

## Petitions Committee

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

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Meeting date:  
**16 April 2013**

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Meeting time:  
**09:00**

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Cynulliad  
Cenedlaethol  
Cymru

National  
Assembly for  
Wales



For further information please contact:

**Naomi Stocks**  
Committee Clerk  
029 2089 8421  
[Petition@wales.gov.uk](mailto:Petition@wales.gov.uk)

**Kayleigh Driscoll**  
Deputy Committee Clerk  
029 2089 8421  
[Petition@wales.gov.uk](mailto:Petition@wales.gov.uk)

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## Agenda

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- 1. Introduction, apologies and substitutions**
- 2. New petitions 09.00 – 09.20**
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- 3.17 P-04-406 Against Proposed MCZ zones in North Wales (Page 123)
- 3.18 P-04-411 Petition Against Marine Conservation Zones in Pembrokeshire (Page 124)
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- 3.20 P-04-419 Wind Farm Moratorium (Pages 146 – 184)
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# Agenda Item 2.1

## **P-04-469 Remove the Right-To-Buy Regional Price Cap**

### **Petition wording:**

Removal the regional price cap of the Right-To-Buy scheme in Wales.

Wales has yet again been left in the dark ages with policies. The UK government have outlined plans for a maximum of £75,000 discount in England yet it is still capped at a measly £16,000. The disparity in wealth will continue to grow and council tenants will never fulfil their ambitions of ever purchasing their own home.

**Petition raised by:** James Jackson

**Date petition first considered by Committee:** 16 April 2013

**Number of signatures :** 171

## **P-04-470 Against the nationalisation of Cardiff Airport**

### **Petition wording:**

We call upon the National Assembly for Wales to urge the Welsh Government to fully justify its decision to nationalize Cardiff Airport and provide evidence that its purchase will bring value for money and benefits for Welsh taxpayers wherever they live in Wales.

**Petition raised by:** Madeleine Thornton

**Date petition first considered by Committee:** 16 April 2013

**Number of signatures :** 97

# Agenda Item 2.3

## **P-04-471 Mandatory Welsh legislation to ensure Defibrillators in all public places.**

### **Petition wording:**

We call on the Welsh Government to provide funding to ensure that, as with basic fire fighting equipment (eg. Extinguishers), Automated External Defibrillators are available in all Welsh Public places (either NHS, Charity or Privately funded) to ensure the rapid treatment of any Victim of Cardiac arrest. Supporting Information: Wales has led the way with important Public Health issues such as the smoking ban/s and the organ donor issue. Unlike fire extinguishers and first aid kits there is currently no legislation in the UK to ensure that an Automated External Defibrillators are available treat victims of sudden Cardiac Arrest in Public. Several recent high profile incidents have demonstrated how important they are in saving lives in our communities.

**Petition raised by:** Phil Hill

**Date petition first considered by Committee:** 16 April 2013

**Number of signatures :** 78

*Petitioner: Mr Phil J Hill, Newport, West.  
Registered Nurse,  
Resuscitation Council (UK) Advanced Life Support Instructor,  
European Paediatric Life Support Life Support Instructor,*

**Background.**

In the United Kingdom 60,000 people a year will suffer a pre-hospital Sudden Cardiac Arrest (SCA) with a variable survival rate below 12% (British Heart Foundation *BHF* 2011). It is estimated that between 80-90% of these will initially present with a heart rhythm that could be treated with a defibrillator (Engdahl et al. 2001). When a famous person survives such an incident, modern communication means their experiences can be used to raise public awareness. Examples include the explorer Sir Ranulph Fiennes who suffered an SCA in Bristol airport in 2003 and the singer “Shakin” Stevens who was resuscitated at home in 2010 (Elevaed 2011 and BHF 2011). Most recently the successful resuscitation of footballer Fabrice Muamba who “died” for over an hour has raised awareness about Cardiopulmonary Resuscitation (CPR) and the importance of defibrillators (BBC 2012, Resuscitation Council UK *RCUK* 2013). This coincided with a popular nationwide campaign launched by the BHF, employing actor Vinnie Jones to promote CPR. These high profile individuals are valuable for raising awareness and saving other lives. Members of the public (survivors and rescuers) are also valuable for demonstrating the importance of early life support and rapid defibrillation via the media. These have recently included a child saved following a devastating lightning strike during a storm (Hough and Marsden 2012) and a Rugby player (who was himself a Nurse) who was saved on-pitch during a game (Western Morning News 2013).

Most recently following his full recovery and rehabilitation, Mr Muamba started a charity “Hearts and Goals” and along with other sudden death charities such as the OK Foundation, delivered a petition to Downing Street to provide AEDs in public places. “It was one of the first machines they used on me when I was on the floor. As small as it is, it is very powerful, trust me, it is very, very powerful” (Muamba as cited by ITV News 2012). Despite the petition of 110,000 signatures and a debate in Parliament on 25<sup>th</sup> March 2013, the legislation was rejected at this time by a UK Government Health Minister (HM Gov.2013). The irony of this is that the London Ambulance Service *LAS* (2013) recently installed 16 AEDs in the Houses of Parliament. Despite this CPR training and public defibrillator access seems even more relevant for Wales due to the statistically high heart disease rates in such a small country (NHS Wales 2013).

## **Defibrillators – a brief history.**

Within the paradigm of the “Chain of survival” (Appendix I) each rapidly instigated link is essential for increased survival from an SCA (where the heart stops). The sooner a defibrillator is used to re-start the heart the more likely it is the victim will survive (McNally et al. 2011, Ornato 2000b RCUK 2011a). Since the 50’s defibrillator technology has developed from large manually-operated machines found in hospitals to automated portable units. Automated External Defibrillators (AED) have a recognition component that delivers a life-saving “shock” to the victim’s chest facilitated by a suitably trained persons. AEDs have been voluntarily installed in many public areas for deployment before an ambulance arrives. For some providers that serve the public, AEDs are strongly recommended via professional guidelines only. A growing body of evidence suggests that untrained bystanders can safely deploy and use an AED on SCA victims (Caffrey et al. 2002, Eames, Larsen and Galletly 2003, Jorgenson et al. 2003, Andre et al. 2004a, Andre et al. 2004b, Colquhoun et al. 2004, Abella et al. 2007, Andre et al. 2009, Mosesso et al. 2009). This led to a statement from the RCUK citing the International Liaison Committee on Resuscitation (ILCOR 2010):

*“An AED can be used safely and effectively without previous training.  
Therefore, the use of an AED should not be restricted to trained rescuers.  
However, training should be encouraged to help improve the time to shock  
delivery and correct pad placement.”*

<http://www.resus.org.uk/pages/AEDsecst.htm>

If untrained bystanders are to safely deploy AEDs, the unit itself must be recognisable and user-friendly but fears related to possible harm and potential litigation must also be addressed (Eames, Larsen and Galletly 2003, Andre et al. 2004a, 2004b, 2009, Woollard 2006, Harrison-Paul 2009, Bogle et al. 2012). The UK has no laws in relation to AEDs (RCUK 2012) whereas by comparison the French principality of Monaco has a national Public Access Defibrillator (PAD) scheme even considering them for high risk residential areas with aged citizens, many of whom may have heart-disease (Bouquier 2010). In the United States (US) cities like Seattle do have state legislation on CPR training and PAD schemes and this seems to impact on survival rates that are between 30%-50% (Caffrey et al. 2002, RCUK 2007, BHF 2011). It seems improbable that many untrained members of the public would chose to respond in places where there is no statutory impetus to learn CPR coupled with a lack of PAD legislation. MacNally et al. 2011 and the RCUK 2011c suggest that even with the aforementioned programmes the overall survival rate remains very poor as most incidence occur in private residence. It is argued that even if the survival rate was 1% from public places it would be worth it for those individuals. It is also suggested by the Petitioner that one survivor alone could offset the cost of that single AED by reducing the over-all cost to public and private funds when dealing with the sudden death (from a reversible cause) of an individual in a Welsh public place. This obviously does not even begin to quantify the obvious humanitarian and emotional cost of saving a life with a single AED.



## **Rationale.**

SCA continues to be a significant cause of death and disability across the world each day (Caffrey et al. 2002, Colquhoun et al. 2004, Hazinski et al. 2005, Hallstrom AP et al. 2005, MacNally et al. 2011, RCUK 2011b Ornato 2011a, Bogle et al. 2012). Despite the number of PAD's proliferating in the last 20 years, the problem exists that the ILCOR guidelines may not be reflective of how UK citizens react when witnessing an SCA. It is reasonable to first establish how many UK citizens have basic CPR skills and therefore providing access to an AED in a public place may improve individual survival rates. A large quantitative survey demonstrated that only 30% (n=1011) of those interviewed had received CPR training (Donohoe, Haefeli and Moore 2006). Only 25% of interviewees felt confident in CPR according to the St John Ambulance (2009) and worse still the BHF (2011) cite their own research that nearly 75% of the UK population are not CPR trained. They contrast this with other European countries where around 80% of people are said to have CPR skills. The Petitioner remains optimistic however as more recent low level reports seem to indicate that targeted campaigns in the UK (London) seem to be improving survival rates with CPR awareness alone (Goodchild 2012).

### **1. A Literature review.**

#### *Search Strategy.*

Hand searches of key publications were undertaken using the databases in Medline, The Royal College of Nursing Online Portal, Science Direct/SCOPUS and Google with the *Search terms* highlighted using *Boolean logic* (Holland and Rees 2010) found in Table 1 (Appendix II). Of the 375 results, 32 were relevant. Three relevant studies were found after the initial literature search using Google and Social Media.

#### *Relevant search results.*

The following themes emerge from the search: previous training, PAD location, those who deploy the AED and survival rates. This body of research seemed rigorous. Most of the studies had multiple authors and were all quantitative with one mixed method. The search did not reveal any previous research on AED use in the UK by untrained bystanders and there was very limited data available internationally. Individual survivor testimony is also valuable.

#### *Training.*

Continuous responder training has previously been considered important for skill retention (Harrison-Paul 2009, Woollard 2006) but there are now calls for alternative training methods (Riegel B et al. 2006, Cleland et al. 2007, RCUK 2010, 2013). For example the "no training" model of regularly repeated short public announcement videos would incur less cost and might encourage a previously untrained bystander to access an AED (Sommers 2002, Caffrey et al. 2002, Ornato 2011a). However Eckstein (2012) cited Schober et al. (2011) revealing that over 50% of (non-medical) bystanders were able to recognise an AED but less than 50% of them were willing to use one.

Even in countries with targeted campaigns, Riegel et al. (2006) said that awareness remains “unacceptable” low despite suggesting that AED is easier to learn/retain than CPR. Enabling AED access for the person nearest the victim has been described as the “Fire Extinguisher” model by Caffrey et al. (2002) and Mell and Sayre (2008). It is argued that all public buildings must have fire extinguishers and yet incidences of SCA are more common than fires. Indeed the LAS (2013) very recently revealed that in 2011 fifty six people in London were killed in fires but 10,000 people suffered a Cardiac arrest there in the same year.

Some have also questioned the funding of PAD schemes comparing them to other preventative and responder schemes (Kellermann 2005, Pell, Walker and Cobb 2007, Mell and Sayre 2008, Cairns 2010). Others continue to argue that compared with standard responses by professionals and lay rescuers alone, modern PAD schemes are effective (Sommers, 2002, Colquhoun et al. 2008, Cave et al. 2011, Eckstein 2012, LAS 2013).

Only two studies in the search incorporated UK schemes and although valuable, were not fully relevant as they related to trained responders (Colquhoun 2008, Harrison-Paul 2009). They assessed the deployment of the UK Defibrillators in Public Places Initiatives DiPPI (n=113 of 437) with a survival rate of 26%. There was recognition that providing defibrillation to the victims of SCA was a key feature of the National Health Service.

#### *Location of AEDs in Public places.*

Authors often examined where AEDs are most likely to be used. With regard to minimal training Jorgenson et al. (2003) looked at AEDs in/near patients' homes (n=2828) with a deployment rate of nearly 12% per year. Kellermann (2005) later expressed reservations about such procurement in high risk homes (of aged persons with previous heart problems) without medical authorisation. He cites an earlier study by Eisenberg and Cummins (1989) suggesting that survival rates from such incidents could be worsened at home by breaking the chain of survival by *delaying* dialling for help (Appendix I). It is assumed that because of the very high numbers of visitors involved, airports seem to be the commonest place for PAD schemes but included shopping centres, leisure centres, educational establishments and gated communities (Sommers 2002, Caffrey et al. 2002, Eckstein 2012, LAS 2013). Indeed one manufacturer and service provider claim that their programme has saved at least 100 lives since 1998 (Cardiac Science / David Lloyd Leisure 2013). There are now calls to at least ensure AEDs are available in schools with dedicated CPR training (BHF 2011, RCUK 2012). Malhotra (2013) suggested that in the UK up to 16 young people die from an SCA every week and cites Iqbal suggesting "In my view, just as we have access to a fire extinguisher in the event of a fire, AEDs should be immediately available if someone suffers a cardiac arrest".

### *Who deploys AEDs in Public places?*

A range of “responders” were discussed in the results. Sanna et al. (2008) noted that only 7% of victims received “lay public” care and the remaining had care delivered by trained personnel. It could be argued this figure of 7% could be lower than this as some bystanders were “unknown” on follow-up. Eckstein (2012) confirmed that “uniformed” responders (not lay public) delivered AED “shocks” in 66% (n=39) of SCA cases. The remaining figure (n=11) looks promising but it transpires 7 of these (63%) were coincidentally professionals who had previous medical training (doctors, nurses, fire fighters).

### *Survival.*

Important evidence was elucidated with regard to which type of PAD responder was the most effective. Jorgenson et al. (2003) reported a 100% (n=4) survival for those treated by minimally trained members of the public, although the very small sample size is noted. Sanna et al. (2008) performed a Meta-analysis of 1583 resuscitation attempts by non-health care professionals and concluded that mortality improved with CPR alone but further improved with rapid AED deployment (Appendix III). Weisfeldt et al. (2010) undertook a population-based cohort study of (non-trauma) SCA victims (n=13,769) and noted the survival rate increased to 38% (n=64 of 170) where CPR was administered with a “shock” from a bystander. MacNally et al. (2011) analysed the outcomes of nearly 32,000 SCAs in the US (mortality rate of over 92%) suggesting an “almost invariable” poor prognosis where there was no pulse prior to hospital. This challenges the belief that as long as there is an AED, survival rates will compare to in-hospital events. When individual survival rates are extrapolated for a population the size of North America, Weisfeldt et al. (2010) anticipated the survival of 474 individuals per year. Contrary to this rather disappointing evidence, targeted campaigns in the UK are yielding very encouraging increases in survival rates. The LAS (2013) has very recently revealed that in the last 20 years survival in the English capital has risen from 2% to 32%.

### **Conclusion: “Hearts too good to Die”.**

When responding to a victim of SCA, the chain of survival is overwhelmingly supported by an increasingly growing evidence base. Where the links of the chain can be shortened to just a few minutes along with targeted public health campaigns and appropriate funding, lives can be saved, where they would have been lost. English AED campaigners remain steadfast in trying to get the legislation required to ensure the machines (Appendix IV) are available in public places. This is despite their most recent disappointment in the face of a growing body of evidence. It is hoped the Welsh Government can choose a different path in the same way it led the way with important public health campaigns such as the Smoking Ban. Working closely with the Welsh Ambulance Service, local authorities, the Voluntary Aid agencies, private businesses and charities, the Petitioner hopes Wales will see similar results to London in a few years. The petitioner feels that if having legislation to guarantee fire safety in a public building is important then AED access should be considered vital.

**WORDS: 2380.**

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Appendix I.



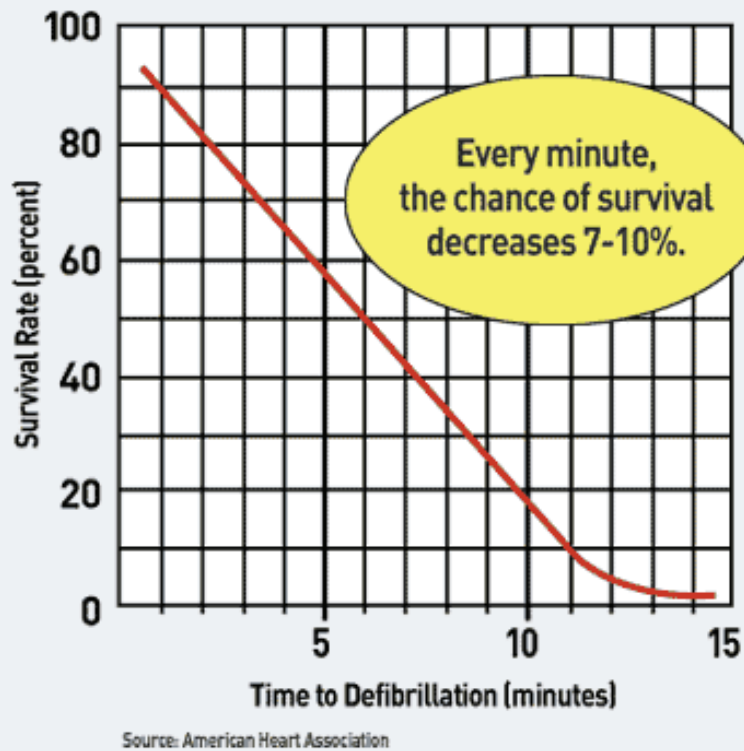
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## Appendix II

<b>Table 1:</b>	<i>Search terms used to conduct the literature review:</i>							
Untrained members of the public	<i>AND</i>	Automated External Defibrillators  Or  AEDs	<i>AND</i>	Public Access Defibrillators  Or  PADs	<i>AND</i>	Willingness to access and deploy an Automated External Defibrillator  Or  AED	<i>AND</i>	Willingness to use an Automated External Defibrillator  Or  AED
<b>Search results across four databases:</b> <i>Articles selected, reviewed and analysed from 1<sup>st</sup> April to 27<sup>th</sup> November 2012.</i>								
<b>Inclusion criteria:</b> <i>Any country (within the time frame) in relation to the untrained lay public deployment of AEDs in SCA.</i>								
<b>Exclusion criteria:</b> <i>Non-English language articles. Companies and manufacturers selling AEDs and AED training providers. Implementation of PAD schemes. PAD schemes in Clinical / Hospital areas (due to a high incidence of health professional respondents and organised onsite responses). First Responder Schemes (training / implementation and audit).</i>								
<b>Time frame:</b> <i>Articles published between 2002 – 2012 (10 years).</i>								

Appendix III.

The time to the first shock is the key to survival.



Accessed 23<sup>rd</sup> November 2012.

Appendix IV.



# Agenda Item 2.4

## **P-04-472 Make the MTAN law**

### **Petition wording:**

We call upon the National Assembly for Wales to urge the Welsh Government to make the MTAN Guidance Notes, notably those relating to a 500 metre buffer zone around open cast workings, mandatory in planning law for Wales.

### **Additional information:**

On 20th January 2009, Jane Davidson, the Minister for the Environment, introduced newly published Coal Minerals Technical Advice guidance Notes (MTAN) for Wales, and stated: “.. the Coal MTAN will fulfil the pledges (in 2008) to introduce Health Impact Assessments for coal applications, together with buffer zones, and with an emphasis on working closely with local communities. It reaffirms the commitment (in 2008) to a 500m buffer zone.” In 2009 the Welsh Government did not have the power to make its planning guidelines law. It does now.

**Petition raised by:** Dr John Cox

**Date petition first considered by Committee:** 16 April 2013

**Number of signatures:** 680. Associated petition collected 330 signatures.

## **P-04-473 Wind Farm Public Inquiry Financial Support**

### **Petition wording:**

We call upon the National Assembly for Wales to urge the Welsh Government to provide substantial additional financial support to help Powys County Council defend its position during the forthcoming Combined Public Inquiry into wind farm developments in Powys.

### **Additional Information:**

The decision to object to the applications was made through a legal and democratic process by County Councilors who represent the people of Powys. The continuation of this process is to stage a combined public inquiry. By refusing to provide funding and support, there appears to have been no regard to local democratic accountability by the Welsh Assembly Government.

**Petition raised by:** John Christopher Day

**Date petition first considered by Committee:** 16 April 2013

**Number of signatures:** 1247

## **P-04-473 Wind Farm Public Inquiry Financial Support – Correspondence from the petitioner to the Committee**

**There is a tremendous depth of feeling in regard to the lack of support given to Powys County Council and to the people of Powys by the Welsh Government.**

**Please find copy of letter below sent to the First Minister to be used as supporting information to the Petition (To-date I have not received a reply)**

3<sup>rd</sup> March 2013

Rt. Hon. Carwyn Jones AM  
First Minister  
National Assembly for Wales  
Cardiff Bay  
Cardiff  
CF99 1NA

Dear Mr Jones,

### **Financial Assistance for Public Inquiry**

My understanding is that the Welsh Government is refusing to give financial assistance to Powys County Council to help them defend their position at a public inquiry later this year. I understand that they have received a small amount of funding since 2010 to help with the extra work involved with the large number of planning applications.

I recently read the statement below, reportedly by a spokesman for the Welsh Government on a BBC Website. Which to my utter disbelief said:-

"It must be remembered that the decision to object to the wind farm applications referred to is entirely down to Powys County Council." "They were aware of the financial implications when they decided to object to these schemes." Source BBC Wales (<http://www.bbc.co.uk/news/uk-wales-mid-wales-20727030>)

If this is correct I believe that refusing to give financial help to fight proposed wind farm schemes in Powys is an affront to democracy.

Furthermore it gives the impression that you are backing the wind farm developers.

I cannot believe that this view of the democratic and legal Public Inquiry process is held by elected members or Civil Service staff, or indeed by you the First Minister who was called to the Bar at Gray's Inn. Also a member of Amnesty International, whose stated aim is to stand up for humanity and human rights and protect individuals wherever justice, fairness, freedom and truth are denied.



Surely you should be supporting the people of Powys. The Welsh Government has a responsibility to provide funding to the County Council as it was Welsh Government planning policy TAN 8, that encouraged wind farm developers to Mid Wales in the first place.

Powys has received a very high number of applications to construct wind farms on an industrial scale. The wind farm developers stand to make millions of pounds out of government energy subsidies.

The people of Mid Wales are not alone in their well founded concerns over the construction of wind farms and high voltage power lines.

Last week Shropshire County Councillors expressed 'deep concerns' about controversial wind farm plans which could see high voltage electricity pylons built through parts of Shropshire and Mid Wales. A full meeting of Shropshire Council saw councillors almost unanimously back a motion expressing fears about the potential impact of the National Grid's proposals. As with Powys County Council, they are being responsible in carrying out their democratic duty, following the will of the people who elected them, acting on their behalf and in their best interests.

I am aware that we are facing very tough financial times, but I believe you are penalising the people of Powys unfairly by not providing substantial funding to help finance the Public Inquiry. Powys County Council is already under huge financial pressure. Without doubt they should receive financial assistance from the Welsh Government.

Yours sincerely,

John Day

**Copies to:**

Mr. Russell George AM;

Rt. Hon Glyn Davies MP

Cllr. Susan McNicholas, Chair, Powys County Council

Jonathan Wilkinson, Chairman of Montgomeryshire Against Pylons

## **Wind farm inquiry costs**

**National planning policies concentrating wind farm applications in Powys will have a massive impact on the county council's budgets with a near £3m predicted cost.**

The Welsh Government's Technical Advice Note 8 Planning for Renewable Energy 2005 identified seven strategic areas in Wales suitable for wind farm development with two wholly and one partly in Powys.

Cabinet Member for Planning and Regeneration, Councillor Graham Brown said: "A consequence of the Welsh Government's TAN 8 guidance is that Powys has experienced a much higher proportion of wind farm applications than many unitary authorities in Wales with huge associated costs.

"The number of applications and their size has not surprisingly generated huge public interest and concern. The council has already invested considerable resources into ensuring that any planning decisions are debated in public using webcasting technology.

"As an executive body we have objected to five large applications – Llaithdu, Carnedd Wen, Llanbadarn Fynnydd and Llandinam and a grid connection from Llandinam – decisions that will result in a major combined planning inquiry being held in the county next year.

"The costs associated with a planning enquiry are considerable and will be an additional budget burden at a time when the council is already facing huge financial pressure. We have been forced to set aside £2.8m to defend the county council's interests at the inquiry.

"I am sure that when the Welsh Government adopted TAN 8 it did not anticipate the huge financial burden it would be placing on councils. We are appealing to current governments both in Cardiff and Westminster to recognise this unfair situation and provide additional resources to councils like Powys who have been placed in this very difficult position."

"TAN 8 policy was not of our making and the residents of Powys should not be made to suffer as a result. The financial consequences of the Welsh Government's policy could have a detrimental impact on our services," he added.

Source: Powys County Council Internet site

<http://www.powys.gov.uk/index.php?id=14550&L=0#>

**Below are some of the relevant comments that I have received from members of the public who have signed the Petition.**

The decision to withhold any funding to Powys County Council with regard to their enormous costs which will be incurred when conducting the conjoined wind farm inquiries, is iniquitous and undemocratic, and made even more grossly unfair given the reduction in normal council funding for the current year.

In my view it is little short of state oppression by vindictive ministers who care little about the Welsh countryside, its people, culture, economy or welfare. This abandonment of responsibility for a significant region of Wales, in total defiance of local opinion and sense of democracy, is unprecedented in both scale and rancour in modern Britain.

I support this petition because the WAG has shown a total disregard, if not complete contempt for the people of Mid Wales. They have threatened and bullied Powys County Council over these huge wind developments.

They do not appear to have any interest whatsoever in the effect these wind factories on our glorious landscape will have on tourism, one of the most important elements of the mid Wales economy.

All this destruction and devastation will provide merely a part time, intermittent, unpredictable and incredibly expensive trickle of electricity. It is time the Welsh Government and Westminster finally admitted that they have got it wrong and acknowledges that wind energy is a monumental folly.

Failure to provide funding will inevitably lead to a reduction or loss of essential services within Powys. Yet again the people of Powys are justified in thinking that the Welsh Government has let them down.

The belligerent stance the First Minister and the Welsh Government are taking in relation to Powys County Council is hampering local democracy. They continue to point the finger of blame at the UK Government, which considering it was Welsh Government planning policy through TAN 8 that has drawn wind farm developers to Mid Wales, is quite extraordinary.

Now the Welsh Government is saying that if Powys County Council couldn't afford to take the decision to appeal through a public inquiry, it should have never objected to the development schemes in the first place.

Clearly this First Minister has absolutely no regard to local democratic accountability and is determined to push his policies through even if that means substantial additional cost to Powys residents.

I urge the First Minister and his Government to support the people of Powys.

*I thank the administrative staff in the Petitions Section for their help and support. I also thank those who have signed the petition and our elected representatives in Powys for their support.*

John Day

# Agenda Item 2.6

## **P-04-474 Support for NHS chaplaincy services**

### **Petition wording:**

We recognise the positive contribution of hospital chaplaincy services in delivering spiritual care within the Welsh NHS and recognise the tremendous work that the chaplaincy service in the NHS is providing.

This service plays an important role in the spiritual wellbeing of both patients and NHS staff, not only for those with a religious affiliation but also for others with no association with a religious group. We call upon the National Assembly for Wales to urge the Welsh Government to continue with its commitment to funding hospital chaplaincy services and to extend the benefits of chaplaincy services to other care settings, including primary and social care settings.

**Petition raised by:** Jim Stewart

**Date petition first considered by Committee:** 16 April 2013

**Number of signatures:** 1077

## **P-04-421 : Oppose Trident moving to Wales**

### **Petition wording:**

The First Minister Carwyn Jones has said that the UK's nuclear fleet (Trident) would be more than welcome in Milford Haven if an Independent Scotland decided that they were no longer welcomed there. We oppose having these WMDs in Wales and urge the Welsh Government to oppose the idea of allowing the UK's nuclear fleet to move to Wales.

**Petition raised by:** Mabon ap Gwynfor

**Date petition first considered by Committee:** 2 October 2012

**Number of signatures:** 1236

## P-04-421 – Correspondence from Milford Haven Port Authority to the Clerk, 11.02.13

Dear Naomi

I write in response to William Powell's letter to me dated 6 February referring to a petition originated by Mabon ap Gwynfor on the subject of locating the UK's trident to Milford Haven.

The proposition set out in the petition is a hypothetical one. The port of Milford Haven is currently focused on developing commercially as the UK's Energy Capital. The manufacturers based at the Port of Milford Haven Enterprise Zone accounts for 20% of Wales' exports and has the strong potential with the right backing to be a driver (as it has been over past five years) for substantial private sector inward investment, job creation and growth.

Best wishes

Alec Don  
Chief Executive



Ministry of Defence

THE RT HON ANDREW ROBATHAN MP  
MINISTER OF STATE FOR THE ARMED FORCES

MINISTRY OF DEFENCE  
FLOOR 5 ZONE B MAIN BUILDING  
WHITEHALL LONDON SW1A 2HB

Telephone: 020 7218 9000 (Switchboard)

MSU/04/8/2/4/DH

5 March 2013

*Dear Mr Powell,*

Thank you for your letter of 6 February 2013 to the Secretary of State referring to the petition to the National Assembly for Wales from Mabon ap Gwynfor which states that "The First Minister Carwyn Jones has said that the UK's nuclear fleet (Trident) would be more than welcome in Milford Haven if an independent Scotland decided that they were no longer welcomed there. We oppose having these WMDs in Wales and urge the Welsh Government to oppose the idea of allowing the UK's nuclear fleet to move to Wales."

In your letter you write that the Petitions Committee would like to know if there any plans to discuss the issue of the basing of the UK's ballistic missile submarine fleet in the future in light of the forthcoming referendum on Scottish independence. The Government's position is clear. The UK Government supports Scotland's place in the UK and we are confident that the people of Scotland will agree. We are not making plans for Scottish independence and we have no plans to move the nuclear deterrent from HM Naval Base Clyde. There will be no negotiations with the Scottish Government of any kind on arrangements for separation before a vote.

I hope this letter has been helpful in explaining Government policy.

*Yours sincerely,*

*Andrew Robathan*

THE RT HON ANDREW ROBATHAN MP

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

# Agenda Item 3.2

## **P-04-366 Closure of Aberystwyth Day Centre**

### **Petition wording:**

We the undersigned call on the Welsh Government to consider if proposals for day care for the vulnerable elderly, to be moved from a purpose built, thirty year old Day Centre, to an unsuitable basement in an old building, previously used as the Town Hall Aberystwyth, are compliant with statutory requirements, and any relevant guidance. The County Council are planning to demolish the Centre as part of a development to build a car park, a supermarket and a retail outlet.

**Petition raised by:** Pamela Ellis

**Date petition first considered by Committee:** 28 February 2012

**Number of signatures:** 10 (An associated petition collected approximately 6,000 signatures)

**Supporting information:** The present Day Centre is a purpose built facility, about thirty years old. It is in a convenient situation in the town centre, with easy access, a large drop off point and is near a road safety crossing. It is light and sunny, and can accommodate about 90 clients of mixed dependency, in several spacious rooms. The envisaged centre is not quite half the size and will only be able to cater for 32 clients in one main room. At present those carers of disabled clients or those caring for victims of a stroke, can have access to respite care on 2 or 3 days of the week. We feel the move will discriminate against this group as already fewer people are being assessed and referred by Social Services for this respite care. The council have admitted there will be rationing. Because of difficulties of access to the basement area, an outdoor, steep ramp with a 180 degree turning point half way down has been built. We feel strongly that carers or mobile chair users will have huge problems, particularly in stormy or icy weather. The ceilings in the basement are low; there is a large pillar in the centre of the room making it difficult to move wheelchairs or trolleys, natural light levels are low as it is partially below ground and several doors have to be navigated to access toilets. The old centre has a superb new kitchen providing good meals, the weekly luncheon club, a valuable socially inclusive option, has been closed already. In future, meals will be prepared elsewhere and brought in. There will only be one area available for meals and all other activities; thus space will be extremely limited. The local WVS presently provides drinks and snacks; that will no longer exist. The present centre has a large bathroom with a hoist, also laundry facilities, which were invaluable. The new centre will have a shower built into a toilet for assisted bathing, which opens directly onto a communal area. As this is the only disabled



toilet, it will be difficult for a disabled client to access a toilet if another client is having a shower. If the only new facility will only be able to cater for 32 clients, these will almost certainly have to be those needing respite cares, so those older citizens who value the opportunity to enjoy time at the centre to socialise, take part in activities, have a bath and enjoy a good meal will not be able to do so. The present centre has a very pleasant garden with seats, ample parking, a bay for dropping off people and is completely accessible to all. The present centre is made available in the evenings to groups of elderly, for example the Arthritis Care group fear that they will not be able to cope with the rain, in the dark, for their evening meetings. The new centre is on a dangerous main road turning, with heavy traffic use. Former users of the basement when it was the Town Hall have complained that it is too hot in the summer and cold and damp in the winter. The heating system has been improved, but the present sash windows are not being replaced and there will be no air-conditioning installed. Whilst the County Council have made efforts to meet our concerns, we strongly believe that the proposed new centre is absolutely unsuitable and is vastly inferior in the present centre. We would add that the Council have admitted that they did not carry out a proper consultation. Hence the formation of this pressure group.

18  
120366

# Cyngor Sir CEREDIGION

ADRAN GWASANAETHAU CYMDEITHASOL

...yn gofalu i wneud gwahaniaeth

Minaeron, Godre Rhiw Goch, Aberaeron, SA46 ODY



# CEREDIGION County Council

SOCIAL SERVICES DEPARTMENT

...taking care to make a difference

Minaeron, Vicarage Hill, Aberaeron, SA46 ODY

**A. Parry Davies**

Cyfarwyddwr  
Director

☎ 01545 572616  
Ffacs/Fax 01545 574917

William Powell AC/AM  
Chair Petitions Committee  
Cardiff Bay  
CARDIFF  
CF99 1NA

Dyddiad Date	15 <sup>th</sup> March 2013
Gofynnwch am Please ask for	Mrs Sue Darnbrook
Llinell Uniongyrchol Direct line	01545 572694
FY nghyf My ref	SD/RJE
Eich cyf Your ref	

Dear Mr Powell

**Re: Aberystwyth Day Centre**

Further to your letter of 27<sup>th</sup> February 2013 regarding the above.

I can confirm that the Independent Review has been completed and will be considered by Cabinet. It will then be for Cabinet to consider whether to share that report with yourself.

I acknowledge the continued concerns raised by the petitioners regarding the uncovered ramp and perceived lack of space in the Day Centre and I have previously addressed these in correspondence with yourself. With regards to the 'barring' of visitors, I would like to assure you that visitors to the Centre are very welcome and anybody wanting to visit the Centre can do so through the Centre Manager, Shirley Steen, stating the purpose of their visit.

With regards to the challenge made to the independence of Sheila Wentworth, the Independent Reviewer, it would be very difficult to find a person with the level of skill and knowledge needed to undertake this review who was not a member or associate member of AWASH. I would also like to clarify that Parry Davies is not a member nor is he the President of AWASH. He is a member of ADSS Cymru and was ADSS Cymru's President in 2011-12.

I would further clarify that this Independent Review would also not be in the remit of CQC (England) as Day Centres are not regulated services.

Yours sincerely

*S.L. Darnbrook*

**Mrs Sue Darnbrook**  
**Assistant Director Adult and Mental Health Services**

P-04-366 Closure of Aberystwyth Day Centre - Correspondence from the petitioner to the Chair

Dear Sian,

FOR THE ATTENTION OF MR. WILLIAM POWELL:

It is very disappointing that Mrs. Sue Darnbrook does not wish to share Sheila Wentworth's Independent Report on the Day Centre with Mr. William Powell and Committee.

The SPADC Committee would like to point out that once again Ceredigion County Council are not engaging with the public either, and are failing to practise transparency.

It was interesting to note that Sheila Wentworth states in her note to a member of SPADC. on 4/3/13 (SMW Management Limited)

"I have been fully briefed as to the concerns of the Action Group and will ensure that the issues are addressed in my report. During my visit to Aberystwyth, I have had the opportunity to visit Park Avenue so am aware of the previous facility."

Mr William Powell and group were refused access to the Park Avenue Day Centre the day they came to Aberystwyth to meet with Ceredigion County Council officials and visit the Basement Day Centre old Town Hall (now Town Library).

The SPADC wish to state that the ramp, to date, remains uncovered. There is no improvement to "perceived lack of space" - low ceilings, access to garden, 1 disabled toilet no air conditioning etc.

Quoting Mrs. Darnbrook ""I have previously addressed these in correspondence with yourself".

Ceredigion County Council involved their Architect to draw up plans for a cover to the ramp, implying there is need for a cover, as the elderly remain subjected to the elements to and from the Day Centre.

4 more easy chair have appeared in the Basement, which now means there are 12 easy chairs between 32 people - "perceived lack of space" would be the reason that the "substantial" and "critical" clients do not have an easy chair each.

The 'barring' of visitors has taken place since the opening of the Basement Day Centre, and this is common knowledge in Aberystwyth. A member of SPADC received a letter from a resident of Aberystwyth, who was barred along with her friend, from entering the Basement Day Centre. A Cabinet Member is aware, as she has been forwarded this letter. Other incidents are too numerous to mention.

Quoting Mrs. Darnbrook ... "regarding the challenge made to the independence of Sheila Wentworth" - SPADC was assured that this would be an Independent Review.

Mrs. Darnbrook "Day Centres are not regulated services". We question how long it would take for these elderly infirm disabled clients to escape from the Basement should there be a fire. At the back of the building (from the Day

Centre) there are many steep steps to reach a level of safety, - there is a 4" step at the side of the building.

Unlike the rest of the people occupying the Library, the Day Centre clients cannot use the adequate outside fire escape, as they are below ground.

Yours sincerely,

M. w. Shewring  
(Chairman SPADC)

## **P-04-408 : Child and Adolescent Eating Disorder Service**

### **Petition wording:**

We call on the National Assembly for Wales to urge the Welsh Government to fund the Child and Adolescent Eating Disorder Service in Wales to the same degree as the Adult Eating Disorder Service in Wales.

It has come to my attention that there is a disparity in funding between Adult Services and Child and Adolescent Services as regards funding for Eating Disorder Treatment. At the present time Adult Eating Disorder Services receive £1 million per year from the Welsh Assembly, as well as 4 specialist trained provider groups.

Sadly research points to the fact that Eating Disorders, especially Anorexia Nervosa, are predominantly first experienced around puberty. Historically puberty was around 12-15, however, puberty is becoming younger and therefore statistics are beginning to show the prevalence of Anorexia Nervosa starting at younger ages is apparent. Bulimia Nervosa is generally a disease with an onset age of 18-25, however as with Anorexia this may differ from person to person. The fact that in both disorders, and indeed all diagnosable Eating Disorders, early intervention is the key to a quick recovery, therefore preventing long term financial implications for the WAG, makes this plea more pertinent.

