

## Petitions Committee

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

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Meeting date:  
**2 July 2013**

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Meeting time:  
**09:10**

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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 (09.10)**

**Discussion of evidence session on 18 June 2013**

### **2 P-04-432 Stop the Army Recruiting in Schools (09.10 – 09.20)** (Page 1)

### **3 New petitions (09.20 – 09.25)**

3.1 P-04-493 Moratorium on Local Development Plans (LDPs) in potential City Regions (Page 2)

### **4 Updates to previous petitions (09.25 – 10.00)**

4.1 P-04-462 Ban the flying of Union flags from official Welsh buildings (Pages 3 – 4)

### **Natural Resources and Food**

4.2 P-04-333 Stop neglect and abandonment of horses and ponies by enforcement of microchipping laws (Pages 5 – 9)

4.3 P-04-399 Slaughter Practices (Pages 10 – 12)

4.4 P-04-433 CCTV in Slaughterhouses (Pages 13 – 16)

4.5 P-04-445 Save our Welsh cats & dogs from death on the roads (Pages 17 – 21)

## **Economy, Science and Transport**

- 4.6 P-04-363 Town Centre Improvement Scheme for Fishguard (Pages 22 – 33)
- 4.7 P-04-380 Bring back our bus! Petition against the removal of scheduled bus services from east Lampeter, Cwmann & Pencarreg (Page 34)
- 4.8 P-04-459 A direct rail connection from Cardiff Airport to Cardiff central and west Wales (Pages 35 – 36)

## **Housing and Regeneration**

- 4.9 P-04-417 Save Morfa Beach and Prevent the Closure of Public Footpaths 92 and 93 (Pages 37 – 38)
- 4.10 P-04-423 Brooklands Nursing Home (Pages 39 – 103)
- 4.11 P-04-473 Wind Farm Public Inquiry Financial Support (Pages 104 – 109)

## **Health**

- 4.12 P-04-440 Say NO to Asset Stripping Bronllys Hospital (Pages 110 – 116)
- 4.13 P-04-471 Mandatory Welsh legislation to ensure Defibrillators in all public places (Pages 117 – 127)

## **Education**

- 4.14 P-04-481 Close the Gap for deaf pupils in Wales (Pages 128 – 138)

## **Communities and Tacking Poverty**

- 4.15 P-04-397 Living Wage (Page 139)

## **5 P-04-456 Dementia – This Could Happen to you: Evidence Session 10.00 – 10.30 (Pages 140 – 143)**

Helen Jones – Lead petitioner

Tony Alexander – Advocate with the Alzheimers Society

Lisa Morgan – Hugh James, Solicitors

## **P-04-432 : Stop the Army Recruiting in Schools**

### **Petition wording:**

We call on the National Assembly to urge the Welsh Government to recommend that the armed forces should not go into schools to recruit.

Britain is the only country in the European Union that allows a military presence in its schools. Britain is the only country of the 27 European Union countries to recruit 16-year-old children to the armed forces. The armed forces target their recruitment in schools in the most deprived areas of Wales.

**Petition raised by:** The Fellowship of Reconciliation

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

**Number of signatures:** 374 Associated petition collected approximately 700 signatures

# Agenda Item 3.1

## **P-04-493 Moratorium on Local Development Plans (LDPs) in potential City Regions**

### **Petition wording:**

We call upon the National Assembly for Wales to urge the Welsh Government to bring about a moratorium on LDPs in those areas that have been recommended to be part of two new city regions. Save our Capital Cardiff believes it would be unwise for councils in those areas to make significant plans for future housing and infrastructure, which include irreversible damage to greenfield sites, before a decision is taken on the city region approach.

**Petition raised by:** Neil John McEvoy

**Date petition first considered by Committee:** 2 July 2013

**Number of signatures:** 170

## **P-04-462 Ban the flying of Union flags from official Welsh buildings**

### **Petition wording:**

We call upon the National Assembly for Wales to urge the Welsh Government to ban the flying of the British union flags outside official Welsh government buildings.

This embarrassing display of insecurity and submissiveness by the Welsh government and our local council officials is a disgusting colonial habit that should have died alongside the 'British Empire' many years ago.

**Petition raised by:** Plaid Glyndwr

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

**Number of signatures:** 200



Eich cyf/Your ref: P-04-462  
Ein cyf/Our ref: FM/00614/13

William Powell AM  
Chair  
Petitions Committee  
Naomi.stocks@wales.gov.uk

12 June 2013

Dear William,

I am writing in response to your letter dated 22 May about flag policy.

Our policy is to fly the Red Dragon, Union Flag and European Union flag together every day on buildings in the Welsh Government administrative estate. Where there are three flagpoles and an alternative flag is flown, that flag replaces the European Union Flag. The Armed Forces flag has been flown for Armed Forces Day, but we have not taken down the European Union flag for Commonwealth Day.

Yours sincerely

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

**CARWYN JONES**

## **P-04-333 Stop neglect and abandonment of horses and ponies by enforcement of microchipping laws**

### **Petition wording:**

The Society for the Welfare of Horses and Ponies has been inundated with calls for assistance from concerned members of the public, horse owners and the Police for horses found abandoned, neglected and injured. Many have been injured from wandering on to the roads causing great risk to Motorists.

None of these horses are microchipped which has been a legal requirement for foals born after July 2009 which means the owners cannot be traced. We call upon the National Assembly for Wales to urge the Welsh Government to ensure effective enforcement of microchipping and Equine passports as laid down in the 2009 Legislation.

**Petition raised by:** The Society for the Welfare of Horses and Ponies

**Date petition first considered by Committee:** 11 October 2011

**Number of signatures:** 2114

Alun Davies AC / AM  
Y Gweinidog Cyfoeth Naturiol a Bwyd  
Minister for Natural Resources and Food



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref P-04-333  
Ein cyf/Our ref AD-/00372/13

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

*Dear Bill,*

17 April 2013

### Fly Grazing Consultation

Thank you for your letter of 8 April in respect of the ongoing petition that is currently being considered, calling for effective enforcement of the Equine Identification (Wales) Regulations 2009.

In my letter of 7 February I set out my plans to undertake a review of the legal framework available to enforcement authorities tasked with dealing with the issue of fly grazing and abandonment of horses and ponies. Part of this review includes the 8 week public consultation which I launched on 4 March. The consultation will close on 29 April, at which time following analysis of the responses I will be in touch with your Petitions Committee to share the findings.

*Yours sincerely  
Alun*

**Alun Davies AC / AM**  
Y Gweinidog Cyfoeth Naturiol a Bwyd  
Minister for Natural Resources and Food





Department  
for Environment  
Food & Rural Affairs

Nobel House  
17 Smith Square  
London SW1P 3JR

T: 08459 335577  
helpline@defra.gsi.gov.uk  
[www.gov.uk](http://www.gov.uk)

William Powell AM  
Chairman of the Petitions Committee  
National Assembly for Wales  
Cardiff Bay  
Cardiff, CF99 1NA

Our ref: 307938/CC  
Your ref: P-04-333

 May 2013

**The Rt Hon Owen Paterson MP**  
From the Secretary of State



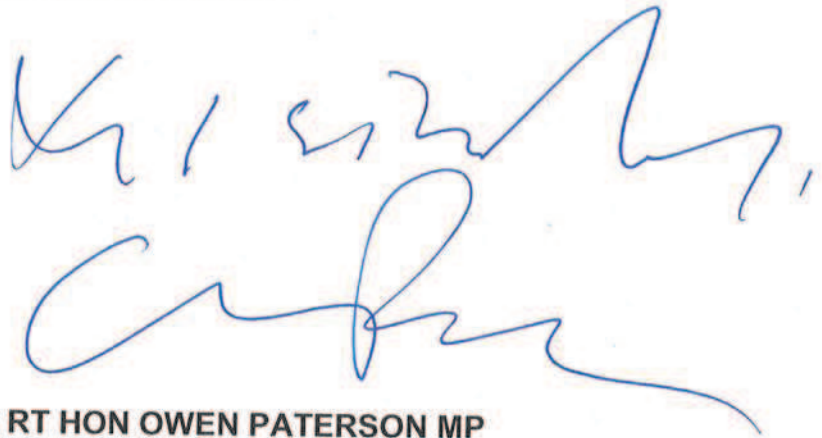
Thank you for your letter of 8 April regarding the closure of the National Equine Database (NED) and the petition you have received from The Society for the Welfare of Horses and Ponies.

Following the completion of a competitive tender exercise last summer, Defra decided not to award a new contract for the provision of a central equine database service beyond 30 September 2012. In reaching its decision, Defra considered the views of the Animal Health and Welfare Board for England. They concluded that the costs of continuing to fund a database were not justified by the benefits, especially at a time of significant budgetary pressure. In particular, the Board noted that the purpose of passports was to identify horses and to record medicines which rendered them unfit to enter the food chain. Therefore the existence of the central database had not supported this aim. The Board also noted that the National Equine Database (NED) contained primary horse identification data supplied by the 75 Passport Issuing Organisations, that it was not a movement tracing database and was therefore of little value in a disease outbreak. Moreover the Board also noted that whilst there was growing concern about the increase in numbers of abandoned horses, the database had provided little help with this and was of no value in tracing owners of unidentified horses. However in cases where it is possible to identify horses, arrangements have been put in place to support enforcement action.

More recently however the European Commission has written to Member States with its 5 Point Action Plan in response to the recent horse meat fraud. It contains a number of

measures in relation to food fraud, country of origin labelling and actions in respect of horse passports. On horse passports, the Commission have said that they plan to bring forward proposals to make mandatory the recording of horse passports in a national database. The proposals will also transfer the responsibility for issuing horse passports entirely to the competent authority thereby reducing the number of passport issuing organisations in the forthcoming proposal on zootechnics.

Timescales and details are unclear and we have yet to see a formal proposal, but we have said that in principle we are in favour of the Commission's plans. We will need to look closely at the detail when a formal proposal is received. However our current preference is to move to a single passport issuing authority ahead of or at the same time as the requirement for a national database. We believe that this work will in itself deliver the database. We are also in favour of separating the zootechnics and passport regimes in view of the very different functions served by each.

A handwritten signature in blue ink, appearing to read 'Owen Paterson', written in a cursive style.

**THE RT HON OWEN PATERSON MP**

## **P-04-333 Stop neglect and abandonment of horses and ponies by enforcement of microchipping laws - Correspondence from the petitioner to the Committee, 24.06.2013**

Mr. William Powell AM  
Chairman of the Petitions Committee  
National Assembly for Wales  
Cardiff  
CF99 1NA

Dear Mr. Powell,

Many thanks for updating us on our Petition which is being discussed by your Petitions Committee and forwarding copies of letters of 17th April from Alun Davies AM and 26th May from the Rt. Hon. Owen Paterson MP.

We are aware of progress being made in enforcing the Micro-chipping laws and dealing with 'Fly Grazing' and look forward to the findings following analysis of the responses of the Public Consultation on Fly Grazing which closed on 29th April.

The letter from the Rt. Hon. Owen Paterson MP is encouraging in that the Government is in favour of a Single Passport Issuing body and we sincerely hope that in drafting new regulations lessons have been learnt from the failings and non-enforcement of current legislation.

As an Equine Welfare Charity we ask that Ministers consider that in drafting new regulations and amending the current Animals Act that they consider the following points:

**Mandatory Passports and micro-chips for all equines including those born before July 2009 and which is overseen by one competent authority with more stringent checks on passports requiring the sale of an equine to be notified to the Passport Issuing body (as with Motor Vehicles to DVLA) Not only would this make tracing equines more efficient but essential in the event of a disease outbreak.**

**The Registration of Stallions; which would in effect protect Native breeds on Commons and reduce indiscriminate breeding by irresponsible individuals producing unwanted poor quality equines (many inter-bred) of no or little monetary value and causing massive welfare issues including 'fly grazing'**

**Heavier penalties for neglect of equines.**

**Amendment to the current act to enable the local authorities and land owners more scope to act quickly to address 'fly grazing'**

As an established and well respected Equine charity that has been working in this area of South Wales for nearly forty years we have in recent years seen abuse and neglect on a record scale and our resources are fully stretched in taking in so many abused and neglected horses and ponies. With many foals being born this summer we must be prepared for yet another bad winter. We are grateful to the Petitions Committee in helping us pursue our aims.

Yours most sincerely,

Sian Lloyd  
Trustee  
The Society for The Welfare of Horses and Ponies

# Agenda Item 4.3

## **P-04-399 Slaughter Practices**

### **Petition wording:**

We call upon the National Assembly to urge the Welsh Government to ban the practise of slaughtering animals without pre-stunning them.

**Petition raised by:** Royce Clifford

**Date petition first considered by Committee:** 19 June 2012

**Number of signatures:** 400



Eich cyf/Your ref P-04-399  
Ein cyf/Our ref AD-/00691/13

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

Dear Bill,

7 June 2013

**P-04-399 - Petition to ban the practice of slaughtering animals without pre-stunning**

**P-04-433 -Petition calling for the compulsory installation of CCTV in Welsh slaughterhouses**

Thank you for your letter dated 22 May concerning petition number's P-04-399 and P-04-433.

**P-04-399**

My officials are reviewing the legislative powers available to Welsh Government to develop policy proposals. Non stun method of slaughter is exercised to meet religious observance. Animal Welfare is one aspect of this complex and sensitive area of policy.

**P-04-433**

I am aware of the monitoring procedures in place for animal welfare at slaughterhouses in Wales and believe that they are appropriate, providing that officials responsible for and staff working at slaughterhouses are competent and qualified to a high standard. I have asked that the Chief Veterinary Officer for Wales, Dr Christianne Glossop approach the Farm Animal Welfare Committee to produce advice about the methods, and effectiveness, of unobserved monitoring currently used in all slaughterhouses and consider the effective methods of unobserved monitoring that include CCTV.

Both items will be taken forward by the Welsh Government alongside other Animal Health and Welfare objectives.

A handwritten signature in black ink, appearing to read 'Yng eidd' followed by a stylized signature.

**Alun Davies AC / AM**  
Y Gweinidog Cyfoeth Naturiol a Bwyd  
Minister for Natural Resources and Food

## **P-04-433 : CCTV in Slaughterhouses**

### **Petition wording:**

We call on the National Assembly to urge the Welsh Government to introduce mandatory CCTV in slaughterhouses to help vets with better regulation and monitoring, to provide footage for training and retraining, to deter some of the animal welfare abuses filmed by Animal Aid, and to provide evidence for prosecutions should they be necessary.

**Petition raised by:** Animal Aid

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

**Number of signatures:** 1066



Eich cyf/Your ref P-04-399  
Ein cyf/Our ref AD-/00691/13

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

Dear Bill,

7 June 2013

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**Alun Davies AC / AM**  
Y Gweinidog Cyfoeth Naturiol a Bwyd  
Minister for Natural Resources and Food

## **P-04-433 CCTV in Slaughterhouses - Correspondence from the petitioner to the Committee, 21.06.2013**

I welcome the Minister's comments but should point out that - when cameras were placed in slaughterhouses where competent and qualified staff were working - they picked up a multitude of breaches, some of which were very serious indeed.

Unobserved monitoring is crucial in the regulation of slaughterhouses, and CCTV is the best example of unobserved monitoring. Hidden platforms etc rely on a) an appropriate plant layout and b) the ability of regulators to stand in that place for a portion of each day.

CCTV once installed is one place and it is working. A platform where the vet could observe without being observed is less efficient and less effective for the following reasons:

- 1) Vets report that their duties keep them out of the stunning/slaughter area for most of the day. Certainly, during 250 hours of footage obtained in nine slaughterhouses, we did not see a single vet in the stunning or slaughter areas at any point. It is unlikely that they would spend much time at that platform. They could, however, view CCTV footage at their convenience.
- 2) CCTV provides a far greater deterrent than an unobserved platform. Knowing that there is a slim chance that a vet may be viewing the stunning/slaughter process is not the same as knowing that every animal is protected through the use of CCTV.
- 3) Unobserved platforms do not record events. Such recordings can be used to train and retrain workers, encourage best practice and provide evidence for prosecutions should they be necessary.
- 4) For many slaughterhouses, it is not possible to observe without being observed because of the plant layout. CCTV can be installed easily in every slaughterhouse.
- 5) CCTV protects workers from false allegations, and deters acts that could lead to injuries and deaths, such as the accidental shooting at Sandyford in 2011.
- 6) A significant percentage of slaughterhouse vets and hygiene inspectors report being bullied. CCTV would protect them, and allow them to undertake their tasks with confidence.
- 7) CCTV – unlike an unobserved platform – allows workers to discreetly air their concerns about, for example, certain procedures or a particular colleague. The concerned worker need not make a formal complaint but could simply suggest the vet views certain parts of the footage.
- 8) There can be no dispute with CCTV. With an unobserved platform, any allegations remain unsubstantiated, with a vet or other employee describing a problem and a worker denying it. CCTV settles such disputes definitively.

For all these reasons, I would urge the Welsh Assembly Government to take decisive action. The industry is ready for this, and the public overwhelmingly want to see it.

Kind regards,  
Kate Fowler

## **P-04-445 : Save our Welsh cats & dogs from death on the roads**

### **Petition wording:**

We, the undersigned, call on all Welsh Residents who own cats and dogs to support our petition to the Welsh Government to remove the ban on electronic collars linked with invisible boundary fencing/hidden fencing so that we can protect our companion pets from harm either from: a) Road Traffic b) Straying into Danger c) Causing accidents for which we owners of cats & dogs might legally be held liable.

