worst, that the investigation will not be able to get to the bottom of the problems if people and bodies with information will not reveal it.
11. There can be no rational explanation to the public of the "difficulties" of accessing all of the Welsh Office files.
12. The Committee needs to put its full weight behind the investigation if it is to be completed in 7-8 months given that 3 have elapsed without access to files and without any corporate evidence being ventilated and questioned in public.

Recommendation

13. The Committee is asked to receive the report and note the progress being made.

David Purchon

Independent Investigator

7^h February 2001

Annex

SCHEDULE OF EVIDENCE/TREFN Y DYSTIOLAETH

<u>Date/Dyddiad:</u>	<u>Time/Amser:</u>	<u>Speaker/Siaradwr:</u>
22 February/Chwefror	11:00a.m 2:00p.m	Dr Mark Temple, Bro Taf Health Authority/Awdurdod Iechyd Bro Taf. Dr Ruth Hall, NAFW Chief Medical Officer/Prif Swyddog Meddygol CCC.
23 February/Chwefror	10:00a.m 10:30a.m 11:00a.m 11:30a.m	Mrs June Bacon, RANT. Ms Kerry Huntley, RANT. Dr Max Wallis, Friends of the Earth/Cyfeillion y Ddaear. NAfW Environment Officers/Swyddogion Adran Amgylchedd CCC.
27 February/Chwefror	10:00a.m 11:00a.m	Dr D Van Steenis. Environment Agency/Asiantaeth yr Amgylchedd.
28 February/Chwefror	10:00a.m	Environment Agency/Asiantaeth yr Amgylchedd.
1 March/Mawrth	10:00a.m 10:30a.m	Ms Dawn Forest, RANT. Rhondda Cynon Taf County Borough Council/ Cyngor Bwrdeistref Sirol Rhondda Cynon Taf.

2 March/Mawrth

10:00a.m

Mr A J Wallis, Forest Enterprise

Wales/Menter Coedwigaeth Cymru

Rhondda Cynon Taf County Borough Council/
Cyngor Bwrdeistref Sirol Rhondda Cynon Taf.