I therefore implore the Assembly to consider this a priority for debate and to mend this disparity by giving equal finances and services to the Child and Adolescent Eating Disorder service in Wales as already given to Adult EDS.'

**Petition raised by:** Helen Missen

**Date petition first considered by Committee:** 17 July 2012

**Number of signatures:** 246



22<sup>nd</sup> March 2013

Dear Mr Powell

**Re: Ministerial Response to Petition by Helen Missen**

Many thanks for giving me the opportunity to comment on Paul Haynes response to Ms Missen dated 25<sup>th</sup> September 2012, and to comment on whether or not support services for children and adolescents with eating disorders are sufficient or not. I will start with comments on Paul Haynes response.

**Commentary on Response to Petition**

I would like to start by saying that I agree that eating disorder services have formed a core part of the work of CAMHS services for as long as anyone can remember, but it is not true to say that many adult eating disorder service models are based on good practice models originally developed within CAMHS. I suspect that Mr Haynes is referring to the use of a tiered model here which, whilst beneficial, is only a small part of an appropriate set of services for adolescents with eating problems. Secondly, whilst it is true that the specialist adult eating disorder teams across Wales do occasionally receive severe eating disorder cases from CAMHS, at the transitional age of 18, the vast majority are transitioned to regular Adult CMHT services, or back to primary care. So it is not really true to claim that the adult Tier-3 specialist eating disorder teams support young people in transition between adult and CAMHS services without considerable clarification.

Clearly the £42 investment in Ty Litchard and the North Wales Adolescent Service (NWAS) has been a welcome addition to services for eating disordered young people in need of inpatient treatment. The North Wales Adolescent Service particularly prides itself on the work it does with eating disordered patients but the detail provided by Mr Haynes on NWAS has changed significantly in the last 18 months and it presently consists of 12 generic beds for emergency and urgent referrals. It does however have a superior and integral education unit with a social worker also based on site. There may also be inaccuracies in the description of Ty Litchard, though I am less clear on the specifics for them.

I am uncertain to what Mr Haynes is referring in the 2<sup>nd</sup> paragraph of the second page of his response where he mentions the "all-Wales Eating Disorder service". Again I suspect he is referring to the All Wales Eating Disorder Special Interest Group (AWEDSIG). This consists of an extensive network of professionals concerned with the assessment and treatment of sufferers of eating disorders, their carers and an organizing management team. The AWEDSIG management team is Chaired by Dr Robin Glaze (Lead Clinician for the North Wales Adolescent Service) and exists to plan and implement 3 free educational meetings a year for practitioners in Wales and to lobby for, and advise on, services for eating disordered patients. The management team, and the network of

practitioners, has a mixture of professional disciplines and covers both CAMHS and Adult services with a strong B-Eat presence and joint working. It is not AWEDSIG's specific aim to create pathways for young people suffering with eating disorders nor to facilitate transitions between CAMHS and adult services. AWEDSIG did, however offer much support and advice to Dr Peter Boyle who authored the Eating Disorders Framework for Wales published in June 2009.

The vast majority of adolescent patients with eating disorders requiring inpatient treatment would indeed be managed satisfactorily in the two Welsh adolescent inpatient units. Services for adults in generic adult wards are highly variable and some will likely be less than satisfactory. At present a very significant number of adult patients end up having inpatient care in NHS units outside of Wales (Marlborough and the Wirral). The provision of adult eating disorder inpatient care is presently being reviewed and an options appraisal taking place as the contracts come up for renewal.

Finally, Mr Haynes makes no specific reference to the intelligent target for eating disorders which does have a clear role in the improvement of quality of provision of eating disorder care across the age range. This would have been a useful addition.

### **Comments on Services for Adolescents with Eating Disorders**

I have given considerable thought to this issue. Services for adolescent eating disorders are arranged differently in North and South Wales so some specific comments are required for both though some more general comments are common to both. Firstly, CAMHS services suffer from many of the same issues that adult services do. Primary care may refer late which worsens prognosis, increases medical risk and complicates the task of therapeutic engagement for the receiving CAMHS (or Adult) team. So there remains an important task to ensure early referral and appropriate psychological and medical assessment in primary care. Carers often report that they have been told not to worry, it's just a phase, whilst their young person is losing weight rapidly for instance. Secondly waiting list pressures may lead to adolescent patients having to wait longer than is desirable before assessment by community CAMHS, particularly if adequate medical assessment is lacking at the point of referral. Thirdly, as with Adult Services, access to dietetics is not commonly present, and meal planning skills may be absent in many Tier-3 teams. Fourthly, the small number of eating disorder cases passing through Tier-3 CAMHS teams may well mean that the workers never get sufficiently practised at this work. Fifthly, late referral often leads to more admissions than should otherwise be required. Sixthly, I am concerned that LHBs cut down on education and training during periods of fiscal restraint, and it seems to me that regular training is an essential component to the maintenance of skills within Tier-3 CAMHS teams. Finally, carers often complain to me that they are not given satisfactory information or that there was insufficient urgency in the teams response.

Failure of implementation of the intelligent target for eating disorders by CAMHS is also, I would suggest, an important strand. The envisaged transfer of resource to designated eating disorder champions within CAMHS teams proposed by the Framework for Wales has not occurred and many CAMHS teams have yet to implement the eating disorder intelligent target, in part because of the poor base with which to start this very complex piece of work. This has yet to be reviewed by Welsh Government despite a plan to review in 2012.

On a positive note, I do think that CAMHS teams have the very real benefit of a comprehensive spread of healthcare professionals, which tends to be less present (or indeed absent) in some CMHTs. So it certainly makes sense to ensure that finance is routinely available for regular training in this setting.

### **Differences in Adolescent Eating Disorder Service Provision in North and South Wales**

South Wales has Community Intensive Treatment Teams (CITT) teams. These are small multi-disciplinary outpatient teams that are able to see patients daily and in their homes and schools as required. Many Tier-3 outpatient CAMHS teams refer Eating Disorder Patients to CITT once an intensity of once a week contact has been reached. This breaks continuity of care, but is in other ways beneficial. They are not, however, resourced to cope fully with the current demand, and not universally present in all districts. South Wales also has a specialist eating disorder assessment clinic based at Ty Litchard. Unfortunately this is only open one morning a week (which is too little) and cannot deal with emergency presentations satisfactorily. Clearly travel is problematic given the huge distance served.

In North Wales there are no CITT teams, though a different type of intensive community support team is currently being designed and funding secured. This will have some small impact on a subset of eating disorder cases as it will increase the ability of Tier-3 teams to have contact 3 or 4 times a week and will bridge the gap between Tier-3 (community) and Tier-4 (inpatient) CAMHS services.

In addition to this response regarding the petition I would like to add that whilst raising awareness across Wales, the 'Beat Cymru' team meet and talk to many Carer's and Sufferers who are using CAMHS and Eating Disorder Services. Some of the feedback from them is as follows:-

- Parents feel that more money should be put into CAMHS specifically for Eating Disorders
- That there should be specialised staff within 'CAMHS Eating Disorder Services'.
- That there should be 'Funding in Wales for a Unit'.
- Better transition between CAMHS and Adult ED Services
- Greater awareness among GP's, it's not a fad and teenagers won't grow out of it.
- Parents whose child died of anorexia told Beat Cymru that their local GP did not diagnose correctly when it would have counted. 'Only when my daughter was admitted to the local hospital did I realise that they were not set up for such an illness, there was no urgency, little or no education amongst the doctors or staff and no specialist support, resulting in another tragic loss which we feel could have been prevented'. To this day there is only one GP in our local practice that is receptive to eating related disorders, it seems that they do not understand, are too willing to write out prescriptions for anti depressants, if they do understand, they do not have the budget or trained staff to make a difference.
- On the positive side parents and sufferers comment that they find it reassuring to have a local Beat (Cymru) presence in their community and support close to home especially as many often have to travel out of Wales for treatment.
- Parents and sufferers feel that awareness raising of Eating Disorders in their country is good, and they welcome the opportunity to get involved through sharing their experiences with others or talking to the media. In particular they feel that the more that eating disorders is talked about in Wales, greater is the possibility of reducing the existing stigma.



## Summary

In summary, I am not convinced that community CAMHS services for eating disorders are sufficient and would support Ms Missen's argument for matched funding. There is a very clear need for increased training for CAMHS professionals, a more networked approach across Wales and a formal assessment of the merits and consequences of specialist CAMHS community eating disorder services. I would cautiously suggest that a working group of knowledgeable CAMHS clinicians, working regularly with eating disordered patients, be convened to look critically at the issues involved. It would also be helpful to seek advice from the All Wales Eating Disorder Special Interest Group (through the Chair, Dr Robin Glaze), and to use AWEDSIG and ourselves to review the outcome of any proposals made for practicality and relevance.

Best wishes,

Yours sincerely

Susannah Humphrey

## **P-04-408 Child and Adolescent Eating Disorder Service– Correspondence from the petitioner to the clerking team**

Thank you to Beat for the response concerning the petition to be heard on 16 th April. I am thrilled that they have endorsed the need for action.

There are many pieces of research still being produced that point to most Eating Disorders beginning in childhood and adolescence\*. Some of these sufferers, without early intervention and specialist help, will go on to being long term sufferers, into their adult lives, thus requiring more funding.

It remains obvious that to give effective, specialist care from onset of these illnesses in childhood and adolescence can only be more cost effective. Therefore, my plea remains the same: funding is required for specialist treatment of eating disorders in child and adolescents in Wales, equalling if not increasing on the amount given to adult eating disorder services in Wales.

Yours sincerely

Helen Missen

## **P-04-413 : Maternity Services in the Cynon Valley**

### **Petition wording:**

We the undersigned call upon the National Assembly for Wales to reinstate maternity services in the Cynon valley by completing the Tair Afon birthing centre as originally planned in Ysbyty Cwm Cynon.

### **Supporting Information:**

Ysbyty Cwm Cynon was designed to house a midwife-led birthing centre. Although the space is available at the hospital and much of the work has been completed the decision has been taken not to have the birthing centre. As a consequence the women of the Cynon valley must travel to Prince Charles Hospital, Merthyr Tydfil or opt for a home birth. This withdrawal of services to the people of the Cynon valley is unacceptable.

**Petition raised by:** Sarah Rachel Gait

**Date petition first considered by Committee:** 2 October 2012

**Number of signatures:** 406



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NHS  
WALES

Bwrdd Iechyd  
Cwm Taf  
Health Board

Your ref/eich

cyf:

Our ref/ein

AW/KB

cyf:

Date/Dyddiad:

14 March 2013

Tel/ffôn:

01443 744803

Fax/ffacs:

01443 744800

Email/ebost:

Allison.Williams4@wales.nhs.uk

Dept/adran:

Chair & Chief Executive

Mr William Powell AC  
Chair  
Petitions Committee  
National Assembly for Wales  
Cardiff Bay  
Cardiff  
CF99 1NA

Dear Mr Powell,

### Re: Tair Afon Birth Centre

Thank you for your letter dated 23<sup>rd</sup> January 2013 in relation to the Tair Afon Birth Centre. I am now in a position to update you on the outcome of the review referred to in my letter to you dated 23<sup>rd</sup> November 2012, explaining the decision that has been reached by the Board and supported by the Community Health Council at its meeting on 22<sup>nd</sup> February.

As you are aware, the Tair Afon Birth Centre was planned to move from Aberdare Hospital to the new build within Ysbyty Cwm Cynon when it opened in April 2012. However due to the low number of women accessing this service over a number of years, a decision was taken to relocate the Birth Centre on a temporary basis to Prince Charles Hospital. This has provided us with the opportunity to review the service and how it may best be provided to ensure as many women as possible have an opportunity to access a low risk birthing experience.

Birth Centre births have been shown to be a safe option for maternity care for women, however the research acknowledges that a number of women will develop complications during pregnancy or labour which necessitates transfer to an obstetric facility (National Perinatal Epidemiology Unit November 2011).

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#### Return Address:

Ynysmeurig House, Navigation Park, Abercynon, CF45 4SN

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Chair/Cadeirydd: Dr C D V Jones, CBE

Chief Executive/Prif Weithredydd: Mrs Allison Williams



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Date/Dyddiad:

14 March 2013

Tel/ffôn:

01443 744803

Fax/ffacs:

01443 744800

Email/ebost:

Allison.Williams4@wales.nhs.uk

Dept/adran:

Chair & Chief Executive

2012. Overall, women were not able to give birth

There are strict rules governing which women are suitable to give birth in a birth centre. In the Cynon Valley only 50% of pregnant women meet these criteria. Despite efforts to increase the number of women who are able to use the birth centre, there were on average only 160 births a year in Tair Afon birth centre when located in Aberdare. This represented only half the women who initially planned to give birth in Tair Afon, as the remaining women developed a complication during pregnancy or labour that required their transfer to the obstetric led service.

In addition, a longer analysis of the data

There were also a number of women who, whilst they were suitable to have care in the birth centre in Aberdare, preferred instead to give birth in the maternity unit in Prince Charles Hospital as they felt more confident with having obstetric medical staff and services on site, should a complication arise.

On the closure of Aberdare Hospital in April 2012, the birth centre, (maintaining the name Tair Afon) was relocated to a designated area, adjacent but separate to the existing maternity unit in Prince Charles Hospital. Care in labour has continued to be provided by the birth centre midwives from Cynon Valley and the service has remained an option for the women from this area, in the same way that it was formerly provided.

An evaluation was undertaken of the transfer of service which involved

- An analysis of the activity in Tair Afon
- The views of women who have used the service
- The views of midwives providing birth centre care
- Other observations regarding provision of care

The evaluation of women's views regarding the temporary relocation of the birth centre was undertaken over a six month period, May to October

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Chair/Cadeirydd: Dr C D V Jones, CBE

Chief Executive/Prif Weithredydd: Mrs Allison Williams



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cyf: AW/KB  
Date/Dyddiad: 14 March 2013  
Tel/ffôn: 01443 744803  
Fax/ffacs: 01443 744800  
Email/ebost: Allison.Williams4@wales.nhs.uk  
Dept/adran: Chair & Chief Executive

2012. Overall, women were satisfied with the care they received in the birth centre and all said that they would choose birth centre care again. Further information gathered from the qualitative aspect of the evaluation showed that most women who had previously given birth in the birth centre in Aberdare felt the service in Prince Charles was equal to or slightly better to that they had previously experienced, even where they felt that the travelling was further than they would have liked. What was important to all women was the option of having a birth centre with its associated philosophy of care rather than the actual location.

In addition, a longer analysis of the usage of the birth centre was able to be completed which includes information from May 2012 to the end of December. This confirms that more women from the Cynon Valley wanted to give birth in the birth centre in Prince Charles Hospital than during the same time period the previous year with the actual number of births for women who commenced labour in the Birth Centre showing an increase from 71% to 86%. Transfer rates from midwifery-led to obstetric-led care in the antenatal period and during labour showed a slight increase, but this is a finding recognised with 'Alongside' Birth Centre's, which attract more women due to the ease of transfer should the need arise.

There was a slight increase in women choosing to have a home birth during the above time frame, (this is always an option for women within our Health Board), which may be attributable to women wishing to give birth in their own locality. This supports the choice agenda and the additional aim to increase the home birth rate.

Key messages from the evaluation are

- The relocation of the birth centre to PCH has meant a higher usage of facilities as the number of Cynon Valley women choosing this option has increased.

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Chair/Cadeirydd: Dr C D V Jones, CBE

Chief Executive/Prif Weithredydd: Mrs Allison Williams



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Date/Dyddiad: 14 March 2013  
Tel/ffôn: 01443 744803  
Fax/ffacs: 01443 744800  
Email/ebost: Allison.Williams4@wales.nhs.uk  
Dept/adran: Chair & Chief Executive

- All women who responded in the questionnaire confirmed that the option of having a birth centre was important to them.
- The location of the birth centre was of lesser importance than a birth centre *per-se* to most women, although views for both location at PCH and YCC were expressed. Midwives also felt that what was important was to be able to provide birth centre care to women, irrespective of where it was located.
- Some women reported travel to PCH as a negative comment, but this was balanced by the acknowledged speed of transfer achieved to obstetric care, should complications arise.
- The birth pool was an important issue for women, and most women wanted to use the pool during labour, if not for birth.

It is also important to recognise that historically, women from other localities have not generally chosen to use Tair Afon Birth Centre with the location in the Cynon Valley. However, it is anticipated that should the birth centre remain in Prince Charles Hospital, it will be a popular choice for women from the Merthyr area, and this view has already been expressed.

The information from the evaluation was considered by the Local Health Board and a decision made to support the continuation of the alongside birth centre at Prince Charles Hospital. This will assist the aim of increasing the number of women using a birth centre as we have found that more women are confident to choose an alongside midwifery unit when the risk is removed of delay of transfer should this become necessary. Increasing the number of women using the birth centre is in line with the All Wales Service Redesign Plan and will also enable women from Merthyr Tydfil to make use of the facility, offering equity of choices for place of birth.

With the relocation of Tair Afon Birth Centre to Prince Charles Hospital, we remain committed to ensuring women continue to have access to

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Chair/Cadeirydd: Dr C D V Jones, CBE

Chief Executive/Prif Weithredydd: Mrs Allison Williams



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14 March 2013

01443 744803

01443 744800

Allison.Williams4@wales.nhs.uk

Chair & Chief Executive

local midwifery services and plan to develop a model of midwifery care which will be provided in Ysybty Cwm Cynon by the local community midwifery team. Antenatal and community services will continue to be provided from Ysbyty Cwm Cynon where a dedicated midwifery area will be retained.

This proposal was considered by Cwm Taf Community Health Council at its Service Planning Committee in January and by the Full Council at its meeting in February and was fully supported.

A presentation will be given to the LHB's Public fora being held in the Cynon Valley on March 13th and Merthyr Tydfil on March 21<sup>st</sup>.

I hope that my reply will assist the Committee.

With best wishes

Yours sincerely

**Mrs Allison Williams**  
**Chief Executive/Prif Weithredydd**  
**Cwm Taf Health Board/ Bwrdd Iechyd Cwm Taf**

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**Return Address:**

Ynysmeurig House, Navigation Park, Abercynon, CF45 4SN

Chair/Cadeirydd: Dr C D V Jones, CBE

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Chief Executive/Prif Weithredydd: Mrs Allison Williams

Cwm Taf Health Board is the operational name of Cwm Taf Local Health Board/Bwrdd Iechyd Cwm Taf yw enw gweithredol Bwrdd Iechyd Lleol Cwm Taf



## **P-04-448 : Improve Sexual health services for Western Vale**

### **Petition wording:**

We call on the National Assembly for Wales to urge the Welsh Government to increase funding to the Cardiff and Vale University Health Board. This increased funding should be directed towards improving sexual health services for the Western Vale.

### **Additional Information:**

Currently only one clinic is held once a week every Friday lunchtime in Llantwit Major. This clinic serves the whole of the Western Vale. This clinic gives sexual health advice and family planning services. This service is not adequate to meet the needs of this large geographical area. The town of Barry alone has 3 clinics/week. Help us to improve the sexual health of many young and vulnerable people who are often unable to travel 10 miles or further to a local clinic. These clinics offer the vital information/education/support/medical treatment that young people need. Improving sexual health services can help guide, support and care for the most vulnerable groups within our society. Please help us make a difference. Although teenage pregnancy rates are declining, abortion rates are rising (as cited by Helen Rogers Director of the Royal College of Midwives, source BBC Wales 29/03/12) WAG in response to this report promised increased funding via Public Health Wales to improve access to integrated sexual health centres (BBC Wales 29/03/12) These vulnerable young people often from households which are deprived, do not receive the care they need. Had these young people lived in Barry, they would have received a much improved service. The rural vale is often dismissed as being "affluent" real pockets of socio-economic deprivation exist within this area. More clinics are needed. Wales wants a "World Class Health Service" built for the future. These young people are our future. Teenage pregnancy/abortion can have wide reaching detrimental effects on our young people. Sexually transmitted diseases are preventable if people get the right information.

**Petition raised by:** Rebecca Lowrie

**Date petition first considered by Committee:** 29 January 2013

**Number of signatures:** 16

Lesley Griffiths AC / AM  
Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol  
Minister for Health and Social Services



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref P-04-448  
Ein cyf/Our ref LG/00561/13

William Powell AM  
Chair  
Petitions Committee  
committeebusiness@Wales.gsi.gov.uk

14 February 2013

Dear Bill

Thank you for your email of 8 February on behalf of Rebecca Lowrie regarding sexual health services in the Vale of Glamorgan.

Our Sexual Health and Well-being Action Plan for Wales 2010-2015 renews our commitment to improve the sexual health and wellbeing of the population, to narrow sexual health inequalities and to develop a society that supports open discussion about relationships, sex, and sexuality. This Action Plan adopts a broad based and integrated approach covering both the promotion of positive sexual health and wellbeing and the delivery of sexual health services

At a local level, Health Boards in Wales are responsible for providing sexual health services. They have local knowledge in providing services for their respective areas working with social services and the voluntary sector. All NHS services are provided as locally as possible, as long as it is safe and effective to do so. Cardiff and Vale University Health Board have a budget allocation of over £763 million for the current financial year and they are tasked with planning and prioritising the delivery of services in accordance with local needs.

In addition to the Local Health Board funding, the Welsh Government funds Public Health Wales to deliver programmes of work to improve sexual health and wellbeing in Wales. The funding for this financial year amounts to £150,000 to address key actions within the Welsh Government's *Sexual Health and Wellbeing Action Plan 2010-2015*, such as the reduction in teenage conceptions through the *Empower to Choose* project.

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1NA

English Enquiry Line 0845 010 3300  
Llinell Ymholiadau Cymraeg 0845 010 4400  
Correspondence.lesley.Griffiths@wales.gsi.gov.uk  
Printed on 100% recycled paper

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

I note Ms Lowrie has written to Cardiff and Vale University Health Board requesting an update on services in Llantwit Major, which is the correct course of action as they are best placed to provide this information.

A handwritten signature in cursive script that reads "Lesley".

**Lesley Griffiths AC / AM**

Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol  
Minister for Health and Social Services



GIG  
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NHS  
WALES

Bwrdd Iechyd Prifysgol  
Caerdydd a'r Fro  
Cardiff and Vale  
University Health Board

Ysbyty'r Eglwys Newydd  
Whitchurch Hospital

Park Road, Whitchurch.  
Cardiff, CF14 7XB  
Phone 029 2069 3191

Heol Parc, Yr Eglwys Newydd  
Caerdydd, CF14 7XB  
Ffôn 029 2069 3191

Eich cyf/Your ref: P-04-448  
Ein cyf/Our ref: AC-jb-03-2482  
Welsh Health Telephone Network:  
Direct Line/Llinell uniongychol: 02920 745681

**Adam Cairns**  
**Chief Executive**

13 March 2013

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

Dear Mr Powell

I write in response to your letter dated 6<sup>th</sup> February 2013 regarding the petition you received from Rebecca Lowrie which raises concerns about the funding for sexual health services at Cardiff and Vale University Health Board, specifically regarding clinic provision in the Western Vale. You have also asked whether the Health Board has any plans to remove the current clinic in Llantwit Major.

It may be helpful for you to be aware that the Health Board, in conjunction with Public Health Wales and the Community Health Council, is undertaking a comprehensive review of the provision of sexual health services across the Cardiff and Vale area, which includes community clinics as well as sexual health services provided by GP practices. The Health Board currently runs 24 community clinics across 12 different sites, a central sexual health clinic based in Cardiff Royal Infirmary and sexual health services in GP practices.

The aim of the review is to ensure that the Health Board delivers the most effective service possible for all patients who require access to sexual health services across the different localities, taking into consideration the needs of our patients, the type of services they require, the optimum frequency of clinics and the availability of staff, their skills and specific areas of expertise.

In relation to your specific questions, I can confirm that the Health Board has sufficient funding to deliver sexual health services for the population of Cardiff and Vale and at this time there are no plans in place to remove the clinic in Llantwit Major. However, if the review recommends any changes to the current configuration of the provision of sexual health services across Cardiff and Vale, which would support the Health Board in providing a better service to the local population as a whole, this will be progressed in partnership with the CHC.

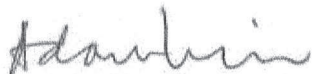
The Health Board remains committed to providing sexual health services to all groups of patients who require access, including meeting the needs of children and young people, whilst delivering a high quality, safe and sustainable service.

Bwrdd Iechyd Prifysgol Caerdydd a'r Fro yw enw gweithredol Bwrdd Iechyd Lleol Prifysgol Caerdydd a'r Fro  
Cardiff and Vale University Health Board is the operational name of Cardiff and Vale University Local Health Board



I hope I have been able to provide you with an appropriate explanation in respect of your concerns. Should you have any further queries or concerns or require any further information on the review, please do not hesitate to contact Mrs Bernie Steer, Divisional Nurse, Children and Women's Division, by telephoning 029 2074 4787.

Yours sincerely



**Adam Cairns**  
**Chief Executive**

# Agenda Item 3.6

## **P-04-449 : Bridgend Princess Of Wales – Save Our Services – Stop the Downgrade!**

### **Petition wording:**

On Wednesday 26th September 2012, Abertawe Bro Morgannwg Health Board announced changes that could radically affect the way our hospital services are delivered in Bridgend. Although nothing has been set in stone, it is probable that, if implemented, this will result in the loss of some paediatric, obstetric, neonatal, and accident and emergency care. Put simply, if you require intensive care, have a very sick child or are likely to have a pregnancy that is not straight forward you will have to travel to Cardiff, Swansea, and one of the other Specialist Service Sites in South Wales. Bridgend's population is ever increasing; as such we need more, not less local services. We the strongly condemn the move by Abertawe Bro Morgannwg Health Board, and demand that the Welsh Assembly Government spends more of its funding keeping these essential local services rather than putting the most at risk patients' lives in danger. We the undersigned call on the National Assembly for Wales to urge the Welsh Government to protect services in Bridgend, Princess of Wales Hospital, and ensure that the hospital retains all of these essential services without a downgrading.

**Petition raised by:** Ian Matthew Spiller

**Date petition first considered by Committee:** 29 January 2013

**Number of signatures:** 4,218



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Bwrdd Iechyd Prifysgol  
Abertawe Bro Morgannwg  
University Health Board

Our Ref: HL/lmf

Date: 21<sup>st</sup> February 2013

ABM Headquarters  
One Talbot Gateway, Seaway Parade,  
Port Talbot  
SA12 7BR

01639 683302  
WHTN: 1787 3302

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

Dear Mr Powell

Thank you for asking us to respond to a petition from Ian Spiller regarding possible changes to service at Princess of Wales Hospital Bridgend.

You have asked us:

- 1. Our views on the petition**
- 2. What consultation has been undertaken and how this consultation will inform the development of plans; and**
- 3. When a final decision is likely to be made on services in Bridgend**

1. In **Together for Health**, Welsh Government required every Health Board to produce plans to ensure that its services would be safe and sustainable in the future, in the face of unprecedented challenges and with the objective of creating services which are comparable with the very best. In ABMU we responded to that requirement by establishing a comprehensive year long review of all of our services involving over 340 people, both from within ABMU and also wider stakeholders and partners. This programme, lead by clinicians is called **Changing for the Better**.

At the outset we, and other Health Boards in South Wales, recognised that there are some services that could not be planned within a single Health Board's boundaries or resources because of the particular challenges that they face. These services are: Neonatal Critical Care, In-patient Paediatric Care, Emergency Medicine (A&E), Obstetrics and also the Emergency Ambulance Service. A collaborative programme

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Bwrdd Iechyd ABM yw enw gweithredu Bwrdd Iechyd Lleol Prifysgol Abertawe Bro Morgannwg  
ABM University Health Board is the operational name of Abertawe Bro Morgannwg University Local Health Board  
Pencadlys ABM / ABM Headquarters, 1 Talbot Gateway, Port Talbot, SA12 7BR. Ffon / Tel: (01639) 683344

[www.abm.wales.nhs.uk](http://www.abm.wales.nhs.uk)

of work with an independent chairman was established between Health Boards in South Wales to consider these: the “**South Wales Programme**”. Over 300 clinicians from across South Wales including from ABMU have taken part in a review of those services, reflecting Royal College and other standards, manpower predictions and best practice from our own and other healthcare systems. We also reflected on the evidence in the “Case for Change” which Professor Marcus Longley published in the summer of 2012.

In discussion with our Community Health Council (CHC), the ideas and proposals from Changing for the Better and the South Wales Programme have been subject to a period of 12 weeks pre-consultation engagement which started on 26<sup>th</sup> September and ended on 19<sup>th</sup> December 2012. The results of that are now being evaluated and further work conducted. Our CHC’s will advise us on which aspects of these ideas and proposals should be taken forward into formal consultation later this year.

In our engagement documentation (“Why your local NHS needs to change – have your say!”) we set out a case for providing the small number of services considered by the South Wales Programme in fewer hospitals than happens now and that because of co-dependencies these should be grouped together into four or five regional centres. This would have implications for Princess of Wales Hospital which could expand its role to become a regional centre for a wider geographical catchment than now. Alternatively the regional centre role for the Bridgend population could be provided from another centre: the Royal Glamorgan Hospital, Llantrisant and/or Prince Charles Hospital, Merthyr Tydfil. No decision has been made on the number or location of the regional centres at this stage. The majority of patients would continue to access services in the existing hospitals in South Wales, whatever the outcome of the location of the regional centres.

Therefore the petitioners are incorrect to state that we have “announced changes”, nor is it likely that the population of Bridgend would have to travel to Swansea for those services even if Princess of Wales was not designated as a regional centre. It is the overwhelming professional view that it is essential that changes are made in how these services are provided in South Wales if we are to be able to staff them properly in the future and to comply with the best standards of care. One of the main drivers for change is medical manpower availability which cannot be addressed by additional funding – the changes that have been taking place over recent years in workforce demographics mean that posts cannot be filled with high quality substantive appointments despite the posts being fully funded.

The proposals under discussion seek to make these services safer and of higher quality than now: careful consideration is being given to balancing local access against the opportunities to deliver services that meet best practice standards, provide greater senior decision making and are not dependent on large numbers of temporary staff to remain open.



We welcome the interest of the petitioners and encourage them to continue to engage with us as we and the other Health Boards in South Wales bring forward plans for consultation later this year. We do not believe that the status quo is an acceptable or safe option however we have not reached any decision on the future role of Princess of Wales, Royal Glamorgan or Prince Charles Hospitals.

2. There has been no consultation at this stage because we wished to engage with citizens and staff on the ideas and possible proposals before we developed specific plans. This is to ensure that we have identified the best ideas and solutions to the challenges that we face and so that we are confident that we understand the views of citizens, service users and stakeholders. This is considered best practice by Welsh Government and the process we have adopted for this in ABMU was endorsed by the Consultation Institute and the Welsh Audit Office.

Engagement was facilitated by the publication of a booklet "Why Your Local NHS Needs to Change: Have Your Say" and a shorter signposting leaflet which were distributed widely in English and Welsh and made available in English and Welsh Braille, online, easy read and large text. Short videos with and without bilingual subtitling were also published and also a British Sign Language Version. Nineteen all day public information events were held across the ABMU area during the engagement period offering public and staff the opportunity to speak face to face with us about the ideas under discussion. A special event was held for the three Youth Councils in our area and also for Maternity Service users. Over 50 staff information events ensured a dialogue with our workforce. Meetings with our Partnership Forum, Local Negotiating Committee of the BMA, Health Professions Forum and GP and Practice Managers we also held. Internet and intranet sites supported this engagement and print, radio and social media were used to promote awareness.


Mr Spillar held a public meeting of his own in Bridgend and we ensured that ABMU clinicians and managers attended that, to assist the discussion.

All citizens and staff were encouraged to submit their views using a questionnaire that could be completed online or in paper and we invited email, written and verbal contributions. All of these are being analysed and the results will be shared with our Boards, the South Wales Programme Board and the CHCs in the next few weeks. The themes and views we have captured through engagement are being considered by the Changing for the Better work streams (who developed the ideas) and also by the South Wales Programme, and these will shape the final proposals that will emerge and also help identify the information that will be required to explain and support these decisions.

3. We anticipate that the proposals from the South Wales Programme and some of the proposals from Changing for the Better will be subject to formal consultation: however this decision has not been made by the CHC's who will determine this. They have indicated that any consultation should run for 8 weeks. The final timetable

for this is dependent on a number of factors. Further work in the South Wales Programme and Changing for the Better is carrying on, not least to reflect what has been heard in engagement. A final conclusion therefore is not likely until later in the current calendar year. ABMU will publish the timetable for any consultation and encourage participation as soon as the details for any consultation have been agreed with CHC's.

Yours sincerely



**PAUL ROBERTS**  
**CHIEF EXECUTIVE**

## **P-04-452 : Equal Rights for Tube-fed Youngsters.**

### **Petition wording:**

We call on the National Assembly for Wales to urge the Welsh Government to ensure that funding is made available to ensure that the vital equipment and services required by tube-fed children and young people are made available to them.

For example, equal rights for tube-fed youngsters in the Caerphilly County Borough Council currently fall between 2 defined categories of need. The Aneurin Bevan Health Board say as they are not Continuing Health Care (CHC) children – 'only tube-fed' – they cannot fund the vital equipment and services we need. Caerphilly Social Services also say they cannot help as these children 'have significant health needs'. These definitions exclude and therefore discriminate against Tube-fed Youngsters and we demand an investigation into this practice in Caerphilly. Whilst our Youngsters do not 'qualify' for help from either Health or Social Services in the Caerphilly Borough we still have a Youngster with 24/7 care needs – the same as a newborn – often with disabilities due to a life-threatening illness.

### **Additional Information:**

Our Youngsters need a 'label' in order to be able to automatically access funding for vital equipment and services. At present inter-departmental financial wrangling takes place on request for anything for a Tube-fed Youngster and this should not involve Parents / Carers. We just need the help for our Youngsters as quickly as possible. We ask that a quick, common-sense, long-term solution be achieved for our Youngsters and for the sake of the health and wellbeing of their Parents / Carers.

**Petition raised by:** Dr Tymandra Blewett-Silcock

**Date petition first considered by Committee:** 29 January 2013

**Number of signatures:** 142

Lesley Griffiths AC / AM  
Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol  
Minister for Health and Social Services



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref P-04-452  
Ein cyf/Our ref LG/00562/13

William Powell AM

committeebusiness@Wales.gsi.gov.uk

18

February 2013

Dear Bill

Thank you for your letter of 6 February regarding the petition submitted by Dr Tymandra Blewitt-Silcock regarding the funding of equipment and services for tube-fed children.

I was sorry to read families caring for tube fed children are facing difficulties in accessing the support and equipment they need, and appreciate how frustration a situation this must be for them.

The provision of essential equipment for tube-fed children is the responsibility of Health Boards in Wales. In the circumstances, therefore, if you are able to provide further information about the difficulties Dr Blewitt-Silcock and the other petitioners have experienced in obtaining such equipment, I shall ask my officials to investigate.

Regards  
Lesley

Lesley Griffiths AC / AM  
Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol  
Minister for Health and Social Services

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1NA

English Enquiry Line 0845 010 3300  
Llinell Ymholiadau Cymraeg 0845 010 4400  
Correspondence.lesley.Griffiths@wales.gsi.gov.uk

**Y Pwyllgor Plant a Phobl Ifanc  
Children and Young People Committee**

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

Bae Caerdydd / Cardiff Bay  
Caerdydd / Cardiff CF99 1NA

28 February 2013

Dear Bill

Thank you for your letter of 13 February 2013, regarding Petition P-04-452 on Equal Rights for Tube-fed Youngsters. The Children and Young People Committee considered your request to take forward the issues raised by the petition in a private meeting on Wednesday 27 February.

The Committee is concerned by the issues raised by the petition and has agreed to revisit your request once we have had an opportunity to consider the responses from the Minister for Health and Social Services; the Children's Commissioner and Caerphilly County Borough Council.

I would therefore be grateful if you could arrange for copies to be sent to the Committee Clerk at [claire.morris@wales.gov.uk](mailto:claire.morris@wales.gov.uk) once they are available.

Yours sincerely



**Christine Chapman AM  
Committee Chair**

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# Comisiynydd Plant Cymru Children's Commissioner for Wales

Keith Towler

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

5 March 2013

Your ref: P-04-452

Dear William

Thank you for your letter dated 6<sup>th</sup> February 2013 outlining the petition received by the Petitions Committee from Dr Tymandra Blewett-Silcock which calls *“on the National Assembly for Wales to urge the Welsh Government to ensure that funding is made available to ensure that the vital equipment and services required by tube-fed children and young people are made available to them”*.

It is unacceptable that any child or young person is disadvantaged or not receiving vital equipment or services due to ongoing disagreements between a local health board and a local authority. This is a clear breach of their rights under the United Nations Convention on the Rights of the Child and United Nations Convention on the Rights of People with Disabilities.

In 2012 the Welsh Government published the Children and Young People's Continuing Care Guidance which outlines how assessments, decisions and agreements should be made to provide a package of continuing care for those children and young people who need it. Within this guidance it is clear that a health assessor must undertake a detailed and holistic assessment of a child or young person, the decision of which is taken to a multi-agency forum to agree a care package (including the funding arrangements). This guidance also states that where a child or young person is not found to have a need for continuing care a rationale must be explained to the child and parent/carer. In this case, their needs should be met via a case management system using existing universal or specialist services. The assessment should be undertaken as a holistic approach with the views of the child and family given due consideration.

While the guidance is not prescriptive in relation to funding arrangements between local health boards and local authorities it does call upon these parties to develop procedures for dealing with disputes that arise out of lack of agreement over funding responsibility. Crucially it is made clear that regardless of any dispute *“the interests of the child must be paramount and no child should be denied access or have access to appropriate health care delayed as a result of a dispute”*.

I would hope that this recent guidance would ensure that these children and young people would no longer face such disputes and I am committed to monitoring the effectiveness of this guidance in meeting the complex needs of children and upholding their rights.

Mr William Powell AM

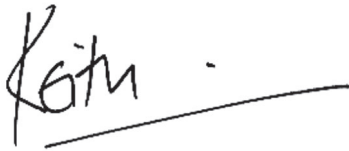
Page 2

5 March 2013

It is important that each child is treated as an individual and receives a timely and holistic assessment of their individual needs. This assessment needs to be taken forward to a multi-agency forum to ensure that these needs are met without delay or stress for the child and their parent/carer whether this is by the local health board or the local authority.

If you have any further queries please do not hesitate to contact me.

Yours sincerely

A handwritten signature in black ink that reads "Keith". The signature is written in a cursive style and is positioned above a horizontal line that extends to the right.