**Petition raised by:** Monima O'Connor

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

**Number of signatures:** 10 – Associated petition collected approximately 500 signatures

19  
KO

From Prof D.S. Mills

On behalf of the Companion Animal Welfare Council

3/6/13

William AC/ AM

Chair- Petitions committee

National Assembly of Wales



UNIVERSITY OF  
LINCOLN

Dear Mr Williams,

Further to your letter of April 8<sup>th</sup>, please find the response of CAWC below regarding the use of electronic collars linked to invisible boundary fencing, which I have been asked to deliver of their behalf:

The letter of John Griffiths (February 5<sup>th</sup> 2013) states that *"an electric shock is an electric shock whether caused by a remote or by a an underground circuit"*, and this seems to be used to justify the conclusion that these devices ... *"can give rise to both behaviour and welfare problems"*, implying this was a quote of the conclusion of the CAWC report on 'The Use of Electric Pulse Training Aids (EPTAs) in Companion Animals'.

Firstly, it is our opinion that the term *"shock"* is misleading, implying a degree of intensity which does not necessarily accurately reflect the nature of the stimulus being delivered by these devices. They deliver an aversive stimulus, but do not necessarily induce a state of shock, and for reasons outlined below, there is reason to believe that the electronic collars linked to invisible boundary fencing may be effective without causing significant compromise to the animal's welfare.

It is our opinion, as pointed out by Mrs O'Connor, that the comments above do not represent accurately the conclusions of the report. The full sentence from which this text comes is: *"Finally, it is clear that poor contingency between the application of an electrical stimulus and the behaviour to be modified can give rise to both behaviour and welfare problems"*. The report explicitly addresses the point that this poor contingency does not apply to boundary fence systems, which typically include the additional safeguard of an audible warning beep. Indeed the executive summary goes on to say: *"There is inconsistency in the prevailing moral attitude towards boundary fencing involving the use of electric currents: electric fencing is widely accepted for use with horses and livestock including smaller species, but fencing systems that involve the wearing of a collar, even if they have the additional welfare safeguard of an audible warning of impending stimulation, are often rejected"*.

In case of doubt, important distinctions between hand- held devices and invisible boundary fencing are as follows:

1. The risk of operator inconsistency is removed;
2. The behaviour of the animal (proximity to the boundary) provides a reliable contingency for activation of the warning prior to the delivery of an aversive stimulus, i.e. there is a consistent and highly predictable relationship between proximity to the boundary and the activation of the warning signal;

3. The animal is in control of the response necessary to avoid the delivery of the electrical stimulus (as already noted, shock is too emotive a term). Predictability and control over aversives are both important considerations in animal welfare, since if an animal knows what it must do to avoid an aversive and has the freedom to do this act, it can be expected that the warning should not generate any anxiety. By way of analogy, if you go into your kitchen you do not worry about being burnt when you see the oven is on, because you know what to do to avoid being burnt.

Further, the report notes there is no scientific evidence that these boundary fence systems necessarily cause any welfare problems, nor is there a compelling argument to believe that this should be the case. However, it has been estimated that around 300,000 cats are killed on UK roads each year, which is clearly a welfare problem and these boundary systems appear to have the potential to prevent cats straying off a property, and so manage this threat. Practical alternatives are limited and have their own potential welfare risks, e.g. confining cats indoors.

It is therefore our conclusion that presently, on the balance of probabilities, the element of the Welsh ban which extends to these boundary fence systems is not conducive to the promotion of good welfare, and may in fact be increasing animal suffering. We trust this clarifies the issue for you.

You may find it helpful to know that there is currently research in progress at the University of Lincoln into the welfare impact of electronic boundary fence systems. The project is being undertaken under the direction of myself (Professor Mills), who led the preparation of the original CAWC report.

Yours sincerely,



DR. DANIEL S. MILLS  
BVSc PhD ILTM CBiol MIBiol MRCVS  
UNIVERSITY OF LINCOLN  
RISEHOLME PARK  
LINCOLN LN2 2LG

**Prof. Daniel Mills**

## P-04-445 Save our Welsh cats & dogs from death on the roads - Correspondence from the petitioner to the Committee, 20.06.2013



20<sup>th</sup> June 2013

As the Petitioner, I am delighted to have read the CAWC reply back to William Powell AM, especially its conclusion ..." *It is therefore our conclusion that presently, on the balance of probabilities, the element of the Welsh ban which extends to these boundary fencing systems is not conducive to the promotion of good welfare, and may increase animal suffering*".

As it happens, the CAWC's response coincided with the long-awaited DEFRA report on Electronic Training Aids for Dogs, AW1402 and AW1402.

Below is the print-out of an email conversation directly between DEFRA and Caroline Fawcett of Feline Friends in Derbyshire, England dated Tuesday this week. This specifically refers to electronic collars linked to invisible boundary fencing, where there has never, ever been any ban. Mrs Fawcett was concerned that the Welsh ban could be extended to England.

It was forward on to me by Mrs Fawcett, (with her explicit permission) via one of her circle in England and I have highlighted in red the relevant sentence at the end.

**From:** Feline Friends [mailto:[cats@feline-friends.org.uk](mailto:cats@feline-friends.org.uk)] **Sent:** 18 June 2013 13:27 **To:** DogFence; Peter Gifford **Subject:** Fw: Response to your Query : - Ref:DWOE000313575 - AW1402 and AW1402A

----- Original Message -----

**From:** [ccu.correspondence@defra.gsi.gov.uk](mailto:ccu.correspondence@defra.gsi.gov.uk)

**To:** [Cats@feline-friends.org.uk](mailto:Cats@feline-friends.org.uk)

**Sent:** Tuesday, June 18, 2013 2:16 PM

**Subject:** Response to your Query : - Ref:DWOE000313575 - AW1402 and AW1402A

Dear Mrs Fawcett, □□

PET TRAINING AIDS □

Thank you for your email of 11 June about pet training aids. I have been asked to reply. □ A copy of the final report is available on the Defra website

at: □ <http://randd.defra.gov.uk/Default.aspx?Menu=Menu&Module=More&Location=None&ProjectID=17568&FromSearch=Y&Publisher=1&SearchText=1402a&SortString=ProjectCode&SortOrder=Asc&Paging=10#Description> □

**P-04-445 Save our Welsh cats & dogs from death on the roads - Correspondence from the petitioner to the Committee, 20.06.2013**



*While research showed no evidence that e-collars cause long-term harm to dog welfare when used appropriately, Defra wants to ensure electric dog collars are used properly and manufactured to a high standard. □*

*We will work with the Electronic Collar Manufacturers Association to draw up guidance for dog owners and trainers advising how to use e-collars properly and to develop a manufacturers' charter to make sure any e-collars on sale are made to high standards. □ A ban on e-collars could not be justified because the research provided no evidence that e-collars pose a significant risk to dog welfare. For a ban to be introduced there would have to be evidence showing they were harmful to the long-term welfare of dogs. □*

***There are no proposals to place restrictions on the use of electronic containment fences. □□***

*Yours sincerely, □□*

*Adam Broderick □ Defra - Customer Contact Unit*

*Department for Environment, Food and Rural Affairs (Defra)*

*This email and any attachments is intended for the named recipient only. If you have received it in error you have no authority to use, disclose, □ store or copy any of its contents and you should destroy it and inform the sender. □ Whilst this email and associated attachments will have been checked for known viruses whilst within Defra systems we can accept no responsibility once it has left our systems. □ Communications on Defra's computer systems may be monitored and/or recorded to secure the effective operation of the system and for other lawful purposes.*

I very much look forward to watching the Petition Committee's discussions on Senedd TV on Tuesday 2<sup>nd</sup> July as to what the Committee's next step will be and how I can further assist in the outright lifting of this ban on invisible containment fencing.

Currently, it absolutely impossible to demonstrate how safe the containment fencing in Wales whilst the threat of criminal prosecution hangs over owners' heads.

Sincerely

Monima O'Connor

# Agenda Item 4.6

## **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



Edwina Hart MBE CStJ AC / AM  
Gweinidog yr Economi, Gwyddoniaeth a Thrafnidiaeth  
Minister for Economy, Science and Transport



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref P-04-363  
Ein cyf/Our ref EH/01058/13

William Powell AM  
Chair Petition's committee

committeebusiness@Wales.gsi.gov.uk

5 June 2013

Dear William,

Thank you for your letter of 24 April regarding petition P-04-363 Fishguard Town Centre Improvements Scheme.

This scheme does not currently feature in existing programmes supported by the National Transport Plan (NTP). On the basis of relative priorities across the trunk network therefore, it is unlikely to attract funding from Transport in the foreseeable future.

As suggested in the most recent correspondence, Pembrokeshire may wish to consider opportunities for funding available as part of the Welsh Government's new regeneration framework, Vibrant and Viable places.

For your information, I've included a link to the relevant pages on our website.

<http://wales.gov.uk/topics/businessandconomy/regeneration/vvpframework/?lang=en>

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

Carl Sargeant AC / AM  
Y Gweinidog Tai ac Adfywio  
Minister for Housing and Regeneration



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref CS/00882/13

William Powell AM  
Chair of Petitions Committee  
Ty Hywel  
Cardiff Bay  
Cardiff  
CF99 1NA

15<sup>th</sup>.  
May 2013

Dear William

Thank you for your letter of 24 April regarding a petition that the Committee has received calling on the Welsh Government to work with Pembrokeshire County Council to ensure that investment is made in the regeneration of Fishguard.

The Welsh Government has recently published a new regeneration framework, Vibrant and Viable Places, which outlines the Welsh Government's future direction. We will shortly be looking to work with local authorities and their partners to discuss their strategic priorities and to support them in taking these forward. Town centre regeneration will form a part of our future investment and we anticipate that Pembrokeshire County Council will fully engage with us in that process.

**Carl Sargeant AC / AM**  
Y Gweinidog Tai ac Adfywio  
Minister for Housing and Regeneration

**P-04-363 Town Centre Improvement Scheme for Fishguard-  
Correspondence from the petitioner to the Committee,  
21.06.2013**

**I have enclosed two documents for presentation to the committee.**

**Both of these were supplied by the County Councillor for Fishguard North West Pat Davies.**

**They clearly show that the proposed scheme is part of SWWITCH RTP programme pool. The minutes of this meeting on 07/12/12 specifically mention this scheme.**

**The second document outlines the details of the scheme on the SWWITCH entry form.**

**The first document attached is 5 pages long and the second is 4 pages long and I would be grateful if you could confirm that it has been received safely.**

**The County Council have recently purchased the Ship & Anchor public house to enable this scheme to go ahead. This building is key to the relief road.**

**In addition in respect of Vibrant Communities I received the following response from Pembrokeshire County Council:**

Dear Cllr Kilmister

We are responding to the Welsh Government's Vibrant and Viable Places regeneration framework call for submissions – see recommendation in the final report on Town Centres in last week's Economy Overview and Scrutiny Committee agenda.

The process has been challenging for a number of reasons - (i) the guidance was produced late, (ii) the original proposal to create a regional structure to coordinate and assess bids was dropped at the last minute, (iii) critically, the Minister responsible for promoting this (new) regeneration policy and funding stream – Huw Lewis – was replaced after the framework had been agreed by Carl Sargeant; (iv) as a consequence of the change in Minister, the focus of the new Vibrant and Viable regeneration framework has changed radically – and in the last two weeks - so that submissions must now be 'housing led', in addition to all the other requirements e.g. linked to Communities First areas, deliver economic, learning and health outcomes etc etc

In addition to the above, submissions have to be made by local partnerships as opposed to the local authority.

Having assessed our town centres against the published criteria it is clear that Haverfordwest and the Haven Towns score highest. The new focus on housing led regeneration projects underlines and strengthens this conclusion.

I have, however, picked up the reference in Edwina Hart's recent letter to the Vibrant and Viable funding stream as a possible source of funding for the link road in Fishguard, and we will make contact with civil servants to ascertain whether this is a specific reference to discussions that Ministers i.e Edwina Hart and Carl Sargeant, have had, or whether it was just a general reference to the possibility.

**I hope the Petitions Committee finds this information useful.**

**Kind regards  
Bob**

# Agenda Item 2

SWWITCH Joint Committee Meeting – 7<sup>th</sup> December 2012

Minutes of the Meeting of the SWWITCH Joint Committee - held at County Hall,  
Haverfordwest on Friday 7 September 2012

**PRESENT:** Councillor Robert Lewis (Chair) presided

**Voting Councillors:**

Colin Evans - Carmarthenshire County Council  
June Burtonshaw - City and County of Swansea  
Sandra Miller - Neath Port Talbot County Borough Council

**Non Voting Councillors:**

Ken Rowlands - Pembrokeshire County Council  
Paul Lloyd - City and County of Swansea  
Ted Latham - Neath Port Talbot County Borough Council

**Partners:**

John Pockett - CPT and First Great Western  
Geraint Morgan - Arriva Trains Wales  
Gareth Stevens - First Group  
Kevin Hart - First Cymru Buses  
Fraser Arnott - Sustrans Cymru  
Richard Crawshaw - SWWEF  
Margaret Everson - Bus Users UK

**Officers:**

Ian Westley - Pembrokeshire County Council  
Ceri Rees - Pembrokeshire County Council  
David Griffiths - Neath Port Talbot County Borough Council  
Reena Owen - City and County of Swansea  
Cath Swain - City and County of Swansea  
Richard Workman - Carmarthenshire County Council  
Steve Pilliner - Carmarthenshire County Council  
Sue Miles - SWWITCH Co-ordinator  
Marcus Judd - SWWITCH  
Richard Watkins - SWWITCH  
Jeremy Parkhouse - City and County of Swansea

**Also Present:**

Gary Draisey - Network Rail

1. **WELCOME**

The Chair welcomed all attendees to the County Hall, Haverfordwest and commenced proceedings.

2. **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Paul Meara - City and County of Swansea, John Flower - Neath Port Talbot County Borough Council, Ben George - City and County of Swansea, David Beer - Passenger Focus, Tomi Jones - Community Transport Association and Tim Peppin - Welsh Local Government Association.

3. **MINUTES**

**RESOLVED** that the Minutes of the SWWITCH Joint Committee meeting held on 29 June 2012 be accepted as a correct record.

## **SWWITCH Joint Committee Meeting – 7<sup>th</sup> December 2012**

- With effect from April 2013, the grant will be split into two streams; subsidised service support and commercial service support (former BSOG payments for commercial services only). The Consortia will need to determine the amount for each pot based on their own priorities;
- £1.6 million of the total funding pot would need to be spent on community transport type operations;
- The Consortia will need to look at the bus network in the region and determine what network should be provided;
- Consortia will be expected to consult with the bus operators and other key stakeholders as part of this process;
- During the course of 2013, longer term proposals will need to continue to be worked by the Technical Group;
- The Consortia will continue to invest in capital improvements for any infrastructure through RTP grant and also explore other funding streams.

The representative organisations of the Technical Group must submit final comments on the draft paper for presentation to the Steering Group in September for approval before being considered by the Minister. Timescales were tight and challenging and while the current proposals were in draft form and there were a number of matters to be resolved, the proposals represented a profound change which have implications for the provision of bus services in Wales and the nature of decision making for Local Government and Consortia.

Concern was expressed in relation to rural services, challenging timescales and governance issues in relation to Consortia.

### **RESOLVED** that:

- (1) the continued engagement of Officers in the Steering and Technical Groups be approved;
- (2) each Local Authority starts to consider the implications of the proposed changes;
- (3) a further update report be brought to the next Joint Committee meeting or a special meeting be organised as necessary.

### **8. 2012/13 PROGRAMME MANAGEMENT**

Richard Workman, Carmarthenshire County Council reported on the 2012/13 Programme Management which provided an update on the delivery of the RTP and RSG programmes to date and sought approval for new project entries to the RTP programme pool while also discussing potential changes to the RTP grant system in future years.

Reference was made to the RTP spend and it was outlined that at the first meeting of the current financial year, SWWITCH performance against profile was good. The delivery plan had set out a total regional spend for Quarter 1 of the financial year of £430,000 and had actually spent £391,000 (91% of the profile). SWWITCH was well placed in terms of all the Consortia with the Mid Wales and South East Wales Consortia having spent 26% and 50% of their profiles. However, whilst the SWWITCH regional picture was good, this masked some real discrepancies between Councils, with some delivering and spending ahead of profile and others dealing with barriers to project delivery and spend.

## SWWITCH Joint Committee Meeting – 7<sup>th</sup> December 2012

It was added that at the last SWWITCH Programme Management Group meeting in August, delivery and performance against spend profile had slipped with only 68% of profile spend being achieved. The Programme Management Group was now focussed on these projects where barriers to delivery had arisen or where spend had fallen behind profile with a view to overcoming barriers or at least mitigating risks to the overall SWWITCH performance. The Programme Management Group had the delegated authority to move monies (up to £250,000 per project) between projects from those where there was no reasonable expectation of complete delivery within the financial year to those projects which can absorb further spend in the year. It was proposed that a further report be considered at the next Joint Committee which detailed progress on the 2012/13 delivery and confirming any requirements undertaken to the programme.

Reference was made to the RSG spend and it was outlined that the SWWITCH delivery plan secured £934,000 of RSG capital and £584,000 of RSG revenue for 2012/13. While capital projects were location specific and managed and delivered by each Council, the revenue projects were different. RSG revenue was used to provide education and training to encourage safe behaviour on and around roads and also to publicise particular campaigns, for example targeting motorcyclists.

At recent SWWITCH Programme Management Group meetings there has been some concern that RSG capital projects were slipping behind on delivery. This appeared to be related to the process of carrying out local consultation on schemes. The Programme Management Group favoured earlier consultation in order to allow schemes to be agreed and delivered earlier in the financial year. It was proposed that for each forthcoming financial year, the RSG capital grant be top sliced by 10% to allow outline designs to be developed and early consultation to be carried out on schemes to be delivered in the following financial year. The benefits and drawbacks to this approach were outlined.

Three new projects had been reported to the Programme Management Group as part of the RTP Programme pool and included:

- Fishguard Town Centre Access Improvements;
- Swansea Vale Stadium Park and Ride;
- Towy Vale Transport Corridor Concept.