**Keith Towler**  
**Children's Commissioner for Wales**

Penallta House,  
Tredomen Park,  
Ystrad Mynach,  
Hengoed CF82 7PG

Tŷ Penallta,  
Parc Tredomen,  
Ystrad Mynach,  
Hengoed CF82 7PG



Corporate Director - Social Services  
Cyfarwyddwr Corfforaethol Gwasanaethau Cymdeithasol

[www.caerphilly.gov.uk](http://www.caerphilly.gov.uk)  
[www.caerffili.gov.uk](http://www.caerffili.gov.uk)

Acting Director of Social Services  
Cyfarwyddwr Gwasanaethau Cymdeithasol Dros Dro

**PRIVATE & CONFIDENTIAL**

Mr William Powell, AC/AM  
Petitions Committee  
National Assembly for Wales  
Cardiff Bay  
CARDIFF  
CF99 1NA

Your Ref/Eich Cyf:  
Our Ref/Ein Cyf: DS/TB/HJD/PBS  
Contact/Cyslltwch â: Dave Street  
Telephone/Ffon: 01443 864560  
E Main/E Bost:

Date/Dyddiad: 20 March 2013

Dear Sir

**Re: Dr Tymandra Blewett-Silcock**

In response to your letter dated the 6<sup>th</sup> February 2013 in respect of a petition received from Dr Tymandra Blewett-Silcock this Authority would respond as follows:

Caerphilly County Borough Council is aware that there is currently a national problem where there is a lack of clarity as to whether responsibility for this service rests with Social Care or under Continuing Health Care. The current Children's guidance for CHC does not support joint arrangements in the same way that the adult guidance does.

We continue to seek ways of resolving the issues in consultation with Aneurin Bevan Health Board and Welsh Government. We have also raised the issue ourselves amongst our local authority colleagues.

We are not aware of any tube fed children in the county borough whose social care needs have not been met. Please be re-assured that any tube fed child who is assessed, as being eligible for social care equipment/support will have been offered that provision.

We would welcome and invite further consideration at a legislative level to review the current guidance. We look forward to your response.

Yours faithfully

**Dave Street**

**Acting Director of Social Services**

A greener place Man gwyrddach





Parents of Partially Sighted and Blind Youngsters  
Reg Charity 1104560 www.popsy.org.uk

## **e-Petition: 'Equal Rights for Tube-fed Youngsters' in Caerphilly – PERSONAL BACKGROUND INFORMATION**

I would like to add the following information for consideration at your meeting (that I will be observing from the public area) on the 16<sup>th</sup> April 2013 please:

Our daughter has the rare condition Warburg Micro Syndrome – with only 11 other similar children in the world. She is Blind, in a Wheelchair and is Tube-fed – she is also Life-Limited.

We asked for the flexibility of Direct Payments 2 years ago and the lack of a definition for a tube-fed, non-CHC child has resulted in a wrangling that would be bad enough with a disabled child to look after but unforgivable when trying to cope with caring for a terminally ill one !? What we need is JOINT help from Social Services AND Health and yet each deny that our daughter fits their criteria – even given her prognosis.

When I need a break the most - when she is ill - I cannot take my daughter to the Caerphilly overnight respite provision miles away and I do not get those hours back. In turn, when they cancel I am offered an alternative date which we sometimes cannot take up. When I am ill I have no help when caring for my daughter as my Husband works fulltime.

Caerphilly is one of only two or three Boroughs in Wales who will not allow tube-feed trained Personal Assistants (PAs) to be employed by families using Direct Payments. I have confirmed this with the Managers of various DP Advisory Groups eg. DEWIS Centre for Independent Living, based near Pontypridd. I have spoken with 3 families (who I have known since setting-up our POPSY Charity 10 years ago) in adjacent Boroughs who have non-CHC children that require tube-feeding and they employ several PAs (using DPs) who are NOT Nurses. Our Social Services 'Sitting' ladies that we still have for 3-4hrs per month are 'just' tube-feed trained - carrying out exactly the same duties we would need a PA to do.

We requested a meeting last year with high-level Management in both Social Services and Health in Caerphilly so that JOINT decisions could be made to finally 'define' tube-fed, non-CHC children – like our daughter (who has failed a CHC Panel 3 times) and this was refused.

What other avenues are open to us except dropping our daughter off somewhere and saying – over to you !? It will then cost over £500,000 PER YEAR to care for her ! What a position to put families in !

This e-petition highlights a problem that is being ignored in CCBC. An additional 'minor thing' is having a Social Services OT Assessment showing our daughter's need for a medical profile bed and Health unwilling to pay for this as she is not a CHC child – yet another JOINT funding 'loophole'?

**We are begging for a Joint Funded Care Package to help me care for Poppy – a weekly overnight and daily early morning (domiciliary) help to make her life as enjoyable and comfortable as possible and to give me a break from her exhausting regime of hourly tube-feeds, meds, therapies, stoma/contracture care, pain management, hospital visits - the list is endless ...  
Downing Street will not help us as this is a Devolved Issue – PLEASE HELP US !**

Dr Tymandra Blewett-Silcock

**Arwen Poppy Blewett-Silcock's (dob 2/12/2002) Mum and POPSY Charity Director**

1 Rectory Gardens, Machen, CF83 8SU Tel: 01495 46249 eMail: popsycharity@hotmail.co.uk

# Agenda Item 3.8

## **P-04-457 The Charitable Chaplaincy Campaign**

### **Petition wording:**

We call upon the National Assembly to urge the Welsh Government to cease the use of National Health Service budget for religious care and to work with the leaders of organised religion to establish a charitable trust to fund religious care in the hospitals of Wales.

### **Supporting Information:**

The charitable chaplaincy campaign comprises an informal network of citizen who are concerned that every million pounds of public money allocated to the NHS in Wales should be used to promote public health and to treat those who need medical attention.

Our campaign has no funds and needs none. It is sponsored by no other organisation within or without Wales. Modern internet based services allow us to communicate with each other and with our democratically elected representatives.

All our supporters have seen and concur with two documents which are provided in support of this petition, Principles which sets out our motivation and Proposal which states our case with supporting evidence and rational argument.

We provide a third document Employment which provides evidence of how the monies drawn from the NHS Budget for hospital chaplaincy services are currently spent.

**Petition raised by:** The Charitable Chaplaincy Campaign

**Date petition first considered by Committee:** 19 February 2013

Lesley Griffiths AC / AM  
Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol  
Minister for Health and Social Services



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref P-04-457  
Ein cyf/Our ref LG/00996/13

William Powell AM  
Chair, Petitions Committee

[Naomi.stocks@wales.gov.uk](mailto:Naomi.stocks@wales.gov.uk)

13 March 2013

Dear Bill

Thank you for your letter of 27 February on behalf of the Petitions Committee, enclosing copies of correspondence from Alan Rogers about the Charitable Chaplaincy Campaign.

I understand Mr Rogers has written to the Welsh Government on numerous occasions about this matter and recognise he is concerned about the costs incurred by Health Boards in providing spiritual care services. However, hospital chaplains offer spiritual care not only to members of faith communities but also to the majority of patients, carers and staff who have no association whatsoever with any religious group, yet may still wish to talk about and share their feelings at a vulnerable time. They are part of the core team of people in the health service who provide vital support to people in times of need.

For these reasons, I believe the best way to ensure patients and staff throughout Wales have the appropriate access to those services is to continue to support them financially through the NHS.

I hope this is helpful.

Regards  
Lesley

**Lesley Griffiths AC / AM**  
Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol  
Minister for Health and Social Services

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1NA

English Enquiry Line 0845 010 3300  
Llinell Ymholiadau Cymraeg 0845 010 4400  
Correspondence: [lesley.Griffiths@wales.gsi.gov.uk](mailto:lesley.Griffiths@wales.gsi.gov.uk)

## P-04-457 The Charitable Chaplaincy Campaign – Correspondence from the petitioner to the Committee

### The Charitable Chaplaincy Campaign *The Wales-wide, cross-party campaign for a charitable hospital chaplaincy.*

Thank you for forwarding the response of Lesley Griffiths AM to the petition by the Charitable Chaplaincy Campaign.

We note that Ms. Griffiths has since been replaced as Minister by Professor Mark Drakeford AM.

Lesley Griffiths has failed to respond in any meaningful way to our petition. She has not addressed our proposal that the chaplaincy service remains in place and is facilitated in exactly the same way as at present, but with a different source of funding. Instead she has chosen to address another issue, that of the value of the service which, because of lack of evidence, we do not challenge.

The claim by Ms. Griffiths that hospital chaplains serve “the majority of patients” is a wishful assertion not supported by evidence. Anecdotal reports from healthcare professionals and patients suggests that it is very rare for patients to take active steps to see a chaplain and that many patients of a non-religious persuasion feel disadvantaged that support by a person appointed on merit rather than religion, is not available to them. Our FOI Act data on employment provided for the Petitions Committee suggests quite the opposite to Ms. Griffiths’ claim. In FY 2011/12 **every** chaplain employed by the NHS Wales was a religious cleric. Since no data has been collated by the NHS, we cannot claim to have evidence that the majority of patients do not use the chaplaincy but nor can Ms. Griffiths support her claim with evidence that hospital chaplains serve “the majority of patients”.

Regarding the **real** issue raised by the petition, namely **the source of funding**, Ms. Griffiths asserts that she believes “the best way” is to fund the service from the Wales NHS budget.

Ms. Griffiths does not say for whom it is best.

Ms. Griffiths does not explain why she believes that it might be best.

That the Petitions Committee should have been asked to accept Ms Griffiths’ unreferenced beliefs without explanation, supporting evidence and without a clear answer to the petition proposal leads us to conclude that this reply is insubstantial and inadequate

We respectfully request that the Petitions Committee rejects this inadequate response and asks the Committee Chair to write to the current Minister, Professor Mark Drakeford AM seeking an adequate reply to the petition proposal.

With respect - the key matter which the Minister might address is our challenge to the Welsh Government that it does not have an **obligation to fund** religious\* care in NHS hospitals. If the Minister cannot establish such an obligation we feel that he should attempt to demonstrate that the £1.3 million per annum spent on clerics cannot be spent more beneficially on other NHS Wales services.

We repeat our offer to meet the Committee, the Minister or the Minister’s staff to explain our position, answer questions and eliminate any misunderstanding of our *Proposal*.

Alan Rogers for the Campaign.

31<sup>st</sup> March 2013

\* Obfuscation by the use of the term “spiritual” instead of “religious” as found in Ms. Griffith’s response is dealt with in our *Proposal*.

## **P-04-418 : Naming the A470 'Prif Ffordd Tywysog Owain Glyndwr'**

### **Petition wording:**

We the undersigned, call upon the Welsh Assembly Government to name the entire A470, 'Prif Ffordd Tywysog Owain Glyndwr' in memory of the long campaign of the greatest of our national heroes and his Cymric compatriots to re-establish Cymric Independence.

**Supporting Information:** The A470 is a spine road that runs from Cardiff in South Wales to Llandudno in the North. Embassy Glyndwr launched a campaign in the year 2000 to name it 'Prif Ffordd Owain Glyndwr' in memory of the greatest of our national heroes Prince Owain Glyndwr and his compatriots who fought a great War of Independence from the year 1400 – 1421. The National Assembly of Wales ignored our request then and now, in the light of a campaign being launched to name a part of the road 'The Royal Welsh Way' in recognition of the Royal Welsh Regiment who swears allegiance to the English royalty and the English State who still occupies Cymru, Embassy Glyndwr has decided to re-launch the campaign initiated in the year 2000 by means of this proposed petition.

**Petition raised by:** Sian Ifan

**Date petition first considered by Committee:** 2 October 2012

**Number of signatures:** 111

# Agenda Item 3.10

## **P-04-435 : Wales & Border Railways Franchise 2018 to be Operated on a Not-for-Dividend Basis**

### **Petition wording:**

We call on the National Assembly for Wales to urge the Welsh Government to ensure that the next the Wales & the Border franchise is operated on a not-for-dividend basis.

Arriva has a monopoly over much of the railways in Wales and the Border; this does not encourage "cheaper prices and better standards through competition" as capitalism intended, due to that monopoly. In 2018 the contract with Arriva is up for renewal. A "not-for-dividends" pricing system would increase the amount of passengers and allow more people to work as they'd be able to afford to travel creating a knock on effect on the welsh GDP and also, in by-product of proving the system, give England more reason for doing likewise.

**Petition raised by:** Merlyn Cooper

**Date petition first considered by Committee:** 6 November 2012

**Number of signatures:** 35

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



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref P-04-435  
Ein cyf/Our ref CS/00409/13

William Powell AM

committeebusiness@Wales.gsi.gov.uk

 March 2013

*De Bill*

Thank you for your letter dated 18 February highlighting the petition that has been submitted urging the Welsh Government to ensure that the next Wales and Borders franchise is operated on a not-for-dividend basis.

The Welsh Government is currently reviewing our requirements for rail in Wales. The aim is to examine the evidence, needs and risks in relation to the railways in Wales and establish the type of rail system we want to see. We have been clear that this covers our commitment to look at all of the available options for the next Wales and Borders Franchise, which includes evaluating the feasibility of operating the franchise on both for profit and a not-for-dividend bases. However, the recent reviews into the UK Government's failed InterCity West Coast franchising have demonstrated how complicated, and consequently high-risk, the franchising process is, and we will be taking these findings into account.

I have also asked my officials to examine the structure of the relationship between Welsh Ministers and the Secretary of State for Transport in order to best deliver the rail system we want as, in general terms, powers relating to the provision and regulation of rail services currently reside with the UK Government. This work is ongoing, although in the interim the Welsh Ministers remain statutory consultees on the next Wales and Borders franchise, and the Secretary of State for Transport may not enter into a contract for Wales-only services without our agreement.

In relation to the question of the specific type of operation for the next Wales and Borders franchise, until we have identified and agreed with the Secretary of State for Transport the approach to how it is specified, we must take care that we do not prejudice European procurement law, which requires that no particular supplier or class of supplier is discriminated against during procurement.

Later this year I will be launching a public consultation on the future of rail in Wales. The evidence and views from this consultation will help inform the decisions that need to be made to shape of rail in Wales.



**Carl Sargeant AC / AM**

Y Gweinidog Llywodraeth Leol a Chymunedau  
Minister for Local Government and Communities



## **P-04-446 : Business Rate Relief for Welsh Charity Shops**

### **Petition wording:**

Charity shops make a vital contribution to raising income for a huge range of good causes in Wales. 100 per cent of their profits go to charity, raising over £12 million every year in Wales.

Proposals which reduce business rate relief for charity shops in Wales will reduce this income, and will cause charity shops to close, leaving more empty shops on Welsh high streets and threatening 700 full time jobs and 9,000 volunteering opportunities offered by charity shops in Wales. It will significantly reduce the services that charities are able to provide in Welsh communities.

We call upon the National Assembly for Wales to urge the Welsh Government to reject proposals which will restrict the vital business rate relief for Welsh charity shops.

**Petition raised by:** Charity Retail Association

**Date petition first considered by Committee:** 15 January 2013

**Number of signatures:** +22,600

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



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref P-04-446  
Ein cyf/Our ref EH/00443/13

William Powell AM  
Chair of the Petitions Committee

committeebusiness@Wales.gsi.gov.uk

6<sup>th</sup> March 2013

Dear William,

Thank you for your letter of 27 February regarding business rate relief for charity shops.

I will of course inform you once a decision has been made.

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

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1NA

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

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

*Printed on 100% recycled paper*

## **P-04-441 : Gwaith i Gymru – Work for Wales**

### **Petition wording:**

In light of the most recent Welsh youth unemployment figures, Plaid Cymru Youth calls on the National Assembly for Wales to urge the Welsh Government to put effective and positive steps in place to ensure a brighter future for this generation of young people.

Specifically, we call on the Welsh Government to (1) create a scheme to support 30,000 apprenticeships and to expand the Young Recruits programme; (2) develop a modern, high-value, in-work training programme to increase young people's employability; and (3) extend local authorities' borrowing powers to £350 million so that they can support small and medium enterprises with 'local loans funds'. In addition to these steps, we call on the Welsh Government to do everything in its power to reverse this worrying situation and to do everything it can, in spite of public sector cuts being imposed by the UK Government, to create work for Wales. These are difficult times and Plaid Cymru Youth believes that the cuts that the Westminster coalition government is imposing on us are utterly unreasonable. Those cuts, however, must not stop the Welsh Government from acting now to help the Welsh economy. Youth unemployment is at record levels and worryingly, is worse in Wales than other parts of the United Kingdom; we seem to be bucking the UK trend. There is a real risk that this generation of 16-24 year olds will become a lost generation. They are in danger of being faced with financial hardship for the rest of their lives because of the jobs crisis that they are facing today. Having a quarter of our young people out of work is not a sustainable situation, and it is the start of a dangerous path to economic difficulties for Wales for decades to come. Effective and positive steps must be put in place now to reverse this alarming trend and ensure that we are creating work for Wales.

**Petition raised by:** Cerith Rhys Jones

**Date petition first considered by Committee:** 4 December 2012

**Number of signatures:** 129

P-04-441 Work for Wales – Correspondence from the petitioner to the Chair,  
03.03.13

Dear William,

Thank you for your letter of 27 February which I received on St David's Day. May I firstly take this opportunity to thank the Petitions Committee for its work in considering our 'Work for Wales' petition thus far, and say that we very much appreciate the attention that you have given it. Thank you also for writing to the Deputy Minister for Skills as part of your consideration of the petition; I will respond to the Deputy Minister's letter to you below.

I note that the Deputy Minister says at the start of his letter that the Welsh Government's '*absolute priority*' is the creation of jobs and enabling of growth. Youth unemployment is still at one of its highest levels for years, and just last month, we learned that general unemployment in Wales had risen by 6,000, in contrast to the UK trend. When we were collecting signatures for our petition, there was a similar situation with youth unemployment, that is that more and more young people in Wales were out of work, as opposed to less and less throughout the UK as a whole. In that sense, we do not believe that the First Minister or any other member of the Welsh Government can blame the UK Government or the UK economy for the problems which we're facing here in Wales. While Wales does not have many macro-economic powers in its hands, there are other things which it can do, and despite Welsh Labour's perpetual insistence that Jobs Growth Wales would save the day, we maintain that this '*programme...to create 4000 jobs opportunities across Wales each year, for the next three years...for a 6-month period...at or above the National Minimum Wage for a minimum of 25 hours per week*' is ineffective, ineffectual, and insufficient. When there are still around 50,000 young people in Wales without work, it should be clear to our Welsh Government that their plans don't scratch the surface.

That said, we welcome the deal struck between the Welsh Government and our own party last November, in which Party of Wales AMs would abstain on the budget vote in the National Assembly in return for an '*additional £20m in the 2014-15 Draft Budget to support apprenticeships in Wales, targeted especially at those in the 16-24 age group.*' We look forward to seeing thousands more apprenticeships being created for young people in Wales as a result of the Party of Wales' bargain with the Welsh Government, and are confident that these new apprenticeships will go some way further than Jobs Growth Wales to mitigating the problems of youth unemployment in Wales.

We would be interested to know how the Welsh Government's plans for these new apprenticeships are coming along, and specifically what progress has been made at Welsh Government level for the delivery of the new apprenticeships on the ground. We would also be interested to know what else the Welsh Government will be doing to support the new apprenticeships; that is to say that they themselves will not wholly mitigate youth unemployment problems, and that SMEs must be in a position to permanently employ young people after their apprenticeships are done with. The Welsh Government certainly has an

important role to play in that respect, and we would be eager to know what the Welsh Government plans to do in that respect.

In summary, let me say that we would be of the opinion that it is still unclear that tackling young unemployment is a genuine priority of the Welsh Government, and it is quite obvious to us that it took a Party of Wales deal with the Welsh Government to kick-start some action on apprenticeships and youth unemployment. We urge the Welsh Government to extend Jobs Growth Wales, to continue working towards the delivery of the new apprenticeships as a result of the Party of Wales budget deal, and, as ever, to do everything in its power to tackle youth unemployment in Wales, and to provide work for Wales.

Thank you again for the Petition Committee's work in considering our petition. I look forward to hearing from you in the near future as regards what your next steps might be.

**Dros Gymru.** For Wales,



**CERITH RHYS JONES**

Cadeirydd Cenedlaethol | *National Chair*

Plaid Cymru Ifanc | *Plaid Cymru Youth*

# Agenda Item 3.13

## **P-04-458 Keep Further Education in the Public Sector**

### **Petition wording:**

We call upon the National Assembly for Wales to urge the Welsh Government to ensure:

1. Further education, along with publicly funded assets, is retained within the public sector.
2. Colleges continue to be bound by the national agreements in FE, such as the national pay scales.
3. The introduction of an all-Wales contract for FE lecturers.
4. Welsh Ministers do not dissolve colleges and give colleges the ability to transfer the property, rights and liabilities to another body.

**Petition raised by:** UCU Crosskeys Branch

**Date petition first considered by Committee:** 19 February 2013

**Number of signatures:** 246

Leighton Andrews AC / AM  
Y Gweinidog Addysg a Sgiliau  
Minister for Education and Skills



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref P-04-458  
Ein cyf/Our ref LA/00561/13

William Powell AM

committeebusiness@Wales.gsi.gov.uk

12 March 2013

*Dear William,*

Thank you for your letter of 27 February regarding the petition received from the UCU Crosskeys branch outlining their concerns with the proposals outlined in the Further and Higher Education (Wales) Bill 2013.

The Deputy Minister and I met with the President and the Regional Official for UCU Cymru on 26 November where they shared their concerns about the impact of the FE Bill on the nationally agreed pay scales for lecturers; and the negotiations for nationally agreed terms and conditions.

To date, Welsh Ministers have refrained from direct involvement in the negotiations, believing that this is a matter for the trades unions and the FE sector to manage and resolve. It is important to note that Welsh Ministers do not have legislative powers to impose terms and conditions on FE colleges.

With regard to the National Pay Agreement, the Funding Conditions for FE colleges include a condition stating that institutions are required to honour the National Pay Agreement, or any successor agreement, to ensure that the pay parity achieved is maintained. Non compliance will result in the reclaim of 1.5 percent of the colleges' funding allocation.

The Welsh Government fully understands the concerns expressed by the unions on these matters, but much has been (and is being) achieved in partnership with the FE sector. I expect this to continue.

In relation to the removal of Welsh Ministers' power to dissolve a college, the ability of a college to dissolve itself and transfer its assets and liabilities to another body, the intention is for the Bill to provide the Welsh Ministers with power to make Regulations to protect the assets of colleges on dissolution, ensuring they continue to benefit learners in Wales. Consultation with key stakeholders on the draft regulations will take place in the next academic year.

I hope this gives committee members the information required.

*Yours sincerely*  
*Leighton Andrews*

Leighton Andrews AC / AM  
Y Gweinidog Addysg a Sgiliau  
Minister for Education and Skills

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1NA

English Enquiry Line 0845 010 3300  
Llinell Ymholiadau Cymraeg 0845 010 4400  
Correspondence .Leighton.Andrews@wales.gsi.gov.uk

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

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## **P-04-458 Keep Further Education in the Public Sector – Correspondence from the petitioner to the clerking team**

Dear Sian

The Minister's letter fails to address point 1 of our petition that "Further education, along with publicly funded assets, is retained within the public sector." The 2011 Welsh Labour National Assembly for Wales election manifesto declared "FE colleges as public assets which belong to their local communities and its community of staff and learners". The Minister, in his response, has confirmed that colleges could be dissolved, marking the way for the break-up of public-run colleges. Are we going to see Academies and privately-run institutions introduced in Wales? If colleges could be dissolved then it is evident there will be a departure from the current system of publicly-owned and run colleges, which is deeply worrying.

Regards

Ian Whitehead-Ross



## **P-03-144 Guide Dogs for the Blind Petition Petition Wording**

We, the undersigned representatives, petition the National Assembly for Wales to lay specific responsibility on local authorities to be aware of their duties under the Disability Discrimination Act and Disability Equality Duty, and comply with them by not creating town centres, high streets and residential streets with shared surfaces that discriminate against blind and partially sighted and other disabled people, effectively excluding them from the street environment.

**Petition raised by:** Guide Dogs for the Blind

**Petition first considered by Committee:** June 2008

**Number of signatures:** 10

**Y Pwyllgor Menter a Busnes  
Enterprise and Business Committee**

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

5 March 2013

Dear William

**Petition P-04-144 submitted by Guide Dogs for the Blind**

Thank you for your letter dated 27 February requesting that the Enterprise and Business Committee consider the issues raised by the petition as part of our scrutiny of the Active Travel (Wales) Bill.

The Committee's remit is to consider and report on the general principles of the Bill and I attach for your information the Committee's agreed framework for scrutiny and its consultation questions. In taking evidence on the Bill we will, of course, be focusing on the specific issues outlined in the attached. However, if there is any cross over with the issues raised by the petition, I will seek to ensure that these are explored.

You may be interested to hear that the Committee will be taking oral evidence from Guide Dogs for the Blind later this month in connection with the Bill. This will provide Members with an opportunity to discuss any matters of relevance to Guide Dogs for the Blind's petition that are also pertinent to our work on the Bill.

Bae Caerdydd  
Cardiff Bay  
CF99 1NA

Clerc Deddfwriaeth / Legislation Clerk: Liz Wilkinson  
Ffôn /Tel: 029 2089 8025

I will let you know if we do reach any conclusions or make any relevant recommendations in our report, which may be of interest to the petitioner.

Yours sincerely,

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

Nick Ramsay AM  
Chair, Enterprise and Business Committee

## Committee's framework for scrutiny

To consider:

- i) whether there is a need for a Bill to deliver the aim of enabling more people to walk and cycle and generally travel by non-motorised transport;
- ii) the key provisions set out in the Bill and whether they are appropriate to deliver the stated aim;
- iii) potential barriers to the implementation of the key provisions and whether the Bill takes account of them;
- iv) the financial implications of the Bill;
- iv) the level of detail provided on the face of the Bill compared to that which will be contained in future guidance.

## Consultation questions

1. Is there a need for a Bill aimed at enabling more people to walk and cycle and generally travel by non-motorised transport? Please explain your answer.

2. What are your views on the key provisions in the Bill, namely –

- the requirement on local authorities to prepare and publish maps identifying current and potential future routes for the use of pedestrians and cyclists (known as “existing routes maps” and “integrated network maps”) (sections 3 to 5);
- the requirement on local authorities to have regard to integrated network maps in the local transport planning process (section 6);
- the requirement on local authorities to continuously improve routes and facilities for pedestrians and cyclists (section 7);
- the requirement on highway authorities to consider the needs of pedestrians and cyclists when creating and improving new roads (section 8)

3. Have the provisions of the Bill taken account of any response you made to the Welsh Government's consultation on its White Paper? Please explain your answer.

4. To what extent are the key provisions the most appropriate way of delivering the aim of the Bill?

5. What are the potential barriers to the implementation of the key provisions and does the Bill take account of them?

6. What are your views on the financial implications of the Bill (this could be for your organisation, or more generally)? In answering this question you may wish to consider Part 2 of the Explanatory Memorandum (the Impact Assessment), which estimates the costs and benefits of implementation of the Bill.

7. To what extent has the correct balance been achieved between the level of detail provided on the face of the Bill and that which will be contained in guidance given by the Welsh Ministers?

8. Are there any other comments you wish to make on the Bill that have not been covered in your response?

# Agenda Item 3.15

## **P-04-447 : Campaign for Statue of Henry VII in Pembroke**

### **Petition wording:**

We call on the National Assembly for Wales to urge the Welsh Government to fund a statue of Henry VII in Pembroke, town of his birth and birthplace of the Tudor Dynasty. There is no statue or memorial in the town of this man. A statue could improve the economy of the town as a Tudor must-visit place.

**Petition raised by:** Nathen Amin

**Date petition first considered by Committee:** 15 January 2013

**Number of signatures:** 144

Huw Lewis AC / AM  
Y Gweinidog Tai, Adfywio a Threftadaeth  
Minister for Housing, Regeneration and Heritage



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref P-04-447  
Ein cyf/Our ref HL/00101/13

William Powell AM  
Chair, Petitions committee  
Ty Hywel  
Cardiff Bay  
Cardiff  
CF99 1NA

6 February 2013

Dear William

Thank you for your letter of 23 January regarding a petition to fund a statue of Henry VII in Pembroke.

Whilst I recognise the contribution of the Tudor era to Wales's history, the Welsh Government does not generally fund the creation of new memorials or other commemorations.

Pembroke Castle, which is owned and managed by a private charitable trust, celebrates the dynasty of Henry VII and the Tudors and in itself acts as a substantial memorial to the birthplace of Henry VII. The castle includes tableaux depicting the birth of Henry VII in 1457 as well as the tower, known as Henry VII Tower which was reputedly where the birth took place. I note that you intend to write to a number of organisations for views on this petition and would suggest that you also contact the Pembroke Castle Trust at [info@pembrokecastle.co.uk](mailto:info@pembrokecastle.co.uk) for its views.

For its part, Cadw will be considering further interpretation plans for the later Middle Ages in 2013/14 and this will include consideration of the interpretation of the role of the Tudors in Wales.

**Huw Lewis AC / AM**  
Y Gweinidog Tai, Adfywio a Threftadaeth  
Minister for Housing, Regeneration and Heritage



Date • Dyddiad 20 February 2013  
Your ref • Eich cyfeirnod P-04-447  
My ref • Fy nghyfeirnod SPJ/PEW  
Telephone • Ffôn 01437 775894  
Ask for • Gofynnwch am Dr S P Jones  
Email • E-bost Steven\_jones@pembrokeshire.gov.uk

BRYN PARRY-JONES, M.A. (Oxon)  
Chief Executive

Prif Weithredwr

Dr. STEVEN JONES, B.A.(Hons), D.M.S., M.B.A., Ph.D., M.C.I.M.  
Director of Development

Cyfarwyddwr Datblygu

Pembrokeshire County Council,  
County Hall, HAVERFORDWEST,  
Pembrokeshire, SA61 1TP

Cyngor Sir Penfro,  
Neuadd y Sir, HWLFFORDD,  
Sir Benfro, SA61 1TP

DX 98295 HAVERFORDWEST  
Telephone 01437 764551

DX 98295 HWLFFORDD  
Ffôn 01437 764551

Ms Naomi Stocks  
Committee Clerk  
National Assembly for Wales  
Petitions Committee  
Cardiff Bay  
CARDIFF  
CF99 1NA

Dear Ms Stocks

## Henry VII Statue in Pembroke

I refer to your letter to Mr Bryn Parry-Jones, Chief Executive, regarding the recently submitted petition in support of a statue of Henry VII.

The County Council is supportive of proposals that highlight and illustrate the important relationship between Henry VII and Pembroke (Castle, town and county), particularly if this forms part of a wider branding and cultural tourism strategy that helps to promote the town as a visitor destination. Indeed, on its own, a statue may have little benefit over and above the local town and civic pride agenda.

Having canvassed the views of local County Council Members, I would confirm that there is support for the petition.

As indicated in my email of the 15 February 2013, I would recommend that you consult directly with Pembroke Town Council on this matter.

Yours sincerely

Dr S P Jones  
Director of Development



25<sup>th</sup> February, 2013

Mr William Powell AM,  
Cardiff Bay,  
Cardiff,  
CF99 1NA



**Awdurdod  
Parc Cenedlaethol  
Arfordir Penfro**  
Parc Llanion, Doc Penfro  
Sir Benfro SA72 6DY

**Pembrokeshire Coast  
National Park  
Authority**

Llanion Park, Pembroke Dock  
Pembrokeshire SA72 6DY

Ffôn/Tel: 0845 345 7275

Ffacs/Fax: 01646 689076

DX 120354 Pembroke Dock

pcap@arfordirpenfro.org.uk

pcnp@pembrokeshirecoast.org.uk

www.arfordirpenfro.org.uk

www.pembrokeshirecoast.org.uk

*Croesawn ohebiaeth  
yn Gymraeg a Saesneg  
We welcome correspondence  
in English and Welsh*

Dear William

Thank you for your letter regarding the petition to “urge the Welsh Government to fund a statue of Henry VII in Pembroke”. While Pembroke is not within the National Park, I would make the following comments on the proposal:

- Pembroke Castle is a historical jewel and a major attraction to the area. It is questionable whether a statue, funded from the public purse, would attract any more visitors than the castle already does;
- While the erecting of a statue may provide a short term boost, particularly if it has strong artistic merit, over the longer-term it is unlikely to surpass the castle as the major attraction; and
- I would agree that there is a benefit in highlighting Pembroke as a “Tudor must-visit place”, however, effective, cutting edge interpretation, along the lines of the Pan-Wales Interpretation Plan may be a more effective way of achieving this.

Yours sincerely

**Tegryn Jones**  
Chief Executive



## **P-04-447 Campaign for Statue of Henry VII in Pembroke – Correspondence from the petitioner to the clerking team**

Petitioner Notes RE: Henry Tudor Statue Petition

1) Since the petition has been submitted there has been a flurry of press coverage regarding the petition, including correspondence from various parties interesting in the campaign. The campaign has been featured in the Western Telegraph and Milford Mercury whilst receiving a full page spread in the Western Mail for the second time since the campaign commenced. I have also been interviewed for a piece which featured on BBC Radio Wales and which is still accessible via the website as a featured piece, arguing for further recognition of Henry Tudor, "Wales' forgotten king".

2) The discovery of Richard III in Leicester has led to a renewed level of interest in the late 15th century and the events surrounding his death, an event in which Henry Tudor features prominently. There is a great opportunity to attract a degree of deflected glory from this discovery and attract scores of tourists to visit the birthplace of the man responsible for the death and overthrow of King Richard. The death of Richard III can not be told without Henry Tudor and it is key to capitalise on this good fortune.

3) The ongoing quarrel between the cities of York and Leicester for the burial rights to Richard III has only served to emphasise the importance placed on tourism derived from medieval monarchs, ostensibly still capable of proving to be a cash cow. The argument has reached global levels, with input from as far afield as Australia and USA. Once more it demonstrates the possibilities in tapping into this Richard III phenomenon and how larger communities than Pembroke are eager to exploit tourist opportunities from this period. The official Leicester Tourist industry have developed Richard III weekend breaks from £79 per person, something that could easily be replicated in Pembrokeshire. Alison Weir the Author has nationwide Tudor Tours that sell for £5k a person, these should be exploited to bring people into Pembrokeshire, something a Statue would greatly enhance.

## **P-04-344 Freshwater East – Public Sewer**

### **Petition wording**

We the undersigned householders of Freshwater East, ask the Welsh Government not to take enforcement action against Dwr Cymru Welsh Water concerning the installation of a public sewer in Freshwater East.

**Petition raised by:** Royston Thomas

**Date petition first considered by Committee:** 29 November 2011

**Number of signatures:** 106

**John Griffiths AC /AM**  
**Gweinidog yr Amgylchedd a Datblygu Cynaliadwy**  
**Minister for Environment and Sustainable Development**



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

Eich cyf/Your ref P-04-344  
Ein cyf/Our ref qA973543  
William Powell AM  
Chair Petition's Committee  
Ty Hywel  
Cardiff Bay  
Cardiff  
CF99 1NA

7 March 2013

Dear William,

I am writing to advise you that following consideration of the water quality investigation report undertaken by the Environment Agency and the exceptional circumstances of the case, I have taken the decision not to proceed to enforcement action for the provision of a public sewer at Freshwater East, Pembrokeshire.

If you require a copy of the Environment Agency's investigation report please contact my officials on 029 20825509 or by email at [water@wales.gsi.gov.uk](mailto:water@wales.gsi.gov.uk).

I am attaching a copy of the Notice for information.

Best wishes,

**John Griffiths AC / AM**  
**Gweinidog yr Amgylchedd a Datblygu Cynaliadwy**  
**Minister for Environment and Sustainable Development**



Llywodraeth Cymru  
Welsh Government

### **Provision of a public sewer at Freshwater East in accordance with section 101A of the Water Industry Act 1991**

On 26 October 2011 the Minister for Environment & Sustainable Development served on Dŵr Cymru Welsh Water a notice of his intention to take enforcement action in respect of a breach of section 101A of the Water Industry Act 1991 at Freshwater East in accordance with section 18 of the Water Industry Act 1991.

Following investigations, advice from the Environment Agency and the exceptional circumstances at Freshwater East, the Minister has taken the decision not to proceed to enforcement action in this case.



Investigation into the impact of sewage effluent discharges on water quality in the Freshwater East area, Pembrokeshire

August 2012

Gareth Farr	Technical Officer Project Manager	Environment Agency Wales
Martin Doherty	Technical Specialist Main Reviewer	Environment Agency Wales
Rod Thomas	Senior Environment Officer	Environment Agency Wales
James Perry	Environment Officer	Environment Agency Wales
Simon Hughes & Alex Lewis	Geophysics	Terradat Geophysics
Fieldwork undertaken 15-18 <sup>th</sup> January 2012 and 12 <sup>th</sup> June 2012		

Environment Agency Wales. 2012. Hydrogeological assessment of Freshwater East, Pembrokeshire. Internal Report.

This investigation was project managed and funded by Environment Agency Wales.

## **Executive summary**

Dwr Cymru/Welsh Water has been subject to a request to for the installation of mains sewerage in Freshwater East. This was initially made by residents in the form of a Section 101A, part of the Water Industry Act 1991. In December 2011 the Welsh Government served a notice on Dwr Cymru/Welsh Water as mains sewerage had not been installed. Following this Environment Agency Wales was asked to gather evidence on the impact of sewage effluent on water quality in the area. This report presents the first detailed water features survey and water quality analysis undertaken at Freshwater East.

The Freshwater East village is divided into three main **surface water catchments**; these are called Burrows, Lake and Freshwater East River. The risks to water quality within each are varied, although the majority of sewage effluent disposal occur within the Burrows catchment.

**Geophysical techniques** in the Burrows catchment identified that there was between 5-7m of blown sand beneath a survey line below the Devon Court flats. In the Lake catchment at the rear of Jason Road there are much thinner red soils overlying bedrock. Localised areas of clay rich deposits do occur and these may result in ineffective soakaways or ponding of sewage effluent.

**Water quality analyses** did not indicate any areas of significant contamination. Nitrate levels exceeded the drinking water standard (11.3mg/l N) at only one site, and ammonia, phosphate and boron levels were all below, or close to the lower limits of detection. Total coliform levels only exceeded the bathing water guideline at one site. Bathing water quality has been classed as excellent since 1999. Algae were also collected but no harmful blue green algae were identified. Microbial Source Tracking analysis did not detect any human bacteroidetes.

The investigation suggests that localised areas of impermeable soils and poorly maintained sewage treatment systems are the main cause of historic and current issues relating to the localised ponding of sewage effluent , however the data does not show significant or widespread areas of water contamination.



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## **1. Introduction**

The aim of the investigation is to gather hydrogeological information (primarily water quality) for the Freshwater East area. The data was used to improve the conceptual understanding of the hydrogeology in the Freshwater East area, and to determine if the effluent discharges from individual homes pose a risk to environmental receptors such as groundwater, surface water and bathing waters. There are no private drinking water supplies in the area, with all properties being served by mains drinking water.

The conceptual model was underpinned by the following:

- a detailed water features survey
- comprehensive water quality baseline analysis
- delineation of surface water catchments
- geophysical investigation

Freshwater East is subject to a section S101A process (request for installation of mains sewerage) and Dwr Cymru / Welsh Water (DCWW) have been instructed by the Welsh Government to install mains sewerage. A petition with 103 signatures was submitted to the Welsh Government by residents of Freshwater East who are opposed to the scheme. Faber Maunsell (DCWW's consultants) concluded that there is no duty under the S101A process for DCWW to install mains sewerage. DCWW failed to install mains sewerage and a notice was served on them by Welsh Government in December 2011. Subsequent to this Environment Agency Wales (EAW) was instructed by the Welsh Government to undertake this water quality investigation.

Although three detailed surveys of the type and location of private sewage treatment systems have been carried out over the last ten years (DCWW 2000 and Faber Maunsell 2005 & 2009) only limited evidence as to the impact of these systems on water quality has been collected.

## 2. Freshwater East

Freshwater East is a small coastal village located in Pembrokeshire, West Wales. It contains residential properties and numerous holiday homes although the exact numbers of each type are not known. There is one public house which is located on Jason Road.

## 3. Summary of previous work by Dwr Cymru / Welsh Water

Since the section S101A process was initiated the following reports have been completed:

- Dwr Cymru, 2000. Water Industry Act Section 101A. Report on Freshwater East
- Faber Maunsell, 2005. Dwr Cymru Welsh Water Section 101A Assessment
- Faber Maunsell, 2009. Dwr Cymru Welsh Water Section 101A Assessment

Detailed surveys of all properties and the location of their private sewage treatment systems were made, and all known surface outbreaks of effluent were recorded.

The 2009 report concluded that:

- **There is no duty under Section 101A of the Water Industry Act 1991 to provide public sewerage for any properties in this locality.**

Some of the other conclusions were:

- Bathing water quality in Freshwater East bay is classed as excellent by EAW
- Neither inland or coastal waters appear to be impacted by pollution problems emanating from the locality
- No evidence of pollution was observed during any site visits
- It is unlikely that there are any significant adverse effects on any of the local environmentally designated sites
- Problems are generally related to maintenance issues

Although DCWW and Faber Maunsell provided detailed information on the location and type of private sewerage treatment systems they failed to collect any detailed water quality data or expand our understanding of the geology and hydrogeology of the area.

The main areas where the existing reports lack information are:

- **Water Features Survey:** no detailed survey was undertaken. Identifying where springs occur gives an insight into the hydrogeology and allows water quality samples to be obtained.
- **Water Quality:** only one sample was collected, at the base of the cliffs. No water quality issues were reported.
- **Percolation Tests:** The only records are two failed tests to the rear of Jason Road and one test at 'Sunblest' with a Vp of 17s/mm.
- **Conceptual understanding:** little consideration was given to attempting to understand the area first before considering which properties were considered to be in an area deemed 'at risk'.

This report provides further information on these points.

#### **4. Water Features Survey**

The water features survey (WFS) was undertaken on the 16<sup>th</sup> of January 2012 by Gareth Farr and Rod Thomas of Environment Agency Wales (see Figure 1 and Appendix 1).

It is only during winter or after sufficient recharge that many of the water features such as springs, streams and dune slacks are active. During other times of the year recharge to the aquifer is limited such that many of the water features, such as slacks are absent and springs may have reduced flows.

The WFS included all accessible surface water and groundwater features within the Freshwater East area. In addition all drains, culverts and ditches were surveyed and where possible water quality samples were collected.

There are no private water supplies in the area and all homes are supplied with mains drinking water.

## **5. Geological Summary**

Sid Howells (Countryside Council for Wales - Geologist) provided an introductory geological site walkover on the 15<sup>th</sup> of January 2012. In addition to this, his detailed observations and local knowledge were used to gain a better local understanding of the bedrock and superficial geology.

The bedrock geology (Figure 2) comprises Silurian and Lower Devonian strata, which are classed as secondary aquifers. The geology is faulted and orogenic earth movements have resulted in the beds dipping at near vertical or subvertical angles, with a EEN-SSW strike. Where faults occur the displacement maybe up to 50m (Sid Howells pers comms) putting Silurian strata in contact with the Devonian Lower Old Red Sandstone.

The faulting within the bedrock is most obvious to the east of the beach, where several fault derived gullies have formed. There are probably faulted structures within the bedrock elsewhere in Freshwater East however the superficial deposits prevent these from being observed.

The overlying layer of clay rich soliflucted deposits lie directly upon both the Silurian and Devonian strata. The thickness of the soliflucted deposits vary with the greatest thicknesses occurring below the blown sands.

The blown sand deposits (Figure 4 & 5) which overly the soliflucted deposits are wide ranging in their distribution and thickness. The blown sands are visible and form the dunes and burrows at Freshwater East. Onshore winds have led to sands being blown over the crest of the ridge (marked by Jason Road). Blown sand deposits are thicker at the western end of Jason Road and appear to be thinner or non existent at the eastern end.

## 6. Surface water catchments

There are three surface water catchments in the Freshwater East area (Figure 3) called Burrows, Lake and Freshwater East Stream. The catchments will dictate the direction of surface water, shallow soil water and groundwater flow. It is in the Burrows catchment that the majority of sewage effluent is discharged. Effluent will generally follow the same flow path as surface water within each catchment.

Shallow groundwater flow is largely governed by the surface water catchments although it is also possible that groundwater can cross surface water catchments via faults and fractures in the bedrock aquifer. Therefore surface water catchments should not be used to define groundwater catchments, although they do give some understanding into flow paths for sewage effluent.

**Burrows catchment:** This covers the majority of Freshwater East and is the principal focus of this study. The majority of homes and private sewage treatment systems are found here. Blown sand deposits dominate the area, however the underlying clay rich soliflucted deposits and bedrock also outcrop at the surface. The soliflucted layer may create a low permeability horizon between the sands and bedrock geology. The predominant landuse in the area is residential, with small amounts of agriculture in the east. Groundwater within the Burrows catchment drains mainly towards the coast, discharging diffusely across the face of the dune system, and at springs at the eastern end of the beach.

**Lake catchment:** This differs from the Burrows catchment as it is covered with soils from the Manod association, and there are less blown sand deposits. The catchment is underlain by Silurian and Devonian Old Red Sandstone strata. Surface water flows are to the north and not towards the coast in contrast to flow in the Burrows catchment. There are fewer residential properties, and low intensity agriculture dominates the upper part of the catchment north of Jason Road. It is likely that several of the Jason Road properties will drain into this catchment and not the Burrows catchment.

**Freshwater East Stream catchment:** This is the largest of the three catchments however it is not thought that properties in Freshwater East are posing a threat to the water quality. It is landuse and discharges within this catchment that probably have the main control on the water quality, however there is also a storm water overflow for the treatment plant at the caravan site. It is not thought that private sewage treatment systems in the Burrows catchment pose a risk to water quality in the Freshwater East stream which discharges to the coast at the western end of the beach.

## **7. Geophysical investigation**

Terradata (Cardiff) carried out geophysical investigations in the area on the 18<sup>th</sup> of January 2012. Electrical resistivity using a 2m line spacing, seismic refraction and ground penetrating radar were the techniques used.

The main aims were to investigate the:

- depth of the soil / blown sands overlying the bedrock
- geological structure beneath the blown sands
- depth to the water table within the blown sands

Two sections were prepared (Figures 6 & 7).

### **Section 1 – Jason Road West**

This comprised a 140m survey line (Figure 6) running almost east west behind the houses at the eastern end of Jason Road. This line was used to follow the rear of the properties where ponded effluent has been observed. Five hand augured holes were also made to compliment the geophysical work.

Investigations proved that the thickness of soil behind the houses ranged from 30-45 cm with bedrock encountered below. However in the area behind Eastfield (Site 21 – foul effluent ) a 1.9m depth of clay was encountered. This would explain why foul effluent was ponding on the ground surface at this location.

## **Section 2 – Devon Court**

This comprised a 220m survey line (Figure 7) running north-south, starting at the public footpath by Devon Court Flats and extending down towards the coast. The location of this line was based upon the requirement for a straight line profile down through the dunes. It is also downgradient of perhaps the largest sewage treatment system in Freshwater East, that serving the Devon Court flats.

No hand augured holes were made along this section, mainly due to time constraints but also due to the limited operational depth of the hand auger (2-3m) which could only partially penetrate the thicker blown sand deposits.

The section shows there is a relatively even depth of blown sand (some 5-7m) above the bedrock, in the area below Devon Court flats. In the approximate location where the property 'Wavecrest' used to stand, the seismic survey detected another layer. This is either a layer of soliflucted clay or saturated blown sand.

## **8. Water Quality**

Where possible and where sites were accessible water quality samples were collected. In total 23 water quality samples were collected and the results are presented in Table 1. Only one of these samples was from an area of ponded sewage effluent (Site 21). The first survey samples came from all three surface water catchments and were collected between 17<sup>th</sup> – 18<sup>th</sup> of January 2012 in line with the Environment Agency Sampling Protocol ES006. The samples were transported the same day to the Environment Agency Laboratory in Starcross where analyses were undertaken and results were then stored on the Environment Agency's 'WIMS' database. A second survey was undertaken on 12<sup>th</sup> June 2012.

The **historical water quality** data at Freshwater East is limited to samples collected from the Freshwater East stream (WIMS 86212), which flows onto the western end of the beach, and to summer bathing water samples (WIMS 39029), also collected by EAW. This data will be discussed in the 'Freshwater East Stream catchment' section below.



The **bathing water quality** monitoring and recent Bathing Water Profile (EA, 2012) show that Freshwater East beach has achieved a 'Higher' water quality standard between 1999 – 2011.

Surprisingly, considering the concern about private sewage treatment systems only one water quality sample had previously been collected within the Burrows or Lake catchments. The sample collected in June 2004 (Faber Maunsell, 2009) was obtained at the 'Beach Waterfall' (equivalent to Site 14 in this investigation) and the analysis showed there was no nutrient enrichment.

For the current investigation each water sample was analysed for the major and minor ions, selected metals, nutrients (nitrate, phosphate, orthophosphate) and bacteriological contaminants. Boron was analysed as a known tracer for detergent effluent. Each sample was collected as close to the source (often the spring head) as possible, with the samples being returned to the laboratory the same evening.

## **Survey 1 Results**

**Water Quality in the Burrows catchment:** Fifteen water samples were collected. There was no visible evidence of sewage pollution, such as ponding of sewage effluent. Nitrate values range from 2.69 – 10.9 mg/l as N. Phosphate results are only above detection in the springs below Devon Court (Sites 3&4) at 0.0567mg/l and 0.0575mg/l respectively and within the small dune slack (Site 6) at 0.0539mg/l. Ammonia results are below the detection limit in all samples except for Site 11 where a value of 0.035mg/l was recorded.

A total coliform limit of 500 cfu 100 ml<sup>-1</sup> was used to highlight water samples that may have been impacted by sewage effluent in this and other catchments. This limit is the same as the recommended guideline limit used for freshwater and bathing waters, however it should be noted that the mandatory upper limit for bathing waters is 10,000 cfu 100 ml<sup>-1</sup>.

The recommended coliforms limit of 500 cfu 100 ml<sup>-1</sup> was breached at two locations (Sites 27 & 14) within the Burrows catchment. Site 27 is the spring at the eastern end of Jason Road with total coliforms of 818 cfu 100 ml<sup>-1</sup>. Site 14 is the main beach waterfall at

the eastern end of the beach where total coliforms were recorded at 12000 cfu 100 ml<sup>-1</sup>. In addition both of the beach springs (Sites 12 & 13) close to the beach waterfall (Site 14) recorded total coliforms >100 cfu 100 ml<sup>-1</sup>. The catchment for the beach waterfall (Site 14) extends up to the houses to the south of Jason Road, however none of the springs which supply this waterfall (sites 18-20) recorded total coliforms greater than 100 cfu 100 ml<sup>-1</sup>.

All the results for boron were below the level of detection of 100ug/l.

**Water Quality in the Lake catchment:** Six water quality samples were collected from the Lake catchment. There was clear evidence of sewage pollution at one location to the rear of Eastfield (Site 21), where the septic tank was overflowing and/or the soakaway was ineffective.

Nitrate concentrations ranged from 1 – 14.2 mg/l as N, averaging 7.4mg/l. Other than from the direct sample of sewage effluent phosphate concentration ranged from <0.02 – 0.172mg/l. The Holy Well (Site 26) and the springs at the top of the Springfield Stream (Sites 22, 23 & 25) all have concentrations above the limit of detection. Ammonia was below the limit of detection (0.03mg/l) in all six samples.

Total coliforms breached the limit of 500 cfu 100 ml<sup>-1</sup> at one spring, Site 23 (this does not include the sample of sewage at site 21). The spring registered 550 cfu 100 ml<sup>-1</sup> and is the first spring downgradient of the area where the sewage pollution was recorded.

All the results for boron were below the level of detection of 100ug/l.

**Water Quality in the Freshwater East Stream catchment:** As mentioned above, the main sample point at Freshwater East is the stream which flows onto the western end of the beach. The flow of water from the Lake catchment on the Freshwater East beach is far greater than that from the Burrows or Lake catchment. Total coliforms of 550 cfu 100 ml<sup>-1</sup> breached the initial guideline limit of 500 cfu 100 ml<sup>-1</sup>. However it is not thought that any of the properties located within Freshwater East will drain into this catchment or contribute to water quality at the point where the Freshwater East Stream enters the beach.

## **Survey 2 Results**

The round 2 sampling has shown that the major and minor ions appear to have remained consistent at all sites. There were no large changes in the levels of nitrate or phosphate between the initial samples in round 1, in January, and round 2 in June, 2012. Nitrates are elevated above drinking water standards at one location (Site 27) and close to the standards at sites 22 and 25.

Ammonia is below the detection limit in the majority of samples as in round 1. Only the Freshwater East River showed detectable levels of ammonia.

## **9. Microbial Source Tracking MST**

Microbial Source Tracking (MST) was undertaken on all samples during round 2. Site 21 (the area of ponded sewage effluent) and site 22 (head of Springfield stream) were not re sampled. The sampling was undertaken by Gareth Farr, Matt O'Brien and Lucy Tooher of Environment Agency Wales.

MST can indicate if bacteroidetes present are from human or ruminant (animal) sources. The method gives a qualitative (absent or present) answer rather than a quantitative answer. MST is a useful tool but should not be solely used for decision making. It should be considered as a guide and not proof of the source of bacteroidetes.

Although the relevant laboratory procedures carry United Kingdom Accreditation Service (UKAS) accreditation, the quantitative reporting of gene copy numbers is not covered by the UKAS accreditation. The uncertainty of measurement of the laboratory testing has been assessed; however in the real world situation is unknown. Until this has been further evaluated, the microbial source-tracking data should not be considered as quantitative.

## 10. Water Quality Summary

The results indicate that there is no evidence of significant water quality issues in the Freshwater East area. Nitrates are elevated above drinking water standards at one location (Site 27). This spring is likely to have its catchment in an agricultural area. Ammonia is below the detection limit in 20 of the 23 samples. Boron is below the detection limit of <100ug/l in all samples.

Where total coliforms are elevated, for example in the beach waterfall (Site 14) further investigation during periods of peak occupancy in the village would provide valuable additional information. The relatively small flow of this water feature (1.3 l/s) and subsequent dilution in sea water will however reduce any potential impacts on the bathing waters.

The results of the MST analysis can only be used in a qualitative manner and in conjunction with other evidence. **The MST analysis did not detect any human bacteroidetes.**

The MST analysis only detected ruminant (animal) bacteroidetes at three sites. These sites were Site 10 Main Outflow of Freshwater East River, Site 23 Springfield Spring 1 and Site 27 Spring near Eastfield.

Site	Site 2	Date Time	Geology	Catchment	EC 25C oC	Temp oC	BOD 5 Day ATU	Alkalinity to pH 4.5 as CaCO3	Ammoniacal Nitrogen as N	Nitrite as N mg/l	Nitrogen : Total Oxidised as	Nitrate-N mg/l	Orthophosphate, reactive as P mg/l	Phosphate : Total as P mg/l	Sodium mg/l	Calcium mg/l	Magnesium mg/l	Potassium mg/l	Chloride mg/l	Bicarb HCO3 mg/l	Sulphate as SO4 mg/l	Solids, Suspende d at 105 C	Hardness mg/l	Iron, Dissolved ug/l
1	Historic Private Water Supply Well for village	12/06/2012 @ 12:35	Devonian ORS	Burrows	460	10.8	1	149	<.03	<.004	6.15	6.15	0.029	0.032	25	68	4.97	1.69	39	182	15.4	3.02	190	<30
1	Historic Private Water Supply Well for village	17-Jan-12 @ 15:22	Devonian ORS	Burrows	260	11.2	<1	145	<.03	<.004	10.6		0.023	<.02					50.1			<3		<30
3	Devon Cour Spring 1	12/06/2012 @ 9:45	Devonian ORS	Burrows	610	11.6	<1	221	<.03	<.004	6.14	6.14	<.02	0.0684	29.4	99.4	8.57	1.55	46.2	270	20.2	108	283	<30
3	Devon Cour Spring 1	17-Jan-12 @ 16:00	Devonian ORS	Burrows	620	11	<1	226	<.03	<.004	6.78	6.78	<.02	0.0567	30	100	8.81	1.65	46.4	276	18.4	132	286	<30
4	Devon Court Spring 2	12/06/2012 @ 9:52	Devonian ORS	Burrows	630	11.8	<1	226	<.03	<.004	6.74	6.74	<.02	0.0244	31	99.5	7.94	1.69	48.4	276	22	26.8	281	<30
4	Devon Court Spring 2	17-Jan-12 @ 16:05	Devonian ORS	Burrows	650	10.7	<1	228	<.03	<.004	6.85	6.85	<.02	0.0575	30.1	101	7.89	1.79	49	278	19.8	233	285	<30
6	Dune Slack 1 (small)	17-Jan-12 @ 10:56	Blown Sands	Burrows	760	9	2	278	<.03	0.016	8.32	8.3	<.02	0.0539	34.9	114	14.5	2.14	66	339	24.5	20.3	344	<30
8	Dune Slack 2 (Lagre)	12/06/2012 @ 9:27	Blown Sands	Burrows	640	15.4	1	231	<.03	0.057	3.24	3.18	<.02	<.02	33.9	98	11.4	0.589	58.2	282	20.9	6.27	292	<30
8	Dune Slack 2 (Lagre)	17-Jan-12 @ 11:05	Blown Sands	Burrows	680	5.2	1	246	<.03	0.026	4.58	4.55	<.02	<.02	34.6	99	11	1.49	62.8	300	20.6	<3	292	<30
9	Bypass Road Highway Drain into Freshwater East river	17-Jan-12 @ 10:36		Burrows	680	10.7	<1	224	<.03	<.004	5.46	5.46	<.02	<.02	34.2	99.2	9.16	1.78	62.2	273	24	<3	285	<30
10	Main Outflow Freshwater East River at footbridge	12/06/2012 @ 8:55			410	11.5	<1	117	0.061	0.072	5.23	5.16	0.074	0.111	24	44	9.6	2.59	37		14	6.77	149	
10	Main Outflow Freshwater East River at footbridge	17-Jan-12 @ 10:30		FwEast Stream	400	7	<1	113	0.04	0.046	5.92		0.038	0.0602	25.4	45.4	9.48	2.18	40.7		14.4	4.63		186
11	Junction of sand and soliflucted material	12/06/2012 @ 14:21	Blown Sands	Burrows	540	16.1	<1	223	<.03	<.004	<2	<.196	<.02	<.02	34.8	80.8	5.69	0.14	45.1	272	12.8	<3	225	<30
11	Junction of sand and soliflucted material	17-Jan-12 @ 12:53	Blown Sands	Burrows	530	9	1	207	0.035	<.004	2.69	2.69	<.02	<.02	30	76.3	6.74	1.98	55.7	253	11.5	<3	218	<30
12	Beach Spring 1 (same as site 13)	17-Jan-12 @ 12:12	Silurian Gray SST	Burrows	650	10.8	<1	227	<.03	<.004	5.4	5.4	<.02	<.02	33.3	97.7	9.1	1.54	57.3	277	19.6	17.4	281	<30
13	Beach Spring 2 (Tufa Gray Sandstone Formation) Same as Site 12	12/06/2012 @ 10:19	Silurian Gray SST	Burrows	630	12.1	<1	223	<.03	<.004	4.01	4.01	<.02	<.02	33.1	93.6	9.13	1.28	56.7	272	20.1	5.87	271	<30
13	Beach Spring 2 (Tufa Gray Sandstone Formation) Same as Site 12	17-Jan-12 @ 12:09	Silurian Gray SST	Burrows	640	10.7	<1	229	<.03	<.004	5.31	5.31	<.02	<.02	33.1	97.7	9.05	1.5	58.2	279	19.5	4.25	281	<30
14	Beachwaterfall (main flow to eastern part of beach)	12/06/2012 @ 10:28	Devonian ORS	Burrows	620	12.3	<1	220	<.03	<.004	5.86	5.86	<.02	<.02	36.2	91.4	10.9	1.26	57.6	268	22.4	9.47	273	<30
14	Beachwaterfall (main flow to eastern part of beach)	17-Jan-12 @ 12:11	Devonian ORS	Burrows	660	9.5	1	223	<.03	<.004	7.1	7.1	<.02	<.02	35.6	95.5	11	1.48	60.9	272	22.4	27.4	284	<30
15	Beach Spring 3	12/06/2012 @ 10:39	Devonian ORS	Burrows	660	12.7	<1	190	<.03	<.004	6.02	6.02	<.02	<.02	50.6	78.5	11	1.87	83.3	232	25.1	<3	241	<30
15	Beach Spring 3	17-Jan-12 @ 12:36	Devonian ORS	Burrows	670	10.2	<1	184	<.03	<.004	6.82	6.82	<.02	<.02	46.4	80.9	10.3	1.39	85.1	224	24	<3	244	52.6
16	Beach Spring 4	12/06/2012 @ 10:46	Devonian ORS	Burrows	670	11.9	<1	171	<.03	<.004	6.36	6.36	<.02	<.02	51.7	77.4	10.6	1.3	91.6	209	25.8	<3	237	<30
16	Beach Spring 4	17-Jan-12 @ 12:50	Devonian ORS	Burrows	690	10.8	<1	170	<.03	<.004	6.99	6.99	<.02	<.02	49.6	78.3	10.2	1.29	90.7	207	25.3	<3	237	<30
18	Spring 1 (flows to Beach Waterfall)	12/06/2012 @ 11:02	Devonian ORS	Burrows	240	11.5	<1	228	<.03	<.004	5.47	5.47	<.02	0.0555	33.4	97.6	10.4	1.46	57.1	278	21.3	103	287	<30
18	Spring 1 (flows to Beach Waterfall)	17-Jan-12 @ 11:56	Devonian ORS	Burrows	560	11.2	<1	232	<.03	<.004	6.91	6.91	<.02	<.02	34.1	99.4	9.86	1.56	57.5	283	21.5	<3	289	<30
19	Spring 2 (flows to Beach Waterfall)	12/06/2012 @ 11:13	Devonian ORS	Burrows	240	11.5	<1	239	<.03	<.004	6.32	6.32	<.02	<.02	34.3	102	11.4	1.11	55.6	292	22.2	9.52	302	<30
19	Spring 2 (flows to Beach Waterfall)	17-Jan-12 @ 11:42	Devonian ORS	Burrows	690	11.3	<1	243	<.03	<.004	7.5	7.5	<.02	<.02	34.1	101	11.1	1.25	57.2	296	22.2	6.73	298	<30
20	Spring 3 (flows to Beach Waterfall)	12/06/2012 @ 11:22	Devonian ORS	Burrows	680	11.6	<1	235	<.03	<.004	6.85	6.85	<.02	<.02	36.7	96.2	11.8	1.35	56.7	287	23.5	8.07	289	<30
20	Spring 3 (flows to Beach Waterfall)	17-Jan-12 @ 11:36	Devonian ORS	Burrows	690	11.6	<1	238	<.03	<.004	7.65	7.65	<.02	<.02	35.5	97.4	11.7	1.46	58.3	290	23.2	20.2	291	<30
21	Eastfield FOUL EFFLUENT overflow	17-Jan-12 @ 14:32	n/s	Lake	280		114	222	14.6	<.01	<1	<.9	2.22	3.37	26.5	75.1	5.42	1.62	44	271	15.7	223	210	<30
22	Springfield Stream Close to head	17-Jan-12 @ 14:30	Devonian ORS	Lake	210	11	2	86	<.03	<.004	11.3	11.3	0.021	0.0634	29	50.3	7.58	1.13	47.6	105	11.8	38.5	157	<30
23	Springfield Stream Spring 1	12/06/2012 @ 13:55	Devonian ORS	Lake	480	11.2	<1	189	<.03	<.004	3.84	3.84	0.023	0.0388	26	72.5	6.98	1.16	34.8	231	14.5	23.9	210	<30
23	Springfield Stream Spring 1	17-Jan-12 @ 14:28	Devonian ORS	Lake	470	10.6	<1	174	<.03	<.004	4.46	4.46	0.037	0.0377	27.2	67.8	6.92	1.28	36.4	212	14.8	124	198	35.2
24	Springfield Stream Spring 2	12/06/2012 @ 13:47	Devonian ORS	Lake	480	10.9	<1	197	<.03	<.004	3.72	3.72	<.02	<.02	22.3	75.6	7.12	1.12	31.4	240	10.9	<3	218	<30
24	Springfield Stream Spring 2	18-Jan-12 @ 09:45	Devonian ORS	Lake	450	10.6	<1	176	<.03	<.004	3.89	3.89	<.02	<.02	22.2	69.9	6.4	1.13	32.1	215	10.7	<3	201	<30
25	Springfield Stream Spring 3	12/06/2012 @ 13:35	Devonian ORS	Lake	320	11.1	<1	68	<.03	<.004	8.38	8.38	0.027	0.0298	26	32.6	7.95	0.86	40.1	83	12	10.5	114	<30
25	Springfield Stream Spring 3	18-Jan-12 @ 09:40	Devonian ORS	Lake	320	10.9	<1		<.03	<.004	11.1	11.1	0.025	0.0881	27.5	35.2	8.4	1.04	43.5	75.6	12.3	128	122	2.17
26	Holy Well	12/06/2012 @ 12:53	ORS/Blown Sand	Lake	550	11.3	<1	211	<.03	<.004	5.7	5.7	0.152	0.164	24.1	85.3	8.28	2.44	36.1	257	13.6	<3	247	<30
26	Holy Well	17-Jan-12 @ 11:46	ORS/Blown Sand	Lake	560	11	<1	217	<.03	<.004	5.77	5.77	0.166	0.172	24	87	7.78	2.42	34.5	265	12.5	<3	249	<30
27	Spring near Eastfield flowing into Burrows catchment	12/06/2012 @ 13:14	Devonian ORS	Burrows	450	11.9	<1	96	<.03	0.005	11.5	11.5	<.02	0.0301	28.5	54	6.31	1.06	49.7	117	11.2	13.3	161	<30
27	Spring near Eastfield flowing into Burrows catchment	17-Jan-12 @ 13:51	Devonian ORS	Burrows	450	8.9	<1	91	<.03	<.004	14.2	14.2	<.02	<.02	29.1	54.5	6.43	1.11	50.9	111	11	6.3	163	<30

Site	Site 2	Date Time	Geology	Catchment	Manganese		Iron ug/l	Boron ug/l	Ionic Balance %	Coliforms, Faecal :			Bact Human CN IgN/0_11	Bact Rumnt CN IgN/0_11	E_coli C-MF NO/100ml	IE Conf CFU/0_11	Human Bacteroidetes	Ruminant Bacteroidetes
					olved ug/l	Dissolved ug/l				Presumptive : Membrane Filtration	Presumptive : Membrane Filtration	Presumptive : Membrane Filtration						
1	Historic Private Water Supply Well for village	12/06/2012 @ 12:35	Devonian ORS	Burrows	<10	<30	<10		0.96				<2	<2	54	<10	Absent	Absent
1	Historic Private Water Supply Well for village	17-Jan-12 @ 15:22	Devonian ORS	Burrows	<10					27	< 10	81						
3	Devon Cour Spring 1	12/06/2012 @ 9:45	Devonian ORS	Burrows	<10	1240	70.2		2.97				<2	<2	<10	<10	Absent	Absent
3	Devon Cour Spring 1	17-Jan-12 @ 16:00	Devonian ORS	Burrows	<10	1690	216	<100	2.67	18	< 10	63						
4	Devon Court Spring 2	12/06/2012 @ 9:52	Devonian ORS	Burrows	<10	324	19.2		1.35				<2	<2	118	91	Absent	Absent
4	Devon Court Spring 2	17-Jan-12 @ 16:05	Devonian ORS	Burrows	<10	383	27.7	<100	1.45	18	< 10	18						
6	Dune Slack 1 (small)	17-Jan-12 @ 10:56	Blown Sands	Burrows	<10	<30	<10	<100	0.412	117	< 10	153						
8	Dune Slack 2 (Lagre)	12/06/2012 @ 9:27	Blown Sands	Burrows	<10	<30	<10		2.74				<2	<2	72	<10	Absent	Absent
8	Dune Slack 2 (Lagre)	17-Jan-12 @ 11:05	Blown Sands	Burrows	<10	<30	<10	<100	0.39	63	420	63						
9	Bypass Road Highway Drain into Freshwater East river	17-Jan-12 @ 10:36		Burrows	<10	<30	<10	<100	0.795	< 10	< 10	< 10						
10	Main Outflow Freshwater East River at footbridge	12/06/2012 @ 8:55				489	66.5		n/a				<2	5.8	135	45	Absent	Present
10	Main Outflow Freshwater East River at footbridge	17-Jan-12 @ 10:30		FwEast Stream	62.4	389	65.4	<100		670	27	636						
11	Junction of sand and soliflucted material	12/06/2012 @ 14:21	Blown Sands	Burrows	<10	<30	<10		0.0436				<2	<2	<10	<10	Absent	Absent
11	Junction of sand and soliflucted material	17-Jan-12 @ 12:53	Blown Sands	Burrows	<10	68.7	<10	<100	3.58	< 10	< 10	< 10						
12	Beach Spring 1 (same as site 13)	17-Jan-12 @ 12:12	Silurian Gray SST	Burrows	<10	84.1	<10	<100	1.16	117	54	144						
13	Beach Spring 2 (Tufa Gray Sandstone Formation) Same as Site 12	12/06/2012 @ 10:19	Silurian Gray SST	Burrows	<10	<30	<10		0.962				<2	<2	18	55	Absent	Absent
13	Beach Spring 2 (Tufa Gray Sandstone Formation) Same as Site 12	17-Jan-12 @ 12:09	Silurian Gray SST	Burrows	<10	85.6	<10	<100	0.655	144	18	171						
14	Beachwaterfall (main flow to eastern part of beach)	12/06/2012 @ 10:28	Devonian ORS	Burrows	<10	<30	<10		1.12				<2	<2	18	<10	Absent	Absent
14	Beachwaterfall (main flow to eastern part of beach)	17-Jan-12 @ 12:11	Devonian ORS	Burrows	<10	224	15.4	<100	0.743	690	36	12000						
15	Beach Spring 3	12/06/2012 @ 10:39	Devonian ORS	Burrows	<10	<30	<10		0.208				<2	<2	<10	64	Absent	Absent
15	Beach Spring 3	17-Jan-12 @ 12:36	Devonian ORS	Burrows	<10	<30	<10	<100	0.91	54	54	81						
16	Beach Spring 4	12/06/2012 @ 10:46	Devonian ORS	Burrows	<10	<30	<10		0.164				<2	<2	<10	<10	Absent	Absent
16	Beach Spring 4	17-Jan-12 @ 12:50	Devonian ORS	Burrows	<10	45.2	<10	<100	0.329	< 10	< 10	< 10						
18	Spring 1 (flows to Beach Waterfall)	12/06/2012 @ 11:02	Devonian ORS	Burrows	<10	261	11.4		1.5				<2	<2	<10	<10	Absent	Absent
18	Spring 1 (flows to Beach Waterfall)	17-Jan-12 @ 11:56	Devonian ORS	Burrows	<10	152	<10	<100	0.64	< 10	< 10	< 10						
19	Spring 2 (flows to Beach Waterfall)	12/06/2012 @ 11:13	Devonian ORS	Burrows	<10	53.3	<10		1.94				<2	<2	<10	<10	Absent	Absent
19	Spring 2 (flows to Beach Waterfall)	17-Jan-12 @ 11:42	Devonian ORS	Burrows	<10	33.4	<10	<100	0.0102	27	< 10	27						
20	Spring 3 (flows to Beach Waterfall)	12/06/2012 @ 11:22	Devonian ORS	Burrows	<10	<30	<10		0.856				<2	<2	18	27	Absent	Absent
20	Spring 3 (flows to Beach Waterfall)	17-Jan-12 @ 11:36	Devonian ORS	Burrows	<10	<30	<10	<100	0.189	54	< 10	36						
21	Eastfield FOUL EFFLUENT overflow	17-Jan-12 @ 14:32	n/s	Lake		<30	<10	<100	6.03	490000	50000	1636364						
22	Springfield Stream Clsoe to head	17-Jan-12 @ 14:30	Devonian ORS	Lake	15.9	2000	1090	<100	3.63	72	< 10	180						
23	Springfield Stream Spring 1	12/06/2012 @ 13:55	Devonian ORS	Lake	<10	54	<10		0.147				<2	4.4	650	18	Absent	Present
23	Springfield Stream Spring 1	17-Jan-12 @ 14:28	Devonian ORS	Lake	<10	591	16.6	<100	0.349	520	< 10	550						
24	Springfield Stream Spring 2	12/06/2012 @ 13:47	Devonian ORS	Lake	<10	<30	<10		0.368				<2	<2	54	<10	Absent	Absent
24	Springfield Stream Spring 2	18-Jan-12 @ 09:45	Devonian ORS	Lake	<10	<30	<10	<100	0.844	< 10	< 10	< 10						
25	Springfield Stream Spring 3	12/06/2012 @ 13:35	Devonian ORS	Lake	<10	73.8	<10		1.41				<2	4.53	144	<10	Absent	Absent
25	Springfield Stream Spring 3	18-Jan-12 @ 09:40	Devonian ORS	Lake	<30	352		27	2.17	<10	<10	<10						
26	Holy Well	12/06/2012 @ 12:53	ORS/Blown Sand	Lake	<10	<30	<10		1.01				<2	<2	<10	<10	Absent	Absent
26	Holy Well	17-Jan-12 @ 11:46	ORS/Blown Sand	Lake	<10	<30	<10	<100	0.85	< 10	< 10	< 10						
27	Spring near Eastfield flowing into Burrows catchment	12/06/2012 @ 13:14	Devonian ORS	Burrows	<10	34.9	<10		1.19				<2	<2	390	310	Absent	Present
27	Spring near Eastfield flowing into Burrows catchment	17-Jan-12 @ 13:51	Devonian ORS	Burrows	<10	59	<10	<100	0.497	730	18	818						

## 11. Algal Samples

Algae were only recorded and collected at two small beach springs (Sites 12 & 13). These sites located to the east of the beach issue from the Devonian and Silurian bedrock aquifer. Samples were collected and sent to the Environment Agency Laboratory in Llanelli for analysis by Julie Gething (see Appendix 2).

Two types of algae were identified:

- *Enteromorpha compressa* an inhabitant of brackish waters was collected from the rocks below the springs. It is a bright green branching tubular algae. Brown diatoms were attached to some of the larger filaments of *Enteromorpha*.
- *Cladophora sp* is a dark green branching filamentous algae. *Cladophora* is commonly called blanket weed and high coverage is associated with elevated nutrients in freshwaters. The sample also contained numerous diatoms, some attached to the algae.
- **No blue-green algae or other potentially harmful algae** were found in either sample.

## 12. Percolation tests

There is only one result from a previous percolation test in the Freshwater East area. The table below summarises this test and two failed tests undertaken in 2005 by C.J Associated Ltd for Faber Maunsells' 2009 report.

Receiving strata	Catchment	Vp	Location	date
Blown sands	Burrows	17	Verge opposite Sunblest	2005
Manod Soils over Devonian ORS	Lake	n/a	Rear of Springfield	2005
Manod Soils over Devonian ORS	Lake	n/a	Rear of Drishane	2005

In general it can be assumed that the unsaturated blown sand deposits offer very fast percolation values; this is confirmed by the results from the verge opposite Sunblest, which recorded a Vp of 17mm/second. This value is close to the lowest (or fastest percolation) recommended value of 15mm/second.

The tests at the rear of Springfield and Drishane properties were cancelled due to the shallow depth of soil so no percolation values are available.

No percolation tests were carried out during this investigation. However it was noted that sewage effluent was ponding on the surface at Site 21 and this was related to a very localised clay rich area. No ponding was observed at the rear of Drishane, however the rear of Springfield was not visited. No ponding of effluent was observed in the Burrows catchment.

Where there is an insufficient depth of soil, or ponding is seen then further percolation tests will probably confirm the unsuitability of the receiving strata for soakaways. However very fast percolation test results (such as from the blown sand deposits) should not instantly be considered a risk to the environment. Although the sand may provide fast



percolation values the depth of sand should also be considered as this will allow further attenuation of effluent. Geophysics has shown there is between 5 and 7m depth of blown sand in some areas of Freshwater East.

### **13. Conceptual understanding**

The strong influence of the structural geology on the hydrogeology was clear during the water features survey. Silurian and Devonian strata dip nearly vertically and strike approximately east-west. Faults bring these different rock types next to each other and provide important structural controls on how and where groundwater is likely to find preferential flow paths.

Faulting has created several faulted gullies or valleys. Many of the faults are associated with springs, which issue directly from the Devonian Old Red Sandstone. The springs emerge both at the top of the Burrows and Lake catchments and also close to or near the beach.

Diffuse groundwater discharges occur at the base of the dunes and are visible at mid tide level. During the 16<sup>th</sup> of January 2012 a wet area in the mid tide level of the beach was observed. However elevated conductivity levels suggest the water was seawater rather than a groundwater discharge.

It was not possible to assess the amount of diffuse groundwater flow from the Burrows catchment, however this maybe the main route for groundwater discharging from the blown sand aquifer.