In addition, the whole RTP Programme would need to be reviewed to assess whether any existing pool projects had been completed or had changed in scope or scale. It was stated that at the July meeting of the All Wales Programme Management Group, Welsh Government informed Consortia that current indications were that funding streams for RTP and RSG delivery will continue to fall by 5-10% year on year for the next three years. Therefore proposals suggested by the All Wales Programme Management Group included:

- The RTP and RSG grants should be allocated to Consortia forced Councils and not individual Councils, albeit in response to a delivery plan set out which projects would be delivered;
- This would mean only one set of financial and progress forms would be needed each month and these could be completed by Consortia (relying on Local Authority input) and it would also allow more flexibility to move allocation to address any problems that arise with individual projects;

## **SWWITCH Joint Committee Meeting – 7<sup>th</sup> December 2012**

- The Welsh Government should move towards a three year rolling programme of funding where the first year is guaranteed, the second is indicative allocation with at least 60% guaranteed and the third year indicative with a lower percentage guaranteed. The Consortia see it as the first step to moving away from annual funding and all the pressures it creates.

It was added that the Welsh Government were generally supportive of moving towards regional pots of funding. It is in line with the ethos of Consortia, their collaboration agenda and also mirrors current proposals for bus service funding. However, this does represent a fundamental change to the RTP grant process and would need Joint Committee approval in principle in the first instance.

### **RESOLVED that:**

- (1) the RTP Programme spend to date be noted and a further report be considered at the next meeting detailing steps taken to bring spend and delivery back on profile;
- (2) the top slicing of 10% of the road safety capital grant funding for future years to allow consultations on outline designs for the following years to be undertaken be approved;
- (3) the inclusion of the three new projects into the RTP Programme pool be approved;
- (4) approval "in principle" to a move towards a regional pot for RTP and RSG allocations in future years be agreed.

### **9. ANNUAL PROGRESS REPORT 2011/12**

Sue Miles, SWWITCH Co-ordinator reported that the Welsh Government had issued guidance to Consortia on submission of the 2011/12 Annual Progress Report and a copy was attached at Appendix A to the report. The deadline for submission of the Annual Progress Report was 30 September 2012 with a Welsh translation required by 30 October 2012.

The Annual Progress Report guidance differs very little from that issued for 2010/11. A major change was that road safety spend (capital and revenue) was now to be included in the progress report (as road safety bids were allocated via Consortia for the first time in 2011/12).

Changes to the guidance were highlighted and it was proposed that the 2010/11 SWWITCH Annual Progress Report be used as the template for the 2011/12 submission, allowing for adjustments as required. It was added that as the submission date for the Annual Progress Report was prior to the next Joint Committee meeting. It was proposed that it be delegated to the SWWITCH Management Group meeting on 28 September 2012 for approval for submission by the end of September.

### **RESOLVED that:**

- (1) the requirement to submit an Annual Progress Report on the RTP for 2011/12 be noted;
- (2) the proposed format for the report be approved;
- (3) responsibility to approve the final version of the Annual Progress Report be delegated to the SWWITCH Management Group.

### SWITCH New Scheme Entry Form

Scheme Name	Fishguard Town Centre Access Improvements (formerly the 'Chimneys Link' Project)
Local Authority area/s	Pembrokeshire
Local Authority contact	Ceri Rees
Type of Scheme (RTP programme classification)	Transport Interchange Sustainable & Healthy Travel Economic Regeneration Infrastructure
Total estimated cost (£k)	£1.5million
Total RTP requirement (£k)	
Preparatory works requirement (£k)	£75k
Timescale for Delivery	2013/14 – 2014/15

**Outline of Scheme :**

From at least as far back as 2003 when consultation commenced on the Fishguard Traffic & Transportation Study, local organisations and representatives have been expressing concerns about the high accident rate between West Street and High Street, inadequate pedestrian footways and cycleways together with problems of traffic movement and parking in Fishguard town centre.

The recent relocation of Fishguard Junior School to new premises away from the town centre has presented an opportunity to provide a link road from High Street to West Street, Fishguard to enable a new gyratory system to be provided. This will enable improvements to be made to town centre's pedestrian facilities, provide a new bus focal point and interchange and encourage sustainable transport choices (walking & cycling) for local trips.

This gyratory system is a proposal first made in the Fishguard Traffic Study which received support during the public consultation.

Preparatory Works funding is required for surveys and site investigation work and the preparation of a preliminary design.

**Which RTP objectives, Long Term Strategy elements, Policies will the scheme support (Reasons for the Scheme)?**

- Obj. 1 To improve access for all to a wide range of services & facilities
- Obj. 2 To improve the sustainability of transport
- Obj. 3 To improve the efficiency and reliability of the movement of people
- Obj. 4 To improve integration between modes of transport
- Obj. 5 To make a positive contribution to improving air quality
- Obj. 7 To improve road safety in South West Wales

**RTP Long-Term Strategy elements:**



- Promoting integration
- Improving strategic bus corridors
- Promoting integration
- Improving safety in transport
- Improving linkages between key settlements

**RTP policies:** E1, E2, IT1, IT4, IT5, IT6, KS1, KS2, KS3, KS4, SS1, SS3

**What other options for addressing Reasons have you examined (Options)?**

The Fishguard Traffic and Transportation Exhibition (2005) presented a number of proposals for consideration with a report on the conclusions of the public consultation and exhibition produced in January 2006 (report available for information).

**What other strategic aims will the scheme support (Wales spatial Plan, Climate change, Low Carbon Wales etc)?**

- Pembrokeshire Town Centre Regeneration Initiative.
- Fishguard Safe Routes & Communities Project
- Creating better public transport links to Fishguard & Goodwick Rail Station and to the Haverfordwest Sustainable Travel Centre Project
- Supports WG's extension of the TrawsCymru network along the Haverfordwest to Cardigan bus corridor
- Provide an opportunity to complete a section of NCN in Fishguard
- Low Carbon Wales - by providing infrastructure needed to enable smarter choices
- Wales Spatial Plan - supports sustainable development of Fishguard town centre, identified as a primary key settlement in the WSP
- Walking & Cycling Strategy for Wales – by encouraging walking & cycling and ensuring both modes are means of accessing public transport
- WG Town Centre Regeneration Initiative supporting the creation of vibrant town centres together with the WG Strategic Framework for Economic Development

**Who have you involved in discussions on this scheme to date and what are key messages emerging**

Welsh Government  
Local Members  
Public Consultation (2005/2006)

In terms of the Fishguard Traffic and Transportation Exhibition (2005), the proposal to improve pedestrian footways on West Street and High Street received good support. A one-way southbound system was the most favoured option to achieve this end.

Local Members together with Town Council representatives have continued to press for network, pedestrian footway and public transport infrastructure

improvements.

Scheme proposals and technical details have been discussed with WG Officers. The feedback from those discussions suggested that the project needs to be identified in the RTP project pool before WG can consider funding the scheme.

**What are key benefits to and risks of the scheme (Risks and Benefits)?**

**Key Benefits**

- Improvements to pedestrian facilities including widening of footways along West and High Street
- Result in an overall reduction in traffic congestion through the centre of Fishguard by eliminating opposing vehicular movements along existing narrow streets
- A new bus focal point and interchange facility located in the town centre together with enhancements to existing stops to encourage and promote the use of public transport
- Circuitous routes for motor vehicles will encourage sustainable transport choices for short journeys and walking/cycling for local trips to the town centre.
- Allows improvements to the network such as additional crossing points and dropping off bays
- Fishguard Western Bypass would be better utilised.
- Will help facilitate the re-development of the Junior School site
- Provide an opportunity to complete a section in the NCN

**Risks**

- The Council owns the vast majority of the land required for the scheme however a small area of additional land will have to be purchased
- Planning permission will be required
- Project delivery will require WG funding

**Does the scheme conflict with any existing RTP/LA scheme project?**

No

**What potential sources of funding have you identified aside from the RTP?**

WG has indicated that regeneration funding may be available for the project. However, WG has stipulated that the project has to be identified in the RTP project pool for it to be considered for WG funding.

**Have you completed a WelTAG stage 1 assessment (attach copy if available)?**

Much of the scheme development pre-dates the WelTAG process. Nevertheless an options appraisal study was undertaken at the time of the Fishguard Traffic Study but not in accordance with WelTAG procedures.

Are there any further comments you wish to add in support of this scheme?

**SWWITCH Checklist**

OWG discussion	
Draft NSE provided	
Final NSE provided	
PMG discussion	
Date to MG	
Date to JC	

# Agenda Item 4.7

## **P-04-380 Bring Back our Bus! Petition against the Removal of Scheduled Bus Services from East Lampeter, Cwmann and Pencarreg**

### **Petition wording:**

We request the urgent implementation of a properly scheduled & timetabled bus service in these affected areas & would urge those governmental agencies concerned, to commit to this on our behalf, at the earliest possible opportunity.

### **Supporting information:**

On February 27<sup>th</sup> 2012, Arriva began operating as a solely commercial enterprise, ending their subsidies from local County Council & Welsh Assembly and running their operations on an 'express service' as opposed to the previous 'hail & ride' one, which is essential in these very rural areas..

The company rerouted the former X40 service, bypassing east Lampeter, Cwmann & Pencarreg., thereby denying access to essential services like G.P. Dentist, Post Offices & shops, curtailing the ability of people, to exercise their freedom of movement, insofar as access to the above services is concerned.

The removal of regularly scheduled bus services has also had an extremely detrimental effect on the ability of all sectors of our communities to go about their normal daily lives. The evident disregard for peoples' safety cannot be emphasised enough because people are now trying to walk unpaved & unlit roads, populated by fast traffic & juggernauts. .

Carmarthenshire & Ceredigion County Councils are trying to extend the implemented 'Bycabus' scheme, a predominantly pre-booked service, which has proven limited availability and which is currently operating in an economically unsustainable and environmentally inefficient way.

As it is Welsh Assembly and local County Councils who agreed to implement these transport changes, they are responsible under their duty of care to

the people in Wales, especially the elderly and otherwise vulnerable, who are currently having their independence taken away from them and who are in danger of becoming increasingly isolated. Lack of an adequate bus service will also affect the economic, social & welfare aspects of peoples' lives.

**Petition raised by:** Sharon McNamara

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

**Number of signatures:** 505 (479 on paper and 26 on website)

## **P-04-459 A direct rail connection from Cardiff Airport to Cardiff central and west Wales**

### **Petition wording:**

We call on the National Assembly for Wales to urge the Welsh Government develop a direct rail connection from Cardiff Airport itself to Cardiff central and west Wales.

There is a substantial need for a fast direct rail route straight from the actual Cardiff International Airport itself directly into Cardiff Central train station (and westwards to west Wales) so that national and international visitors are properly serviced and catered for at our National Airport. There is already a railway stop at Rhoose which is less than a mile away from the airport. It is a wasted opportunity not to extend this line to Cardiff International Airport itself so that travellers from all over the world, straight from their flight, can jump straight on to a train that takes them to the capital city of Wales and beyond.

**Petition raised by:** Sovereign Wales

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

**Number of signatures:** 39

**P-04-459 A direct rail connection from Cardiff Airport to Cardiff central and west Wales- Correspondence from the petitioner to the Clerking team, 17.06.2013**

In further response, a railway would transform the use and the perception of our national airport by the people of Wales as well as by international visitors. Considering that the current railway track passes through Rhoose, less than a mile from Cardiff airport and with no major gradient change, this should be a reasonably practical project to carry out. It should also help to attract more international events to Wales and should therefore pay for itself in a short space of time.

## **P-04-417: Save Morfa Beach and Prevent the Closure of Public Footpaths 92 and 93**

### **Petition wording:**

Morfa Beach is a stretch of coastline lying between Port Talbot Steelworks and Sker Beach, adjacent to Kenfig Nature Reserve. Access to the beach is only possible on foot or bicycle, so it has become a precious place of peace and solitude. In 2011 the community group, Save Morfa Beach (Friends of Morfa), was formed in response to a threat via TATA Steelworks seeking to discontinue access to the beach. This includes the closure of two historically significant & well used public footpaths that lead to the beach: Footpath 92 from Longland's Lane in Margam & Footpath 93 from Kenfig Nature reserve.

Support the campaign of the Save Morfa Beach (Friends of Morfa) organisation to preserve the rights of way along footpaths 92 and 93 & maintain access to Morfa Beach. We ask the Welsh Assembly & Neath Port Talbot Council to preserve and maintain all rights of way on Margam Burrows, & to liaise with Tata Steel to ensure that public access to the beach is continued.

Supporting information: Whether rights of way cross private or public land, Neath & Port Talbot County Borough Council and the Welsh Assembly are ultimately responsible for ensuring they are protected, available and fit for purpose. We are therefore involved in lobbying, but as an organisation we are not party-political. A Facebook Group ([www.facebook.com/groups/SaveMorfaBeach/](http://www.facebook.com/groups/SaveMorfaBeach/)) has been created as the public profile of the organisation.

**Petition raised by:** Save Morfa Beach (Friends of Morfa)

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

**Number of signatures:** 1191



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Adeilad y Goron  
Parc Cathays  
Caerdydd  
CF10 3NQ

Crown Buildings  
Cathays Park  
Cardiff  
CF10 3NQ

Ffôn/tel: 029 2082 3866  
Ffacs/fax: 029 2082 5150  
e-bost/e-mail: wales@pins.gsi.gov.uk

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

Eich Cyf / Your Ref: P-04-417  
Ein Cyf / Our Ref: CPI/13/21  
515571-73  
Dyddiad / Date: 4 June 2013

Dear Mr Powell,

Thank you for your letter of 22 May 2013 about the petition received in respect of the public footpath orders for footpaths 92 and 93 in the community of Margam.

Following receipt of objections to the orders, an Inspector has been appointed on behalf of the Welsh Ministers to hold an inquiry on 5 November 2013. The inquiry is estimated to last for four days.

Due to the large number of parties involved, a pre-inquiry meeting has also been arranged and will take place on 20 August 2013.

The overall target by which the Planning Inspectorate will aim to determine this appeal is May 2014; I will ensure that a copy of the Inspector's decision is sent to you when it is issued.

Yours sincerely

*Isabel Nethell*

Isabel Nethell  
Head of Service – Operations & Policy (Wales) / Bennaeth Gwasanaeth – Gweithrediadau a Pholisi (Cymru)



## **P-04-423 : Brooklands Nursing Home**

### **Petition wording:**

We call on the National Assembly of Wales to urge the Welsh Government to consider if residents of Brooklands Nursing Home would have their human rights infringed by the siting of the civic amenity site 30 metres from the home.

**Supporting Information :** Staff and relatives of clients at Brooklands are very unhappy. The council are proposing to put the Civic amenities from Tenby adjacent to Brooklands Nursing Home. We strongly feel that their last days should be spent enjoying peace and tranquillity and not be disrupted with noise, pollution, traffic disruption, disruption from seagulls etc. Our clients are vulnerable adults who are unable to voice their opinion and so they need your help. Would you like to spend the rest of your days with the tip as your neighbour? We wouldn't. Please help with our petition and sign below.

**Petition raised by:** Darren Umanee

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

**Number of signatures:** 115. Associated petitions collected over 4484 signatures

P-04-423 Brooklands Nursing Home – Correspondence from Pembrokeshire County Council to the Clerking team

Dear Kayleigh

Richard has asked me to provide you with an update of our position following your email below.

The planning application surrounding the proposed development of a Civic Amenity and Recycling Centre near New Hedges, Pembrokeshire was submitted to the planning authority, Pembrokeshire Coast National Park (PCNP), on 25<sup>th</sup> February 2013.

During initial discussions surrounding the proposal with PCNP we were informed that the planning application would have an 8 week determination period. However upon submission of the planning application this determination period was increased to 13 weeks.

This period has now been exceeded by PCNP, however following discussion of the application at a Development Management Committee on 22<sup>nd</sup> May 2013 it was decided a site visit should be undertaken by Committee Members, this was undertaken on Monday morning (3<sup>rd</sup> June) by PCNP planning officers and committee members. Following this site visit the planning officer's report is due to be available early next week, once the planning officer's report is available we will then be in a position to reply to the letter from William Powell AC/AM, Petitions Committee Chair.

The planning application is due to be discussed by PCNP at the next Development Management Committee on the 19<sup>th</sup> June 2013, we will then provide with a further update following the results of this committee.

Yours sincerely  
Sarah

## **P-04-423 Brooklands Nursing Home – Correspondence from the petitioner to the clerking team, 23.06.13**

Dear Sian,

Thank you for the opportunity to submit a further contribution to your committee proceedings. We note Pembrokeshire County Council's (PCC) recent update to your committee and therefore agree with their statement however we would like to draw your committee's attention to their statement becoming somewhat dated as developments have now moved on.

Pembrokeshire Coast National Park (PCNP) Development & Management committee has now published its sixty page planning report (NP/13/0093) in June- with a recommendation to refuse the application ( this will be sent in a 2nd email to yourself)

On Wednesday the 19th June the PCNP Planning & Development committee met to determine this application unfortunately PCC agent Hyder Consulting Ltd submitted a letter late on Tuesday evening 18th June informing PCNP that they were formally withdrawing the application ( please see letter- sent as 3rd email to yourself)

Therefore we the management of Brooklands Nursing Home along with the residents and their families have been left completely in the dark as to what PCC and its agent intend to do next - are they intending to submit a revised application? We have already had to endure twelve months of worry, stress and anxiety.

We are appealing to PCC to recognise that the site chosen adjacent to Brooklands was a totally inappropriate location to begin with- and indeed the PCNP planning officers have endorsed this view in their report.

I am unable to contribute further with any additional information at this point in time- but we sincerely hope that you are able to apply pressure to PCC to state their future intentions in order to alleviate the immense pressure we are all under.