Table 2. Geological Units and Hydrogeological observations

		Hydrogeological Notes
Soils	Manod Association	Manod Association soils overly most of the Devonian Old Red Sandstone strata. The soils are not much more than a metre thick. They are common in the Lake catchment.
Superficial	Wind blown sand	Groundwater flow is intergranular and where the soliflucted material is absent the sands will be in hydraulic continuity with the underlying bedrock. Springs from the bedrock issue into the dunes and may also recharge the sand aquifer. Groundwater levels in the blown sands are probably responsible for the slack formation to the west of the dunes. The blown sands can lie directly over the bedrock or can be separated by a clay rich layer. The sand deposits range between 5-7m depth below the Devon Court flats.
	Soliflucted stony clay	Cliff sections show clay rich layers up to 3m in thickness with tufa deposits at base. The deposits form a low permeability base, in some areas, to the blown sand deposits, and cover the underlying solid geology. The deposits may not form a consistently impermeable layer however groundwater flow maybe impeded through this unit.
Devonian	Congigat Pit Sandstone Formation	This formation underlies the Lake Catchment and has more sandstone units than the Moor Cliff formation. Groundwater flow is mainly via faults, fractures and along bedding planes. Sandstones may offer a more permeable horizon for intergranular flow.
	Moor Cliffs Formation	Less permeable mudstones and calcretes. Groundwater flow via faults, fractures and along bedding planes.
	Freshwater East Formation	Groundwater flow via faults, fractures and along bedding planes.
Silurian	Gray Sandstone Group	Groundwater flow via faults, fractures and along bedding planes. Springs issuing from this formation can be seen at the eastern end of the beach.

## 14. Conclusions

- Water quality sampling was first undertaken during January 2012 when occupation of residential properties is at its lowest. A second survey was conducted in June when any impact from the discharge of sewage effluent could be expected to be greater due to higher occupancy of properties.
- Three main surface water catchments have now been identified in the Freshwater East area. The catchments are also associated with different risks to water quality which are;

**Burrows Catchment** - main risks are private sewage treatment systems and limited agriculture in far east of the catchment.

**Lake Catchment** - main risks are agriculture and private sewage treatment systems.

**Freshwater East Stream Catchment** - main risks are agriculture and storm sewage overflow pipe.

- Historically the main water quality issues have been related to blue green algal blooms in the outflow of the Freshwater East river. Freshwater East beach has however received the 'higher' water quality standard since 1999 for its bathing water quality.
- **No blue-green algae or other potentially harmful algae** were identified during this study.
- The local variability of the soils and small clay rich areas may lead to sewage ponding or poor soakaways. In addition it is thought that poor management of treatment systems rather than the suitability of the ground is responsible for outbreaks of sewage effluent.
- Total faecal coliforms exceeded the bathing water standard at one site only, the beach waterfall (Site 14).
- Total faecal coliforms did not exceed the bathing water standard at any of the remaining water quality sample points.
- Ammonia is below the limit of detection in 19 out of 23 samples taken during survey 1.
- Boron is below the detection limit in all samples where it was analysed.
- MST analysis did not identify any humanoid bacterial markers. Where bacteroidetes were found they appear to be of animal origin.
- The water quality data does not show significant or widespread areas of water contamination.

## References

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Welsh Government Meeting on Freshwater East Section 101A

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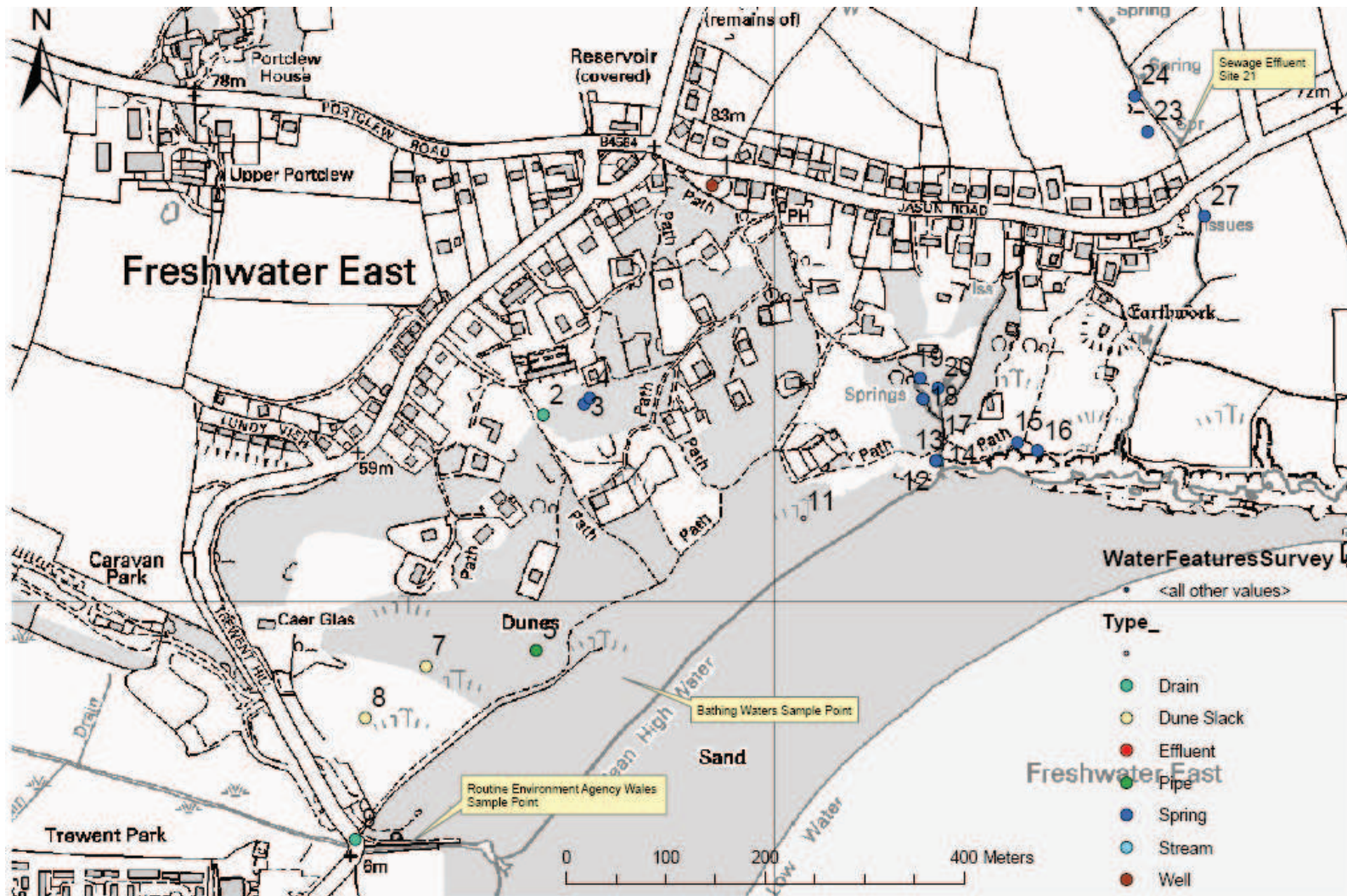


Figure 1. Water Features Survey Locations (OS Basemap)



Figure 2. Bedrock geology (BGS 1:50,000)

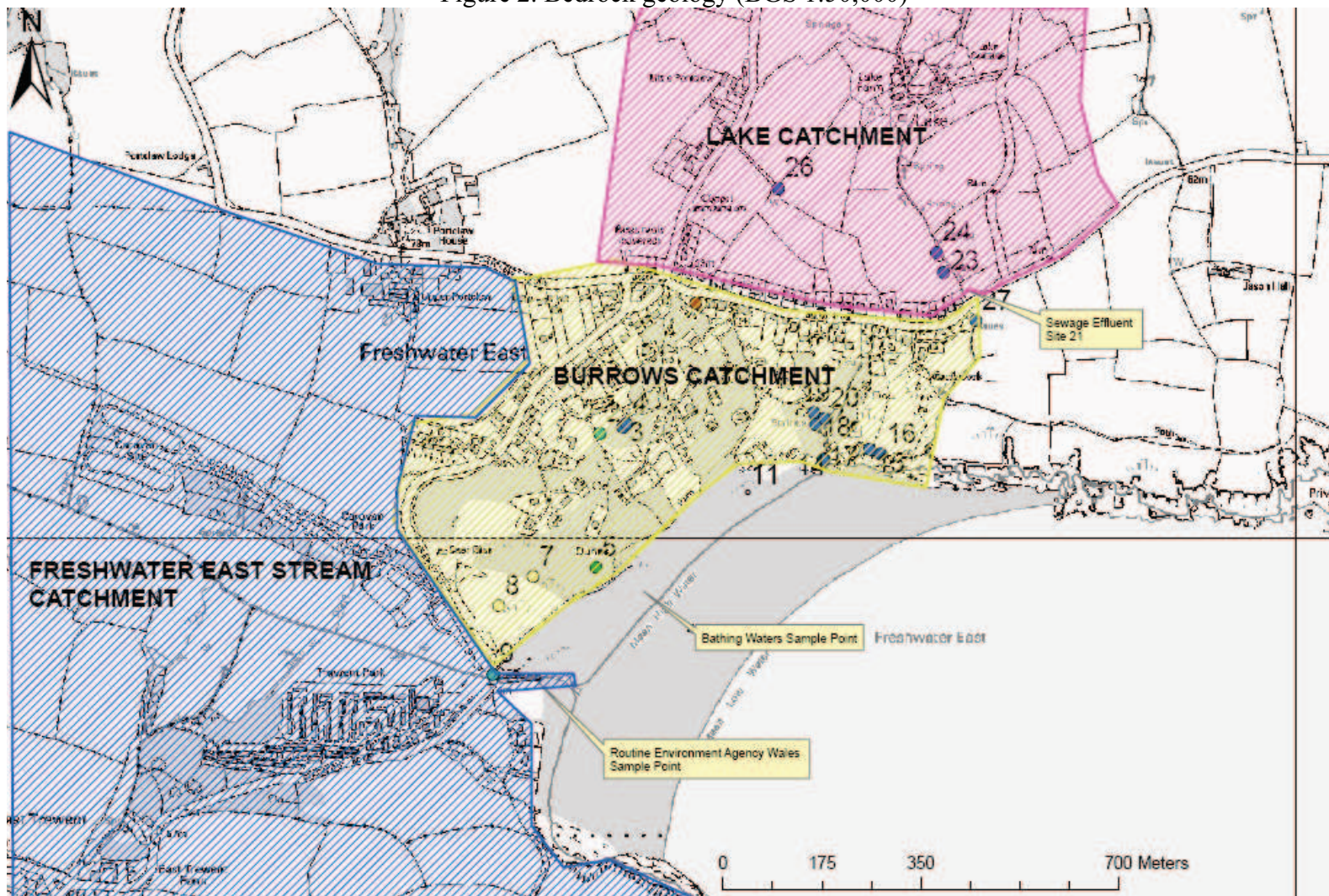


Figure 3: Proposed surface water catchments (OS Basemap)

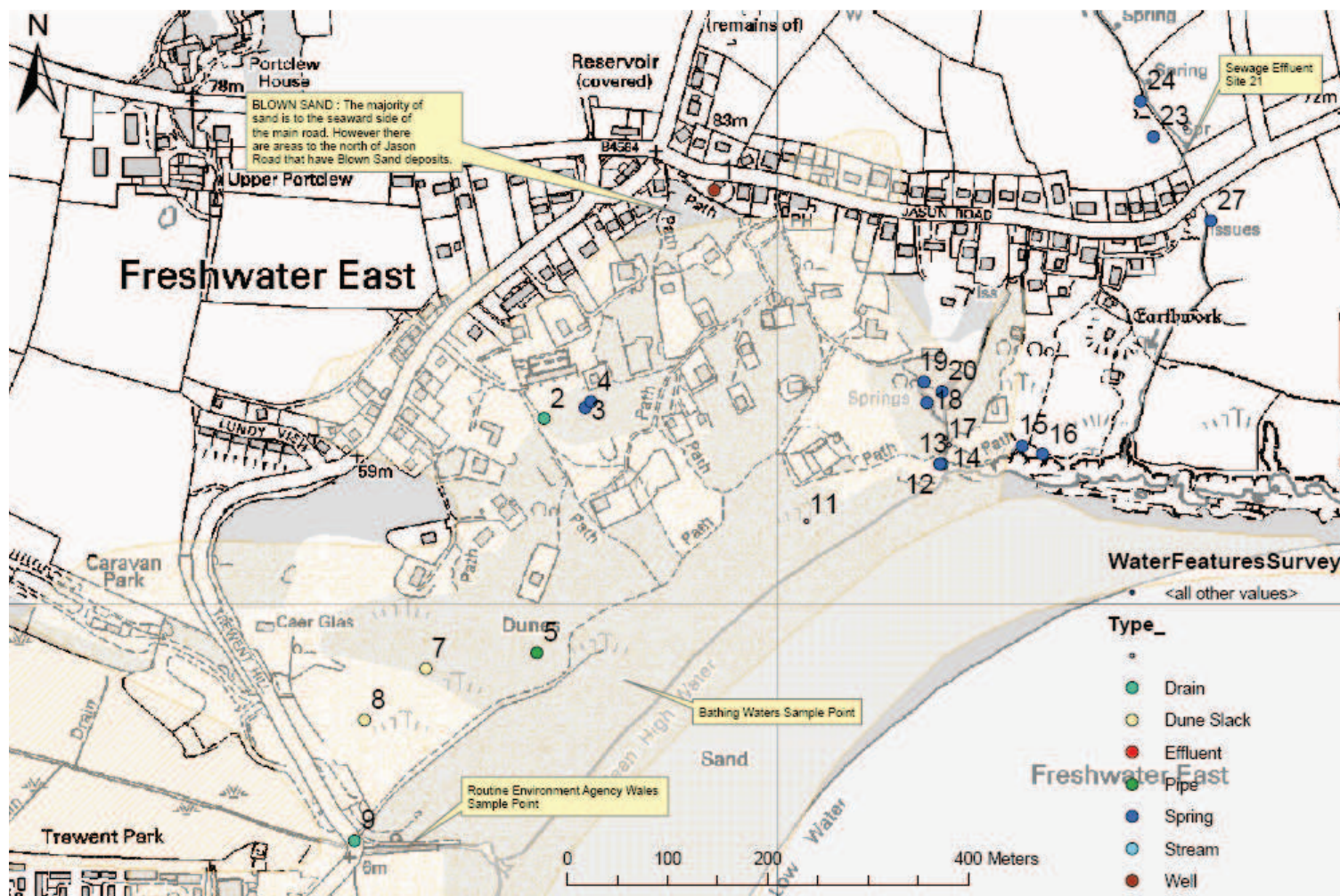




Figure 4. Superficial geology (Blown Sands) BGS 1:50K Superficial Map

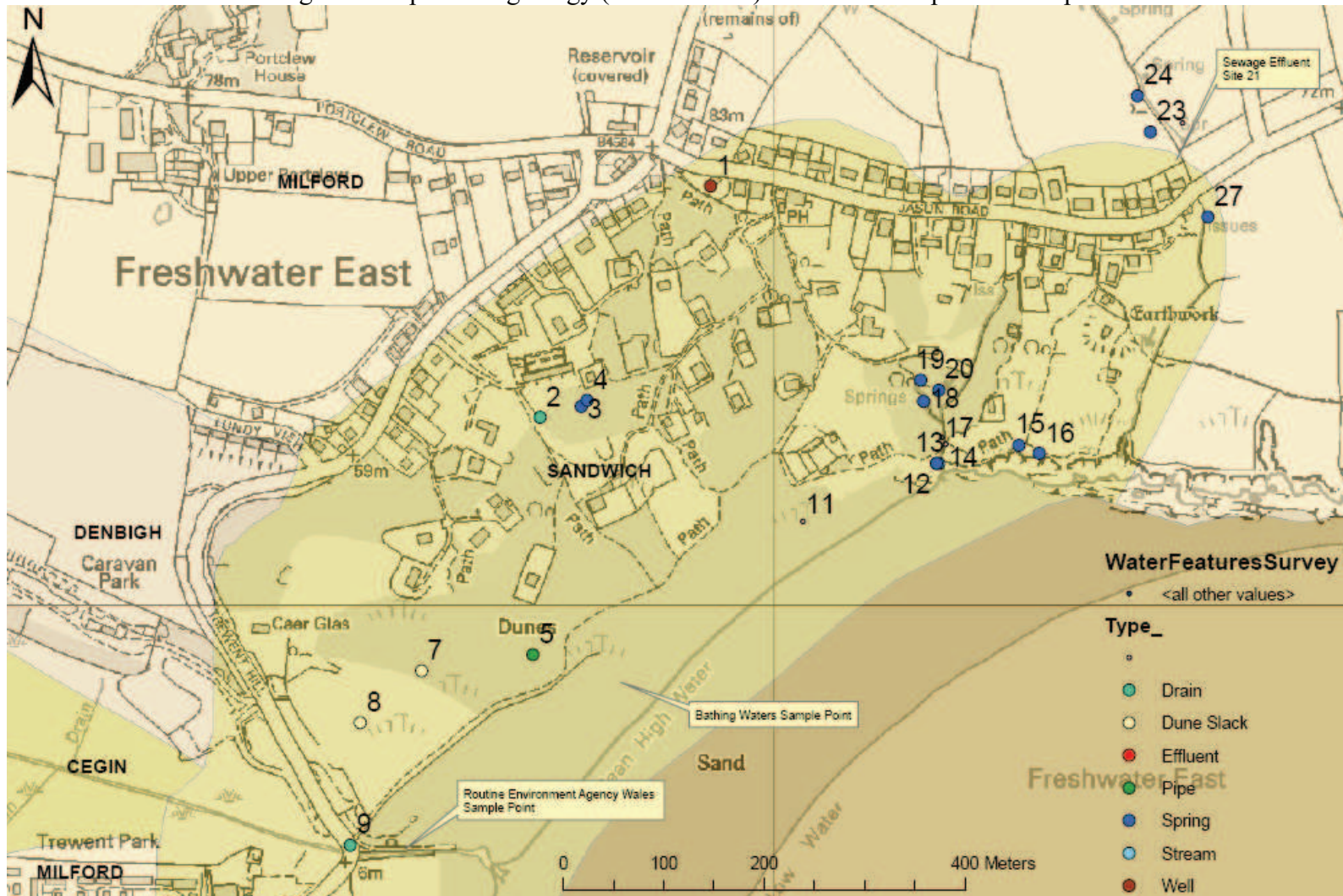


Figure 5: Soils. National Soils Research Institute 1:50K

Site 1 located in northeast edge of village

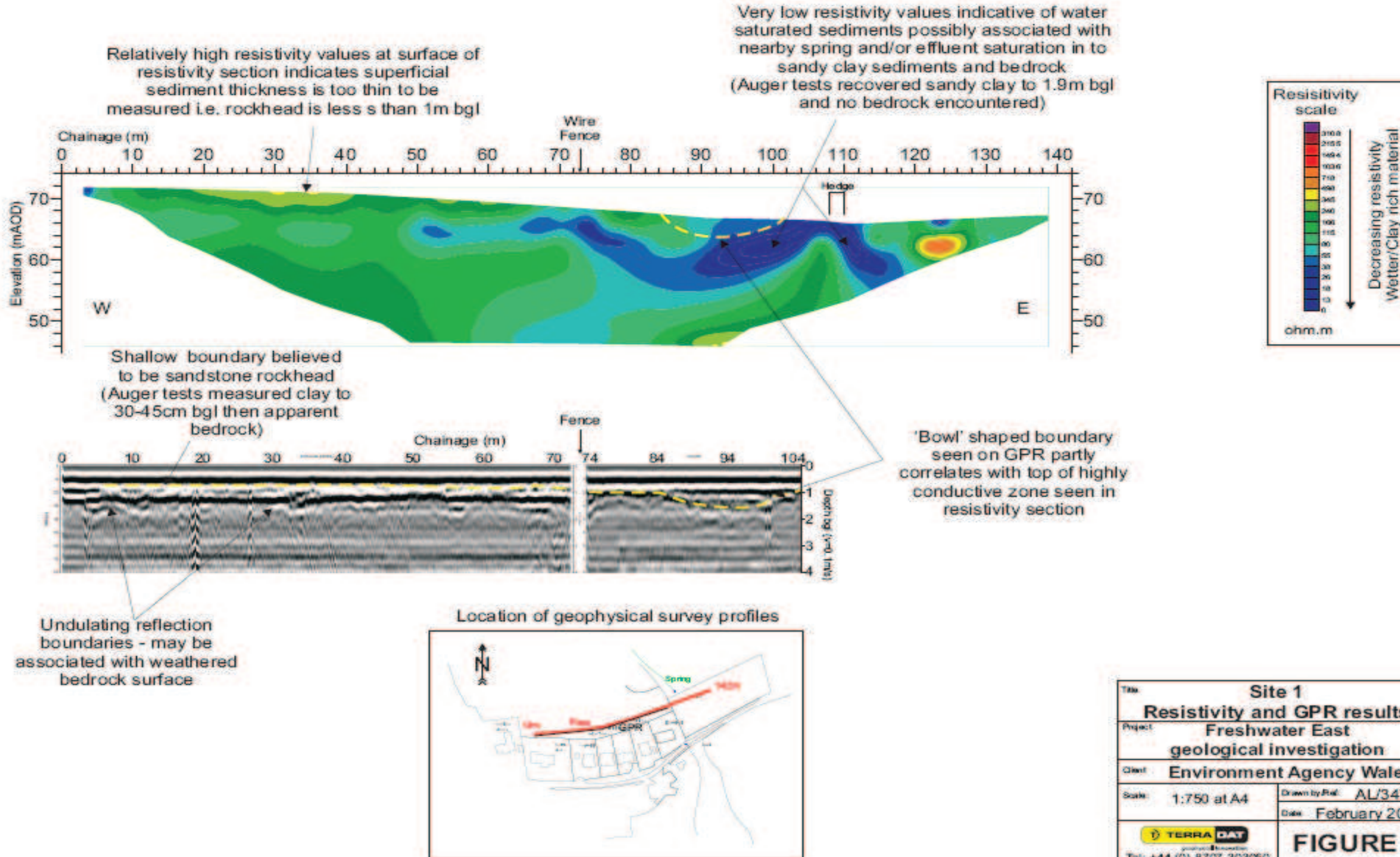


Figure 6 : Geophysical Cross Section 1. Rear of Jason Road

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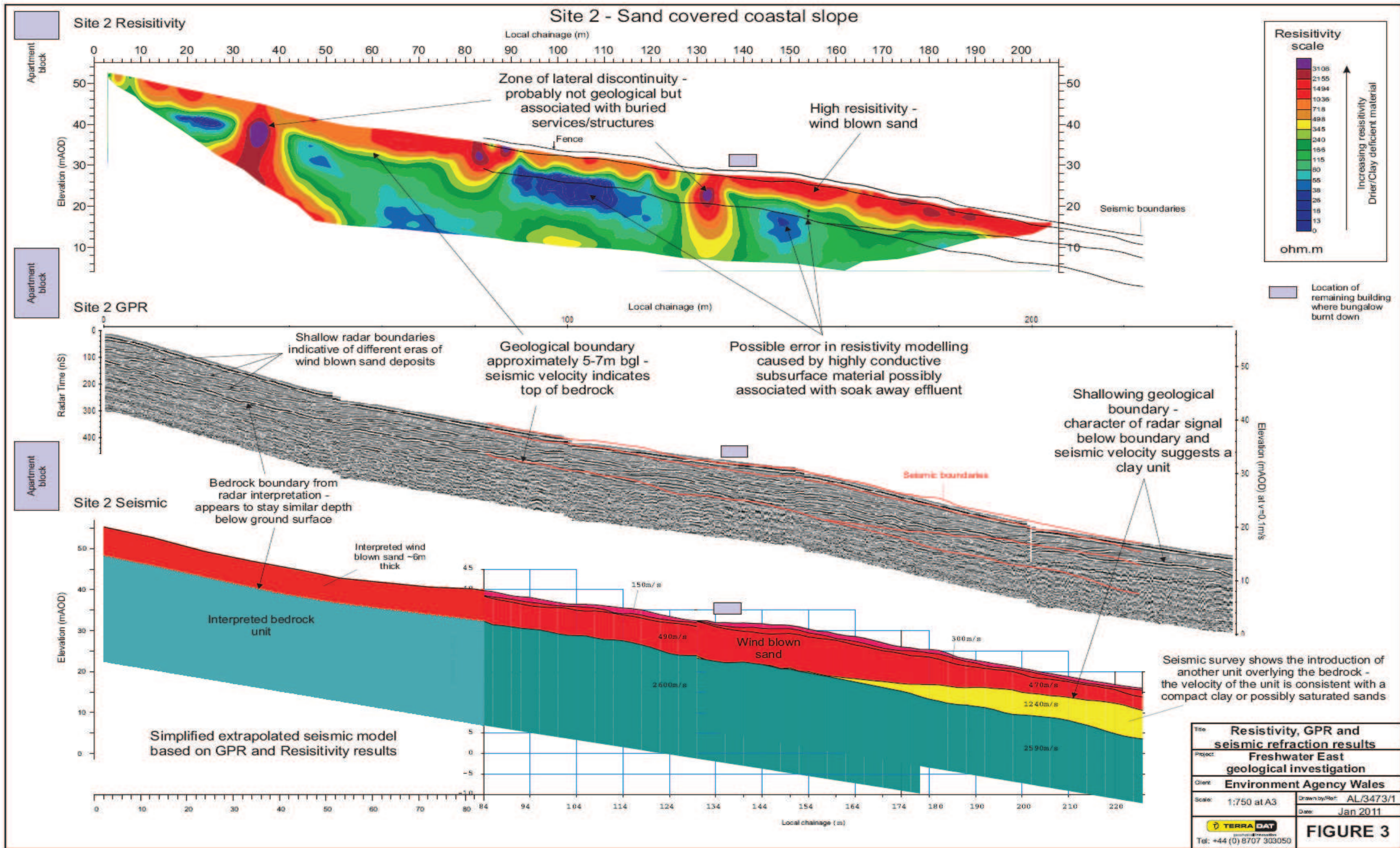


Figure 7 : Geophysical Cross Section 2. Devon Court Flats.

# Agenda Item 3.17

## **P-04-406 : Against Proposed MCZ zones in North Wales**

### **Petition wording:**

We Call upon the Welsh Assembly Government NOT to include any of the six proposed sites within North Wales to become Marine Conservation Zones (MCZ). We say no to Llanbedrog/Pwllheli, Aberdaron/Bardsey Island, Porthdinllaen/Tudweiliog, Aberech/Llanstyndwy, Puffin Island/Beaumaris and North East Menai Strait.

This proposal would have a detrimental effect not only on our fishing industry but also on our tourism and economy. We rely on our coasts for our livings and enjoyment. We strongly oppose all six potential sites.

**Petition raised by:** Claire Russell Griffiths

**Date petition first considered by Committee:** 2 July 2012

**Number of signatures:** 6,501 (an associated Caernarfon Herald petition collected in excess of 180 signatures)

## **P-04-411 : Petition Against Marine Conservation Zones in Pembrokeshire**

### **Petition wording:**

I call upon The National Assembly of Wales, to urge the Welsh Government to not include the three proposed Highly Protected Marine Conservation Zones in Pembrokeshire to be designated as no Take Zones for the inshore fishing industry

I believe that the wrong decision has been made in only planning to designate HPMCZ, prohibiting all extractive activities, this decision appears to have been made politically, rather than scientifically which is a key aspect of the MCZ process.

**Petition raised by:** Stephen De-Waine

**Date petition first considered by Committee:** 2 October 2012

**Number of signatures:** 586

# Agenda Item 3.19

## **P-04-415 : Support for Designation of Highly Protected Marine Conservation Zones**

### **Petition wording:**

We endorse the Welsh Government's policy to designate highly protected MCZs and urge the Government to adhere firmly to that policy. We note the pressures our seas are under, Wales' failure to meet the 2010 biodiversity targets and the robust scientific evidence of the need for much improved marine conservation measures. We acknowledge the strong global evidence for the benefits of highly protected marine protected areas and anticipate comparable benefits to accrue in Wales following designation of HP MCZs. In particular, we request that NAW strongly support Skomer MNR, Wales' only Marine Nature Reserve, which currently enjoys very limited protection, being redesignated as highly protected when it becomes an MCZ on commencement in Wales of the MCZ provisions of the Marine & Coastal Access Act.

We have nowhere in Welsh waters that has been ever been fully protected from direct human impacts. We need highly protected MCZs to: provide marine wildlife with a few places it can exist and thrive unmolested by us – we do this on land, there should not be a lower standard for the sea; enable marine ecosystems to recover from direct human impacts and increase their resilience; protect the marine ecosystem for the goods and services it gives us which we cannot exist without; help us understand the effects of human pressures on the marine environment and better understand what an unimpacted marine ecosystem is like. The purpose of highly protected MCZs is to safeguard and enhance the ecosystems within them, not simply fish and shellfish populations.

**Petition raised by:** Blaise Bullimore

**Date petition first considered by Committee:** 2 October 2012

**Number of signatures:** 298



John Griffiths AC /AM  
Gweinidog yr Amgylchedd a Datblygu Cynaliadwy  
Minister for Environment and Sustainable Development



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref P-04-406/411/415  
Ein cyf/Our ref JG/00132/13

William Powell AM  
AM for Mid & West Wales  
Chair Petition's committee  
Ty Hywel  
Cardiff Bay  
Cardiff  
CF99 1NA

committeebusiness@Wales.gsi.gov.uk

11 February 2013

*Dear William,*

Thank you for your letter of 23 January on behalf of the Petitions Committee regarding the three petitions it received and considered last year about the consultation on Marine Conservation Zones.

I expect the MCZ Task and Finish Group to report to me in April with its recommendations for the way forward with MCZs in Wales. Following this I will update the Committee on the outcome of this work as soon as I am able to, allowing the necessary time for consideration. I have asked my officials to ensure that the three petitioners are included in any future consultations and they will contact the Committee Clerk to confirm details.

*Best wishes*

**John Griffiths AC / AM**  
Gweinidog yr Amgylchedd a Datblygu Cynaliadwy  
Minister for Environment and Sustainable Development

[REDACTED]  
[REDACTED]

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

Your ref: P-04-415

By e-mail *via* Petitions Committee Clerk

29 January 2013

Dear William,

**Petitions Committee 2 October 2012: Marine Conservation Zones**

Thank you for your letter of 23 January.

You ask for my views on the MCZ consultation process and improvements that could be made, and whether I feel I have been sufficiently engaged with the process.

I provided my views on the consultation document and process at some length in my response to the consultation. I can probably express them no better than therein and consequently I simply append that response to this letter. I refer you specifically to pages 3 – 5 in respect of the process and pages 5 – 10 for comment on the document. With respect to improvements to the consultation process, I also made specific recommendations in my response letter; please see page 10.

With reference to evidence, it is vital that the evidence in support of arguments made against to designating MCZs are subject to the same scrutiny as the scientific evidence. It is all too clear that many objections are not supported by evidence at all, or that the evidence presented does not hold water.

Further, I recommend that:

- the advice on consultation requested from and provided to Welsh Government by the Countryside Council for Wales is better heeded, not least because it was derived from lessons learned from similar consultations elsewhere;
- Welsh Government cease paying disproportionately and inequitably high regard to objectors to the MCZ proposals and affording them greater opportunity to make their case than is afforded to proponents of MCZs. It was clear both during and since the consultation, for example in the membership of the present Stakeholder Focus Group, that Welsh Government staff have given greatest attention to those who shouted loudest against MCZs, particularly the fishing industry and vocal opponents on the Llyn Peninsula.

When I wrote to you on 19 October 2012 expressing my concern that the then widespread and established misinformation about the MCZ proposals may risk misleading your Committee, I also noted that your Committee's members had gathered evidence from individuals opposing MCZ designation during visits to North Wales. To redress this imbalance I offered to brief

Committee members, either in Cardiff or on site in Pembrokeshire, though I regret my offer was not taken up.

I also note that the Environment Minister recently attended a meeting with the fishing industry in West Wales to enable them to make their case and that a further meeting is scheduled for North Wales (Welsh Government news release “Environment Minister discusses marine conservation with Welsh Fishermen's Association” 11 January 2013). I am not aware of similar opportunities having being given to proponents of the MCZ proposals. Notwithstanding this, my fellow members of the Pembrokeshire local group of the Marine Conservation Society are writing to the Minister inviting him to meet us to enable us to reinforce the case for improved protection of the Skomer Marine Nature Reserve by redesignating it a highly protected MCZ. In the event that he accepts, we would be delighted if you would also consider meeting us at the same time.

With respect to my engagement in the consultation process, I was reasonably content about the opportunities open to me during the actual consultation period. Having said that, I have grave doubts as to the notice that was taken of my comments and response. Specifically, despite my having identified the inequitable opportunities afforded to interests opposing the MCZ process, this preferential treatment has continued or, possibly, actually increased.

However, I am dissatisfied with the opportunity to remain engaged during the current, extended, stakeholder process. I requested a seat on the Stakeholder Focus Group, specifically to represent the interests of the Skomer MNR. The Chairman of the Skomer MNR Advisory Committee made a similar request. Both our requests were rejected on the basis that nature conservation interests were adequately represented. Nevertheless, I understand that the community and fishing interests from the Llyn Peninsula opposing MCZs are disproportionately over-represented on the Focus Group. I acknowledge that I was offered a one-to-one meeting with Peter Davies, Chair of the Focus Group, which I immediately accepted; nevertheless I have heard nothing since, despite sending a reconfirmation.

Thank you for this opportunity to respond further and follow up my petition. Although the e-petition collected a modest number of signatures, I refer you to the 7,500 signature petition in support of designating the Skomer MNR as a highly protected MCZ which I submitted, on behalf of the Pembrokeshire MCS local group, to Jane Davidson in 2009, and resubmitted to John Griffiths in 2012.

Yours sincerely,

A handwritten signature in black ink that reads "Blaise Bullimore". The signature is written in a cursive, flowing style.

Blaise Bullimore

[REDACTED]

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Lindsey Powles  
Marine Branch  
Department for Environment & Sustainable Development  
Welsh Government  
Government Buildings  
2nd Floor, CP2  
Cathays Park  
Cardiff CF10 3NQ

26 July 2012

Dear Mr Powles,

**Response to Welsh Government consultation “Marine Conservation Zones: potential site options for Welsh Waters”**

I warmly welcome and strongly endorse the Welsh Government’s policy and proposals to designate highly protected Marine Conservation Zones (HPMCZs) to complement other MPAs and to contribute to the protection, restoration and improved resilience of Wales’ marine environment.

I provide my credentials for making comment below, followed by a brief context for my response, comments on the consultation document, the consultation process and specific comments on the proposed Skomer site.

***Credentials***

I am a professional marine scientist and conservationist with over 25 years of experience of attempting to implement UK marine nature conservation legislation.

Prior to the dissolution of the Nature Conservancy Council and the creation of the Countryside Council for Wales in 1990, I was responsible for steering the Skomer MNR through its pre-designation public consultation and slow conversion from voluntary reserve to statutory MNR, and for designing and managing impact assessments to inform the justification of new management measures. This process took almost four years and involved close liaison with fishing and other interests opposed to the designation. I am therefore familiar with and understand many of the arguments against MCZ designation made by self-interests and others ideologically opposed. The current process has a strong sense of *deja-vu*.

Following its eventual designation I was manager of Skomer MNR, one of only three MNRs in the UK, and certainly the most actively managed and monitored of the three, from the time of its designation in 1990 until 1998. From then, until early retirement from the Countryside Council for Wales in 2006, whilst a senior marine conservation officer with responsibilities

for delivering CCW's obligations for European marine sites, marine Sites of Special Scientific Interest and for providing advice and consultation responses across the full range of development and other proposals in the marine environment of SW Wales, I retained professional responsibility for the management of the Skomer MNR. Selection and designation of European Marine Sites in compliance with the EC Habitats Directive during this time again featured argument against designation by socio-economic sectors.

Since taking early retirement from CCW I have continued to work in both the development of European Marine Sites and as an independent consultant specialising in marine environmental monitoring. I am currently the Carmarthen Bay & Estuaries European Marine Site Officer and spent a year as the Pembrokeshire Marine SAC Officer. I retain a strong interest in the conservation and management of Skomer MNR; I am an independent member of the MNR's Advisory Committee, an Honorary Warden and a volunteer dive team member.

The combination of my first hand experience in negotiating agreement for pioneering marine protected area designation and delivering the UK's marine nature conservation legislation at a practical level in Wales is unique.

*Despite currently working as an EMS officer, I make it explicitly clear that this consultation response is undertaken in my private capacity*

### ***Context***

The planet's seas are under enormous pressure and are widely degraded. We are so familiar with the way things are now that we fail to recognise this and unless we explore the historical evidence we don't know what we have lost, or how less healthy our seas are now than they used to be. Pressures are both global and indirect, and local and direct, the most widespread of which is fishing. Direct, local pressures can only be tackled through local and direct action.

Although almost a third of Wales's sea is designated as marine SAC it needs more protection. This is in part because SACs are only designated to protect specifically listed habitats and species, not ecosystems; partly because they are multiple use areas, not nature reserves; and not least because they are far from well enough managed – over half the designated features in them are unfavourable.

There is nowhere in Welsh waters that has been ever been fully protected from direct human impacts. Even the protection offered by Skomer MNR – Wales's only Marine Nature Reserve – is strictly limited.

We need HPMCZs to give marine wildlife at least a few places it can exist and thrive unmolested by people - we do so on land, there shouldn't be a lower standard for the sea; to allow parts of the marine environment to recover to a near natural state and to increase its resilience; to protect the marine ecosystem for the goods and services it gives us which we cannot exist without; and to help us understand the effects of human pressures on the marine environment.

Evidence from round the world tells us that highly protected MPAs have positive benefits, and specifically that full protection delivers disproportionately greater benefit than partial

protection. However, we will never be in a position to gather evidence of their benefits in our own seas without actually designating and appropriately managing some.

## **1. Consultation process**

The consultation document and the associated consultation exercise have been very disappointing and the unnecessary opposition they have generated distresses me greatly.

It is with genuine regret that I have to complain that the consultation process has been extremely badly misjudged and mishandled. Whilst the inaccessible and ambiguous document both unnecessarily alarmed and alienated many people, including both individuals naturally sympathetic to marine conservation and those previously holding neutral views (detailed comment on the document is provided below), the effect of the consultation and engagement process was even more negative.

Having worked for over twenty-five years towards one day seeing the achievement of what are now to be known as HPMCZs I was delighted by the Welsh Government's proposals for MCZs in *Protecting Welsh Seas*. I am therefore devastated to now fear that the groundswell of opposition so unnecessarily generated by the misjudged and mishandled process has quite likely doomed the HPMCZ process.

Sadly, the process has been so mishandled that I could even believe that it was a deliberate attempt by government to sabotage its own project. It is certainly difficult not to suspect that the ambiguity, implied need for management of benign activities and failures to clarify any lack of intent to prohibit such benign activities were a deliberate attempt to frighten sea users and local communities.

The delay in releasing the Frequently Asked Questions allowed misinformation and disinformation to take hold quickly and flourish. Even after the revised FAQs were posted to the Welsh Government's website I met people that remained unaware of them. Nevertheless, the FAQs failed to provide the clarification necessary in many instances; in some cases they served to further confuse since they appeared to contradict the consultation document itself.

The failure to plan and provide proactive engagement with any interests other than fisheries is deeply regrettable and the specific failure to proactively engage with the local communities adjacent to the proposed sites prior to or immediately on commencement of consultation was a particularly unfortunate error of judgement. Springing a complex, ambiguous, consultation that appeared likely to restrict benign use of the sites on those communities should have been predicted as likely to generate alarm and resentment.

The advisory body created to advise government on the consultation - the Stakeholders & Citizens Engagement Group - was underutilised and what little advice it was able to provide appears not to have been taken into account. Nevertheless, reference to the SCEG in the consultation document (pp 4 – 5) disingenuously implies that it oversaw and endorsed the consultation as carried out.

Public engagement by government in support of the consultation failed to adequately clarify confusion or clearly answer questions. Information provided in public-facing meetings has been both inconsistent between meetings, varying with audience and forum, and has contradicted that detailed in the consultation document.

Compounding the failure to present a rationale for the HPMCZ policy in the consultation document, government officials made little attempt at public-facing meetings to explain the rationale or policy, and no effort to support or defend it.

Ambiguity in the consultation document about the potential for prohibiting or introducing what were, unjustifiably, feared to be draconian management measures for benign activities particularly frightened and alienated a wide cross section of the public unnecessarily. Nevertheless, clarifications, explanations or reassurances of actual intent for management of proposed sites were too slow to emerge and generally failed to provide the needed clarification or reassurance. Inconsistent and unclear responses given in public fora clearly caused increased confusion; failures to answer direct questions at these fora also clearly reconfirmed public suspicions and distrust and allowed disinformation to thrive.

There has also been a failure by government to adequately attempt to clarify the confusion in the public mind about the availability of evidence for different purposes; *ie* evidence of ecological / ecosystem degradation (and the need for protection), information about the presence and distribution of species and habitats (underpinning site selection), and evidence for the benefits that HPMCZs can provide (to provide a rationale for designating HPMCZs) - each of which is different and distinct.

However, although this confusion appears to have been maintained, and even talked up, by interests opposed to HPMCZ designation to gather support for their position, I did not once hear the appropriate answer given in response to specific questions about evidence during public meetings.

Whilst there is considerable local (national and very localised) data and evidence showing ecosystem degradation and to enable site selection there is, of course, no evidence of the benefits of HPMCZs in Welsh waters for the simple reason that there are no such MCZs from which it could have been collected. Nevertheless, evidence from the very limited monitoring of the nearby Lundy 'no take zone' does indeed show some of the effects that were anticipated based on studies of other highly protected MPAs globally.

Welsh Government has failed to rebut, or has rebutted inadequately, mischievous disinformation promulgated and repeated by individuals opposed to HPMCZ designation, often despite the disinformation having been rebutted by CCW or others, myself included. Specifically, for example, predictions of collapse in local tourist economies, largely predicated on the belief or disinformation that benign recreational activities will be prohibited, are not supported by world-wide experience from MPAs.

The poor understanding of marine activities and their possible effects demonstrated by government has clearly compounded public distrust and lack of confidence in the process. Worse, clearly negative, prejudicial, and misleading statements have been made about some benign activities, particularly diving, by Welsh Government fisheries staff.

Furthermore, there is clear circumstantial evidence of a negative influence on the process from the Welsh Government Fisheries Unit. The consultation process has had a clear fisheries bias: whilst seven meetings were arranged for fisheries interests only two meetings for the general public were planned (albeit multiple reactive community and sectoral interest meetings were also ultimately held). Of particular concern, government fisheries staff were noted by environmental representatives on Welsh Government's Inshore Fisheries Groups as

advising fishermen that the Fisheries Unit did not support the government's HPMCZ policy and encouraging them to object to their designation. Such inflammatory behaviour is at best unprofessional; from my public sector experience I would have expected it to be considered a disciplinary matter.

Despite the consultation document being clearly identified as such - a consultation - this purpose is undermined by the questions that accompany the document and the statements by Welsh Government officials at public-facing meetings which make it clear that the current task is actually an information collection exercise rather than a consultation *per se*. Since this is a very different proposition, arguably the public have been seriously misled.

It is clear from my attendance at public-facing meetings (the Skomer MNR Advisory Committee meeting, a meeting for diving interests, the South Wales public meeting, the WCMP conference) that misunderstandings about the proposals, whether naïve or deliberate, are firmly entrenched and what clarifications or reassurances that have been offered have largely been disbelieved or rejected.

The mishandled consultation process has unnecessarily generated such a groundswell of opposition that it is hard to believe the entire process is not fatally wounded. It is clear from social media campaigns and public meetings that there is ideological opposition to HPMCZs, inflamed by the ambiguity of the consultation document and disinformation, that no reasonable amendments to the process or proposals are likely to appease.

Nevertheless, I appeal to Welsh Government not to abandon the HPMCZ process. To do so, or to do nothing would be an unacceptable option risking increased damage to our marine environment. Instead, I urge government to learn from the errors of this first stage consultation and attempt to rebuild trust and understanding for the promised next stage.

## **2) Consultation document**

The document is inaccessible, overly complex, repetitive and much is ambiguous and misleading. It is sufficiently complex and confusing to mislead many readers toward incorrect conclusions as to what government intends.

The lack of a brief overarching summary in a document of this length and complexity is astonishing and unacceptable. It should have been possible to provide a suitable summary that explained the scope and key proposals without creating confusion or being misleading.

The document is extremely long (over 320 pages) and too technical and detailed for most readers. Essential explanations, clarifications and caveats are buried deep in annexes. Yet at the same time, critical detail necessary for the technically aware reader to fully understand site and boundary selection is not presented.

The flow of the document is at times disjointed. Some of the text looks as if it has been copied and pasted from various sources without being properly edited and integrated to fulfil the purposes of the document.

The document fails to present a rationale for the HPMCZ policy, but simply refers to a three-year old, never finalised, draft policy. Nevertheless, there is no meaningful effort to support or defend the rationale referred to therein. Faced with a 300+ page consultation document it



must be doubtful whether another, out-dated, document would be sought out by consultees not already familiar with it. The lack of a rationale is a fundamental and unacceptable flaw.

Despite the aspirations for the proposed HPMCZs described in the Introduction, the government's reasons for this designation are not made clear. Specifically, it is unclear whether the reasons are to proactively protect areas of especially high quality (which is my understanding and which I fully concur with), or reactively address pressures or threats, or some combination thereof. This lack of clear statement of purpose has undoubtedly generated false expectations and assumptions.

The description 'highly protected' risks being understood to mean something is under threat and in need of protection from either actual or potential threat. Failure to identify such threats appears to have been interpreted as a failure to make the case for designation. If this is not the case (or only partly the case), which is my understanding, the precise purpose should have been more clearly explained. If the rationale for each of the proposed sites differs then this too should have been explained.

Nevertheless, the document presents no explanation of the pressures and threats the marine environment is under, not even a brief statement to the effect that the marine environment is under pressure and has been degraded. In so doing it fails to support the case for HPMCZs.

Reference to the existing suite of MPAs in Wales, specifically to SACs designated under the Habitats Directive, is superficial and misleading. In simply stating that those SACs are "protected" the document implies that all necessary management to safeguard designated features is in place and effective, and possibly that the features are in favourable condition. In reality, as is well known to Welsh Government, this is far from the case.

The assumption that the reader is familiar with the "A Living Wales" process in setting the context for the proposals is unjustified.

I am concerned that government's expectations of how much three or four very small sites would be able to deliver is unrealistic and that the proposed HPMCZs may be being set up to fail even prior to designation. Whilst it is certainly reasonable to expect improved ecosystem functioning and resilience within sites – if sufficiently large – a very few, very small sites will only be able to make a limited overall contribution to ecosystem functioning and their potential for contributing to the delivery of ecosystem services could only be slight. This criticism should not be read as an argument against their designation: clearly real benefits may be anticipated, but the point is that the success of any sites eventually designated should be judged against what is possible, not what is unrealistic.

### ***Potential site options***

There is considerable repetition; generic text is repeated for each site. Although there are some modifications to generic text in each site section it is sometimes so marginally different as to make the differences unapparent. There also appear to be inconsistencies between the text and the annexes.

Site activities tables (*ie* Tables 1 – 10) contain a large proportion of generic text and include significant text that is not relevant to each site. Such irrelevant text has evidently contributed

to undermining confidence in the document and generating unnecessary fears about management.

### ***Site selection***

The scientific selection criteria are poorly explained and depend on reference to the Site Selection Guidance document. Despite the description of the complex iterative process described in Part 5 and Annex 3, the scientific reasoning is likely to be opaque to most readers. It certainly is to me and, with my background, I consider myself likely to be one of the more knowledgeable consultees.

Despite the detailed information provided, without access to the data and the site and boundary selection tools it is impossible for the public to assess or critique the scientific basis, or the rigour or objectivity of the selection process. What understanding is possible unjustifiably necessitates reasonable familiarity and understanding of the Site Selection Guidance document, itself a long technical document. The description of the site selection process certainly gives a strong impression of a degree of inflexibility that is not present in the Site Selection Guidance; however, readers without an understanding of the Guidance document undoubtedly risk having been misled.

There has evidently been an over-reliance on Marxan. Marxan is not magic; it is a decision support tool – the key word here being *support*. The Marxan website itself says: “Remember that Marxan is a decision support tool to help guide the selection of conservation networks; its output should never be interpreted as ‘the answer’” and “Marxan does not consider uncertainty in the data so the quality of what you put in is reflected in the results generated.” In short, Marxan output is driven by the parameters set and requires the user to exercise expert judgment. It is difficult to believe that expert judgment was applied to some of the proposed sites.

The singling out of the habitat diversity selection “criterion” at the expense of others was foreseeably likely to – and clearly did – drive Marxan to generate sites that encompassed unsuitable areas (such as the Dale mooring area) simply to maximise the number of habitats within an area of search.

Adopting a strict, one-size-fits-all, approach to the generic habitat viability guidance values listed in the Site Selection Guidance document is scientifically unjustifiable. No two areas of habitat are exactly the same and the viability of habitats in terms of their species composition and recruitment is immensely variable. Simply specifying a habitat of a generically specified area as viable or not is scientifically untenable. As well as unreasonably risking omitting viable areas deemed non-viable because they fall short of a subjective nominal value, seeking to minimise the area of habitats larger than such values is equally illogical; in general, the larger the habitat patch the more viable and robust it is likely to be.

In the event that the proposed sites need to be reappraised in order to move forward, the Site Selection Guidance needs to be used as guidance: the criteria need to be given more equal weight; other measures or biodiversity need to be given greater weight additional to the over-simplistic habitat diversity approach; expert judgment needs to be used; and socio-economic factors need to be taken into account, at least in refining sites.

### ***Boundary selection***

The boundary selection processes describe what appears to be an extremely complicated, possibly overly complicated, procedure that attempts to follow exceptionally rigid criteria whilst striving to keep encompassed habitats to ecologically indefensible “minimum viable” areas.

The document describes practical, good practice, boundary-setting principles (page 101) but then advises that they have not yet been applied. Describing but failing to apply them is, at best, unhelpful and potentially misleading.

The boundary selection process is further undermined by over-reliance on HABMAP modelled outputs. The density of data points in most areas is far too sparse to treat the polygons generated by HABMAP as sufficiently accurate for the purposes of determining “viable” areas of habitat, even in reasonably well surveyed areas (and notwithstanding the comments regarding viability above).

### ***Socio economic considerations***

The point at which socio-economic filters will be or have been applied is confusing and plainly self-contradictory. The process flow diagram (Fig 1) distinctly identifies at stage 3 that the first iteration of potential sites will be identified “in light of social, economic and practical considerations”. The remainder of the text is ambiguous at best, with the site-specific activity tables implying that little or nothing is known about socio-economic activities. In contrast, Welsh Government officers routinely insisted during public-facing meetings that socio-economics have not yet been considered, but that they will be at the close of this current first stage consultation.

Nonetheless, the “certain incompatible activities” (section 6.3) applied as a filter in developing the first list of potential sites are all, quite obviously, socio-economic. This selective filtering of socio-economic considerations sends multiple negative messages that government has ignored or been ignorant of information that is readily available and well known, that it applied double standards by deliberately cherry-picking certain activities or areas for preferential treatment, and has deliberately chosen avoid exercising realism checks to the (as noted above, subjectively driven) Marxan selections.

The failings of this double standards exercise is compounded by the inconsistent application of this filter; for example, the Beggars Reach area of Milford Haven, which is well outside the commercial section of the waterway, was excluded, yet the Dale area which includes a commercial tanker anchorage and more than 200 moorings, was included.

### ***Conservation objectives and management measures***

Whilst the generic conservation objectives are welcomed, some of the detail in the management objectives is unrealistic, contradicts statements elsewhere or is a hostage to

fortune. For example: is the “release of polluting ... substances” meant to include exhaust fumes? How is release of “chemical substances” supposed to be construed since everything is a chemical? How is exposure to fertilising nutrients supposed to be avoided since they occur naturally and anthropogenic inputs will be spread everywhere throughout the sea, albeit at vanishingly low concentrations?

The descriptions of potential management measures and their likelihood is unclear, and spread throughout different parts of the document and answers to the FAQs. Having to dig down to tables buried in Annex 4 to attempt to identify what may or may not be prohibited or managed is not good enough. Potential management measures are not, therefore, straightforward for readers to cross-refer between or fully understand; they are also potentially contradictory and apparently more draconian than necessary. Not surprisingly this has created unnecessary alarm amongst many members of the public, particularly those wishing to continue undertaking benign activities.

The scope of the definition of deposition appears to be over-simplistic and non-pragmatic. Explanations of the future prospects for maintenance of existing infrastructure (*eg* moorings, navigation aids) is poor and it is unclear whether these would be considered as deposits.

A realistic and pragmatic approach to management would recognise the benefits of providing recreational boat visitor moorings as a management measure, particularly since the technology for ecologically benign moorings exists. Furthermore, consideration should be given to whether the temporary deployment of light recreational vessel anchors in specified, resilient sediment areas should be classified as deposition. Light anchoring by recreational vessels in a strictly controlled manner is certainly accommodated in highly protected MPAs elsewhere, *eg* the Great Barrier Reef.

It is unclear whether handling certain wildlife would be considered as extraction. The educational and awareness-raising benefits of children rock-pooling for example are considerable. Whilst such activities should doubtless be subject to codes of good behaviour, their benefits in capturing hearts and minds would outweigh any trivial risks to wildlife and arguably should not encompassed within the definition of catch and release.

Site management and enforcement do not appear to have been thought through. There is no acknowledgement of the need for day-to-day management, including the critical public engagement and deterrent roles, nor is there any identification of a body to undertake any role other than legal enforcement. However, the statement that legal enforcement will “likely” lie with Welsh Government’s Fisheries Enforcement Team implies this has not been agreed within government. Whether this is the case or not, I am deeply concerned that the Fisheries Unit not only lacks the necessary resources, but has little sympathy for MCZs, no expertise in management for environmental purposes and no environmental management culture.

It is no secret that known threats to Welsh seas, including European Marine Sites, are ineffectively managed. Illegal scallop dredging continues in areas from which it is legally prohibited and too little effort is expended in enforcing existing regulation. Simply designating HPMCZs will not deter anyone from flaunting unenforceable regulation and designation is pointless if it is merely a paper exercise. HPMCZs certainly risk only being “paper parks” without meaningful and committed deterrent presence and enforcement as well

as local and user buy-in. I encourage the Welsh Government to make these essential commitments

### ***Risk Management Areas***

The scope and potential scale of Risk Management Areas are ambiguous and there is inadequate cross-reference to other parts of the document to reduce that ambiguity. It is plain and understandable that Welsh Government has no intention of compromising the operation of ports or energy operations (p.118). It is also clear that the conservation objectives recognise “broad-scale human influences ... may prevent {a fully natural state} being achieved” (p.89), that MCZs are not intended to have implications for “far reaching impacts” (p.95) and that wider effects, including “diffuse pollution” should be addressed through wider measures (p.96). However, unqualified terms such as “close to” and “near” make it difficult for consultees to determine whether their activities at some distance might be subject to regulation, which has caused unnecessarily alarm and prompted unjustified objections (see specific example below of unjustified objections to the Skomer site from the Milford Haven Port Authority).

### ***Recommendations***

I implore the Welsh Government to learn the lessons from the failures at this stage and to ensure crystal clear consultations with proactive engagement with interested parties for future phases of the process.

On the basis of the shortcomings detailed in this letter, I implore government to scrutinise negative responses with great care to ensure that they are not predicated on erroneous understandings and beliefs.

I very much welcome the MCZ process being evidence based. Consequently, it is unacceptable for evidence that does exist and is relevant to be overlooked, ignored or disregarded. It is equally unacceptable for claims of socio-economic values or sustainability to be accepted without any supporting evidence and, if necessary, without challenge. It is clear that scientific information has been required to meet high standards; I implore government to ensure the same rigour is demanded of socio-economic evidence.

### **3. Skomer proposed site option**

It is inappropriate to consider Skomer as any other site. It has been acknowledged as of conservation importance and deserving of protection since 1973. It became a voluntary marine reserve in 1976 and was designated Wales only statutory Marine Nature Reserve in 1990. Since that time it has been well managed and monitored by a team of professional marine scientists and it has been remarkably well safeguarded in spite of the very limited legal protection it enjoys. It is the one of the most well surveyed marine locations in the UK and by far the best monitored.

Despite this, it remains under considerable fishing pressure, the level of which has increased substantially - roughly double - since a proposal to increase the level of protection to a ‘no

take zone' was rejected in 2005. The risk of even further increased pressure in the event that the current MCZ process fails to deliver additional protection is of considerable concern to me. One additional fisherman has already made clear his intention to move his fishing effort to the MNR in the near future. It would be deeply regrettable if the MNR suffered greater pressure and damage as a result of this HPMCZ consultation.

Although it is acknowledged on page 2 of the document that Skomer MNR exists and (in a footnote) that it will become an MCZ on commencement of the MCZ provisions of the Marine & Coastal Act, there is no mention of its MNR status nor its management or monitoring in the potential site option description. There is only a cursory reference to the existing MNR boundary in Annex 3. The lack of acknowledgement of almost 40 years of marine conservation management, twenty-two as a statutory MNR, as a material consideration in this HPMCZ selection process is impossible to understand and I find it unacceptable.

### ***Data & information***

It is apparent that more than 25 years of MNR user information, both recreational and commercial, was not taken into account (commercial fishing effort has been more and better systematically recorded within the MNR since 1987 than anywhere else in Wales). Further, I understand (Skomer MNR Advisory Committee meeting) that the MNR was not approached for any of its data.

Careful reading of the document and discussions with CCW science staff lead me to strongly suspect that some ecological and biological survey and monitoring data has not been taken into account because it lies outwith the Marine Recorder database. However, without access to the detail of precisely which data was taken into account I am not able to verify these suspicions.

Nevertheless, the evidence justifying inclusion of the area seaward of Marloes Sands is vanishingly weak, particularly in comparison to robust monitoring data for sites to the north of the Skomer Island and the Marloes peninsula that appears to have been disregarded.

I am also concerned that some information on "sensitive" species may have been unavailable because it was redacted or not publicised by CCW for fear of fisheries exploitation.

Despite the foregoing omissions, Skomer MNR's unparalleled history of survey, monitoring and surveillance and the wealth of data it has generated makes it uniquely suited in Wales to enable determination of the effects of effective protection and removal of extractive activities.

### ***Management***

The management experience of the MNR has not been drawn on and no reference has been made to the existing measures that have been widely accepted and which could be adopted as models for management of potentially damaging activities in HPMCZs. Specifically, the lesson of the value of provision of visitor moorings as a habitat management measure, which also generates very positive public relations and appreciation, at insignificant environmental cost appears to have been overlooked.

I refer to the general comments on possible boundaries made above. The proposed Skomer HPMCZ boundary also fails to follow the best practice guidelines of using an existing boundary where one exists and of using straight lines latitude and longitude.

The socio-economic effect of using the existing MNR boundary for the Skomer HPMCZ will be little or no different from proposed boundary since most activities take place inside the proposed boundary.

### ***Misleading consultation responses from socio-economic interests***

I reiterate my comment above regarding the risk of objections to the proposed sites based on erroneous understandings. Specifically in respect of the Skomer proposal, I am aware that the Milford Haven Port Authority have objected to the designation on the basis that it would risk preventing the Port's use of the currently licensed dredge spoil disposal sites. At least in part as a consequence of this, Pembrokeshire County Council have also been reported in local Pembrokeshire newspapers as planning to object. These objections are unjustifiable for two reasons.

Firstly, MHPA (and PCC) have focussed on the genuinely ambiguous statements in the document (and in so doing, I understand the potential for their concern) but they have disregarded the clear reassurances elsewhere in the document that diffuse influences or distant activities with insignificant effects on proposed sites are not at risk of being prevented. Specifically, the Welsh Government's clear intent to avoid conflict with key government policies and constraints (including spoil disposal sites) and the explicit identification in section 6.3 of Skomer as not presenting any constraints have been disregarded.

Secondly, the risk from dredge spoil disposal at the currently licensed sites is a non-issue. After it became clear in the late 1980s and early 1990s (when I was manager of the MNR) that spoil disposal at the former disposal site immediately outside the entrance to Milford Haven was adversely affecting Skomer MNR (and other inshore areas), measures were taken to identify and designate alternative disposal sites. Considerable efforts were made to validate that these sites do not adversely impact the Skomer MNR.

I was closely involved in the investigations into potential alternative disposal sites and advised both the Port Authority and the (then) Marine Consents and Environment Unit basing that advice on over fifteen years local knowledge of the area. Comprehensive tracer studies funded by MHPA demonstrated no significant downstream deposition from new offshore disposal sites.

I enclose a CD with a copy of the last of a series of reports on the sediment tracing work contracted by MHPA "Review of dredge spoil grounds F (LU168) and 1 (LU168 sic {should read 169})". The penultimate paragraph of the Executive Summary reads: "The net effect of fine sediment dredge disposal at Site 1, based on a disposal volume of 250,000m<sup>3</sup>, is not significant within SMNR {Skomer MNR}". This report was produced prior to my leaving CCW and I recall CCW being content with its findings and concluding no significant effect. I am sure there will be an exchange of correspondence in the CCW files confirming this though I do not, of course, have copies. Nevertheless, I trust that the report alone counters MHPA's particular concern with respect to disposal at these sites under current license conditions.

I am also disappointed by the statements attributed in media reports to both PCC and MHPA that designation of HPMCZs would send a negative message to industry that Wales is closed for business. On the contrary, I suggest that Welsh Government should be sending a message to the world that we are proud of our natural environment, have a determination to protect it and whilst business is very welcome we expect high standards of environmental behaviour.

***Answers to specific questions detailed on the consultation response form***

**Question 1** (*Do you have any additional ecological information (including survey information) for this area or know of any?)*

I refer to my comment above on the apparent omission of ecological information. Nevertheless, without the details of exactly which data sources were actually taken into account for Skomer it is impossible to identify additional information, or overlooked information, with any confidence. If it has not already been done, the Skomer MNR staff should be asked to provide details of any survey or monitoring data they are aware of that is not included in the Marine Recorder database.

**Question 2** (*In addition to the ecological benefits, what other benefits would you expect from this site?)*

All available evidence suggests that there will likely be socio-economic benefits but that they may take some time to develop. These are likely to include:

- Improved scientific understanding of marine ecological process, effects of removal of fishing and other pressures, naturalness of ecosystems.
- Improved assessment of environmental pressures and threats through the provision of scientific control sites.
- Enhanced public appreciation and awareness and public education opportunities.
- Enhanced tourism and leisure value; potentially increased visitor numbers and consequential benefit to local tourism provision economy; marketing opportunities. However, increased visitor numbers and economic benefits may not be great as these have already been influenced by Skomer Island NNR and Skomer MNR for many years.
- Enhanced “ownership” and pride of place by local community.
- Population increases in commercially exploited crustacean and mollusc species, with enhanced reproductive capacity, larval export and adult overspill (of mobile species); the scallop population increase since protection in 1989 has already demonstrated the potential for such increases.

**Question 3** (*Do you expect any disadvantages for people using or enjoying this area?)*

Regrettably, most robust environment protection designations carry some socio-economic impacts, though many may be expected to be short term. However, these need to be assessed



in the context of the wider public good, but every reasonable effort should be made to minimise any pain caused.

Displacement of commercial fishing. However, this should be offset against the likely medium to long-term increases in shellfish populations (as has been well demonstrated by the recovery of the scallop population following prohibition of taking scallops by any method in 1989) and the resultant overspill of mobile species (*ie* crustaceans) and eggs and larvae in the plankton as a consequence of increased reproductive capacity (see above).

Displacement of recreational anglers. However, my experience as the MNR manager suggests that many would accept the minimal loss of angling opportunity if carefully explained, particularly visiting anglers.

There are almost certainly risks of alienating and splitting local community opinion with some local people appreciating the value of their local environment and the tourism value of a protected area, but with others resenting any intrusion in what may be perceived as their local rights and custom. The evidence from other nature conservation designations is that many initially opposed local people become won over eventually. As an example, stopping the long established tradition of collecting seabirds eggs when Skomer became a National Nature Reserve caused huge local resentment; however, it would be difficult now to identify anyone from the nearby Marloes village that does not appreciate the economic benefits derived from the Island NNR.

**Question 4** (*Do you currently use or enjoy or plan to use or enjoy the sea or coast within or near this site?*)

I have been using the Skomer sea area professionally for marine biological research and monitoring and as the MNR manager, and in a personal capacity for underwater photography, recreation and relaxation since 1976, *ie* for 36 years.

Although retired from the Countryside Council for Wales and a managerial role in the MNR, I am now an Honorary Warden and voluntary member of the MNR's scientific diving team. In this capacity I continue to contribute to the MNR's monitoring work, which is both incredibly important in itself and of incredible importance to me. It is also of equal importance to me to see the MNR continue to be managed and safeguarded.

I also continue to dive in the MNR for recreation, mostly for photography but also as a member of a Pembrokeshire based group of divers that carry out underwater litter picks (Neptune's Army of Rubbish Collectors – NARC), the only such group in the UK. The group regularly revisits the same locations in the MNR, in liaison with the MNR staff, and routinely collects bag-fulls of line, hooks and weights that anglers have lost or discarded and which pose a threat to marine wildlife.

These activities take place throughout the whole of the MNR. In addition I routinely visit the mainland adjacent to the MNR, walking and sea-watching, both with family and visitors throughout the year, including during the autumn to see the year's seals pups and during the winter to watch porpoises feeding in the tide races.

I brought my son up virtually living in the MNR and from it he developed his passionate love of the sea and marine wildlife. He has gone on to gain a first class degree in marine biology,

having undertaken his undergraduate research project in the MNR, and is beginning a career in marine environmental monitoring.

My memories of past activities, my current activities and the legacy from involving my family in the area are of immense importance to me, as is the environmental value and continued and enhanced protection of the marine wildlife and habitats on the MNR.

**Question 5** (*Are you aware of other human activities or pastimes that overlap with or relate to this area?*)

Yes, many. These are fully documented in Skomer MNR annual reports from 1991 and in the Liaison Officer reports from 1987 – 1990 to which Welsh Government should refer. In addition reference should also be made to the MNR's reports on fishing effort and monitoring.

Once again I thank you for the opportunity to respond. I will be happy to expand on any of the points raised.

Finally, on the accompanying CD, I also include a copy of a 7500 signature petition to designate the Skomer MNR as a "no take zone" which was originally presented to Jane Davidson by the Pembrokeshire local group of the Marine Conservation Society at an event celebrating the passing of the Marine and Coastal Access Act in November 2009.

Yours sincerely,

A handwritten signature in black ink that reads "Blaise Bullimore". The signature is written in a cursive, flowing style.

Blaise Bullimore

03/04/2013

Dear Mr Powell  
Chair of Petition Committee

Thank you for the opportunity to respond and apologise for delay have been snowed under with work due to my masters.

My main concern with the consultation on MCZ was the process and how it was conducted. There was no input from the view of the socio economics that in turn resulted in many people having to worry about their livelihood. It did feel like a mammoth task to get the voices of the citizen heard due to having to go up against extremists within CCW and also Marine Conservation Society. The funding MCS had from CCW £40,000 made the task harder as the idea of HPMCZ had funding to be sold to the public with no regard of the economic impact.

The consultation paper set out 10 options that could have resulted in areas going against each other in a dog eat dog way to not have their area included. This I am glad did not happen and in truth it bought the North Wales area together, united and strong and a new group called Cragen LLyn a Mon has been created. Cragen to which I am the chair does have a seat and voice on the steering group and the vice chair Phil Hollington attends.

I was very disappointed in the way Welsh Government dealt with the concerns that were being raised and felt the Minister Mr John Griffiths could have done more to control the situation. It was the same message repeated in regards to being only in the first stage of consultation, however did not feel that the message was understood by the public and did fuel fear.

I was disappointed in the way the minister would not agree to talk or meet yet would meet with MCS. I do feel that if it was not for the public realising the threat and reacting in the way they did in regard to responses then I do wonder what stage 2 would have looked like.

I realise why you wanted to put all three petitions together regarding MCZ however it did surprise me to see the against put with the for. I am thankful that the Welsh Government does have ways for the citizen to engage when there is a consultation and think it is excellent that people in Wales can make a difference. I do hope that the MCZ consultation will serve as a reminder of how if you do not involve communities from the onset then it can result in anger and confusion. I do hope that the whole process is now working for everyone's benefit.

The science that was used to justify HPMCZ was weak and the reasons given for protecting each area could not be justified in my opinion with the information presented. The consultation paper was only available in English and no welsh copy could be requested. The argument of too technical did not hold water when a consultation paper by your own rules must be written in an easy to understand format that a child of I believe 12 can understand. When Welsh Government attended a meeting in Beaumaris no translation facilities were available and had I not of bought the point up then WG would have attended 2 meetings in Pen Llyn with no translation facilities.

When the public meeting was held in Caernarfon I did think that the choice of chair Ex CCW chair was by far the wrong choice. It was evident he was not unbiased, and this did get proven on quite a few occasions when he protected CCW, but interestingly would not WG.

I put hope that the old way of CCW will be a thing of the past, and that the new single body will protect the people of Wales as well as the environment.

I do feel that there were legal issues in the consultation that had not been addressed but will not go into this now.

Many thanks

Claire Russell Griffiths.

## **P-04-419 : Wind Farm Moratorium**

### **Petition wording:**

We call upon the National Assembly for Wales to ask the Welsh Government for a moratorium on wind farm and wind turbine developments for which it has devolved responsibility. The moratorium will be used as a period of reflection, during which time a cross party committee will be convened to examine the effects of operation of wind turbines upon the health, social well-being, property value, effects on tourism, and the local economy within 15Km of installations.

We ask that the all party committee be allowed to commission independent research on the devolved issues of Health, Social Well Being and Tourism with respect to wind turbines, and to agree a set of standards for devolved wind energy, which will prioritise the care of local environment, amenity land, habitat and nature.

We also ask that all devolved wind turbine installations be subject to the approval of a local (5Km) referendum.

This petition excludes wind power controlled by National Infrastructure Directorate.

**Petition raised by:** James Shepherd Foster

**Date petition first considered by Committee:** 2 October 2012

**Number of signatures:** 1332

John Griffiths AC / AM  
Gweinidog yr Amgylchedd a Datblygu Cynaliadwy  
Minister for Environment and Sustainable Development



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref P-04-419  
Ein cyf/Our ref JG/00134/13

William Powell AM  
AM for Mid & West Wales  
Chair Petition's committee  
Ty Hywel  
Cardiff Bay  
Cardiff  
CF99 1NA

committeebusiness@Wales.gsi.gov.uk

*Dear William,*

*14* February 2013

**Research into the Economic Impact of Wind farms and associated Grid Infrastructure on Tourism in Wales**

Thank you for your letter of 23 January.

The Welsh Government is in the process of commissioning research on the economic impact of wind farms and associated grid infrastructure on the tourism industry as part of its forward research programme, it is anticipated that this work will be completed by early summer.

*Best wishes*

**John Griffiths AC / AM**  
Gweinidog yr Amgylchedd a Datblygu Cynaliadwy  
Minister for Environment and Sustainable Development

Dear Sirs,

Re. Wind farm moratorium Petition

GALAR are a group of community volunteers who are committed to the conservation and reclamation of the Ecology, Environment and Biodiversity of Wales. In general we oppose the wind farm programme, because it has no community base and it sucks up all available funding, at the cost to the research and development needed by all other renewable energy systems. It is counterproductive to green energy systems and cannot stand alone to produce a consistent supply of electrical power, domestically or industrially.

Having said that, we are part of a democratic society, and the present state of the energy industry has the approval of the ministers of Government, to a greater or lesser degree. We can only seek to change that by the democratic levers available to us.

**The Petition**

In this instance we have persuaded over a thousand of our fellow citizens to support our call for a moratorium on windfarms, through the petitions system of the Welsh Assembly. The moratorium we feel is necessary, because in the headlong rush for planning approvals to meet political targets we are ignoring many safeguards which are designed to protect the rural environment. We ask only that a moratorium is in place until the safeguards are acted on.

While it may be felt that some of these matters are beyond Wales, I would ask you to consider the CAA (Civil Aviation Authority). The CAA and its predecessor organisations have led the world in providing a safe and acceptable framework, for a form of transport that started as an adrenalin rush for extreme sportsmen, to statistically the safest form of transport. Yet when the organisation was formed, Britain was one of the smallest players in civil aviation. The airline industry now allows millions to visit areas of the world they have never seen; and recognised as a major support for inward investment and business growth. To this day, the CAA investigates every air incident, from a youngster's hang gliding accident, through to major catastrophes, applying lessons learned to provide ongoing excellence, to which the rest of the world listens and learns. These application matters, regarding Wind Farms are well within a devolved Wales's scope.

**What we would like the Petitions Committee to act on.**

We realise that it is unrealistic to ask the petitions committee to make judgement on whether a moratorium should be imposed in any particular circumstance, or indeed any matters arising from the evidence we are submitting. We hope to make a case, where the committee can recommend further action within the assembly.

We would like to make representations to the committee on the items listed below. Although there are seven items, they fall into broad subgroups, and we have produced documentation, for the groups, which fall within our area of knowledge, and on which, we feel, the petitions committee can make recommendations.

1. Matters of health and safety in construction and design of wind turbines
2. Matters of planning and placement of turbines in rural landscapes
3. Matters where wind turbines are given unjustified precedence over other European and WAG regulation
4. Matters where TAN 8 guidelines need to become regulatory limits.
5. Matters relating to planning procedure for single turbine applications within County Councils, disclosure of imperatives placed on CC's so they can be challenged in a democratic manner within the planning system, and the matter of efficacy of a proposal and its contribution to the National Energy Policy.
6. Tourism
7. Community benefit

### **Sub Group 1**

Items covered by 1&2 above, with TAN 15 (from item 3 above) Welsh Assembly Technical Advice Notes.

In this group we would like to put forward examples of the shortcomings of the existing system, and suggestions for remedies. If on the examples provided we fail to make a case for action, then there is little chance that a further fifty points will convince the committee, and would be a waste of time. We are willing to give evidence in person on any matters arising from these Items.

We are willing to give evidence in person on any matters arising from this Item.

### **Sub Group 2**

Item from 3 above, 2002/49/ EC European Directive END (European Noise Directive). We believe this directive was written to promote and protect a very necessary health measure. Rural residents have been denied its protection by failure to enact its terms. Strategic Search Areas should have the basic sound mapping, provided for in this legislation, before construction of wind farms start. Sub group 2 also includes our representation on TAN 15

We are willing to give evidence in person on any matters arising from this Item.

### **Sub Group 3**

Items from 4&5 above which are mainly related to planning matters at CC level and applications below 50MW. We would like to make a case here for a more open and



democratic system, which would not only better serve Wales, but by removing sticking points lead to a faster and more efficient planning system.

We are willing to give evidence in person on any matters arising from these Items.

#### **Sub Group 4**

Community Benefit. We would like to give evidence which we feel will change this contentious subject into a fairer distribution of funds to the communities affected. We would like to propose ways of introducing funding which will give affected communities a more realistic compensation for the imposition wind farms will have on their lifestyle.

We are willing to give evidence in person on any matters arising from this Item.

This leaves Tourism, and while some GALAR members have links at the ‘coal face’ of tourist activity, we lack the speciality to present or give direct evidence to the committee. We have asked associate members to supply evidence on tourism.

Please find attached evidence for Sub Groups 1 to 4 above.

Yours faithfully

James Shepherd Foster

Chief Petitioner.

## Wind Farm Moratorium Petition

### Sub Group 1

In this group we ask the **Petitions Committee** to recommend that **Natural Resources Wales** conducts a review of the safety aspects of wind farms within a rural setting, the placement of turbines with respect to TAN 8; and the threat to ecology and biodiversity from wind turbines.

PAGE	ITEM	BENIFICERIES
2	Introduction to sub-section 1	
3	Turbine Fire Safety Issues	Agriculture, Rural Populations, CC employees.
5	Forest Fire Safety Issues	Agriculture, Rural Populations, CC employees.
6	Wind Farm Plateau	Wind Turbine Noise Issues, Visual Impact, TAN 8
6	Wind Turbine Separation	Noise, Flicker, Efficiency, Rural Population, Consumers
6	Prevailing Wind	Noise, Efficiency, Rural Population, Consumers
7	Wind Shear	Noise, Efficiency, Rural Population, Consumers
7	Construction cement	Environmental impact, Rural Population, Consumers
7	Cut in, or start speed	Environment and Biodiversity, Consumers.
9	Turbines affecting Bats	Environment and Biodiversity, Protected Species.
9	Turbines Affecting Owls	Environment and Biodiversity, Protected Species
10	Water Habitats	Environment and Biodiversity.

The above items are a flavour of the subjects an **NRW** review would cover. Since TAN 8 in 2005 and subsequent installations many lessons have been learned, within Wales, the UK, and Internationally. A comprehensive update is required to onshore installation standards and operation to meet the Welsh Assembly Governments commitment to Environment, Environmental Health, and Biodiversity Standards.

The review would contain items, raised by **NRW, CC's, and Stakeholders**.

As the **Petitions Committee** can vouchsafe, these issues cause petitioners to respond in large numbers, and coupled with the largest ever peaceful democratic demonstration the Senedd has seen, all point to the public's concern in these matters, and the need that they are addressed.

In this sub group we ask the petitions committee to consider the need for action on the Safety aspects of wind turbines; their placement within a rural landscape; and whether we should demand a positive response in insisting on water retention in SSA's, as a flood prevention measure. Utilising the plant and machinery which is on site during a Wind Farm construction to create retention of water in upland areas. (See TAN 15 sub group 2).