Kind regards,  
Darren Umanee

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**Application Ref: NP/13/0093**

<b>Application Type</b>	Full
<b>Grid Ref:</b>	SN12340388
<b>Applicant</b>	Mr I Westley, Pembrokeshire County Council
<b>Agent</b>	Mr D Jones, Hyder Consulting (UK) Ltd
<b>Proposal</b>	Construction of Civic Amenity & Recycling Centre, incorporating an internal access road, site access improvements, erection of a compactor shed, canopy shed & welfare office, provision of containers, skips & igloos, staff & visitor parking, weighbridge area and quarantine area, lighting & site signage, fencing & landscaping works
<b>Site Location</b>	Land adjoining Brooklands, Saundersfoot, Pembrokeshire
<b>Case Officer</b>	Liam Jones

**Summary**

This application proposes development consisting of a Civic Amenity and Waste Recycling Centre on land adjacent to Brooklands Nursing Home in New Hedges. The application is defined as a "major" application under the Town and Country Planning (Development Management Procedure) (Wales) Order 2012. The scheme involves the provision of a range of waste management facilities to be contained within a central operating area and served by a public access road directly from the A478 which abuts the south boundary of the application site. The purpose is to provide a waste management facility for the collection and segregation of municipal refuse, serving the National Park Authority as well as the County Council area. The primary objective of the facility is to provide separate containment facilities for segregating recyclable materials from waste that will be disposed to landfill. The built development on site includes the provision of a compactor shed, canopy, fencing, lighting columns and the provision of skips and igloos throughout the site.

It is accepted in National Policy that enhanced waste recycling facilities will be required in order to meet European Targets for the recycling of priority materials (50% by weight by 2020). The Welsh Government has set its own targets of achieving zero waste in Wales by 2050 and recycling rates of a minimum of 70% across all sectors by 2025. Planning Policy Wales explains that a sustainable approach to waste management will require greater emphasis on reduction, re-use and recovery and less reliance on disposal without recovery and that waste should be managed (or disposed of) as close to the point of its generation as possible, in line with the proximity principle.

In order to assist regions across Wales in developing an integrated and adequate network of waste management facilities the Regional Waste Plan was introduced to provide strategic information on the types of waste facilities required and the types of locations likely to be acceptable. It introduced a

spatial dimension by producing an Areas of Search Map which was intended to be used at a strategic level by Local Planning Authority's in Local Development Plan preparation as a starting point to more detailed local level assessments and were not to be used to determine the appropriateness of proposals for individual waste management facilities. National Parks were automatically defined as exclusion areas in the maps showing the Areas of Search for facilities serving more than one area. As such it sets out two options for planning for new facilities for the management of National Park Authority waste arisings: either new facilities serving the National Park Authority area only or facilities to serve a wider area to be sited outside the National Park Authority.

It is clear from the application information provided that the existing Civic Amenity Site at The Salterns, Tenby is not providing the same rate of recycling found elsewhere in the County at Hermon, Manorowen, Pembroke Dock, St David's and Winsel.

It is also noted in the Pembrokeshire Coast National Park Local Development Plan that regard has been given in the supplementary text to Policy 27 (Local Waste Management Facilities) for the provision of a 'relocated enlarged facility' within the National Park provided that Policy 15 (Conservation of the Pembrokeshire Coast National Park) is met and on the understanding that the facilities would 'predominantly serve the National Park area'. It would appear that the Authority accepted that there could be no new facilities in the National Park in line with the Regional Waste Plan although an exception could be made due to the existence of the site at the Salterns, Tenby.

Following a detailed consideration of the merits of the application it has been concluded that whilst there is a need for a new or enhanced Civic Amenity Centre to serve South East Pembrokeshire the application site is not considered to be appropriate. The proposed development of the site is considered to represent an inappropriate and harmful urban form of development on land within the open countryside and along a key tourist route into the National Park. As such the proposed development will by its very form, character and scale erode the special character and qualities of the National Park and will not be compatible with the strategic aims of the National Park Authority and Policy 1 (National Park purposes and Duty) of conserving or enhancing the natural beauty, wildlife and cultural heritage of the Park, and the public understanding and enjoyment of those qualities. Further to this concern there is a lack of information to conclusively demonstrate that the proposed site for a Civic Amenity & Recycling Centre will serve predominantly the National Park Area in line with the aims of paragraph 4.120 of the Local Development Plan given the absence of Narberth from the catchment area of the proposal.

In addition to the principle identified above the industrial appearance of the development and its facilities, the associated lighting columns, vehicle movements and signage will impact unacceptably upon visual amenity and the special qualities of the National Park contrary to the aims of policies 8 (Special Qualities), 9 (Light Pollution) and 15 (Conservation of the

Pembrokeshire Coast National Park). The lighting columns will by virtue of their form and positioning result in the introduction of new lighting into an otherwise unspoilt and unlit area of countryside contrary to the aims of policies 8, 9 and 15.

Finally whilst measures including the planting of bunds and provision of acoustic screens have been introduced in an attempt to mitigate noise, odour and disturbance from the development, particularly in view of its relationship with the adjoining Brooklands Nursing Home, there remains concern that the very form and nature of development will introduce disturbance to the lives of the vulnerable residents at Brooklands Nursing Home contrary to the aims of Policy 30 (Amenity). Whilst the scheme is not predicted to result in noise levels being any greater than that of the background noise of the adjoining highway and any odour could be dealt with by suitable management procedures the increased level of vehicular access and movement to and from the site, the scale of heavy vehicles entering and leaving the site, the nature and type of activity taking place on the site and the potential for sudden noise disturbance will likely impact upon the residents at Brooklands Nursing Home to an unacceptable degree.

In view of the above the application is recommended for refusal.

### Consultee Response

**Saundersfoot Community Council:** Objecting – Fully support the need for a new Civic Amenity Site but strongly object to this location, the members were made aware of an alternative site in Begelly and also have heard representations from Brooklands Nursing Home which provides specialist Dementia care and would be affected neighbour. We ask that the Pembrokeshire Coast National Park Authority Planning Committee listen to the extremely strong views of the Community and agree that this is not the right site for a major industrial development.

**Tenby Town Council:** Objecting – Members feel that the site location directly off the busy A478 trunk road into Tenby will create difficulties over access and egress to the facility – particularly with an estimated 340 vehicle movements per day – which could have an impact on road safety.

Development of such a facility could set a precedent for further commercialisation along the A478 which would impact on the natural beauty of this area. The proposed development will have an adverse effect on noise and privacy amenity of neighbouring properties.

**Pembrokeshire County Council - Transportation & Environment:**  
Conditional Consent

**Pembrokeshire County Council - Head of Public Protection:** Conditional Consent

**Pembrokeshire County Council - Ecologist:** Conditional Consent

**Countryside Council for Wales:** No objection

**Coal Authority:** Conditional Consent

**Dwr Cymru Welsh Water:** No Objection – As the applicant intends using a cesspit facility we would advise that the applicant seeks the appropriate advice from the Building Regulations Authority or an Approved Inspector

**Dyfed Archaeological Trust:** No adverse comments  
**Natural Resources Wales:** Conditional Consent

### Public Response

This application was advertised in accordance with The Town and Country Planning (Development Management Procedure) Order 2012 by display of a site notice at the site on 13<sup>th</sup> March 2013 and advertised through the local press. Furthermore letters of notification were forwarded to neighbouring occupiers in the near vicinity as well as those who had written in prior to receipt of the application.

49 No. individual letters of objection have been received by the National Park Authority in direct response to the above advertisement of the application including 1 No. song.

In addition to the above a file of correspondence has been received from the owners of Brooklands Nursing Home. The file contains the following;

- Letters of objection from owners and manager of Brooklands Nursing Home
- **119** individual letters of objection including professionals from the health sector
- Copy of petition and online petition (owner of Brooklands Nursing Home states contains over **4800** signatures)

Given the level of objection to the scheme it is not possible to list or summarise all the individual letters of correspondence received. Full copies are of the correspondence received, however, are available for inspection on the planning application file. Notwithstanding this a selection of concerns raised from third parties are as follows;

- My mother who suffers from dementia lives at Brooklands and I am very concerned at the impact the civic amenity site would have on her own and other resident's well-being. There will obviously be significant noise from traffic and the operation of plant within the site but also from seagulls that are bound to gather. Sudden loud sounds such as that from breaking glass as it is being recycled will agitate my mother.
- The residents of Brooklands will lose a peaceful haven, which for many will be for their last days. The noise, smell and possible flies and vermin will render the garden useless. An added disadvantage will be the increased traffic on a main road.
- The site should never have been considered due to the proximity to Brooklands. I work on Waterloo Industrial Estate P. Dock and considerable noise can be heard now the new civic amenity site is functioning. i.e. skips and bins being moved, machines and lorries operating.

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- As a nursing manager of a large local domiciliary care agency I work with service users with dementia on a daily basis living within their own homes. Utilisation of their immediate outside surroundings of their home is paramount to their wellbeing. I feel very strongly that should such a large, noisy, smelly facility be put next door to Brooklands residents home it really would have a devastating effect on their wellbeing... There is documented evidence of the benefits quiet and tranquillity and garden activities for people with dementia.
  - The replacement facilities for the Salterns should be on an industrial site or remote from housing of any description
  - The close proximity of the site will inevitably have an adverse impact on the residents' enjoyment of the Home, particularly their enjoyment of the garden... Brooklands, is classified as an Elderly Mentally Impaired unit, which means that many of the residents suffer with early stage dementia.
  - Brooklands caters for up to 40 residents requiring specialist care due to suffering dementia or alzheimer's. It also employs some 73 staff who are local residents. The level of traffic which would be generated by the proposed application would almost certainly have a serious detrimental effect in respect of noise and visual impact. The benefit of the home's sensory garden would also be largely lost. The net result would be a serious deterioration in the lives and living environment of the residents and also potentially hamper the care and treatment of residents.
  - Location on the tourist route into Tenby would not be the welcome we wish to offer visitors, increase in traffic on the road, existence of more appropriate sites, the refusal of previous smaller planning applications on that particular site and the concern for the effect the noise will have on the vulnerable residents of Brooklands Nursing Home.
  - Such a site next to Brooklands would hinder access for families, causing potential road hazerds and be a nuisance to those who site out the back of the premises with their carers. It would also seriously damage Brooklands image with potential residents' families and the wider public.
  - There will be a significant noise impact on the home, not only noise from the site itself but also from the extra traffic that will be generated as a result. Dementia often worsens sensory stimulation and I foresee that the increase in noise could over stimulate, disorientate and cause distress for those with dementia at Brooklands... I am aware that in the thorough planning process that the noise impact will be made minimal. However, it is well documented that increased in even low-level noise can have a significant negative impact on quality of life for those with dementia (Cohen and Mansfield, 1995, McManus and McClenaghan, 2010, van Hoof et al.2010, Watchmen et al 2010, Woods, 2010).



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- Extra traffic generated by the site will increase the risk for those in the home and their carers. The decline in cognition that is a result of dementia can mean that individuals are often disorientated and may not be able to judge or perceive dangers from on-coming traffic. With increased traffic comes increased risk of a traffic accident for those with dementia living at the home.
  - Understand that finding suitable locations for a civic amenity site is a difficult process... However, it is vital not to plan for one in close proximity to a nursing home, in which the majority of residents have dementia. Not only does it pose real risks, it could also cause distress for this vulnerable group, who are unable to voice their own objections because of the condition they suffer with.
  - The construction of a Civic Amenity and Recycling Centre on land adjoining Brooklands Nursing Home would be inappropriate as it would: (1) Be contrary to the intention of Strategic Policies 1 and 7 and Policies 9, 12, 15, 27, 30 and 53 of the recently approved LDP, and (2) Have severe negative impacts on the 40 residents amenity/welfare at an established Nursing Home, its staff, visitors and reputation and (3) There are no specific courses of action covering disturbance associated with the construction phase of the proposals for the proposed Recycling Site / Civic Amenity Site. (4) The sequential test to site this operation in a prominent position in the PCNP landscape, that's highly visible in the public realm is not justified. Carew/Templeton and Kilgetty have options... all outside the PCNP.
  - Concerns regarding the volume of traffic particularly during the summer season and turning right into the site being difficult. The site access will be used during hours of darkness and with the A478 being unlit this will be unacceptable to road users.
  - An atmosphere of loud noises and malodorous smells will be carried directly to them (Brooklands Residents) on the prevailing westerly wind. Powerful floodlights would further intrude on the residents' daily lives.
  - The proposals constitute ribbon development along the A478 and would create a local landmark which no amount of landscaping could sufficiently conceal. Visitors to Tenby and Saundersfoot, especially by those travelling by coach or bus would have a grandstand view of the site. Tree planting will take in excess of a decade to be of any concealment value.
  - Potential pollution to land to the north of application site and similarly contamination of the water course which borders to land and potential implications of livestock drinking contaminated water.

- Loss of countryside in an area not allocated for development in the Local Development Plan, adding to the potential for more development pressure alongside this road.
- Accept that Tenby is the jewel of the area and that the only industry it has which offers employment is tourism yet proposing to put this site at its entrance.
- The new development being in such close proximity to a home which cares for elderly dementia and alzheimer's patients would disrupt resident' lives on a daily basis. The 340 vehicles which are expected to visit the site daily, as well as the increased volume of traffic from 9,900 to 10,568 along the New Hedges route in general, will most certainly affect the peaceful area that currently surrounds the home.

In view of the above the key areas of concern are as follows;

- Location of site adjoining Brooklands Nursing Home
- Impact on amenity of residents
- Noise
- Traffic and Safety
- Pollution

### **Policies Considered**

The key policies, both National and Local to be considered as part of the application are outlined fully below. Please note that the Local Development Plan and Supplementary Planning Guidance can also be viewed in full on the Policies page of Pembrokeshire Coast National Park website at

<http://www.pembrokeshirecoast.org.uk/default.asp?PID=549>

### **National Planning Policy and Guidance**

- Planning Policy Wales (Edition 5) (specifically paragraphs 5.5.6 and 12.5 to 12.7)
- Technical Advice Note 5 – Nature, Conservation and Planning (September 2009)
- Technical Advice Note 6 – Planning for Sustainable Rural Communities (July 2010)
- Technical Advice Note 11 – Noise (October 1997)
- Technical Advice Note 12 – Design (June 2009)
- Technical Advice Note 15 – Development and Flood Risk (July 2004)
- Technical Advice Note 21 – Waste (November 2001)

- Technical Advice Note 18 – Transport (March 2007)

### Local Planning Policy and Guidance

- Pembrokeshire Coast National Park Local Development Plan (Adopted September 2010)

#### **Policy 1 - National Park purposes and duty**

Development within the National Park must be compatible with:

a) the conservation or enhancement of the natural beauty, wildlife and cultural heritage of the Park, and

b) the public understanding and enjoyment of those qualities. In determining proposals, due regard will be paid to the need to foster the economic and social well-being of the local communities within the Park provided this is compatible with the statutory National Park purposes embodied in the foregoing considerations.

#### **Policy 7 – Countryside**

Outside the identified Centres of the Local Development Plan area development will only be permitted where:

a) it constitutes sensitive filling in of small gaps or minor extensions (ie rounding off) to isolated groups of dwellings is proposed. Priority will be given to meeting affordable housing needs. Release of land will depend on the character of the surroundings, the pattern of development in the area and the accessibility to the Centres identified in the hierarchy

b) housing for essential farming or forestry needs is proposed

c) farm diversification including farm shops is proposed

d) it constitutes the conversion of appropriate buildings to a range of uses with affordable housing<sup>85</sup> being given priority in residential conversions. Conversion must not result in unacceptable impacts upon the structure, form, character or setting of the building. The conversion of buildings that are obtrusively located in the landscape will not be permitted. Accessibility to the Centres will be an important consideration.

e) Tourist attractions or recreational activity is proposed where the need to locate in the countryside is essential - see Policy 35

f) The enhancement of community facilities is proposed

g) The proposal constitutes low impact development making a positive contribution – see Policy 47

h) New farm buildings are justified for agricultural purposes. Traffic impact analysis will be an important consideration in proposals – see Policy 52.

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### **Policy 8 - Special Qualities**

The special qualities of the Pembrokeshire Coast National Park will be protected and enhanced.

The priorities will be to ensure that:

- a) The sense of remoteness and tranquillity is not lost and is wherever possible enhanced – see Policy 9.
- b) The identity and character of towns and villages is not lost through coalescence and ribboning of development or through the poor design and layout of development. The identification of Green Wedges will assist in achieving this priority.
- c) The pattern and diversity of the landscape is protected and enhanced – see Policy 14 and Policy 15.
- d) The historic environment is protected and where possible enhanced
- e) Development restores or wherever possible enhances the National Park's ecosystems. The protection of links between sites or the creation of links where sites have become isolated is of particular importance – see Policy 10 and Policy 11.
- f) Development which would damage or destroy Geological Conservation Review sites or any other important geological resource is not permitted.
- g) Local biodiversity action plan species and habitats are protected for their amenity, landscape and biodiversity value – see Policy 11.
- h) The Welsh language remains an important component in the social, cultural and economic life of many communities in the Park – see Policy 12.
- i) Development of the undeveloped coast is avoided and sites within stretches of the developed coast are protected for uses that need.

### **Policy 9 – Light Pollution**

Proposals that are likely to result in a significant level of lighting shall include a full lighting scheme and will be permitted:

- a) where the lighting proposed relates to its purpose; and,
- b) where there is not a significant adverse affect on the character of the area, local residents, vehicle users, pedestrians and the visibility of the night sky.

### **Policy 11 – Protection of Biodiversity**

Development that would disturb or otherwise harm protected species or their habitats or the integrity of other habitats, sites or features of importance to wildlife and individual species including Local Biodiversity Action Plan species and habitats will only be permitted where the effects will be acceptably minimised or mitigated through careful design, work scheduling or other measures.