## Standards of Turbine Manufacture

Since the first wind farms were developed in Europe, the world market for wind turbines has dramatically changed. The majority of the working parts are now manufactured in countries outside Europe, with the emphasis on cheapness and not quality. Beyond that, because speed of manufacture and installation overrode prudence, and the safeguards good planning should deliver were set aside by DECC, and copied by the Welsh Assembly Government, there are few safe guards in place to inspire confidence in the product we are now importing.

Failing to address the shortcomings are a direct threat to **Agriculture**, the mainstay and primary source of revenue in rural economies.

Further, these operational shortcomings make turbine deployment in agglomerations, near motorways and on industrial estates unlikely, when these should be the prime area of exploitation, because the first rule of renewable energy states that “**Energy should be generated as close to the point of utilization as possible**” In layman's terms, ‘No pylons’ ‘No noise problems’ ‘No losses’ ‘Less cables and connection’.

A good set of standards would speed planning in areas where turbines would best operate, and deter applications in areas that do not meet TAN 8 criterion.

## We would ask the Petitions Committee

We would ask the Petitions Committee to examine some of the issues raised in this topic, which are on the following pages. From this evidence we would like the Petitions Committee to recommend that the Minister for Environment and Sustainability forms an examining committee from within **Natural Resources Wales**; and that this committee co-opts interested stakeholders, for example:- NFU, NFUW, CC's Environmental Health etc. This Environmental think tank can look at the whole range of issues; and from their recommendations the Assembly can pass any legislation deemed necessary to address this matter. **Please note, we do not ask that the Petitions Committee examine the attached subjects in detail, and advise on them individually. We have included them so that the Committee can see a need for a review of Wind Farms which examines the historical lessons and new technological data to ensure best practise is legislated for in the interests of agriculture, rural residents, tourism, and the environment and biodiversity. The actual detail would be decided by NRW and stakeholders.**

# TURBINE FIRE



Wind Turbine Fire in Ayrshire Scotland

The risk of turbine fires are low, but becoming more significant, as Turbine size increases. The well respected North American group 'El Fin Energy', commenting on a turbine fire in Germany in March 2012 said, "The machines now are much larger, with significantly greater stresses, and higher chances for catastrophic failure from the slightest malfunction. Insurers are quite aware of the danger to individual machines, and it is time for the public to become aware of the danger to wild lands, as huge new windfarms are built into vulnerable areas."

**The Risk** of turbine fire is small, but evident. An insurer against turbine fire GCubeUnderwriting say that turbine incidents similar to the one in Ayrshire; and last year in Lower Saxony, Germany, costs between £255 and £340 thousand pounds, but this compensatory figure is for the developer mainly for replacement and consequential loss, and while we are sure there is also cover for direct third party injury and property, we believe there is no cover for land contamination as a result of turbine fire.

The German incident last year at Gross Eilstorf wind farm, in Lower Saxony was allowed to burn out under "controlled conditions," because tackling a fire 100 to 120 metres above ground level is as impossible in Germany as it is in Wales. In fact, much of the SSA's in Wales are in dense forested areas, and there is an increased risk of both forest fire and contamination of the surrounding farmland.

Wind turbine fires do take place, and the more turbines deployed the greater the risk; Fraser McLachlan, chief executive officer of GCube Underwriting Ltd., an insurer of renewable energy projects said after the German incident, "You do get fires occasionally, it comes with the territory." El Fin Energy's assertion that catastrophic failure is more likely in larger turbines is borne out to some extent by the frequency of incidents accelerating. Although this is coincidental to foreign bought out equipment forming a larger part of turbines, with little evidence of manufacturing standards available.

## **The Threat**

Insurance can be said to cover the developer, and immediate third party losses. Our concern is the **contamination of agricultural land** by unchecked fire. The turbines themselves and the turbine blades are a source of PCB and other constituent chemical contaminants. The spread of microfine dust over large areas is extremely hard to monitor, and once identified incredibly difficult to clean up. There is very strict legislation in place to avoid contaminants, such as PCB's entering the food chain,

and if tested for, and identified, the cleanup cost would be astronomic, and the negative publicity for the whole of Wales would be a death blow to much of our agriculture.

The 'horsemeat' scandal has shown us that in the public domain food worries are far from local. Welsh farmers identified the problem, as affecting their trade, even though they are demonstrably innocent. Land contamination is a much more serious and long term issue.

Agriculture is the prime Rural Industry in Wales, even a remote threat should be mitigated against if possible.

In this case, we can undertake such mitigation easily. Welsh farmers are rightly seen as producing excellent uncontaminated food, a hard won reputation which is a credit to farmers NFU and NFUW alike. This new industry, wind energy, operating completely at the whim of a Government continuing to pay subsidies; should not be allowed to disadvantage our core industry of agriculture. Agriculture is established and much more important to our economy.

### **Action**

We ask the Petitions committee to recommend the Minister for E&S asks **Natural Resources Wales** to examine this and other issues arising from the petition.

In respect of this specific issue, we would recommend the fire departments of the CC's, the Civil Aviation Authority, (who have experience of dealing with remote fires), and Extinguisher Trade Associations be consulted for advice in this matter.

### **We Would Suggest**

A shroud enclosure is fitted about the turbine. An automatic foam deployment would operate, as with aircraft engines, flooding the encased turbine, in the event of fire. This type of shrouding should also be applied to all the turbines electrical controls within the tower etc.

Such a shroud could also act for acoustic enclosure, removing a noise source from the machine. It would probably mean air cooling would have to be replaced by water cooling on the turbine, but this is known to improve noise emission.

**These notes were assembled by J. Shepherd Foster**

### Forest Fires and Security

#### The Risk

Much of SSA land is within Forestry areas. Turbine fires have been identified as a risk, even though they might not be the primary contribution to the threat. There are two common causes which require to be examined, because turbine presence changes the dynamic in tackling the problem. The two major causes of fire in these areas are Accidental and Malicious. Accidental fire is bound to be an issue, because of the amount of access, of both public and forestry workers. Malicious fire has a greater range



of people who may cause the fires and they are potentially more dangerous to the public and fire fighters alike. There is evidence of forest fire occurrence annually, and when accompanied by long spells of dry, warm weather, they are almost a weekly incident in Wales.

This raises the issue of protection of wind farm sites, storage of equipment, maintenance of roadways and access etc. We ask that **Natural Resources Wales** examines the additional risks with stakeholders, to produce an action plan.

#### The Threat

Temporary felling will initially bring some relief around the turbines, and most forest fires are seated in the ‘underbrush’ in established forest areas. However, a wind farm comprises of control housing and cabling at 1 metre maximum below a surface, plus wooden poles in many instances taking the turbine outputs for distribution. The surface of the forest floor is largely combustible, made up of decades of debris and in many cases, peat. It is an extreme fire hazard, which becomes more difficult to extinguish with the passage of time. The use of fire breaks etc. would mean more felling. Climate change prediction is for extremes of weather patterns, encompassing long high pressure incidents leading to the extended dry spells which would create Australian like conditions.

#### Mitigation

In the evidence sheet on TAN 40 we ask for the site to be capable of water retention, pools of standing water could be created at advantageous points about the site, allowing multiple fire appliances to deal with a threat before it became a conflagration.

The standing water pools would need maintenance during the lifetime of the wind farm, as would fire implement access. Turbine blades should be removed from site immediately, when being replaced, and underbrush clearance be regularly undertaken to reduce the risk. Please note, forest fire is a

major threat to agricultural land contamination, without wind turbines. The presence of a wind farm increases the threat and strong measures and standards are needed to nullify this.

### Issues we believe require legislation to ensure best practise is observed on Environmental matters. These relate to subjects 1

The following table raises issues which require legislation to ensure best practise, which the petitioners feel should be examined by **Natural Resources Wales**, in a comprehensive review of planning standards which are applied to all wind turbine installations below 50MW. These are not a totality of issues, rather examples which we, the petitioners feel are not examined, either without full rigour and diligence, or in some cases not at all. We submit these to the **Petitions Committee** to show the need for a comprehensive review.

Subject	Issue	Examination Necessity	Mitigation
Plateau	All wind turbines operate best in a situation where the ground they are mounted on is relatively flat. This is recognised in TAN 8 and by various wind industry experts. A set of standards which recognise a feasible plateau are needed.	TAN 8 recognised that the plateau should determine the capacity of a wind farm. It plays a large part in the efficiency of the turbines, the noise levels, and the visual impact. Recognition of good site criteria would lead to a better outcome from all aspects of wind farms. A science based set of standards are required to provide operational value to consumers, and a reduction in operational nuisance to rural dwellers.	Examples of Plateau legislation:- Turbine position on plateau determined by set distance from escarpment edge. Turbine heights to blade tip. Height above sea level compared to surrounding land mass. Allowable land contours and slopes on plateau.
Turbine Separation	It is recognised that turbulent interaction between wind turbines, (or wash), is a major cause of Aerodynamic Noise. M.D. Hayes of Hayes McKenzie has written papers on this and it is well recognised within the industry	Existing Wind Farms and Farms in planning are and potentially will be subject to noise and poor performance because spacing is not scientifically set, and subject to the vagaries of developers. Minimum separation distances dependant on blade tip height and span need to be established. <b>Note a noisy turbine is not only a nuisance but it is less efficient.</b>	Suitably separated turbines, based on science, will reduce noise complaints, and improve efficiency. Minimum separation distances will help planning by reducing the need to examine every turbine position relative to its neighbour; as this will be legislated for.
Prevailing Wind	DEFRA development site advice, establishes prevailing wind as key to site layout.	Prevailing wind is not key, and can be less than 50% of annual wind direction. We have recently had many days of Easterly winds, causing very cold and windy conditions, yet the prevailing wind in Wales is South Westerly. Wind turbines rotate to meet	We have a great deal of evidence from installed turbines, which states that noise generation occurs in only some wind directions. Prevailing wind is a nonsense, unless turbines are fixed to operate for wind from a fixed compass position.

		the wind in any of 360 degrees direction. Turbine spacing, positioning on the plateau and wind shear calculation should be subject to the same 360 degree examination.	
Wind Shear	By far the largest number of noise complaints refer, not to mechanical sounds, but those created aerodynamically. Wind shear relates to a variation of wind speeds over the turbine spans on a site. These variations are caused by ground effects and the terrain and geographic variation of a site.	Aerodynamically created noise, of which wind shear can be a component, increases the noise nuisance and <b>reduces the turbine efficiency.</b>	A new method of measuring site wind speeds, encompassing height variations of speed sampling and direction variations. Geographic and ground effect modelling. Consultancy on the practicalities with Acoustic specialists such as Hayes McKenzie. Environmental groups now have well qualified advice from specialists within groups, and CC's Environmental Health should be consulted.
Cement	One of the major causes of traffic disruption on developing sites is the stream of Ready-Mix cement lorries going to and returning from the site, (even for smaller turbines this reaches 50 double trips per turbine, a 10 turbine farm will require over a thousand trips).	Besides traffic disruption, the traffic density is set by the pouring of the bases and crane hard standings, this means days which are a constant stream of vehicles. This can be summer tourist days, or rush hour traffic with road use being used for schools and worker travel.  The second issue is that 30% of the loads are water, probably mains water, treated and supplied for drinking.  The third issue is that those vehicles require wash down and wheel cleansing to ensure that sites do not have invasive plant species introduced to 'clean' sites.	All Wind Farms should have on site mixing directly over the bases and hard standings, to reduce the spill risk. <b>Water collected under TAN 15 will be available for mixing.</b>  Cement and quarry goods can be transported to the site in quiet periods, and stored for use when required, reducing the vehicle trips and saving treated water.  Wash down of Ready-Mix vehicles uses a great deal of water and increases the carbon debt of the operation.  <b>This operation will produce significant carbon savings and alleviate traffic disruption. It will also produce local jobs operating the mobile mixing plants.</b>
Cut In Speeds	Wind turbines operating at less than	Turbines operating and producing nothing of	Many people assume the power output of a turbine is



<p>(or start speeds)</p>	<p>half design speed produce nothing of value to Grid.</p>	<p>economic value to consumers are still are using operational hours from the turbines “life” and still pose a threat to birdlife and bats.</p>	<p>directly proportional to the speed of operation. i.e half speed equals half power. This is not the case and if the design speed is 20 RPM then nothing of value is generated if the actual speed drops to 12 RPM or less. It should be a condition of operation that turbines only operate at 60% or above of their design speed. This condition operates in many American states, as a protection to wildlife and operational relief to the turbine life. Recent studies suggest that the new larger turbines have a markedly less lifespan than the often quoted 25 years. Reducing operation when the output is of limited value will increase the lifespan and thus the energy cost. Winds which do not achieve operational speeds often occur in the summer and summer evenings when wildlife activity is at its peak, limiting the cut in speed will produce threat free hours.</p>
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## Environment and Biodiversity Subjects 1

The following table raises issues of Environment and Biodiversity, which the petitioners feel should be examined by **Natural Resources Wales**, in a comprehensive review of planning standards which are applied to all wind turbine installations below 50MW. These are not a totality of issues, rather examples which we, the petitioners feel are not examined, either without full rigour and diligence, or in some cases not at all. We submit these to the **Petitions Committee** to show the need for a comprehensive review.

Subject	Issue	Threat	Mitigation
Bats	Barometric variation causes fatality in Bats	Recent studies show that bats are migratory creatures, within defined areas. These migrations can be up to 60Km. The migratory paths are yet to be defined. These paths should be established and considered with static colonies which may be present within or near proposed wind farm sites.	<p>All SSA's should be examined and migratory paths established. This information should be examined along with the EIA of proposed sites.</p> <p>In the case of single turbines, there is no reason that these should operate at night. Turbines are mechanical devices with a lifespan measured in operational hours. If as a condition of planning, operation is confined to daytime, the same operational hours will be available over a longer period. The operational payback will still be available, but over a longer period. There will be no threat to nocturnal creatures, and the generation of the turbine will be restricted to a more useful peak demand time for electrical energy.</p>
Owls	Bird strike from turbine blades	The tip speed of a modern turbine blade can be 200mph and higher. The area displaced per revolution can be 6400 square metres, (a rugby pitch is typically between 5 and 6,000 square metres). A group of turbines are the equivalent of a stretch of motorway, the blade spans of even modest turbines are	The Barn Owl trust advise that nesting boxes are not placed close to (within 2.5Km) of a motorway. Of course a motorway has traffic restricted to 70mph and never achieves 60 vehicles a minute in a carriageway. (Design speeds of turbines are in the area of 20revs per min., that is 60 blade passes per minute).

		wider than a motorway. If the swept area of a typical 50MW wind farm is environmentally compared to a motorway it equates to 380metres per installed MW. (19Km of motorway per 50MW)	People living within 2.5Km of a wind farm should be similarly advised to deter Barn Owls establishing habitat. If single turbines are restricted in nocturnal operation, bird strike should be reduced
Water Habitats	Water retention on sites and approaches in upland areas, (see TAN 15), will provide water habitat to birds and small mammals		It will serve to offset a small part of the site industrialisation.  These habitats should be encouraged and maintained during the operational life of the wind farm.

## Wind Farm Moratorium Petition

### Sub Group 2

In this group we ask the Petitions Committee to recommend that Natural Resources Wales seeks to fully ratify EU directive 2002/49/EC, in respect of rural areas; and that TAN 15 is strengthened and becomes part of Wind Farm planning.

Page	Item	Beneficiaries
2	EU/2002/49/EC	Tourism, Rural Communities
5	TAN 15	Rural Areas prone to flood.
6	Copy of EU Directive	

This sub group relates to the **European Noise Directive (END) Ref. 2002/49/EC and TAN 15**. The END directive was ratified in 2002 and concerns community noise. Most of the directive has been enacted and city and other population agglomerations are benefitting from this excellent legislation. The control of noise has been accepted unilaterally as being linked to stress and general health in communities, and we have an excellent example in our capital city. TAN 15 (see page ) is a active advice note which we believe could be strengthened to the benefit of flood prevention in Rural Wales.

### **How 2002/49/EC Operates**

Example.

Cardiff, has large areas of traffic and industrial noise, but this is kept away from amenity areas where walking and cycling can be a real pleasure, it is one of the lead cities in the UK providing a controlled noise environment, and is a credit to the Planning and Environmental Health departments. One of the weapons in the council's armoury when planning the inevitable road improvements to increase traffic flow is 2002/49/EC. The area in and around Cardiff has been sound mapped, and any new noise source being planned can be compared against the present situation and compensatory measures adopted, (acoustic barriers, tree screening etc.). The system works well and when it was introduced there were many examples, both in Wales and England where developments were put on hold, (**a moratorium**), until sound mapping was completed.



Acoustic Barrier against road noise, shrubs trees and greenery will visually 'soften' the dwelling side.

Where we have applied the directive it has been very successful, noise complaints related to manmade noise, (excluding domestic), in Wales are generally lower than in any other parts of the UK.

While the measures mitigating many sources of noise, airports, motorways, industrial estates etc., are considered non rural, there is a section within the scope of 2002/49/EC which is designed to **protect rural communities**.

It is this section of the directive we would ask the petitions committee to examine. A full copy of the directive is attached, but we have provided a table below which shows the most salient points.

### **Benefits to Rural Wales from implementation of 2002/49/EC**

The basis of the Directive for rural areas is the same as for cities and agglomerations, first action is noise mapping. For rural areas this requires an agreed methodology between **Natural Resources Wales**, Acoustic Specialists and stakeholders, (consultation). This methodology is then submitted to the EU END committee for approval. Then mapping to the agreed methodology can commence, and sound maps, similar to those already produced, (available from the Environment Agency), will be able to be used in planning applications where manmade noise is an issue. Please note that this directive is not a club to beat progressive development with, it is a science led guide for CC planners to produce the best outcome from planning applications, and strengthens the LDP's.

### **Benefits to Rural Wales from Areas of Sound Excellence**

The END committee of the EU would like the Directive to develop, so that areas of extreme sound excellence are recognised. This would be similar to the blue flag beach having a certified water quality, which any EU citizen can recognise has an area of excellence for bathing and family recreation. If areas with good public access are found to have a sound quality meeting the criteria of excellent, these rural ‘blue flag’ areas would be a boon to tourism, but most importantly dovetail into rural Wales’s backbone industry of farming. The **Supplementary noise indicators** page 8 item 3. demonstrates that the occasional passing tractor, or harvest operation would be quite acceptable as **natural sound within the environment**.

### **What would be the reduction in the authority of the Minister and NRW?**

Absolutely none, subsidiarity is part and parcel of the directive. Whether it was a wind farm, water pumping station or theme park, the minister would be able to set aside objections raised against any development based on sound quality as determined by 2002/49/EC. In exactly the same way as the Minister can override objections in an agglomeration, where he sees that the public interest is better served by having a motorway extension allowed, when 2002/49/EC evidence would seem to point in the opposite direction.

However, if rural areas are noise mapped, and members of the public have both access and descriptive text to allow them the key to reading the maps<sup>1</sup>, they can make better informed judgement and participate in an improved manner. 2002/49/EC is a tool of open government, and empowers the public to participate in executive decisions. That tool already exists and is in the hands of all people living in agglomerations, but it is denied to people in rural areas **until full implementation takes place**.

### **Key points we would ask committee to consider**

1. Since this directive was ratified in 2002 the UK population has grown by 7%.
2. The land area per capita in the UK is the worst in Europe.
3. If the Scottish Independence vote leads to Scotland leaving the UK the area per capita within the remaining UK will dramatically sink even further. With an equivalent population to Germany we will have ½ the land mass. The ratio in all other major European states is worse than our deficit with Germany.
4. The only practical antidote to noise engendered stress and noise engendered sleep deprivation is areas of sound quality both within agglomerations, and most importantly the reservoirs of tranquillity in rural, and wilderness areas.
5. Although Directive 2002/49/EC precedes TAN 8 by three years, it has never been implemented in rural areas. If we fail to map Strategic Search Areas before construction and operation commences, a fair assessment and mapping of noise will be unable to be completed, and an historic opportunity will be lost.

### **We ask the Petition Committee to recommend**

1. **That the NRW consults with stakeholders, and brings forward a programme to provide a noise mapping methodology for open country, to meet 2002/49/EU requirements.**
2. **That noise mapping precedes construction in Strategic Search Areas**
3. **That CC’s are made aware of mapping methodology**
4. **It is not felt necessary that any recommendation is made in respect of single turbine applications outside SSA’s as CC’s can make noise decisions compatible with their own LDP’s. Similarly turbine applications on brown field sites and areas already mapped do not require any moratorium.** (Salient points table overleaf with link to Directive).

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<sup>1</sup> See Article 9 and Annex IV Item 2 and Item 4

**Salient Points from the Directive.**

<b>Directive Ref.</b>	<b>Directive Wording</b>	<b>Notes</b>
Article 2 Scope Page 2	<p>1. <i>This Directive shall apply to environmental noise to which humans are exposed in particular in built-up areas, in public parks or other quiet areas in an agglomeration, <b>in quiet areas in open country</b>, near schools, hospitals and other noise sensitive buildings and areas.</i></p> <p>2. <i>This Directive shall not apply to noise that is caused by the exposed person himself, noise from domestic activities, noise created by neighbours, noise at work places or noise inside means of transport or due to military activities in military areas.</i></p>	The highlight is to show the scope of the directive refers to quiet areas in open country. The definition of open country is shown below.
Definitions Article 3m Page 3	(m) 'quiet area in open country' shall mean an area, delimited by the competent authority, that is undisturbed by noise from traffic, industry or recreational activities;	The competent Authority is the Environmental Agency Wales, (this information was given to me by The Environmental Agency Enquiry desk).
Definitions Article 3v Page 3	(v) 'the public' shall mean one or more natural or legal persons and, in accordance with national legislation or practice, their associations, organisations or groups.	Defines consultancy groups and stakeholders who CC's and WAG need to consult ref. Methodology and application of Directive.
Article 9 Information to the public Page 5	<p>1. Member States shall ensure that the strategic noise maps they have made, and where appropriate adopted, and the action plans they have drawn up are made available and disseminated to the public in accordance with relevant Community legislation, in particular Council Directive 90/313/EEC of 7 June 1990 on the freedom of access to information on the environment (1), and in conformity with Annexes IV and V to this Directive, including by means of available information technologies.</p> <p>2. This information shall be clear, comprehensible and accessible. A summary setting out the most important points shall be provided.</p>	Availability of noise maps at WAG and CC planning levels.
Article 1 c Objectives Page 2	(c) adoption of action plans by the Member States, based upon noise-mapping results, with a view to preventing and reducing environmental noise where necessary and particularly where exposure levels can induce harmful effects on human health and <b>to preserving environmental noise quality where it is good.</b>	Highlight to show spirit of Directive as set out in Article 1 is for the preservation of noise quality where it is good.

**Please note full copy of Directive is attached.**

It has been common knowledge that a large proportion of the houses in Wales are subject to flood threat. TAN 15 is a general advice note and has a section which seeks to address this threat in rural areas, where TAN 8 operates. Unfortunately it is not robust enough, and open to wide interpretation. We ask that it is modified to specifically address Wind Farms, which are the biggest potential development in Rural areas.

TAN 15	<u>Existing Advice</u>	<u>Preferred Advice</u>	<u>General Comments</u>
	The existing advice asks that a development should improve or, at least not detrimentally affect the water retention of upland areas.	That any development should significantly improve the site water retention. In respect of wind farms, this should be a combination of open water and ground water.  We would like a defined lower limit of retained water to be set at 3,000,000 litres per installed MW.	<ol style="list-style-type: none"> <li>1. It should be noted that medium term climate projections point to a worsening of flood conditions.</li> <li>2. Upland areas, especially adjacent to the West Coast, have significantly higher rainfall than the National Average.</li> <li>3. At some point, retention will be a priority in flood control for all upland areas.</li> <li>4. Open water is key to two other standards which need addressing. <b>(These are marked in Red on Pages</b></li> </ol>

In respect of this matter we would ask the **Petitions Committee** to recommend that **Natural Resources Wales** examine this advice note with a view to making significant water retention and control a part of Wind Farm planning.



**DIRECTIVE 2002/49/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL  
of 25 June 2002**

**relating to the assessment and management of environmental noise**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE  
EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,  
and in particular Article 175(1) thereof,

Having regard to the proposal from the Commission (1),

Having regard to the opinion of the Economic and Social  
Committee (2),

Having regard to the opinion of the Committee of the  
Regions (3),

Acting in accordance with the procedure laid down in Article  
251 of the Treaty (4), and in the light of the joint text approved  
by the Conciliation Committee on 8 April 2002,

Whereas:

(1) It is part of Community policy to achieve a high level of  
health and environmental protection, and one of the  
objectives to be pursued is protection against noise. In  
the Green Paper on Future Noise Policy, the Commission  
addressed noise in the environment as one of the main  
environmental problems in Europe.

(2) In its Resolution of 10 June 1997 (5) on the Commission  
Green Paper, the European Parliament expressed its  
support for that Green Paper, urged that specific  
measures and initiatives should be laid down in a Directive  
on the reduction of environmental noise, and noted  
the lack of reliable, comparable data regarding the situation  
of the various noise sources.

(3) A common noise indicator and a common methodology  
for noise calculation and measurement around airports  
were identified in the Commission Communication of 1  
December 1999 on Air Transport and the Environment.  
This communication has been taken into account in the  
provisions of this Directive.

(4) Certain categories of noise emissions from products are  
already covered by Community legislation, such as  
Council Directive 70/157/EEC of 6 February 1970 on  
the approximation of the laws of the Member States  
relating to the permissible sound level and the exhaust  
system of motor vehicles (6), Council Directive 77/311/  
EEC of 29 March 1977 on the approximation of the  
laws of the Member States relating to the driverperceived  
noise level of wheeled agricultural or forestry  
tractors (7), Council Directive 80/51/EEC of 20 December  
1979 on the limitation of noise emissions from subsonic  
aircraft (8) and its complementary directives, Council  
Directive 92/61/EEC of 30 June 1992 relating to the  
type-approval of two or three-wheel motor vehicles (9)  
and Directive 2000/14/EC of the European Parliament  
and of the Council of 8 May 2000 on the approximation  
of the laws of the Member States relating to the noise  
emission in the environment by equipment for use  
outdoors (10).

(5) This Directive should *inter alia* provide a basis for developing  
and completing the existing set of Community  
measures concerning noise emitted by the major sources,  
in particular road and rail vehicles and infrastructure,  
aircraft, outdoor and industrial equipment and mobile  
machinery, and for developing additional measures, in  
the short, medium and long term.

(6) Certain categories of noise such as noise created inside  
means of transport and noise from domestic activities  
should not be subject to this Directive.

(7) In accordance with the principle of subsidiarity as set  
out in Article 5 of the Treaty, the Treaty objectives of  
achieving a high level of protection of the environment

and of health will be better reached by complementing the action of the Member States by a Community action achieving a common understanding of the noise problem. Data about environmental noise levels should therefore be collected, collated or reported in accordance with comparable criteria. This implies the use of harmonised indicators and evaluation methods, as well as criteria for the alignment of noise-mapping. Such criteria and methods can best be established by the Community.

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(1) OJ C 337 E, 28.11.2000, p. 251.

(2) OJ C 116, 20.4.2001, p. 48.

(3) OJ C 148, 18.5.2001, p. 7.

(4) Opinion of the European Parliament of 14 December 2000 (OJ C 232, 17.8.2001, p. 305), Council Common Position of 7 June 2001 (OJ C 297, 23.10.2001, p. 49) and Decision of the European Parliament of 3 October 2001 (OJ C 87 E, 11.4.2002, p. 118). Decision of the European Parliament of 15 May 2002 and Decision of the Council of 21 May 2002.

(5) OJ C 200, 30.6.1997, p. 28.

(6) OJ L 42, 23.2.1970, p. 16. Directive as last amended by Commission Directive 1999/101/EC (OJ L 334, 28.12.1999, p. 41).

(7) OJ L 105, 28.4.1977, p. 1. Directive as last amended by Directive 97/54/EC (OJ L 277, 10.10.1997, p. 24).

(8) OJ L 18, 24.1.1980, p. 26. Directive as last amended by Directive 83/206/EEC (OJ L 117, 4.5.1983, p. 15).

(9) OJ L 225, 10.8.1992, p. 72. Directive as last amended by Directive 2000/7/EC (OJ L 106, 3.5.2000, p. 1).

(10) OJ L 162, 3.7.2000, p. 1.

(8) It is also necessary to establish common assessment methods for 'environmental noise' and a definition for 'limit values', in terms of harmonised indicators for the determination of noise levels. The concrete figures of any limit values are to be determined by the Member States, taking into account, *inter alia*, the need to apply the principle of prevention in order to preserve quiet areas in agglomerations.

(9) The selected common noise indicators are  $L_{den}$ , to assess annoyance, and  $L_{night}$ , to assess sleep disturbance. It is also useful to allow Member States to use supplementary indicators in order to monitor or control special noise situations.

(10) Strategic noise mapping should be imposed in certain areas of interest as it can capture the data needed to provide a representation of the noise levels perceived within that area.

(11) Action plans should address priorities in those areas of interest and should be drawn up by the competent authorities in consultation with the public.

(12) In order to have a wide spread of information to the public, the most appropriate information channels should be selected.

(13) Data collection and the consolidation of suitable Community-wide reports are required as a basis for future Community policy and for further information of the public.

(14) An evaluation of the implementation of this Directive should be carried out regularly by the Commission.

(15) The technical provisions governing the assessment methods should be supplemented and adapted as necessary to technical and scientific progress and to progress in European standardisation.

(16) The measures necessary for the implementation of this Directive should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (1),

HAVE ADOPTED THIS DIRECTIVE:

Article 1

## **Objectives**

1. The aim of this Directive shall be to define a common approach intended to avoid, prevent or reduce on a prioritised basis the harmful effects, including annoyance, due to exposure to environmental noise. To that end the following actions shall be implemented progressively:

- (a) the determination of exposure to environmental noise, through noise mapping, by methods of assessment common to the Member States;
- (b) ensuring that information on environmental noise and its effects is made available to the public;
- (c) adoption of action plans by the Member States, based upon noise-mapping results, with a view to preventing and reducing environmental noise where necessary and particularly where exposure levels can induce harmful effects on human health and to preserving environmental noise quality where it is good.

2. This Directive shall also aim at providing a basis for developing Community measures to reduce noise emitted by the major sources, in particular road and rail vehicles and infrastructure, aircraft, outdoor and industrial equipment and mobile machinery. To this end, the Commission shall submit to the European Parliament and the Council, no later than 18 July 2006, appropriate legislative proposals. Those proposals should take into account the results of the report referred to in Article 10(1).

### *Article 2*

#### **Scope**

1. This Directive shall apply to environmental noise to which humans are exposed in particular in built-up areas, in public parks or other quiet areas in an agglomeration, in quiet areas in open country, near schools, hospitals and other noisesensitive buildings and areas.

2. This Directive shall not apply to noise that is caused by the exposed person himself, noise from domestic activities, noise created by neighbours, noise at work places or noise inside means of transport or due to military activities in military areas.

### *Article 3*

#### **Definitions**

For the purposes of this Directive:

(a) 'environmental noise' shall mean unwanted or harmful outdoor sound created by human activities, including noise emitted by means of transport, road traffic, rail traffic, air traffic, and from sites of industrial activity such as those defined in Annex I to Council Directive 96/61/EC of 24 September 1996 concerning integrated pollution prevention and control <sup>(2)</sup>;

(b) 'harmful effects' shall mean negative effects on human health;

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(1) OJ L 184, 17.7.1999, p. 23. (2) OJ L 257, 10.10.1996, p. 26.

(c) 'annoyance' shall mean the degree of community noise annoyance as determined by means of field surveys;

(d) 'noise indicator' shall mean a physical scale for the description of environmental noise, which has a relationship with a harmful effect;

(e) 'assessment' shall mean any method used to calculate, predict, estimate or measure the value of a noise indicator or the related harmful effects;

(f) 'L<sub>den</sub>' (day-evening-night noise indicator) shall mean the noise indicator for overall annoyance, as further defined in Annex I;

(g) 'L<sub>day</sub>' (day-noise indicator) shall mean the noise indicator for annoyance during the day period, as further defined in Annex I;

(h) 'L<sub>evening</sub>' (evening-noise indicator) shall mean the noise indicator

for annoyance during the evening period, as further defined in Annex I;

(i) 'L<sub>night</sub>' (night-time noise indicator) shall mean the noise indicator for sleep disturbance, as further defined in Annex I;

(j) 'dose-effect relation' shall mean the relationship between the value of a noise indicator and a harmful effect;

(k) 'agglomeration' shall mean part of a territory, delimited by the Member State, having a population in excess of 100 000 persons and a population density such that the Member State considers it to be an urbanised area;

(l) 'quiet area in an agglomeration' shall mean an area, delimited by the competent authority, for instance which is not exposed to a value of L<sub>den</sub> or of another appropriate noise indicator greater than a certain value set by the Member State, from any noise source;

(m) 'quiet area in open country' shall mean an area, delimited by the competent authority, that is undisturbed by noise from traffic, industry or recreational activities;

(n) 'major road' shall mean a regional, national or international road, designated by the Member State, which has more than three million vehicle passages a year;

(o) 'major railway' shall mean a railway, designated by the Member State, which has more than 30 000 train passages per year;

(p) 'major airport' shall mean a civil airport, designated by the Member State, which has more than 50 000 movements per year (a movement being a take-off or a landing), excluding those purely for training purposes on light aircraft;

(q) 'noise mapping' shall mean the presentation of data on an existing or predicted noise situation in terms of a noise indicator, indicating breaches of any relevant limit value in force, the number of people affected in a certain area, or the number of dwellings exposed to certain values of a noise indicator in a certain area;

(r) 'strategic noise map' shall mean a map designed for the global assessment of noise exposure in a given area due to different noise sources or for overall predictions for such an area;

(s) 'limit value' shall mean a value of L<sub>den</sub> or L<sub>night</sub>, and where appropriate L<sub>day</sub> and L<sub>evening</sub>, as determined by the Member State, the exceeding of which causes competent authorities to consider or enforce mitigation measures; limit values may be different for different types of noise (road-, rail-, air-traffic noise, industrial noise, etc.), different surroundings and different noise sensitiveness of the populations; they may also be different for existing situations and for new situations (where there is a change in the situation regarding the noise source or the use of the surrounding);

(t) 'action plans' shall mean plans designed to manage noise issues and effects, including noise reduction if necessary;

(u) 'acoustical planning' shall mean controlling future noise by planned measures, such as land-use planning, systems engineering for traffic, traffic planning, abatement by soundinsulation measures and noise control of sources;

(v) 'the public' shall mean one or more natural or legal persons and, in accordance with national legislation or practice, their associations, organisations or groups.

#### *Article 4*

#### **Implementation and responsibilities**

1. Member States shall designate at the appropriate levels the competent authorities and bodies responsible for implementing this Directive, including the authorities responsible for:

(a) making and, where relevant, approving noise maps and action plans for agglomerations, major roads, major railways and major airports;

(b) collecting noise maps and action plans.

2. The Member States shall make the information referred to in paragraph 1 available to the Commission and to the public no later than 18 July 2005.

#### *Article 5*

##### **Noise indicators and their application**

1. Member States shall apply the noise indicators  $L_{den}$  and  $L_{night}$  as referred to in Annex I for the preparation and revision of strategic noise mapping in accordance with Article 7. Until the use of common assessment methods for the determination of  $L_{den}$  and  $L_{night}$  is made obligatory, existing national noise indicators and related data may be used by Member States for this purpose and should be converted into the indicators mentioned above. These data must not be more than three years old.

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2. Member States may use supplementary noise indicators for special cases such as those listed in Annex I(3).

3. For acoustical planning and noise zoning, Member States may use other noise indicators than  $L_{den}$  and  $L_{night}$ .

4. No later than 18 July 2005, Member States shall communicate information to the Commission on any relevant limit values in force within their territories or under preparation, expressed in terms of  $L_{den}$  and  $L_{night}$  and where appropriate,  $L_{day}$  and  $L_{evening}$ , for road-traffic noise, rail-traffic noise, aircraft noise around airports and noise on industrial activity sites, together with explanations about the implementation of the limit values.

#### *Article 6*

##### **Assessment methods**

1. The values of  $L_{den}$  and  $L_{night}$  shall be determined by means of the assessment methods defined in Annex II.

2. Common assessment methods for the determination of  $L_{den}$  and  $L_{night}$  shall be established by the Commission in accordance with the procedure laid down in Article 13(2) through a revision of Annex II. Until these methods are adopted, Member States may use assessment methods adapted in accordance with Annex II and based upon the methods laid down in their own legislation. In such case, they must demonstrate that those methods give equivalent results to the results obtained with the methods set out in paragraph 2.2 of Annex II.

3. Harmful effects may be assessed by means of the dose-effect relations referred to in Annex III.

#### *Article 7*

##### **Strategic noise mapping**

1. Member States shall ensure that no later than 30 June 2007 strategic noise maps showing the situation in the preceding calendar year have been made and, where relevant, approved by the competent authorities, for all agglomerations with more than 250 000 inhabitants and for all major roads which have more than six million vehicle passages a year, major railways which have more than 60 000 train passages per year and major airports within their territories.

No later than 30 June 2005, and thereafter every five years, Member States shall inform the Commission of the major roads which have more than six million vehicle passages a year, major railways which have more than 60 000 train passages per year, major airports and the agglomerations with more than 250 000 inhabitants within their territories.

2. Member States shall adopt the measures necessary to ensure that no later than 30 June 2012, and thereafter every five years, strategic noise maps showing the situation in the preceding calendar year have been made and, where relevant, approved by the competent authorities for all agglomerations and for all major roads and major railways within their territories. No later than 31 December 2008, Member States shall inform the Commission of all the agglomerations and of all the major roads and major railways within their territories.

3. The strategic noise maps shall satisfy the minimum

requirements laid down in Annex IV.

4. Neighbouring Member States shall cooperate on strategic noise mapping near borders.

5. The strategic noise maps shall be reviewed, and revised if necessary, at least every five years after the date of their preparation.

#### *Article 8*

##### **Action plans**

1. Member States shall ensure that no later than 18 July 2008 the competent authorities have drawn up action plans designed to manage, within their territories, noise issues and effects, including noise reduction if necessary for:

(a) places near the major roads which have more than six million vehicle passages a year, major railways which have more than 60 000 train passages per year and major airports;

(b) agglomerations with more than 250 000 inhabitants. Such plans shall also aim to protect quiet areas against an increase in noise.

The measures within the plans are at the discretion of the competent authorities, but should notably address priorities which may be identified by the exceeding of any relevant limit value or by other criteria chosen by the Member States and apply in particular to the most important areas as established by strategic noise mapping.

2. Member States shall ensure that, no later than 18 July 2013, the competent authorities have drawn up action plans notably to address priorities which may be identified by the exceeding of any relevant limit value or by other criteria chosen by the Member States for the agglomerations and for the major roads as well as the major railways within their territories.

3. Member States shall inform the Commission of the other relevant criteria referred to in paragraphs 1 and 2.

4. The action plans shall meet the minimum requirements of Annex V.

5. The action plans shall be reviewed, and revised if necessary, when a major development occurs affecting the existing noise situation, and at least every five years after the date of their approval.