### **Policy 15 - Conservation of the Pembrokeshire Coast National Park**

Development will not be permitted where this would adversely affect the qualities and special character of the Pembrokeshire Coast National Park by:

- a) causing significant visual intrusion; and/or,
- b) being insensitively and unsympathetically sited within the landscape; and/or
- c) introducing or intensifying a use which is incompatible with its location; and/or
- d) failing to harmonise with, or enhance the landform and landscape character of the National Park; and/or
- e) losing or failing to incorporate important traditional features.

### **Policy 27 – Local Waste Management Facilities**

Local waste management and recycling facilities which serve only the National Park area will be permitted provided:

- a) the site would be conveniently located in relation to the needs of the National Park community; or
- b) they are located at existing waste management sites or B2 industrial units; and
- c) the proposal makes provision for adequate screening so as to minimise any adverse effects; and
- d) the development is sufficiently distanced from neighbouring properties so as not to constitute a potential health or safety hazard; and
- e) the development will not cause demonstrable harm to the amenities of the local area and local communities in particular with regard to access, traffic generated, noise, vibration, dust, litter, odour nor adversely affect existing surface and groundwater resources.

### **Policy 29 - Sustainable Design**

All proposals for development will be expected to demonstrate an integrated approach to design and construction, and will be required to be well designed in terms of:

- a) Place and local distinctiveness (see Policy 8)
- b) Environment and biodiversity(see Policy 8)
- c) Community cohesion and health(see Policy 30)
- d) Accessibility(see Policy 52)
- e) Energy use
- f) Energy generation (see Policy 33)
- g) Materials and resources (see Policy 31)
- h) Water and drainage (see Policy 32)
- i) Waste (see Policy 31)
- j) Resilience to climate change

Where planning applications are made to extend buildings energy, water and

drainage efficiency improvements will be sought in the original building as well as in the extension where appropriate and practicable.

### **Policy 30 - Amenity**

Development will not be permitted where it has an unacceptable impact on amenity, particularly where:

- a) the development is for a use inappropriate for where people live or visit; and/or
- b) the development is of a scale incompatible with its surroundings; and/or
- c) the development leads to an increase in traffic or noise or odour or light which has a significant adverse impact; and/or
- d) the development is visually intrusive.

### **Policy 31 - Minimising Waste**

Development must minimise, re-use and recycle waste generated during demolition and construction and provide waste management facilities of an appropriate type and scale as an integral part of the development.

### **Policy 32 – Surface Water Drainage**

Development will be required to incorporate sustainable drainage systems for the disposal of surface water on site.

### **Policy 42 – Employment Sites & Live/Work Units**

Employment opportunities will be provided and safeguarded through:

- a) Small scale employment opportunities are identified at St Davids.
- b) Directing small-scale employment proposals to appropriate locations in the Local Development Plan's identified Centres or buildings suitable for conversion in the Countryside (See Policy 7d). Farm diversification can also assist. (See Policy 7c)
- c) Combining business uses with other uses such as community facilities or housing including live/work units. Sites are identified at Newport and St Davids. There are also mixed use developments proposed at Tenby, Saundersfoot and Broad Haven. Employment and mixed allocations listed in Table 3 below are shown on the Proposals Map.
- d) Protecting existing employment sites for employment use except in locations where the current use is not suited to the area or there is adequate provision already or the existing use is unviable. When considering a new use for a redundant employment site a community facility or affordable housing provision will be given priority. (See Policy 43)
- e) Protecting and enhancing the working harbours at Tenby, Saundersfoot,

Solva and Porthgain. (See Policy 18)

### **Policy 52 – Sustainable Transport**

To ensure that during the Local Development Plan period land use planning opportunities are taken to improve and promote accessibility and reduce the need to travel by car by:

- a) Permitting proposals that assist in delivering improved traffic and parking management;
- b) Permitting facilities to improve public transport by helping to link between travel modes or providing facilities for passengers;
- c) Ensuring new development is well designed by providing appropriate access for pedestrians, cyclists, vehicles; and
- d) Not permitting proposals that cause significant concerns about potential transport impacts which cannot be satisfactorily mitigated (see Policy 53).

Allocations for road and cycle schemes are listed in Table 10 and shown on the Proposals Map

### **Policy 53 – Impacts of Traffic**

Development will be permitted where appropriate access can be achieved. Instances where access will be considered to be inappropriate are:

- a) traffic is likely to generate an unacceptable impact on congested areas or at times of peak traffic flows; or
- b) traffic is likely to be generated at inappropriate times such as late at night in residential areas; or
- c) where there is an unacceptable impact on road safety; or
- d) where significant environmental damage would be caused and cannot be mitigated.

### Pembrokeshire Coast National Park Supplementary Planning Guidance

- Landscape Character Assessment Supplementary Planning Guidance (Adopted 22 June 2011)
- Sustainable Design Supplementary Planning Guidance (Adopted 22 June 2011)
- Land Instability – Former Coal Workings Supplementary Planning Guidance (Adopted 22 June 2011)
- Parking Standards Supplementary Planning Guidance (Adopted 22 June 2011)
- Historic Environment (Archaeology) Supplementary Planning Guidance (Adopted 22 June 2011)

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**Officer's Appraisal:****Background**

This application has been submitted by Pembrokeshire County Council following a request for a screening opinion as to the need for an Environmental Impact Assessment submitted in April 2012, pre-application discussions initiated in May 2012 and a consultation exercise undertaken by Pembrokeshire County Council in the immediate locality between July and August 2012. The County Council has submitted a 'Public Consultation Report' as part of this application.

The screening opinion issued by the National Park Authority on 3<sup>rd</sup> May 2012 concluded that the proposed development did not require an Environmental Impact Assessment although it identified the material environmental issues which would need to be addressed through a formal application. For clarity the framework for this decision is set out below:

*Environmental Impact Assessment Regulations*

Environmental Impact Assessment (EIA) is a process and can be seen as a technique for the systematic compilation of expert quantitative analysis and qualitative assessment of a project's environmental effects, and the presentation of results and consideration of mitigation before a planning application decision is taken.

It derives from European Directive 85/337/EC with the fundamental purpose as expressed in Article 2(1) as those projects '*likely to have significant effects on the environment by virtue, inter alia, of their nature, size or location are made subject to a requirement for development consent and an assessment with regard to their effects*'.

The main vehicle for the implementation of the Directive in Wales is The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. The Regulations identify precisely which type of developments must be subject to EIA and also those which could be subject to the Regulations. The Regulations apply to two separate lists of projects:

- i. Schedule 1 projects where EIA is required as being mandatory;
- ii. Schedule 2 projects where EIA is required only if the particular project in question is judged to give rise to significant environmental effects on the environment .

A screening opinion was issued by the Authority on 3<sup>rd</sup> May 2012 following a request received on 18<sup>th</sup> April 2012 which concluded that the proposed development did not require an Environmental Impact Assessment although it identified the material environmental issues which would need to be addressed through an application (NP/12/0207).



In the Regulations the issue of 'significant environmental effects' is considered by reference to a list of criteria and thresholds. In respect of this proposal for a Civic Amenity and Recycling Centre it can be noted that it is not within the list of Schedule 1 developments. As such there is a need to consider Schedule 2 and the applicable thresholds and criteria. This particular project can be described as 'an installation for the disposal of waste' and as such comes within paragraph 11 of Schedule 2 (not paragraph 3 as incorrectly referred to on screening opinion NP/12/0207). As the site lies within a 'Sensitive Area' i.e. National Park this project has been considered under the Regulations.

The requirement of an EIA has been measured against the three criteria noted in Welsh Office Circular 11/99 – Environmental Impact Assessment. These are major developments which are of more than local significance, developments which are proposed for particularly environmentally sensitive or vulnerable locations and developments with unusually complex and potentially hazardous environmental effects.:-

1. Major developments which are of more than local significance.

Whilst the scheme is defined as a 'Waste development' and is therefore labelled a 'Major Development' under the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 this does not naturally follow that the development is of any more than local significance. The scheme is for a Civic Amenity and Recycling Centre which occupies a site area of 0.90ha within an application site of 1.7ha. It is located along the boundary of the National Park with the County Council area although the site area itself does not contain any further designations. Its form and scale is similar to existing civic amenity sites within Pembrokeshire and as such it is no more than local significance.

2. Developments which are proposed for particularly environmentally sensitive or vulnerable locations.

The Circular identifies that the relationship between a proposed development and its location is a crucial consideration. The more environmentally sensitive the location, the more likely it is that the effects will be significant and require EIA. Given that the site lies within a National Park (a sensitive area) then the thresholds/criteria listed within the second column of Schedule 2 do not apply. As such screening is mandatory and consideration must be given to whether the scheme would give rise to significant environmental effects.

Whilst the site is located within the National Park the proposed site is not known to be particularly environmentally sensitive or in an environmentally vulnerable location. Indeed Planning Policy Wales (Edition 5, November 2012) identifies that the fact that a development would affect a sensitive area would not, of itself, justify the requirement for EIA although it would increase the possibility of EIA being required. Paragraph 5.5.9 states that judgement must be

taken on the particular merits of each case. Local planning authorities should consult CCW (now Natural Resources Wales) if uncertain about the significance of a project's likely effect on the environment. Furthermore in relation to sensitive areas the Circular, at paragraph 38, states that it does not follow that every Schedule 2 development in (or affecting) sensitive areas will automatically require EIA. Each case will be judged on its likely effects on the environment and also any views expressed by consultation bodies should be taken into account.

In this instance the Authority previously consulted CCW and has consulted Natural Resources Wales on the current scheme. As part of the screening opinion CCW considered that the development would unlikely impact on nature conservation features of interest in the area, however, due to its size, recommended the project was screened for any potential impact on bats. The application has been supported with an ecological study and no objection raised on such matters by Natural Resources Wales

3. Developments with unusually complex and potentially hazardous environmental effects.

Finally, on the last consideration whilst this is a waste recycling proposal it is not considered to have unusually complex and potentially hazardous environmental effects. The scheme does involve the recycling of waste although geared towards small quantities of building and construction waste from small scale DIY projects carried out by members of the public as well as some larger individual projects. Skips and igloos are proposed within the site for these purposes. General waste would be accepted although this is proposed to be stored within sealed containers. The site would operate in accordance with a Site Waste Management Licence to be obtained through Natural Resources Wales. In terms of scale and based on the catchment area it is estimated within the submission that the maximum quantity of waste accepted per annum would be 5,000 tonnes and the maximum vehicle size allowed entry to the site will be 3.5 tonnes.

It is also relevant to consider the wording contained within Circular 11/99 as to whether installations for the disposal of waste would likely require EIA. The circular states;

*"The likelihood of significant effects will generally depend on the scale of the development and the nature of the potential impact in terms of discharges, emissions or odour. For installations (including landfill sites) for the deposit, recovery and/or disposal of household, industrial and/or commercial wastes (as defined by the Controlled Waste Regulations 1992) EIA is more likely to be required where new capacity is created to hold more than 50,000 tonnes per year, or to hold waste on a site of 10 hectares or more. Sites taking*

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*smaller quantities of these wastes, sites seeking only to accept inert wastes (demolition rubble etc.) or Civic Amenity sites, are unlikely to require EIA."*

*(Circular 11/99 Environmental Impact Assessment (EIA), 1999, Annex A, paragraph A36)*

The application form submitted states that the maximum annual operational throughput would be 6,500 tonnes as part of a household amenity site. The guidance suggests that Civic Amenity sites are unlikely to require EIA and the scheme submitted is not a case which gives rise to any significant environmental effects for which an EIA would be necessary and this is demonstrated in the response received from Natural Resources Wales and the former CCW. The decision was therefore that no EIA was required on this occasion.

Following this decision, an officer met the applicant's agent in May 2012 to discuss the potential proposals and the policy context. The officer identified the type of key considerations which would be relevant in a future application and the level of information needed to support an application. A further meeting took place in August 2012 to discuss the scheme. Officers identified that sufficient feasibility would need to be provided to explain the site selection process as well as key material planning considerations and suggested that public consultation be considered.

With regard to public consultation the applicant undertook a series of targeted pre-application consultations with the local community. These involved meetings in July 2012 with Local Council Members and local residents, a presentation event with local residents and town and community council representatives and additional meetings with interested parties.

A second stage of public consultation was undertaken with the aim of consulting with a wider range of interested parties, including those who had not necessarily been involved in initial consultation. An information booklet was produced to inform an event held in the locality on 22<sup>nd</sup> August 2012. A press release was also distributed to local media outlets

A briefing note was produced by Pembrokeshire County Council and through the submitted Consultation Report we are advised has circulated to relevant stakeholders including Age Cymru, Older People's Commissioner for Wales, Alzheimer's Society Wales, Mind Cymru, Minister for the Environment and Sustainable Development, Minister for Health and Social Services, Regional AM's, Constituency AM's and Constituency Member of Parliament to ensure clear awareness and understanding of the proposal.

## **History**

With regard to site history there have been 2 No. planning applications made on the land in recent years. In 2000 the Authority approved a change of use of part of the land to a nature walk. An application followed in 2005 for a toilet facility although this was refused permission on the basis that it was an

unacceptable form of development in the open countryside and that it was out of character with the surrounding area. The history is as follows;

NP/05/347 – Lower Hopshill Farm, Saundersfoot – Toilet Facilities for Walkers – Refused – 26 September 2005

NP/00/326 - Lower Hopshill Farm, Saundersfoot – Change of use of part of the farm to nature walk – Approved – 28 September 2000

### **Constraints**

- Biodiversity Issue
- Coal Referral Area
- Coal Standing Advice Area

### **Current Proposal**

The application proposes the construction of a Civic Amenity and Recycling Centre on land adjoining and to the west of Brooklands Nursing Home. At present the site comprises a large open area of rough grassland with surrounding areas of woodland and other vegetation.

The scheme involves the provision of a range of waste management facilities to be contained within a central operating area and served by a public access road directly from the A478 which abuts the south boundary of the application site. The purpose is to provide a waste management facility for the collection and segregation of municipal refuse, serving the National Park Authority as well as the County Council area. The applicants explain that the primary objective of the facility is to provide separate containment facilities for segregating recyclable materials from waste that will be disposed to landfill.

Notes accompanying the application state that Civic Amenity Sites are designed to make it easy for the general public to dispose of and recycle their everyday waste. The proposed facility would cater for general householder residual waste (waste that has had all the recyclable materials taken out of it) which will be compacted and stored in an enclosed sealed container. The site would also handle materials that are sent away for recycling including steel and aluminium cans, green garden waste, paper, glass bottles, mattresses, carpets, electrical items and white goods. It would also deal with wastes that fall under the definition of 'hazardous waste' which includes paints, oils, fluorescent tubes and batteries.

In terms of management any residual waste that enters the site will be compacted and kept in enclosed sealed containers under a proposed canopy. These waste containers are proposed to be removed from the site several times a week.

The proposed Civic Amenity and Recycling Centre comprises the following components;

- Weighbridge facility area;
- Widened site access;
- Site access roads and dedicated parking bays;
- 9 large open topped containers;
- 1 trailer type container;
- 1 self-contained compacting container and 1 closed top skip for public service wastes;
- Compaction skip shed;
- Canopy shed for dry recyclables;
- 4 small skips for glass and cans;
- 5 container skips in public access areas;
- 5 small igloos;
- Welfare office;
- Staff and visitor car parking (34No. Spaces);
- Quarantine area for the temporary storage of any unlicensed materials;
- Perimeter and internal site fencing;
- Lighting, signage and CCTV;
- Landscaping scheme;

#### Access

Plans show that the site would be accessed through the existing access to the south east of the application boundary. An internal road would lead to an internal access comprising 2.4m high steel palisade site gates. Public vehicles accessing the site would pass a weighbridge area and a tarmaced access would run in a circular route around the site. Dedicated parking bays are set alongside the internal access route and the public area would be separated from the internal operational area by a split level. The change in level would be formed by reinforced concrete retaining walls and would allow public users to place materials into skips at a lower level.

#### Canopy

A canopy is proposed along the south boundary of the site. This is proposed to house dry recyclables in 5 bays. The canopy measures 16m across with a depth of 4.3 and height of 4.6m. The canopy is a steel structure and proposed to have a galvanised finish in cladding painted dark green.

#### Compactor Shed

The compactor shed is proposed to be sited to the west of the site and comprise of a steel framed canopy to house a compactor and compactor skips. The shed measures 20.5m in length, 13.75m in depth and approximately 6m in height. The structure is proposed to have a galvanised finish with corrugated cladding to the roof and walls. Sheeting, flashings, gutters and downpipes would be dark green in colour.

#### Welfare Facilities

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A single steel container to be fitted out internally with an office space, toilet and washing facilities is proposed to be sited on entry within the site. This measures 7.3m in length and 2.75m in width upto a total height of 2.6m.

### Landscaping

A Landscaping Scheme has been submitted to support the application.

The scheme proposes retention of existing landscaping and addition of further planting to serve the site. The existing bund to the front of the site is proposed to be planted with a mix of native woody species. This includes 40-60cm tall and 3m – 4m tall root-balled trees planted at strategic locations to maximise screening.

Two 1m high bunds are proposed along the east boundary of the site with planting consisting of trees and shrubs. Scots Pine, Holly, Beech, European Larch and Welsh Oak trees are proposed along with Hazel, Dogwood, Blackthorn, Goat Willow and Gorse shrubs.

Proposals also include all new embankments along the west boundary to be topsoiled with material stripped from the site and seeded with flowering meadow mix. Existing woodland and meadow to the north boundary of the site is proposed to remain unaffected by the proposals and 898m<sup>2</sup> of hardcore path near the east of the site is proposed to be excavated to a depth of 200mm and replaced with topsoil from the site.