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6. Neighbouring Member States shall cooperate on the action plans for border regions.

7. Member States shall ensure that the public is consulted about proposals for action plans, given early and effective opportunities to participate in the preparation and review of the action plans, that the results of that participation are taken into account and that the public is informed on the decisions taken. Reasonable time-frames shall be provided allowing sufficient time for each stage of public participation.

If the obligation to carry out a public participation procedure arises simultaneously from this Directive and any other Community legislation, Member States may provide for joint procedures in order to avoid duplication.

#### *Article 9*

##### **Information to the public**

1. Member States shall ensure that the strategic noise maps they have made, and where appropriate adopted, and the action plans they have drawn up are made available and disseminated to the public in accordance with relevant Community legislation, in particular Council Directive 90/313/EEC of 7 June 1990 on the freedom of access to information on the environment (1), and in conformity with Annexes IV and V to this Directive, including by means of available information technologies.

2. This information shall be clear, comprehensible and accessible. A summary setting out the most important points shall be provided.

#### *Article 10*

## **Collection and publication of data by Member States and the Commission**

1. No later than 18 January 2004, the Commission will submit a report to the European Parliament and the Council containing a review of existing Community measures relating to sources of environmental noise.
2. The Member States shall ensure that the information from strategic noise maps and summaries of the action plans as referred to in Annex VI are sent to the Commission within six months of the dates laid down in Articles 7 and 8 respectively.
3. The Commission shall set up a database of information on strategic noise maps in order to facilitate the compilation of the report referred to in Article 11 and other technical and informative work.
4. Every five years the Commission shall publish a summary report of data from strategic noise maps and action plans. The first report shall be submitted by 18 July 2009.

### *Article 11*

#### **Review and reporting**

1. No later than 18 July 2009, the Commission shall submit to the European Parliament and the Council a report on the implementation of this Directive.
2. That report shall in particular assess the need for further Community actions on environmental noise and, if appropriate, propose implementing strategies on aspects such as:
  - (a) long-term and medium-term goals for the reduction of the number of persons harmfully affected by environmental noise, taking particularly into account the different climates and different cultures;
  - (b) additional measures for a reduction of the environmental noise emitted by specific sources, in particular outdoor equipment, means and infrastructures of transport and certain categories of industrial activity, building on those measures already implemented or under discussion for adoption;
  - (c) the protection of quiet areas in open country.
3. The report shall include a review of the acoustic environment quality in the Community based on the data referred to in Article 10 and shall take account of scientific and technical progress and any other relevant information. The reduction of harmful effects and the cost-effectiveness ratio shall be the main criteria for the selection of the strategies and measures proposed.
4. When the Commission has received the first set of strategic noise maps, it shall reconsider:
  - the possibility for a 1,5 metre measurement height in Annex I, paragraph 1, in respect of areas having houses of one storey,
  - the lower limit for the estimated number of people exposed to different bands of  $L_{den}$  and  $L_{night}$  in Annex VI.
5. The report shall be reviewed every five years or more often if appropriate. It shall contain an assessment of the implementation of this Directive.
6. The report shall, if appropriate, be accompanied by proposals for the amendment of this Directive.

### *Article 12*

#### **Adaptation**

The Commission shall adapt Annex I, point 3, Annex II and Annex III hereto to technical and scientific progress in accordance with the procedure provided for in Article 13(2).  
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(<sup>1</sup>) OJ L 158, 23.6.1990, p. 56.

### *Article 13*

#### **Committee**

1. The Commission shall be assisted by the committee set up by Article 18 of Directive 2000/14/EC.
2. Where reference is made to this paragraph, Articles 5 and

7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

*Article 14*

#### **Transposition**

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive no later than 18 July 2004. They shall inform the Commission thereof.

When the Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such a reference on the occasion of their official publication.

The methods of making such a reference shall be laid down by the Member States.

2. The Member States shall communicate to the Commission the texts of the provisions of national law that they adopt in the field governed by this Directive.

*Article 15*

#### **Entry into force**

This Directive shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

*Article 16*

#### **Addressees**

This Directive is addressed to the Member States.

Done at Luxembourg, 25 June 2002.

*For the European Parliament*

*The President*

P. COX

*For the Council*

*The President*

J. MATAS I PALOU

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*ANNEX I*

#### **NOISE INDICATORS**

referred to in Article 5

##### **1. Definition of the day-evening-night level $L_{den}$**

The day-evening-night level  $L_{den}$  in decibels (dB) is defined by the following formula: in which:

—  $L_{day}$  is the A-weighted long-term average sound level as defined in ISO 1996-2: 1987, determined over all the day periods of a year,

—  $L_{evening}$  is the A-weighted long-term average sound level as defined in ISO 1996-2: 1987, determined over all the evening periods of a year,

—  $L_{night}$  is the A-weighted long-term average sound level as defined in ISO 1996-2: 1987, determined over all the night periods of a year;

in which:

— the day is 12 hours, the evening four hours and the night eight hours. The Member States may shorten the evening period by one or two hours and lengthen the day and/or the night period accordingly, provided that this choice is the same for all the sources and that they provide the Commission with information on any systematic difference from the default option,

— the start of the day (and consequently the start of the evening and the start of the night) shall be chosen by the Member State (that choice shall be the same for noise from all sources); the default values are 07.00 to 19.00, 19.00 to 23.00 and 23.00 to 07.00 local time,

— a year is a relevant year as regards the emission of sound and an average year as regards the meteorological circumstances;

and in which:

— the incident sound is considered, which means that no account is taken of the sound that is reflected at the façade of the dwelling under consideration (as a general rule, this implies a 3 dB correction in case of measurement).

The height of the  $L_{den}$  assessment point depends on the application:

— in the case of computation for the purpose of strategic noise mapping in relation to noise exposure in and near buildings, the assessment points must be  $4,0 \pm 0,2$  m (3,8 to 4,2 m) above the ground and at the most exposed façade; for this purpose, the most exposed façade will be the external wall facing onto and nearest to the specific noise source; for other purposes other choices may be made,

— in the case of measurement for the purpose of strategic noise mapping in relation to noise exposure in and near buildings, other heights may be chosen, but they must never be less than 1,5 m above the ground, and results should be corrected in accordance with an equivalent height of 4 m,

— for other purposes such as acoustical planning and noise zoning other heights may be chosen, but they must never be less than 1,5 m above the ground, for example for:

— rural areas with one-storey houses,



- the design of local measures meant to reduce the noise impact on specific dwellings,
- the detailed noise mapping of a limited area, showing the noise exposure of individual dwellings.

## 2. Definition of the night-time noise indicator

The night-time noise indicator  $L_{\text{night}}$  is the A-weighted long-term average sound level as defined in ISO 1996-2: 1987, determined over all the night periods of a year;

in which:

- the night is eight hours as defined in paragraph 1,
- a year is a relevant year as regards the emission of sound and an average year as regards the meteorological circumstances, as defined in paragraph 1,
- the incident sound is considered, as laid down in paragraph 1,
- the assessment point is the same as for  $L_{\text{den}}$ .

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## 3. Supplementary noise indicators

In some cases, in addition to  $L_{\text{den}}$  and  $L_{\text{night}}$ , and where appropriate  $L_{\text{day}}$  and  $L_{\text{evening}}$ , it may be advantageous to use special noise indicators and related limit values. Some examples are given below:

- the noise source under consideration operates only for a small proportion of the time (for example, less than 20 % of the time over the total of the day periods in a year, the total of the evening periods in a year, or the total of the night periods in a year),
- the average number of noise events in one or more of the periods is very low (for example, less than one noise event an hour; a noise event could be defined as a noise that lasts less than five minutes; examples are the noise from a passing train or a passing aircraft),
- the low-frequency content of the noise is strong,
- $L_{\text{Amax}}$ , or SEL (sound exposure level) for night period protection in the case of noise peaks,
- extra protection at the weekend or a specific part of the year,
- extra protection of the day period,
- extra protection of the evening period,
- a combination of noises from different sources,
- quiet areas in open country,
- the noise contains strong tonal components,
- the noise has an impulsive character.

## ANNEX II

### ASSESSMENT METHODS FOR THE NOISE INDICATORS

referred to in Article 6

#### 1. Introduction

The values of  $L_{\text{den}}$  and  $L_{\text{night}}$  can be determined either by computation or by measurement (at the assessment position).

For predictions only computation is applicable.

Provisional computation and measurement methods are set out in paragraphs 2 and 3.

#### 2. Interim computation methods for $L_{\text{den}}$ and $L_{\text{night}}$

##### 2.1. Adaptation of existing national computation methods

If a Member State has national methods for the determination of long-term indicators those methods may be applied, provided that they are adapted to the definitions of the indicators set out in Annex I. For most national methods this implies the introduction of the evening as a separate period and the introduction of the average over a year. Some existing methods will also have to be adapted as regards the exclusion of the façade reflection, the incorporation of the night and/or the assessment position.

The establishment of the average over a year requires special attention. Variations in emission and transmission can contribute to fluctuations over a year.

##### 2.2. Recommended interim computation methods

For Member States that have no national computation methods or Member States that wish to change computation method, the following methods are recommended:

For INDUSTRIAL NOISE: ISO 9613-2: 'Acoustics — Abatement of sound propagation outdoors, Part 2: General method of calculation'.

Suitable noise-emission data (input data) for this method can be obtained from measurements carried out in accordance with one of the following methods:

- ISO 8297: 1994 'Acoustics — Determination of sound power levels of multisource industrial plants for evaluation of sound pressure levels in the environment — Engineering method',
- EN ISO 3744: 1995 'Acoustics — Determination of sound power levels of noise using sound pressure — Engineering method in an essentially free field over a reflecting plane',
- EN ISO 3746: 1995 'Acoustics — Determination of sound power levels of noise sources using an enveloping measurement surface over a reflecting plane'.

For AIRCRAFT NOISE: ECAC.CEAC Doc. 29 'Report on Standard Method of Computing Noise Contours around Civil Airports', 1997. Of the different approaches to the modelling of flight paths, the segmentation technique referred to in section 7.5 of ECAC.CEAC Doc. 29 will be used.

For ROAD TRAFFIC NOISE: The French national computation method 'NMPB-Routes-96 (SETRA-CERTU-LCPCSTB)', referred to in 'Arrêté du 5 mai 1995 relatif au bruit des infrastructures routières, Journal Officiel du 10 mai 1995, Article 6' and in the French standard 'XPS 31-133'. For input data concerning emission, these documents refer to the 'Guide du bruit des transports terrestres, fascicule prévision des niveaux sonores, CETUR 1980'.

For RAILWAY NOISE: The Netherlands national computation method published in 'Reken- en Meetvoorschrift Railverkeerslawaaai '96, Ministerie Volkshuisvesting, Ruimtelijke Ordening en Milieubeheer, 20 November 1996'. Those methods must be adapted to the definitions of  $L_{\text{den}}$  and  $L_{\text{night}}$ . No later than 1 July 2003 the Commission will publish guidelines in accordance with Article 13(2) on the revised methods and provide emission data for aircraft noise, road traffic noise and railway noise on the basis of existing data.

#### 3. Interim measurement methods for $L_{\text{den}}$ and $L_{\text{night}}$

If a Member State wishes to use its own official measurement method, that method shall be adapted in accordance with the definitions of the indicators set out in Annex I and in accordance with the principles governing long-term

average measurements stated in ISO 1996-2: 1987 and ISO 1996-1: 1982.

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If a Member State has no measurement method or if it prefers to apply another method, a method may be defined on the basis of the definition of the indicator and the principles stated in ISO 1996-2: 1987 and ISO 1996-1: 1982.

Measurement data in front of a façade or another reflecting element must be corrected to exclude the reflected contribution of this façade or element (as a general rule, this implies a 3 dB correction in case of measurement).

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### *ANNEX III*

#### **ASSESSMENT METHODS FOR HARMFUL EFFECTS**

referred to in Article 6(3)

Dose-effect relations should be used to assess the effect of noise on populations. The dose-effect relations introduced by future revisions of this Annex in accordance with Article 13(2) will concern in particular:

- the relation between annoyance and  $L_{den}$  for road, rail and air traffic noise, and for industrial noise,
- the relation between sleep disturbance and  $L_{night}$  for road, rail and air traffic noise, and for industrial noise.

If necessary, specific dose-effect relations could be presented for:

- dwellings with special insulation against noise as defined in Annex VI,
- dwellings with a quiet façade as defined in Annex VI,
- different climates/different cultures,
- vulnerable groups of the population,
- tonal industrial noise,
- impulsive industrial noise and other special cases.

### *ANNEX IV*

#### **MINIMUM REQUIREMENTS FOR STRATEGIC NOISE MAPPING**

referred to in Article 7

1. A strategic noise map is the presentation of data on one of the following aspects:

- an existing, a previous or a predicted noise situation in terms of a noise indicator,
- the exceeding of a limit value,
- the estimated number of dwellings, schools and hospitals in a certain area that are exposed to specific values of a noise indicator,
- the estimated number of people located in an area exposed to noise.

2. Strategic noise maps may be presented to the public as:

- graphical plots,
- numerical data in tables,
- numerical data in electronic form.

3. Strategic noise maps for agglomerations shall put a special emphasis on the noise emitted by:

- road traffic,
- rail traffic,
- airports,
- industrial activity sites, including ports.

4. Strategic noise mapping will be used for the following purposes:

- the provision of the data to be sent to the Commission in accordance with Article 10(2) and Annex VI,
- a source of information for citizens in accordance with Article 9,
- a basis for action plans in accordance with Article 8.

Each of those applications requires a different type of strategic noise map.

5. Minimum requirements for the strategic noise maps concerning the data to be sent to the Commission are set out in paragraphs 1.5, 1.6, 2.5, 2.6 and 2.7 of Annex VI.

6. For the purposes of informing the citizen in accordance with Article 9 and the development of action plans in accordance with Article 8, additional and more detailed information must be given, such as:

- a graphical presentation,
- maps disclosing the exceeding of a limit value,
- difference maps, in which the existing situation is compared with various possible future situations,
- maps showing the value of a noise indicator at a height other than 4 m where appropriate.

The Member States may lay down rules on the types and formats of these noise maps.

7. Strategic noise maps for local or national application must be made for an assessment height of 4 m and the 5 dB ranges of  $L_{den}$  and  $L_{night}$  as defined in Annex VI.

8. For agglomerations separate strategic noise maps must be made for road-traffic noise, rail-traffic noise, aircraft noise and industrial noise. Maps for other sources may be added.

9. The Commission may develop guidelines providing further guidance on noise maps, noise mapping and mapping softwares in accordance with Article 13(2).

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### *ANNEX V*

#### **MINIMUM REQUIREMENTS FOR ACTION PLANS**

referred to in Article 8

1. An action plan must at least include the following elements:

- a description of the agglomeration, the major roads, the major railways or major airports and other noise sources taken into account,
- the authority responsible,
- the legal context,
- any limit values in place in accordance with Article 5,
- a summary of the results of the noise mapping,
- an evaluation of the estimated number of people exposed to noise, identification of problems and situations that need to be improved,
- a record of the public consultations organised in accordance with Article 8(7),
- any noise-reduction measures already in force and any projects in preparation,
- actions which the competent authorities intend to take in the next five years, including any measures to preserve

quiet areas,

— long-term strategy,

— financial information (if available): budgets, cost-effectiveness assessment, cost-benefit assessment,

— provisions envisaged for evaluating the implementation and the results of the action plan.

2. The actions which the competent authorities intend to take in the fields within their competence may for example include:

— traffic planning,

— land-use planning,

— technical measures at noise sources,

— selection of quieter sources,

— reduction of sound transmission,

— regulatory or economic measures or incentives.

3. Each action plan should contain estimates in terms of the reduction of the number of people affected (annoyed, sleep disturbed, or other).

4. The Commission may develop guidelines providing further guidance on the action plans in accordance with Article 13(2).

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ANNEX VI

## DATA TO BE SENT TO THE COMMISSION

referred to in Article 10

The data to be sent to the Commission are as follows:

### 1. For agglomerations

1.1. A concise description of the agglomeration: location, size, number of inhabitants.

1.2. The responsible authority.

1.3. Noise-control programmes that have been carried out in the past and noise-measures in place.

1.4. The computation or measurement methods that have been used.

1.5. The estimated number of people (in hundreds) living in dwellings that are exposed to each of the following bands of values of  $L_{den}$  in dB 4 m above the ground on the most exposed façade: 55-59, 60-64, 65-69, 70-74, > 75, separately for noise from road, rail and air traffic, and from industrial sources. The figures must be rounded to the nearest hundred (e.g. 5 200 = between 5 150 and 5 249; 100 = between 50 and 149; 0 = less than 50).

In addition it should be stated, where appropriate and where such information is available, how many persons in the above categories live in dwellings that have:

— special insulation against the noise in question, meaning special insulation of a building against one or more types of environmental noise, combined with such ventilation or air conditioning facilities that high values of insulation against environmental noise can be maintained,

— a quiet façade, meaning the façade of a dwelling at which the value of  $L_{den}$  four metres above the ground and two metres in front of the façade, for the noise emitted from a specific source, is more than 20 dB lower than at the façade having the highest value of  $L_{den}$ .

An indication should also be given on how major roads, major railways and major airports as defined in Article 3 contribute to the above.

1.6. The estimated total number of people (in hundreds) living in dwellings that are exposed to each of the following bands of values of  $L_{night}$  in dB 4 m above the ground on the most exposed façade: 50-54, 55-59, 60-64, 65-69, > 70, separately for road, rail and air traffic and for industrial sources. These data may also be assessed for value band 45-49 before the date laid down in Article 11(1).

In addition it should be stated, where appropriate and where such information is available, how many persons in the above categories live in dwellings that have:

— special insulation against the noise in question, as defined in paragraph 1.5,

— a quiet façade, as defined in paragraph 1.5.

It must also be indicated how major roads, major railways and major airports contribute to the above.

1.7. In case of graphical presentation, strategic maps must at least show the 60, 65, 70 and 75 dB contours.

1.8. A summary of the action plan covering all the important aspects referred to in Annex V, not exceeding ten pages in length.

### 2. For major roads, major railways and major airports

2.1. A general description of the roads, railways or airports: location, size, and data on the traffic.

2.2. A characterisation of their surroundings: agglomerations, villages, countryside or otherwise, information on land use, other major noise sources.

2.3. Noise-control programmes that have been carried out in the past and noise-measures in place.

2.4. The computation or measurement methods that have been used.

2.5. The estimated total number of people (in hundreds) living outside agglomerations in dwellings that are exposed to each of the following bands of values of  $L_{den}$  in dB 4 m above the ground and on the most exposed façade: 55-59, 60-64, 65-69, 70-74, > 75.

In addition it should be stated, where appropriate and where such information is available, how many persons in the above categories live in dwellings that have:

— special insulation against the noise in question, as defined in paragraph 1.5,

— a quiet façade, as defined in paragraph 1.5.

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2.6. The estimated total number of people (in hundreds) living outside agglomerations in dwellings that are exposed to each of the following bands of values of  $L_{night}$  in dB 4 m above the ground and on the most exposed façade: 50-54, 55-59, 60-64, 65-69, > 70. These data may also be assessed for value band 45-49 before the date laid down in Article 11(1).

In addition it should be stated, where appropriate and where such information is available, how many persons in the above categories live in dwellings that have:

— special insulation against the noise in question, as defined in paragraph 1.5,

— a quiet façade, as defined in paragraph 1.5.

2.7. The total area (in km<sup>2</sup>) exposed to values of L<sub>den</sub> higher than 55, 65 and 75 dB respectively. The estimated total number of dwellings (in hundreds) and the estimated total number of people (in hundreds) living in each of these areas must also be given. Those figures must include agglomerations.

The 55 and 65 dB contours must also be shown on one or more maps that give information on the location of villages, towns and agglomerations within those contours.

2.8. A summary of the action plan covering all the important aspects referred to in Annex V, not exceeding ten pages in length.

### **3. Guidelines**

The Commission may develop guidelines to provide further guidance on the above provision of information, in accordance with Article 13(2).

# GALAR

Petitions Committee  
Sub Group 3

## Wind Farm Moratorium Petition Sub Group 3

In this group we ask the **Petitions Committee** to recommend that **Natural Resources Wales & Central Planning** conducts a review of Planning Advice to **CC's** regarding wind farms, and wind turbines within a rural setting, and with a plate capacity of 50MW or less. We would also ask the **Petitions Committee** to recommend a review of advice to developers when applying for planning on Wind Farms, or turbines with a plate capacity of 50MW or less.

Below, and on the attached sheets we list some of the aspects we feel need review, the full scope of the review will be determined when **Natural Resources Wales & Central Planning** have consulted stakeholders. At this stage we are asking the **Petitions Committee** to determine if a review is justified.

Page	Item Considered	Beneficiaries
2	Disposal of Turbine Blades	Environment
2	TAN 8 Limits	Environment, Rural Populations
3	Owls	Environment, Bio-Diversity
3	Bats	Environment, Bio-Diversity
3	Advice to Councillors on Planning Committees	Rural Communities, Environment
4	Open Declarations	Rural Communities, Consumers, Welsh Population

Please note, we do not ask that the **Petitions Committee** examine the attached subjects in detail, and advise on them individually. We have included them so that the **Committee** can see a need for a review of Wind Farms which examines the historical lessons and new technological data to ensure best practise is legislated for in the interests of agriculture, rural residents, tourism, and the environment and biodiversity. The actual detail would be decided by **NRW** and stakeholders, should a review be granted.

## Planning Issues

The table below demonstrates issues that need review to ensure best practise Wind Generation in rural areas.

Item	Issue	Resolution	Notes
<p>Wind Turbine Blades</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 179</p>	<p>Wind Turbine blades are made of composite materials, which, when broken down, or burnt, can release toxic chemicals, harmful to humans, animals and the environment.</p> <p>Larger turbines and areas where the stress on the blades is high is causing blade failures. This means the blades are not lasting the lifetime of the turbine.</p> <p>Evidence shows that turbines are failing to achieve predicted lifetimes.</p>	<p><b>How will turbine blades be disposed of?</b>  <b>How will they be cut up for disposal?</b>            Are special requirements for storage needed?  <b>How safe is storage on the windfarm site?</b>  <b>How safe is landfill?</b></p> <p>With the onshore and offshore programs needing many turbines to achieve targets, what are the projected numbers for scrap blades by 2030?  <b>Where will the blades be cut up?</b>  <b>Who bears the costs of specialist disposal?</b>            Is WAG responsible for turbine blade disposal for sites above 50MW?</p>	<p>The only existing methods suggested are Land Fill, or repatriation. Both have costs involved.</p> <p>Would repatriation be viewed as a derogation of duty in Wales's 'green' reputation?</p>
<p>TAN 8 Limits &amp; Guidelines</p>	<p>Ove Arrup spent a great deal of time and effort providing a comprehensive document on the SSA's, which the developers have largely ignored.</p> <p>The first minister has said that TAN 8 guidelines should be kept to. The minister for E &amp; S has said he stands by TAN 8 yet evidence shows developers ignoring limits and guidelines</p>	<p><b>Example: Brechfa Forest East. SSA G</b>  <b>There are twelve turbines in this development, all twelve exceed TAN 8 limits on at least 2 points per turbine. Some as many as 4. The whole site has been spread to accommodate turbines which are 45% taller than the TAN 8 limit and the site now encroaches on land below the SSA G minimum of 300 metres above sea level, and encompasses fluvial valleys, which TAN 8 said should be avoided.</b></p> <p><b>This extreme disregard is commonplace on all SSA's. WAG has little influence on sites above 50MW. On sites 50MW and below the developer should have to demonstrate why the TAN 8 limit or guideline is flawed, to the satisfaction of the CC's planning committee.</b></p>	<p>Evidence on these breaches can be provided, if required.</p>

Item	Issue	Resolution	Notes
Owls	<p>on sites of 50MW and below in SSA areas.</p> <p>Owls are selected as a representation of avian species, in that all variations of strain are protected under EU legislation. Most Owls are nocturnal and are threatened by birdstrike.</p>	<p>On single turbine installations off peak operation should be prohibited to protect wildlife. Because turbines have a mechanical life, set by the number of operating hours, turning them off for biodiversity reasons only affects payback speed, in fact because the turbine will operate over a greater number of years, the greater future price of energy will offset the payback period calculation.</p> <p>On wind farms, because they are part of base load, they cannot be required to turn off at night. However, if cut in speeds are adjusted, (as suggested in Sub Group 1) the risk will be reduced.</p> <p>The Barn Owl Trust’s map describes the majority of Wales as suitable territory to encourage nesting and breeding, by supplying nesting boxes. Domestic premises within 2.5 Km of a wind farm should be advised not to encourage Owls, (a similar warning is given with regard to motorways and high speed train lines).</p>	<p>Scotland have an eagle breeding and habitat building program which is based on its separation from wind turbines.</p> <p>Wales has the largest potential unbroken land area suitable for owl habitat in the UK by percentage or per capita.</p>
Bats	<p>All bats are protected species under EU legislation.</p>	<p>Recent research has shown that bats have migratory patterns which can be as far as 60Km and that in transit nesting and feeding takes place. The times and distances of these migratory moves need to be established so that each CC has mapping of its territory, and WAG holds a master copy for the whole country.</p> <p>The conditions for Owls also apply to bats with regard to turbine operation.</p>	<p>There is no program to identify migratory paths in respect of turbine applications.</p>
Advice to Councillors in respect of single turbine planning applications	<p>Councillors, especially those outside SSA’s do not have access to full advice with regard to planning.</p> <p>During the past year several applications have been monitored and a wide range of results obtained, as to the advice available.</p>	<p>The main cause for criticism is that councillors do not have access to a full and comprehensive package of information with regard to either general informed knowledge, or knowledge specific to the application being considered.</p> <p>Various CC Planning representatives claim that noise monitoring can be undertaken by Environmental Health Departments, without disclosing that this is a ‘by appointment only’ service and there is no weekend or night cover.</p> <p>There is no information offered as to the type or generic characteristics of the turbine under consideration. (Example: It is a well known fact that</p>	<p>Much of the information available to councillors is tainted ‘wind lobby’ either from presentations or visits to trade consultation events. Central planning needs to address this for all renewable energy. It must be remembered that outside SSA’s councillors cannot be expected to be fully briefed in order to fulfil their role as monitoring the executive.</p>

water cooled turbines are far quieter than air cooled).

Item	Issue	Resolution	Notes
Open Declaration of Central Planning Advice and Efficacy of Wind Energy Developments	<p>Central Planning Advice on applications below 50MW is not open for public scrutiny and challenge.</p> <p>The efficacy of renewable energy, its seasonal and intermittent nature and value for money within the wider community requires to be known, in the interests of open Government and historical record.</p>	<p>Open Government is built into WAG. There is no reason Central Planning Advice should not be open to all, and to challenge. A opaque system has been developed which favours developers and land owners acting in concert with 'green' NGO's. It is to the detriment of democracy that this should continue.</p> <p>Efficacy should be at the heart of any application, because ultimately it is paid for by the consumer. It may be that Central Government, whether it be DECC or WAG dictates a renewable energy programme, but it is important historically that it should be documented, to show who the winners and losers were over time, and why the choices were made. Also it is important to open Government and democracy that information should not be concealed behind a legislative fug .</p>	



## Wind Farm Moratorium Petition

### Sub Group 4

In this group we ask the **Petitions Committee** to recommend a cross party **Wind Farm Compensation Committee** be formed to establish a fair community compensation system, which would expand and equalise the existing system, without further charges being levied to the consumer.

**Page 2. Evidence and Proposal from Galar**

## Community Benefit for Wind Farms

The present system of community benefit for wind farms has no regulatory level, and seems to be more fiscally effective, the more a wind farm is opposed. Example: Bryn Llywelyn in Carmarthenshire attracted a late offer from the developer RES, an offer of a direct payment on electricity bills to people living within a very tight circle around the proposed development, this was in addition to the 'community benefit' offered during the initial application. This might sound munificent on the behalf of the developer, or equally that the developer was hanging out as long as possible to avoid paying the amount they should.

This raises two points:

1. WAG seems to be trying to get planning approvals moved forward more quickly, yet are admitting the more opposition and delay, the better the fiscal result.
2. If the head of a household signs up to the sort of deal RES offered on Bryn Llywelyn then he can be seen to be having a pecuniary advantage from a development and therefore must accept inferior sound emission protection. Please note the head of the household can impose inferior sound emissions on his children, partner, and anyone else living in the property. RES demanded specifically that the head of the household signed up to this deal.

We feel that a set amount per installed MW (face plate capacity), should be paid. RWE nPower already work on this basis and they offer £5,000 per installed MW per annum. This is ludicrously low, and to some extent is kept so by the psychological picture the word benefit portrays. Benefit and benevolence have the same Latin stem of Bene i.e well. Webster's Dictionary defines the words in similar manner, one definition been exactly common to both as "An act of kindness". Wind farms are imposed on communities, any payment is compensation for the hurt caused. Kindness doesn't enter into it, morally and practically those imposing hurt have a responsibility to pay.

At the same time, simply asking the developer for a bigger contribution may make us feel better, but would limit the monies that should be paid. While the developer could easily accommodate £8,000 per installed MW, it still wouldn't approach the real figure needed. We should also be aware that the electrical consumer finally pays any monies raised from the developer, and close to 30% of those consumers in Wales are already suffering fuel poverty.

At this stage we should look beyond simply further taxing the poor and look at the other beneficiaries of wind farms. That is the landlord on whose property the wind farm resides, DECC, and WAG. Jointly they could make a contribution far higher than the developer, without further punishing the consumer.

### **We ask the Petitions Committee**

To recommend to the Assembly that a **cross party Wind Farm Compensation Committee** is formed, this committee would examine all aspects of the Compensation needed to redress wind farm costs to a community. Further, that comments and proposals are sought by all CC's, stakeholders etc., to inform the Wind Farm Compensation Committee of the democratic mood in this matter.

### **Galar's Proposals would be.**

Galar believes compensation is required in two parts in respect of wind farms:

1. Cover for immediate community costs on granting of planning. This funding would be raised from financial beneficiaries of the development in list A below, and be a once only charge, per installed MW.
2. Cover for ongoing community costs during operational lifetime of the wind farm. This funding would be raised from financial beneficiaries of the operation in list B below, and be an annual charge per installed MW and tied to inflation.

Funds from lists A would for the exclusive use of properties within 12 proposed turbine lengths of a development. Properties within this band would be given the option of selling outright for a full market rate, or having their property renovated to give the best possible relief from the environmental impact of the scheme.

This funding should be cost neutral as DECC maintains there is no loss in property value due to wind farms. The fund would have the choice of selling the properties or renting them, and on completion of build, monies accrued from list A should operate as a trust fund for the length of time the development runs. The benefits of the trust would provide an annual annuity for communities local to the development to spend as they thought fit.

When the operational life of the wind farm ends the trust would pay any decommissioning costs which cannot be met by the developer, should they prove to be financially unable to meet their commitments, and the residue passed to community charities.

Funds from list B should be used to pay compensation for loss of amenity and visual impact, for those dwellings within 20 turbine lengths of a development. The fund would also be used within the wider community to provide, job training, infrastructure for local enterprise, and needs based environmental upgrades of dwellings within the wider community. The fund should also recognise the damage to the natural habitat wind farm construction and development, and be used to establish habitat improvement

This fund would be administered by CC's, with councillors local to the wind farm being obligatory members.

# Agenda Item 3.21

## **P-04-428 : Alternative energy for street lighting**

### **Petition wording:**

We call upon the National Assembly for Wales to urge the Welsh government to convert streetlights on the trunk road system in Wales to an alternative energy source and to issue guidelines to the local authorities requesting day convert local streetlights to alternative energy.

**Supporting Information** : The Welsh Assembly Government claim that they are working along the lines of Agenda 21, which is to reduce pollution by reducing our energy consumption. During the night, street lighting sends our energy consumption levels to a high peak. So I feel that the Government should convert the street lights in the country to an alternative energy source. For example, Solar and wind energy is already used for some street signage and to convert all street lighting so this would provide extensive and sustainable employment for thousands and the electricity providers would then be able to reduce their prices to the consumer and the Local Authorities.

**Petition raised by:** Ethan Gwyn

**Date petition first considered by Committee:** 16 October 2012

**Number of signatures:** 22

**Our Ref/Ein Cyf:**  
**Your Ref/Eich Cyf:**  
**Date/Dyddiad:**  
**Please ask for/Gofynnwch am:**  
**Direct line/Llinell uniongyrchol:**  
**Email/Ebost:**

P-04-428  
20<sup>th</sup> March 2013  
Tim Peppin  
029 20 468669  
[tim.peppin@wlg.gov.uk](mailto:tim.peppin@wlg.gov.uk)



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

Dear William

### **P-04-428 Alternative energy sources for streetlights**

Thank-you for your letter dated 27<sup>th</sup> February, along with a copy of the letter you received from the Minister for Local Government and Communities.

WLGA would agree with the statements made by the (former) Minister in his letter on this issue. In particular, it will be more efficient to work towards achieving the goal at the 'macro-level' rather than at the 'micro-level': in other words, by steadily increasing the proportion of energy coming from renewable sources (as is planned) rather than putting equipment on large numbers of individual lights (with all the associated maintenance implications). Also, use of LED lighting is a step we support and some LAs are already taking positive steps to replace existing lights with more energy efficient LEDs over time, as part of rolling programmes where replacement lighting is needed.

As a result we do not believe that Welsh Government guidelines to LAs requesting them to convert their streetlights to alternative energy are needed or appropriate.

I hope that the above information is of use to you and your Committee.

Yours sincerely

T.K. Peppin  
Director of Regeneration and Sustainable Development

Steve Thomas CBE  
Chief Executive  
Prif Weithredwr

Welsh Local Government  
Association  
Local Government House  
Drake Walk  
CARDIFF CF10 4LG  
Tel: 029 2046 8600  
Fax: 029 2046 8601

Cymdeithas Llywodraeth  
Leol Cymru  
Tŷ Llywodraeth Leol  
Rhodfa Drake  
CAERDYDD CF10 4LG  
Ffôn: 029 2046 8600  
Ffacs: 029 2046 8601

[www.wlga.gov.uk](http://www.wlga.gov.uk)

# Agenda Item 3.22

## **P-04-363 Town Centre Improvement Scheme for Fishguard**

### **Petition wording:**

We, the undersigned, request that the National Assembly supports the call on the Welsh Government to work with Pembrokeshire County Council to ensure that investment is made in a Town Centre Improvement Scheme for Fishguard, including pedestrian and traffic management measures. Such an Improvement Scheme must improve the viability and sustainability of the Town and make it fully accessible for all residents and visitors, including those with mobility and other disability needs.

**Petition raised by:** Councillor Bob Kilmister

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

**Number of signatures:** 1,042

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



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref P-04-363  
Ein cyf/Our ref CS/00322/13

William Powell AM  
Chair, Petitions Committee

William.powell@wales.gov.uk

5<sup>th</sup> March 2013

Dear Bill

Thank you for your letter of 6 February following up your request for a response to the petition you have received about the improvement of Fishguard town centre. I am sorry for the delay in responding to you on this matter.

The situation has not changed in respect of my own portfolio since I last wrote to you about this issue as there are currently no proposals in existing transport programmes supported by the Welsh Government to take this scheme forward.

However, the Minister for Housing, Regeneration and Heritage has recently undertaken a review of his regeneration portfolio, which will inform the Welsh Government's future investment in town centres. He will be making an announcement on this later this month.

In order to develop the Welsh Government's future direction, our regeneration partners have been involved in the consultation of a draft policy document "Vibrant & Viable Places: New Regeneration Framework". Pembrokeshire County Council, and other local authorities, will be able to present their case for regeneration support via the new framework in future.

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

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1NA

English Enquiry Line 0845 010 3300  
Llinell Ymholiadau Cymraeg 0845 010 4400  
Correspondence: Carl.Sargeant@wales.gsi.gov.uk  
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Your ref • Eich cyfeirnod P-04-363  
My ref • Fy nghyfeirnod SPJ/PEW  
Telephone • Ffôn 01437 775894  
Ask for • Gofynnwch am Dr S P Jones  
Email • Ebost Steven\_jones@pembrokeshire.gov.uk

BRYN PARRY-JONES, M.A. (Oxon)

Chief Executive

Prif Weithredwr

Dr. STEVEN JONES, B.A.(Hons), D.M.S., M.B.A., Ph.D., M.C.I.M.

Director of Development

Cyfarwyddwr Datblygu

Pembrokeshire County Council,  
County Hall, HAVERFORDWEST,  
Pembrokeshire, SA61 1TP

Cyngor Sir Penfro,  
Neuadd y Sir, HWLFFORDD,  
Sir Benfro, SA61 1TP

DX 98295 HAVERFORDWEST  
Telephone 01437 764551

DX 98295 HWLFFORDD  
Ffôn 01437 764551



Ms Naomi Stocks  
Committee Clerk  
National Assembly for Wales  
Petitions Committee  
Cardiff Bay  
CARDIFF CF99 1NA

Dear Ms Stocks

### Fishguard Town Centre Improvement

I refer to the letter dated 6 February from the Chair of the Petitions Committee to the Chief Executive regarding the petition submitted by Cllr Bob Kilmister.

The need for a holistic regeneration strategy for Fishguard was identified in the Welsh Assembly Government supported Fishguard and North Pembrokeshire Plan 2003. The Plan identified the need, inter alia, to attract a supermarket to the town centre (to reduce leakage), to facilitate a marina development and improved port facilities at the harbour and to create a new internal link road to address the sub-standard trunk road through the town centre.

In terms of the wider (2003) Plan the County Council has delivered a significant (c£12m) investment programme over the last decade including a new leisure centre and all-weather pitch, a new junior school, a refurbished Town Hall and library, an E-learning Centre and improvements to the coastal Marine Walk.

In addition to the above, the County Council has facilitated a planning application for a major marina-led development (outline consent granted in 2012), and has marketed the former junior school site to potential supermarket operators/developers.

Finally, the Council has recently purchased a public house as part of a land and property acquisition strategy to facilitate the link road scheme.

In short, the County Council has been very proactive in delivering the agenda set out in the original 2003 Plan, and it would like to take this opportunity to encourage the Welsh Government (Trunk Roads Agency) to commit formally to the link road scheme which would address the pedestrian mobility and traffic management issues set out in the petition. The current trunk road network through High Street and West Street are very obviously sub-standard. It is the responsibility of Welsh Government to address this issue as these are trunk roads. A commitment of £2.5 million was made by Welsh Government several years ago for this project (letter from Andrew Davies AM to Cllr John Davies dated 21.6.06) but funding was unavailable last year when there was an



opportunity to progress the scheme, even though officials in Welsh Government initially indicated that funding could be found.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'S P Jones', with a stylized, wavy flourish at the end.

Dr S P Jones  
Director of Development