### Signage/Lighting/Security

Two information signs are proposed to be erected on entry to the site. External lighting is designed within the site comprising of 9 lighting columns positioned along the edge of the perimeter access road (however plans show the provision of 10 lighting columns) and a further 4 lights sited on the compactor shed. The lighting columns proposed measure 8m high and comprised of an aluminium finish. 2.4m high steel palisade fencing is proposed along the boundary of the site and CCTV units are also proposed to be installed.

### Estimated Vehicle Movements

In relation to additional traffic and transport movements the supporting information states that the new development will have approximately 340 vehicles a day using it, in addition to 3 Heavy Goods Vehicles taking waste from the site.

The maximum vehicle size allowed into the site will be 3.5 tonne and a height restriction is proposed to be put in place by a barrier set back from the site entrance at a height of 2m. Based on the catchment area of the site it is estimated that the maximum quantity of waste accepted per annum at the site will be around 5,000 tonnes

Operational Throughput

The planning application form identifies the annual operational throughput as being;

Household Civic Amenity	6,500 tonnes
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Openings Hours

The site is proposed to be open to the public during the following hours 7 days a week:

1 April – 30 September	8am – 6pm
1 October – 31 March	8am – 4pm

In relation to operational hours the following hours are proposed

1 April – 30 September	6.30am – 7.30pm
1 October – 31 March	6.30am – 7.30pm

The application has been supported with the following documentation and details of which are available to inspect at the National Park Authority offices;

- Design and Access Statement
- Environmental Report
- Planning Report
- Coal Mining Risk Assessment Report
- Transport Statement
- Public Consultation Report
- Proposed Drainage System

**Key Issues**

The application raises the following key planning matters:-

- Policy and Principle of Development
  - European Legislation
  - National Policy
  - Regional Policy
  - Local Policy
- Site Selection Process
- Visual Amenity and Special Qualities of the National Park
- Neighbouring Amenity and Privacy
- Access, Highway Safety and Parking
- Archaeological Conservation
- Land Drainage and Flood Risk
- Biodiversity
- Land Stability
- Other Material Considerations

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### **Policy and Principle of Development**

Firstly it is considered relevant to understand the policy surrounding the management of waste development and their origin. Below consideration is given to European, National, Regional and Local Policies.

#### **European Legislation**

It can be found in legislation that many of the principles for the management and treatment of waste originate from Europe. The revised Waste Framework Directive (November 2008) (rWFD) sets out a priority order which it refers to as a Waste Hierarchy. This puts waste prevention at the very top followed by preparation for re-use, recycling, recovery (including efficient energy recovery from thermal treatment) and finally disposal to landfill (which also includes inefficient energy recovery). Member states must have regard to this in the development of policy. The Directive also sets targets for the re-use (including preparation for re-use) and recycling of priority materials (defined as paper, glass, metal and plastic from households and similar waste streams) – 50% by weight by 2020. The revised Directive was transposed into UK law by the Waste (England and Wales) Regulations 2011. There is also a target for non-hazardous construction and demolition waste of 70% re-use/recycling by 2020. The Directive also introduces the principles of proximity and regional self-sufficiency.

The revised Waste Framework Directive also requires member states to establish waste management plans over their entire geographical area and to have a strategy within those plans for the implementation of the requirements of the EU Landfill Directive – the reduction of biodegradable waste going to landfill. The targets set out in the Landfill Directive are to reduce the amount of biodegradable municipal waste going to landfill by 25% by 2010, 50% by 2013 and 65% by 2020 (base year of 1995). The Landfill Directive also includes a requirement to pre-treat all waste prior to entering landfill. This is the basis for the Regional Waste Plans.

#### **National Policy**

On a general level Planning Policy Wales Edition 5 requires that major developments should not take place in National Parks except in exceptional circumstances. This may arise, where, after rigorous examination, there is demonstrated to be an overriding public need and refusal would be severely detrimental to the local economy and there is no potential for locating the development elsewhere or meeting the need in some other way. Any construction and restoration must be carried out to high environmental standards. Consideration of such applications should therefore include an assessment of the need for the development, in terms of national considerations, and the impact of permitting it or refusing it upon the local economy; the cost and scope for providing the development outside the designated area or meeting the need for it in some other way, and an



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assessment of any detrimental effect on the environment and the landscape and the extent to which that can be moderated.

With regard to waste national policy, in order to set out a roadmap towards achieving the targets set out in the Landfill Directive the Welsh Government introduced a Landfill Allowance Scheme which sets out the maximum amount of biodegradable municipal waste each Council can landfill each year. There is a potential penalty of £200 per tonne if the limit is exceeded. The current Landfill Allowance for Pembrokeshire is 18,667 tonnes in 2013-14 and this reduces annually to 13,689 by 2019-20. Therefore, year on year the Local Authority has to reduce the amount of Biodegradable municipal waste sent to landfill. One of the ways of doing this is to reduce the waste generated but also to provide more facilities and collection networks so as to divert recoverable waste from landfill.

The National Planning Policy context is clearly set out in Planning Policy Wales (Edition 5, November 2012) paragraphs 12.5 to 12.7 supplemented by the guidance contained in Technical Advice Note 21 – Waste (November 2001). It is of relevance that there is a consultation currently ongoing in respect of a revision to TAN 21 with a revised draft document published for consultation in March 2013.

The Policy explains that a sustainable approach to waste management will require greater emphasis on reduction, re-use and recovery and less reliance on disposal without recovery and that waste should be managed (or disposed of) as close to the point of its generation as possible, in line with the proximity principle. This is to ensure, as far as is practicable, that waste is not exported to other regions.

In relation to development management Planning Policy Wales (Edition 5, November 2012) paragraph 12.7.1 states;

*“Decisions on planning applications should have regard to the waste management objectives in the national waste strategy. The environmental impact of proposals for waste management facilities must be adequately assessed, supported by independent surveys where appropriate, to determine whether a planning application is acceptable and, if the adverse impacts on amenity cannot be mitigated, planning permission should be refused. Adequate facilities for the collection, composting and recycling of waste materials should be incorporated into the design of any major development.”*

In Technical Advice Note 21 - Waste the Welsh Government subscribe to a waste hierarchy (as set out in the rWFD) as a general guide to advise decisions on waste management options. TAN 21 also sets out in Annex C the matters that Local Planning Authority's should take into account when considering waste planning applications. TAN 21 also introduced the requirement for Regional Waste Plans – North, South East and South West Wales.

In Towards Zero Waste – the Overarching Waste Strategy Document for Wales (June 2010) Welsh Government sets out its target of achieving zero

waste by 2050 and recycling rates of a minimum of 70% across all sectors by 2025. Minimum levels of re-use and recycling/composting of municipal waste are set for intermediate years of 52% by 2012/13, 58% by 2015/16, 64% by 2019/20 with a maximum of 10% of municipal waste landfilled by 2020 and a maximum of 5% by 2025. In 2010/11 Pembrokeshire diverted 49% of its municipal waste to recycling, composting and re-use so there was still some way to go to achieve the 52% target in 2012/13 let alone the 58% target by 2015/16 especially as all the easy options have already been taken. Every percent from now on is going to get that much more difficult to achieve.

The strategy document Towards Zero Waste was intended to be supported by a suite of Sector Plans. One of the Sector Plans was the CIMS (Collections, Infrastructure & Markets Sector Plan) which has been produced (some of the others have not). The CIMS Plan is a lengthy document which deals with how the Welsh Government intends to set about meeting the targets set out in Towards Zero Waste. The Waste (Wales) Measure 2010 made the targets for recycling/composting included in Towards Zero Waste a statutory requirement for LPA's.

### Regional Policy

The waste hierarchy is one of four key principles that underpin the South West Wales Regional Waste Plan - 1<sup>st</sup> Review (August 2008), the others being regional self-sufficiency, the proximity principle (dealing with waste as close to the source of production as possible) and sustainability. The objective of the South West Wales Regional Waste Plan is to assist in ensuring National and International (EU) obligations relating to waste can be met and it provides a regional framework which was intended to assist in the development of Local Development Plans. The Regional Waste Plans are a requirement of the current TAN21 but it is anticipated that the revision of TAN21 and PPW paragraphs 12.5 to 12.7 will dispense with the requirement for these Plans. In fact the Regional Waste Plans are already outdated and have been largely overtaken by Welsh Government initiatives such as the Waste Procurement Programme (food waste and residual waste programmes) and policy such as Towards Zero Waste and the accompanying Sector Plans

The Regional Waste Plans are primarily still in place due to the spatial dimension contained within them which is Welsh Government's defence against infraction proceedings for non-compliance with the revised Waste Framework Directive requirement for waste management plans across the entire geographical area. The Regional Waste Plan outlined a framework whereby there is an aspiration to achieve the 2020 targets contained in the Landfill Directive by 2013. This is a very ambitious target and requires a significant shift away from landfill towards recycling/composting.

The Regional Waste Plan introduced a spatial dimension by producing an Areas of Search Map which was intended to be used at a strategic level by Local Planning Authority's in Local Development Plan preparation as a starting point to more detailed local level assessments and were not to be

used to determine the appropriateness of proposals for individual waste management facilities. Areas of Search were categorised from 1 to 4. Notwithstanding that, National Parks were automatically defined as exclusion areas in the maps showing the Areas of Search for facilities serving more than one area. The proposed facility does not appear to be of a scale which serves an area any greater than Pembrokeshire and in that case the Areas of Search would not apply. In any event the Pembrokeshire Coast National Park Authority Local Development Plan would have had to have regard to the requirement of the Regional Waste Plan.

The Regional Waste Plan refers to National Park issues in paragraph L7 on Page 159. This confirms that National Park Authorities are exclusion zones for the purposes of the Areas of Search and sets out two options for planning for new facilities for the management of National Park Authority waste arisings – new facilities serving the National Park Authority area only or facilities to serve a wider area to be sited outside the National Park Authority.

### Local Policy

The Local Development Plan states in its Vision & Objectives that one of the key outcomes it is seeking is the provision of waste facilities to cater for National Park generated needs or to work with the County Council to provide waste facilities outside the National Park which serve both areas.

Policy 27 – Local Waste Management Facilities provides the Policy context in terms of a criteria based policy. Paragraph 4.122 in the supporting text refers to Civic Amenity Sites and states that they serve a useful purpose but also highlight potential access, parking and amenity issues. The paragraph reads;

*“Civic amenity sites serve a useful purpose in that household waste can be sorted to facilitate reuse and recycling. It also helps to avoid fly tipping. They may generate significant vehicle movements and will involve temporary storage of waste materials in open topped or closed (for putrescible waste) containers. For these reasons, the requirements with respect to access, parking and amenity are quite stringent. There are also environmental permits separate to the planning system that need to be considered.”*

*(Local Development Plan, paragraph 4.122, Page 52)*

In view of this Policy 30 which deals with general amenity considerations and Policy 53 which deals with traffic and highway matters of the Local Development Plan will be especially relevant in this case.

Paragraph 1.28 of Appendix 1 of the Local Development Plan also sets the context for the development of the policy position. This reads;

*“The National Park is part of the South West Wales Regional Waste Plan Group. Implications for this National Park Authority are that:*

- *National Park Authorities are automatically identified as exclusion areas in the maps showing areas of search for facilities to serve the*

*needs of the region.*

- *National Park Authorities have no requirements to provide for the needs of the region.*
- *Given that National Parks are automatically identified as exclusion areas for facilities serving more than one authority area, National Park Authorities have the following two options for planning new facilities for the management of National Park waste arisings:*
  - *National Park Authorities may plan for new facilities serving only the National Park area to be sited within the National Park area; and*
  - *National Park Authorities and Unitary Authorities which cover the same area may work closely together to plan for new facilities serving both the National Park Authority and Unitary Authority areas to be sited outside the National Park. The provision of data on capacity broken down by Unitary Authority area facilitates this arrangement”*

*(Local Development Plan, Appendix 1, paragraph 1.28, Page 103)*

These two options suggests that National Park Authorities may plan for new facilities to serve only the National Park or that both National Park Authorities and Unitary Authorities which cover the same area may work closely together to plan for new facilities to serve both. Further to this paragraph 4.120 appears to accept that the existing Civic Amenity Site located within the National Park area at The Salterns in Tenby can be redeveloped OR replaced elsewhere within the National Park provided that the criteria a) to e) of Policy 15 are met. Policy 15 deals with the Conservation of the National Park whereas Policy 27 is more specific to Local Waste Management Facilities.

Paragraph 4.120 reads as follows;

*“Discussions have taken place with Pembrokeshire County Council. Whilst there is a requirement for redevelopment of the Tenby civic amenity site, and a desire to establish a larger facility with improved customer access, better traffic management and a wider range of facilities in the area, no firm proposals are in place. In light of this, a criteria based policy is provided. It is also recognised that the existing civic amenity site at Tenby, although predominantly serving National Park communities, also serves communities outside of the National Park, at Kilgetty and Narberth. The National Park Authority would therefore, as an exception to Policy 15 and the South West Wales Regional Waste Plan 1st Review, consider retaining the relocated enlarged facility within the National Park provided that criteria a) to e) of Policy 15 are met. This is on the understanding that the facility would still predominantly serve the National Park area. The existing Civic Amenity Site at St Davids also serves communities outside the National Park. Future redevelopment proposals for this site will be considered as an exception to*

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*Policy 27 provided the site continues to predominantly serve the National Park communities. The Municipal Waste Strategy is currently being reviewed by Pembrokeshire County Council, which is the waste collection and waste disposal authority. Mini bring sites, especially bottle banks are being positively explored. Any requirement identified for the National Park will be considered against relevant criteria based policy."*

*(Local Development Plan, paragraph 4.120, Page 103)*

For clarification purposes it is firstly relevant to note that there is a typographical error on line 7 in that the sentence should refer to there being 'an exception to Policy 27' and not to Policy 15. This error has been amended in the Local Development Plan Erratum.

The key concept to gather from this supporting text is that the principle of the 'redevelopment' or 'relocation' of the Tenby Salterns Civic Amenity Site would be supported (as an exception to Policy 27 and the South West Wales Regional Waste Plan 1<sup>st</sup> Review) provided that it would still 'predominantly' serve the National Park Area. The key question from a policy perspective is therefore whether this is a facility to cater primarily for National Park generated needs as if it is to cater for the wider needs of the Park and Pembrokeshire then the policy position would appear to suggest that such sites should be located outside of the National Park. This would also be consistent with national policy advice in respect of locating "major" developments outside the National Park except in exceptional circumstances.

There is no definition contained within the Local Development Plan of the word 'predominantly' although it is generally accepted that this relates to 'mainly or for the most part'. In this context it is considered that for the site to cater predominantly for the National Park area that the Civic Amenity Site would need to serve more than 50% of the National Park Area.

The submitted 'Planning Statement' states that based on the distribution of dwellings in the Local Land and Property Gazetteer and the 2011 Census data for the output areas, a total number of 8,119 households are found within the catchment area. Of these numbers the document states that 4,366 (53.8%) reside within the area of the National Park and 3,753 (47.2%) outside the National Park within other areas of the County Council.

A figure has been produced in the document to show the catchment area for residential dwellings to be served by the proposed site and this is shown in Appendix 3 of the Planning Statement submitted as part of the application. This suggests that the proposed Civic Amenity Site will serve the areas of Amroth, Lampeter Velfrey (part of), Templeton, Kilgetty/Begelly, Jeffreyton (part of), Carew (part of), East Williamston, Saundersfoot, St Mary Out Liberty, St Florence, Tenby, Penally and Manorbier.

However what is apparent from the figure produced is that Narberth is not identified as being a settlement to be served by the relocated facility. In an earlier section of the 'Planning Report' the applicants identified that Narberth

would be served by an improved waste management facility stated under the heading 'Development Need' (page 12);

*“the underlying need for a Civic Amenity and Recycling Centre within the area is to provide a sustainable management solution for processing and recycling of public municipal wastes, through the provision of an improved waste management facility. This is required to serve South East Pembrokeshire, including the main towns of Tenby/Saundersfoot, Kilgetty/Begelly and Narberth, as well as surrounding areas”.*

It is not clear from the information provided therefore where householders from Narberth would go for waste recycling purposes if not to this proposed site. The nearest existing Civic Amenity Sites to Narberth in Pembrokeshire are the Salterns to the south, Hermon to the North and Winsel to the West. The proposed site appears to be the most logical and nearest site to the residents of Narberth by virtue of its location off the A478.

Without official data it is difficult to establish the precise number of households to be served at Narberth although it is clear that the population of Narberth coupled with the general household growth rate of just over 5.5% in the County Council area and just over 1% in the National Park would result in a lower proportion of households within the catchment area being located within the National Park.

It is understood that the population of Narberth is significantly greater than 613 which is the difference between the number of household areas inside the National Park (4,366) and those outside (3,753) and which would be served by this site. As such the inclusion of Narberth would result in the majority of households being served by the Civic Amenity Site residing outside of the National Park Area.

In view of this it can be concluded that there is insufficient information to determine that the proposed scheme will predominantly serve the National Park. As such the scheme must fall to be judged against Policy 27.

Policy 27 makes provision for local waste management facilities in the National Park on the provision that they serve only the National Park area. Additional criteria including the need for the site to be located conveniently in relation to the needs of the National Park community or being located at an existing waste management site or B2 industrial unit and introducing adequate screening, being a sufficient distance from neighbouring properties and not causing demonstrable harm to the amenities of the local area with regard to access, traffic generated, noise, vibration, dust, litter, odour not adversely affecting existing surface and groundwater resources.

From the application submitted it is clear that the site would not only serve the National Park area but that it would also serve areas outside the National Park. Notwithstanding the explanatory text, which has been considered above, the application fails to meet the fundamental aims of the policy. Whilst it may be argued that the site would be conveniently located in relation to the

needs of the National Park, being only a short distance from the existing Salterns site, in relation to criterion (a) of the policy it is clear that the site lies in a countryside location and not at an existing waste management site or B2 industrial unit, being the location requirements of the policy.

In view of the above it can be concluded that insufficient information has been provided to conclusively demonstrate that the proposed site for a Civic Amenity & Recycling Centre will serve predominantly the National Park Area in line with the aims of paragraph 4.120 of the Local Development Plan. As such the scheme falls to be considered against Policy 27 (Local Waste Management Facilities) and fails to meet the aims and requirements of this Policy.

### **Site Selection Process**

Notwithstanding the failure to demonstrate that the site will predominantly serve communities in the National Park area it is relevant to understand the site selection process carried out as part of the application. Within the Planning Report information has been provided to demonstrate why the proposed site has come forward for development. Research was carried out by Pembrokeshire County Council over a number of years identifying there was a need for a replacement for the existing Tenby facility. A number of selection criteria were identified to inform the site selection process with the aim for the following:

- A site larger than the current facility in Tenby to permit wider segregation of different waste streams;
- A site of sufficient size to permit the effective separation of the public from operational activities to ensure the safety of users and to allow on going public use of the facility during operational activities;
- A site which offers the ability to develop a modern facility capable of serving both current and foreseeable requirements;
- A location close to centres of population in the south east of the County to encourage usage by as large a number as possible in this area;
- Complement the location of other sites across the County;
- Good site access, ideally with existing turning lanes or similar to minimise need for costly highway improvement works;
- Preferably located to the North of the current Tenby site on the A478/A477 road corridor in order to serve the communities of Saundersfoot, Kilgetty, Begelly and Templeton without detriment to Tenby residents, whilst also reducing the number of vehicles entering Tenby;

- Site availability to meet the timescales for grant funding through the European Convergence Programme;
- A separation distance of at least 100m from the operational area of the site to the nearest residential property;
- Land that is either in Council ownership or immediately available for purchase, without restriction.

Approximately 14 sites in total were considered in the initial assessment and a further 8 sites considered following consultation with the public. The sites considered are shown in the table below along with a summary of the County Council's reasons for not pursuing the site as documented in the Planning Report. Various constraining factors included concerns regarding accessibility and movement in highway terms, landowners unwilling to consider proposals, loss of woodland, proximity to housing and a number of the site being positioned within flood zones and objection being likely from the then Environment Agency. However whilst the preferred site at New Hedges was identified as being the only suitable site there is no evidence to suggest it is the only site deliverable to provide the development particularly where works could be carried out to provide the facility in a location outside the National Park in line with the aims of the South West Wales Regional Waste Strategy.

Site Considered	Reasons for not pursuing
Land at Junction of the A477 & A478, Begelly, Kilgetty Common	Entrance to trunk road meant that site would have required traffic lights not acceptable to Highway Department. Access across mature wet woodland would have been technically demanding.
Adjacent to Begelly Arms, Begelly, Kilgetty Common	Site considered unacceptable by virtue of its location within or in close proximity to flood place with the likelihood of objection being raised by Environment Agency
Between A477 and former trunk road, Begelly, Kilgetty Common	Site considered unacceptable by virtue of its location within or in close proximity to flood place with the likelihood of objection being raised by Environment Agency
Land on New Road, Begelly	Site within high risk flood area and development would be opposed by Environment Agency
Land near New Hedges Roundabout	Land owner unwilling to consider proposal and has alternative future plans for the site
Former Pentlepoir School	Discounted due to proximity to surrounding housing and the site



	would be highly visible from road
Land off Kingsmoor Road, Kilgetty	Discounted due to proximity to residential properties and its location within residential settlement limits, along with the need to provide a filter lane off the A478 and drainage issues
Land near Crane Cross	Discounted due to access considerations, with extensive works required to widen a minor road. Site not very well screened.
The Salterns	Site located in a flood risk area being potentially subject to tidal and fluvial flooding impacts. The site also being used as a park and ride facility, located adjacent to camping site and has numerous services below the site.
4 sites in New Hedges	Land owners unwilling to consider proposal as they either had alternative plans for the sites or were not interested in sale
Carew Airfield	Deemed unsuitable due to proximity to Waterloo Civic Amenity Site and located some distance from centres of population in South East Pembrokeshire
Carn Springs, Devonshire Drive	Discounted on over-riding highway concerns raised as part of an earlier grant of planning permission for a proposed Green Waste and Composting facility in 2002 which highlighted lack of capacity on the access road to accommodate high levels of traffic
Opposite junction south of Moreton	Difficulties achieving exit visibility onto highway and access would require implementation of roundabout system which would exceed cost of £250,000. Discounted on access issues.
Land adjacent to the railway line/bridge South of Moreton	Discounted due to access and forward visibility issues
Site to the North East of Crane Cross	Significant works would be required to provide improvements to existing right turn lane or provision of roundabout which would cost in excess of £250,000. Discounted due to

	<b>access issues.</b>
Land to the South West of Crane Cross	Concerns raised over proximity of access to the A478 in relation to the expansion of an existing caravan park and greater levels of traffic. Discounted due to access issues.
Land north of Lady Park	Would require bridging across a wooded valley. Discounted due to topography of site and loss of woodland.
Land South of A477	Likely highway objections from Trunk Agency and discounted due to access issues

*(Source: Planning Statement, information extracted from Section 3.4 Site Selection)*

### **Visual Amenity and Special Qualities of the National Park**

Policy 8 of the Pembrokeshire Coast National Park Local Development Plan (LDP) is a strategic policy which refers to the special qualities of the National Park and lists priorities to ensure that these special qualities will be protected and enhanced. Policy 15 of the LDP seeks the conservation of the Pembrokeshire Coast National Park with criteria 'a' and 'b' resisting development that would cause significant visual intrusion and/or, that would be insensitively and unsympathetically sited within the landscape. Criteria 'd' and 'e' resists development that would fail to harmonise with, or enhance the landform and landscape character of the National Park, and/or fail to incorporate important traditional features.

Policy 29 of the LDP requires all development proposals to be well designed in terms of place and local distinctiveness (criterion 'a'). Policy 30 of the LDP seeks to avoid development that is of an incompatible scale with its surroundings (criterion 'b') or is visually intrusive (criterion 'd').

The application site is positioned along the boundary of the National Park on a key tourist route into Tenby and the surrounding tourist destinations in South Pembrokeshire. The Authority has produced a Landscape Character Assessment of the National Park and places the application site within Local Character Area (LCA) 1 – Saundersfoot Settled Coast. This LCA is the easternmost section of the National Park, running northwards from the northern outskirts of Tenby, through Saundersfoot, then north eastwards through Wiseman's Bridge, Pleasant Valley, Summerhill and Amroth to the eastern boundary of the National Park. Although quite densely settled, the rolling landform with small river valleys running to the coast and the amount of woodland cover and intervening agricultural land mean that the built form is not generally intrusive.

In terms of visual and sensory characteristics the area is defined as being a pleasant area of valleys with some visual links to the coast. It refers to wooded areas along several small valleys with streams flowing to the coast and that the valley sides are largely wooded with mixed species of trees within a wider agricultural landscape.

The application site fits into the description in that it forms an unspoilt area of agricultural land with dispersed pockets of development nearby. This includes a group of cottages, church, caravan site and shop to the west in Bethesda all of which appear to have developed along the A478. The east of the site comprises of Brooklands Nursing Home and mainly single dwellinghouses. The north of the site is characterised by surrounding farmland associated with Lower Hopshill and Hopshill Mountain farms.

Although the site is at a lower level than the adjoining highway and some views will be restricted the scheme will evidently transform the existing character of the site from that of unspoilt agricultural land into a tarmac surfaced and engineered platform. The built development and stored items for the site which include a large compactor shed, canopy structure, steel container, various skips, palisade fencing and column lighting are not readily found in the immediate locality and usually more readily associated with industrial sites and compounds.

The Authority therefore has to consider whether the type and form of development is suitable having regard to the character and appearance of the site, its surroundings and location within the National Park and the primary aims of policies 1, 7, 8, 15 and 30.

The applicant has produced an assessment of Landscape and Visual Impact and supplied an analysis of 4 viewpoints surrounding the site along with supporting photomontages. These provide photomontages of the development site at year 1 following completion of the development and at year 15 following the establishment of planting. Through the assessment the applicant accepts that there would be disruption to landscape character and visual amenity through the construction phase of the development, however, states that these effects, particularly the use of construction plant and materials storage, would be minimised by construction best practice.

The remaining analysis accepts that there will be glimpses of the development across the site with views from The Leys (a property to the west), Bethesda Cottages (properties to the West) although these views would be filtered and would diminish following the proposed hedgerow management and establishment of planting. However the establishment of planting itself is estimated to take approximately 15 years and the report does not rule out all views of the site with the report stating;

*"The A478 and adjacent hedgerows/trees will continue to form the foreground and frame limited views out to the wider landscape. Immediately following construction, oblique views of the proposed Civic Amenity and Recycling Centre would be available through the site access, set against a wooded*

*backdrop. Following the effects of proposed hedgerow management and establishment of planting (after approximately 15 years), the proposed Civic Amenity and Recycling Centre would be largely obscured for both car and bus users, with lighting columns visible against trees”.*

*(Environmental Report, page 42,)*

It is clear from the submitted photomontages that the proposed lighting columns positioned across the site will be readily visible due to their height in year 1 although the assessment refers to only 'glimpsed views' being visible and that they would be visible against trees. The supporting documents identify that 9 No. stand alone lighting columns are proposed, however, the plans mark out positions for 10 No. lighting columns around the site perimeter. Furthermore there are 4 lantern lights proposed to be affixed to the compactor shed. Each of the columns proposed stands 8m tall in height and would be positioned within the public area which lies above the operational area. With the public area set only slightly below the existing highway the columns would be positioned approximately 7.2m above the level of the existing highway. Whilst there is an existing hedgerow and additional planting is proposed the level of screening is only likely to cover between 4m and 5m above ground level as depicted on the application plans. As such even with the maturity of trees and plants following up to 15 years growth the lighting columns would remain highly visible from outside the site with between 2.2m and 3.2m of the upper portion of the lighting columns visible from the highway at ground level. Passengers travelling along the A487 by bus, coach or other high vehicles are likely to have elevated views and the lighting columns will be clearly visible.

Whilst the visibility of a development in itself is not the decisive matter what needs to be considered is whether these lighting columns would conserve or enhance the character and appearance of the National Park by not adversely affecting the qualities and special character of the National Park. The site lies in open countryside and dominated by surrounding unspoilt agricultural land. Whilst there is built development along the A478 the site is clearly one of an undeveloped nature and visible on entry into the National Park. The lighting columns would stand proud above the hedgerows, be visible from the highway and surrounding viewpoints and would not be sensitively or sympathetically sited within the landscape. They would introduce a clearly urban form of development in the countryside against the ethos of the National Park at protecting the character and appearance of the countryside from development which has an adverse impact. The lighting will cause significant visual intrusion both through the visible columns and the introduction of new lighting into an otherwise unspoilt and unlit area of countryside. Whilst being predominantly down lit the lighting will cause a significant adverse effect on the character and appearance of the area within the National Park and lose a sense of tranquillity. As such the lighting columns would be contrary to Policy 15 (Conservation of the Pembrokeshire Coast National Park) criteria a), b), c), d) and e) as well as Policy 8 (Special Qualities) criterion a) and Policy 9 (Light Pollution) criterion (b).

The largest built development on site relates to the proposed compactor shed which is positioned towards the west boundary of the site. As noted in the

submission this shed measures 20.5m in length, 13.75m in depth and approximately 6m in height. The structure is proposed to have a galvanised finish with green corrugated cladding to the roof and walls. The purpose of this facility is to provide space for the compactor and compactor skips. The second built development is the proposed canopy which lies along the south boundary of the site adjacent to the public access road within the site. The canopy proposed measures 16m across with a depth of 4.3m and height of 4.6m. This is proposed to match the compactor shed in finish in a galvanised finish and would provide space to house dry recyclables in 5 dedicated bays. Other site facilities proposed include a site office within a metal container, various skips, igloos, a height limiting barrier near the public access and palisade gates and fencing

Whilst it is accepted that these buildings provide a specialist environment within which to sort and recycle materials they are considered to be of a scale and appearance which is not of traditional design and would introduce an urban development into a countryside location. The introduction of metal fencing, metal containers and skips onto the land are furthermore not characteristic of a countryside setting.

In respect of visibility of these aspects the submitted Landscape Assessment identifies that there will be glimpses of the development following its completion and having assessed the submitted photomontages the visible aspects would appear to be mainly focused around the site entrance with the proposed site office, palisade fencing and further along the A478 there is potential to see glimpse of the buildings and their roofs. Whilst the majority of built development may potentially be screened, the submitted reports accept that this could take up to 15 years in view of the need for planting to mature. The site lies adjacent to the A478 a key entrance or gateway into the National Park which provides a significant number of visitors and residents access to Tenby, Saundersfoot and the surrounding coastal areas within the National Park. The introduction of this form of urban development into the landscape and particularly the hard lines created by the form and type of facilities will have an unacceptable impact upon the site and the special qualities of the National Park contrary to the aims of policy 15 criterion a), b), c) d) and e).

Whilst there is an existing access to and from the site the lawful use of the land remains as agricultural. In view of this the type of vehicles likely to currently be attracted to the site are farm vehicles in connection with agriculture which is expected in a countryside location. The proposed development would provide daily access to and from the site for members of the public with estimated traffic being between 340 and 348 trips a day. In addition to this the site is forecast to generate a maximum of 3 two-way daily HGV movements on the busiest day during any given week. In total the proposed facility is estimated to generate 14 two-way HGV movements during a typical week during operation. This level of access to and from the site is considerably over and above what could be expected from an agricultural use. In relation to the access it is also relevant to note that there would be proposed entrance signs positioned adjacent to the access with one sign either side positioned on a concrete plinth. The vehicle movements and

signage will have an impact upon the character and appearance of the area by virtue of changing the character and appearance of the access to cater for the industrial form of activity proposed. As such this is considered to impact detrimentally upon visual amenity in the National Park and as such is contrary to Policy 15 which aims at protecting the landscape character and special qualities of the National Park from adverse forms of development.

### **Neighbouring Amenity and Privacy**

Policies 29 and 30 of the Local Development Plan seek to protect community cohesion and health and to avoid incompatible development that would lead to a significant adverse impact upon amenity. Policy 30 explains that development will not be permitted where it has an unacceptable impact on amenity, particularly where the development is inappropriate for where people live or visit, where the development is of a scale incompatible with its surroundings, where the development leads to an increase in traffic or noise or odour or light which has a significant adverse impact and where the development is visually intrusive. The supporting text to the policy explains;

*“this policy aims to protect the amenity enjoyed by people in their residences, workspaces and recreational areas. Amenity is defined as those elements in the appearance and layout of town and countryside which makes for pleasant life rather than a mere existence. Anything ugly, dirty, noisy, crowded, intrusive or uncomfortable is likely to adversely affect amenity”*

*(Local Development Plan, Paragraph 4.136)*

Planning Policy Wales (Edition 5, November 2012) paragraph 3.1.8 advises that in considering planning applications local planning authorities must take into account any relevant views expressed by neighbouring occupiers and that whilst the substance of local views must be considered each case must be decided on its planning merits. With regard to public concern the Policy states that The Courts have held that ‘perceived fears’ of the public are a material planning consideration that should be taken into account. Paragraph 3.1.8 reads as follows;

*“When determining planning applications local planning authorities must take into account any relevant view on planning matters expressed by neighbouring occupiers, local residents and any other third parties. While the **substance of local views must be considered**, the duty is to decide each case on its planning merits. As a general principle, local opposition or support for a proposal is not, on its own, a reasonable ground for refusing or granting planning permission; objections, or support, must be based on valid planning considerations. There may be cases where the development proposed may give rise to public concern. The Courts have held that perceived fears of the public are a material planning consideration that should be taken into account in determining whether a proposed development would affect the amenity of an area and could amount to a good reason for a refusal of planning permission. It is for the local planning authority to decide whether, upon the facts of the particular case, the perceived fears are of such limited weight that*

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*a refusal of planning permission on those grounds would be unreasonable.”*

*(Planning Policy Wales, Edition 5, November 2012, paragraph 3.1.8, Page 30)*

In view of the above it is clear that the views of neighbouring and third parties are relevant in the decision making process. This application has brought with it a significant amount of objection centring on the relationship of the proposed Civic Amenity and Recycling Centre with the adjacent property Brooklands Nursing Home.

Whilst the principle of choosing to site the Civic Amenity and Recycling Centre adjacent to a nursing home is not, of itself alone, a material planning consideration the consideration of its appropriateness in terms of location, impact upon the amenity of neighbouring occupiers by reason of noise, odour, dust and traffic, as well as the impact of the proposal upon the wellbeing of the residents of Brooklands Nursing Home are all material considerations to be taken into account with the assessment to be made primarily on the basis of Policy 30 of the Local Development Plan.

An extensive level of consultation has been undertaken both prior to and following submission of the application and there is clear public opposition to the scheme presented. In general the letters received raise concerns regarding the principle of constructing the site adjacent to a Nursing Home and the potential for noise, traffic, attraction of vermin and the potential for distress to the residents of Brooklands Nursing Home.

The applicants have submitted a noise assessment for the proposed site to consider the noise impacts associated with the installation and operation of plant and equipment on site, as well as the noise impact associated with increased traffic on the A478. The assessment explains that in the case of waste management sites noise issues may arise due to general traffic noise, waste collection, vehicle manoeuvring and the deposition of waste. In addition glass/bottle banks raise matters of noise where bottles are smashed in the base of the containers.

The Authority has consulted with the Environmental Health Section of Pembrokeshire County Council with the advice being that there is a potential for activities on site to impact on residential amenity, however they feel that suitable conditions could be imposed to mitigate the impacts to a satisfactory level.

The consultation response advises that potential impacts may include noise from comings and goings of users and delivery and collection vehicles, noise from site activities, noise from site plant and equipment including skip compaction, lighting associated with the site as well as odour and dust.

Noise assessments of plant noise impacts have been submitted to support the application and in particular taking into consideration the sensitivity of the Brooklands Nursing Home. A daytime level of 55dB is recommended by the World Health Organisation (WHO) to ensure the amenity of people in gardens

and open areas. Using measurements taken from the Waterloo Waste Civic Amenity site carried out by Capita Symonds in 2005 noise was assessed in accordance with BS4142: 1997 using IMMI Noise Modelling Software. This allowed for more accurate consideration of distance between receptors, elevation of receptors and angle of view.

The submitted information predicts that the levels of noise generated from the development will be below the WHO target noise limit over the proposed opening hours. The predicted impacts are based on a 'worst case scenario' and assume that all plant and activities will be running simultaneously, and assumes a free-field for propagation of noise.

The data provided in the study states that at Brooklands, with all activities occurring simultaneously (i.e skip compactor, filling of bottle banks, loading of skips) operational noise impacts are predicted to be approximately 5.0 dB below background noise level without acoustic screens in place. With acoustic screens in place noise levels are predicted to be approximately 8dB below background at the most exposed façade and advises that complaints are unlikely. At Bethesda the worst case noise levels are predicted to be approximately 4 dB below background noise levels without acoustic screens in place and approximately 7 dB below background noise levels with acoustic screens in place.

Notwithstanding this the assessment also advises; *"at times impact noise from the glass/bottle banks may be audible at Brooklands Nursing Home and Bethesda"* It suggests, however, that localised screening to be provided at the glass/bottle bank will reduce noise impacts to below the background noise level at both locations as well as reduce noise impacts from individual noise events and complaints would be unlikely.

The Environmental Health Section note that the mitigation measures include screening comprising a 2.4m high noise screen around the glass collection skips to reduce noise from the glass/bottle banks. Consideration has also been given to use of site plant, such as the telescopic handler, and vehicles would be fitted with 'smart reverse alarms'. The delivery and removal of skips will only take place during site operating hours and the moving of the skips will be closely supervised to ensure they are moved gently into position and avoid unnecessary banging. Further measure such as managing staff behaviour and actions on site will be implemented to reduce site noise and staff are to be instructed not to shout on site and to switch off all plant when not in use. In this respect no objection is raised by Environmental Health subject to operating hours being confined to public hours of 8am to 5pm during 1 April to 30 September and 8am to 4pm during 1 October to 31 March. Operating hours suggested are 6.30am to 7.30pm. In relation to noise control a condition is requested in order to provide a scheme of noise control to be agreed in writing for mitigating noise from site activities.

In regard to operational traffic noise the assessment submitted concludes that there would be a net increase on 0.1dB level due to the additional traffic and this will not result in an adverse noise impact.



Construction noise levels have been predicted due to the absence of a detailed programme and inventory of construction plant. The information provided indicates there is a potential for significant construction noise impact where work takes place in close proximity to receptor locations. Baseline noise measurements indicate that noise levels are generally between 47 dB and 55dB during typical construction hours of 8am to 6pm although according to the information construction noise impacts would likely be above 60 dB and referred to as significant although advises that construction noise limits would need to be agreed with the Pembrokeshire County Council Pollution Control officer once a construction programme has been finalised. To minimise such noise the assessment advises that Best Practice Measures could be adopted.

In relation to odour the submitted Air Quality Assessment advises that the Civic Amenity and Recycling Centre has the potential to cause air quality impacts during the construction and operational phases. Potential construction phase air quality impacts were identified from fugitive emissions as a result of earthworks, construction and track out activities. These were predicted to be negligible at all sensitive locations subject to the implementation of good practice dust control measures.

The Assessment advises that potential impacts during the operational phases may occur due to road traffic exhaust emissions associated with vehicles travelling to and from the site. Predicted emissions were negligible at all sensitive receptor locations. Furthermore the operation itself may result in fugitive dust and odour emissions although the assessment concluded that this would be negligible at all sensitive receptor locations.

The Environmental Health Section of Pembrokeshire County Council raise no objection to the methods employed and recommends a condition be attached providing a scheme of odour control as well as a dust control scheme be submitted and agreed. It is also noted in the assessment that a number of management procedures have been proposed to minimise any adverse effect of site odours including:

- Putrescible (non-recyclable) waste would be stored in sealed containers and under cover where possible;
- Remove green waste storage containers on a regular basis to avoid significant degradation of material on site. This would be undertaken even if the container is only partially full
- Ensure paints and motor oils are stored in sealed containers as far as practicable;
- Remove compactor container seals effectively to avoid odour emission;
- A deodoriser would be available for application on odorous waste;
- Any particularly odorous waste would be removed from the site within 6 hours unless agreed otherwise with the Regulator;
- Cover and loads entering and leaving the site;
- Maintain a high standard of housekeeping and do not allow degradable materials to accumulate on-site;

- Do not store materials outside of designated containers/areas; and,
- Provide suitable staff training on odour management techniques and implications of not controlling emissions

Having regard to the submitted report and consultation response from Environmental Health the data provided suggests that conditions could be attached to control the noise and any odour emanating from the site.

In considering 'Amenity' it is important to consider not only the potential for noise, traffic and odour disturbance but to consider the appropriateness of the development in the location and its scale in the surroundings. Policy 30 advises that development will not be permitted where it has an unacceptable impact on amenity, particularly where, a) the development is for a use inappropriate for where people live or visit, the development is of a scale incompatible with its surroundings, c) the development leads to an increase in traffic or noise or odour or light which has a significant adverse impact; and/or d) the development is visually intrusive.

It is noted through the correspondence received that Brooklands Nursing Home provides specialist care for people with Alzheimer's and Dementia. The application site adjoins the boundary of the nursing home to the west. With a group of approximately 40 residents, staff and visitors to the site there will be distinct awareness of the Civic Amenity and Recycling site in close proximity as well as the activities taking place on site including the additional traffic to the site, the sorting of waste and recycling materials. The Authority has been advised that the most recent extension to Brooklands along its west elevation houses a specialist 5 bedded unit providing long term care for male clients with complex needs and is sited approximately 4m from the boundary of the application site.

A series of letters have been provided from professionals including consultant psychiatrists. These letters all raise similar concerns regarding the proposals and particularly the potential disruption, noise and levels of activity from the proposed development and the residents wellbeing. Dr Rowan Wilson, a Consultant Psychiatrist advises *"In my clinical view, the disruption, noise and increased level of activity that are likely to be associated with a recycling facility adjacent to Brooklands will have an extremely detrimental effect on the health of the patients who live there. They have conditions that benefit from a low-stimulus environment and noise/disruption/increased activity could lead to: i) A reaction in the form of increased distress; (ii) The emergence of challenging behaviour; and (iii) A possible accelerated decline in their condition"*. A letter from Dr K. O'Doherty advises; *"The home in question provides quality care and supervision of patients in peaceful and relaxing surroundings. Tranquillity and regularity of daily life being integral to the wellbeing of patients being cared for in this home"*. A letter from Tom Alexander, a Dementia Co-ordinator for Pembrokeshire advises that dementia often worsens sensory stimulation and foresees that extra noise could over stimulate, disorientate and cause distress for those with dementia at Brooklands and whilst in planning the noise impact has been made minimal this extra low-level noise could cause distress for those with dementia.

Whilst it can be accepted through the assessments provided that there is no objection raised by Environmental Health on noise or odour matters Policy 30 and more specifically criterion a) requires that the development is for a use that is appropriate for where people live and visit. In view of the relationship between Brooklands Nursing Home, and the close proximity of the access to the proposed Civic Amenity and Recycling Centre it can be concluded that the development proposed - an industrial type of development - is not appropriate for where people live and visit. Notwithstanding the provision of conditions to require noise and odour surveys the assessments determine that there remains potential for noise from the site. This potential for noise along with the likely additional vehicular movements to and from the site suggests that the siting of the site to provide public access for waste recycling in close proximity to Brooklands Nursing Home results in an inappropriate relationship between the two uses.

In relation to criterion b) of Policy 30 it can be determined that the Civic Amenity and Recycling Centre is of a scale that is not compatible with its surroundings. The surrounding site is characterised by a rural setting and complemented with properties of a residential form and scale. It cannot be held that the development would fit in with this context of existing built development.

With regard to criterion c) which refers to an increase in traffic, noise, odour or light which would have a significant adverse impact, the assessments conclude that whilst the development is unlikely to cause adverse harm and could be monitored through conditions there remains the potential for activities on site to impact on residential amenity as advised by Environmental Health. The location of the access to serve the site is of particular concern and whilst the traffic movements to and from the site may not result in an adverse impact upon highway safety there will remain potential for vehicles, once entering through the access to create intermittent noise through accelerating and stopping. Additionally the acoustic screening to the glass/bottle banks may reduce noise to the surrounding areas but there would remain potential for noise from this along with potential for general day to day noise from the environment created.

The final criterion to Policy 30, criterion d) refers to development which is visually intrusive not being acceptable. An assessment of the visual impact of the scheme has been made in earlier paragraphs concluding that there would be a harmful impact upon surrounding visual amenity

To summarise,

- it is accepted that measures could be introduced to provide mitigation of noise and odour in line with the recommendations of the Environmental Health Section of Pembrokeshire County Council. For example the proposed measures including the planting of bunds and provision of acoustic screens will help displace any noise and odour.

- there remains uncertainty that there would be no adverse noise or impact upon the residents of Brooklands Nursing Home including a number of vulnerable residents with challenging conditions and behaviour.
- the development will result in additional vehicular movements to and from the site and there will likely be additional noise and disturbance created as a result of this movement.
- Furthermore the nature of activity and the potential for noise disturbance gives rise to concerns that there will be an impact upon neighbouring amenity and particularly the residents of Brooklands Nursing Home.

For these reasons it is concluded that the development is for a use which would be inappropriate for a location near to where people live or visit particularly due to the close nature relationship between the application site and Brooklands Nursing Home. Furthermore the development will be of a scale incompatible with its surroundings which are typically a rural context with residential pockets of development. As such the scheme will impact unacceptably upon general amenity in the area and the scheme fails to comply with the aims of Policy 30 of the Local Development Plan.

#### **Access, Highway Safety and Parking**

It is accepted in the draft TAN 21 – Waste that waste management facilities have the potential to generate a large increase in vehicular movements within the locality. Vehicular movements, transport and access are material planning considerations. Policy 53 – Impacts of Traffic of the Local Development Plan is of particular relevance in that development will be permitted only where there will be no unacceptable impact of traffic on congested areas or at times of peak traffic flows, where traffic is likely to be generated at inappropriate times particularly at night in residential areas, where there is an unacceptable impact on road safety or where significant environmental damage would be caused and cannot be mitigated. This policy follows the aims of Technical Advice Note 18 – Transport.

It is clear from the proposal that access to the site is proposed from an existing made up access off the A478. It would appear that the access was constructed to the design standards of the road constructed although its intended use never implemented. The applicant's have submitted a Transport Statement to accompany the scheme, the purpose of which being to provide an assessment of the potential transportation impacts of the development and identify mitigation requirements where necessary.

Looking at the Traffic Statement it can be noted that various studies have been undertaken to support the scheme and this included an analysis of traffic flows and impacts in relation to the proposed development. An automatic traffic count (ATC) was conducted adjoining the site between Saturday 26<sup>th</sup> May and Friday 1<sup>st</sup> June 2012. The results of the survey commissioned showed that on a weekday morning in a peak hour (8:15 to 9:15) there were 707 vehicular movements, on an evening peak hour (16:30 to 17:30) there

were 806 vehicular movements and a peak hour on the weekend (11:00 to 12:00) there were 963 vehicular movements. The annual average of weekday traffic (between 06:00 and 24:00 Monday to Friday) was 9669. Results showed there was an average speed of 46 mph along the highway adjacent to the application site.

A study of accident data was also undertaken with analysis provided for a 5 year period prior to 29<sup>th</sup> February 2012. This identified that there were no accidents directly outside the site although a description of three accidents along the road provided with no specific trends of unusual data found.

A Traffic Impact Assessment has been provided and this sets out the vehicle trip rate and traffic generation methodology that has been used in order to forecast the volume of traffic that could be generated by the proposed Civic Amenity and Recycling facility. Taking into account the figures provided by the ATC the study sets out firstly an estimation of background traffic volumes along the A478 carriageway in 2012 without the development and 2018 without the development. The study then advises that figures provided by Pembrokeshire County Council forecast that the proposal is likely to generate 340 vehicle movements (one-way) on a typical weekday and 348 vehicle movements (one-way) on a typical weekend day.

With regard to the proposed development and taking a future year of 2018 there are estimated to be 38 more trips as a result of the development taking place than the existing 707 movements from the ATC, 46 more evening peak hour movements than 806 and 98 more weekend peak hour movements than the 96. As a result of the figures the study estimates that traffic generation would increase by 4.9% (morning peak hour), 5.3% (evening peak hour) and 9.5% (weekend peak hour). The predicted increase in average weekday and daily traffic flows on the A478 carriageway in 2018 with the development in place has been estimated to amount to 6.6% and 6.5%.

The Authority has consulted with the Highway Authority of Pembrokeshire County Council with no objection raised on highway safety or transportation matters. The response received considers access, trip generation and the layout and parking of the site.

In respect of access the Highway Authority advise that forward and exit visibility from the existing access is satisfactory and apart from localised amendments to the junction bell mouth to allow some widening it appears that no amendments are required to the existing junction layout to ensure it will operate safely. An area of concern raised through public consultation is the existence of 2 junctions in close proximity (Brooklands and Application Site) and the potential for conflict between the 2 particularly the queuing of vehicles along the turning bay. The Highway Authority note the potential for conflict of movement between the two accesses although when considering the relatively low level of traffic generation from both sites advise that the likely number of conflicts would be limited and the inter-visibility between the 2 junctions is adequate.

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Trip generation has been considered with comment that the Transport Statement has estimated a potential gross week day trip generation to the development of 340 1 way trips and 680 2 way. The Highway Authority notes that the suggested level of traffic can be accommodated within the highway network and on checking the methodology state that this would appear a reasonable conclusion. They also note that the assessment has not factored in link or diverted trips which is likely to reduce the estimated growth predicted and states that that conclusions are considered to be robust.

With regard to the layout and parking provided by the site the Highway Authority notes that the internal route is laid out as a one way system with set down areas for site users. The separation of customer and operational areas removes conflict and staff parking provided within the site appears adequate.

Based on the evidence provided in the Transport Statement and the response from the Highway Authority it can be reasoned that the scheme will not impact to any adverse degree upon the existing highway network and suitable access and parking is proposed to serve the use. As such the scheme complies with criteria listed within Policy 53 of the Local Development Plan. Notwithstanding the acceptability of the scheme on highway safety aspects and for the reasons set out above this would not override the harmful impact of the additional vehicular movements upon both visual and public amenity in the locality.

### **Nature and Archaeological Conservation**

Policy 8 criterion (d) of the LDP identifies that the priority is given to the protection and where possible enhancement of the historic environment. This policy is in line with guidance contained within Planning Policy Wales (5<sup>th</sup> Edition, November 2012) particularly Chapter 6 – Conserving the Historic Environment and the advice contained in Welsh Office Circular 60/96 – Planning and the Historic Environment: Archaeology.

In view of the above framework the applicant has undertaken an archaeological appraisal which has been undertaken to assess the archaeological potential of the application site. The scope of the appraisal was agreed with Dyfed Archaeological Trust to include a site visit, consultation of the historic environment record, historic maps and on-line databases to establish the presence or absence of any designated sites.

The search has revealed that there is a background of archaeological activity for several periods in the area. There is a Scheduled Ancient Monument (SAM) within 1km of the site, a standing stone, which indicates the importance of the area in prehistoric times. Other indications include medieval ridge and furrow as well as post-medieval farms and evidence of post-medieval industrial activity in the form of limekilns and coal pits. Notwithstanding this there is no evidence of such activity on the site itself and the conclusions identify that there is no evidence to suggest that the proposals would have any significant effect on any heritage assets.

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Dyfed Archaeological Trust has raised no objection to the scheme indicating that the proposal will not impact on a known archaeological resource. As such no further action or conditions would be required to protect the historic environment.

### **Land Drainage and Flood Risk**

The potential effects on water resources are a material planning consideration and there should be no possibility of run-off, spillage or leachate pollution of surface or groundwaters. Furthermore waste management facilities proposed in areas without existing flood defence infrastructure that are regularly or potentially subject to flooding are unlikely to be acceptable.

Policies 29, 32 and 34 of the Local Development Plan are therefore of relevance in considering water management and flooding.

The Authority has consulted with Natural Resources Wales and advice received notes that the application site lies within zone A as referred to by the development advice map (dam) referred to under Technical Advice Note 15 – Development and Flood Risk (July 2004). The Flood Map information, which is updated on a quarterly basis, confirms the site falls outside the extreme flood outline. Subject to a condition requiring the submission and agreement of a scheme to dispose of surface water there is no objection to the scheme submitted.

### **Biodiversity**

Policy 8 criteria (g) and Policy 11 of the LDP refer to the protection of biodiversity and identifying that development that would disturb or otherwise harm protected species or their habitats will only be permitted where the effects will be acceptably minimised or mitigated through careful design, work scheduling or other measures.

The scheme was supported with an Extended Phase 1 survey carried out on the land in May 2012. The site was surveyed for protected species and habitats and established there were limited opportunities for reptiles, evidence of badgers was recorded but no setts are present on site, there would be limited impacts on birds and bats. The trees on site are unaffected by the development and with careful timing nesting birds would not be disturbed. Two buildings are present on site but neither offer any roosting opportunities, several trees were identified that may be used by roosting bats but these are also unaffected by the proposed works. The area of marshy grassland was identified as a habitat of ecological value, this is to be lost as a result of the proposals however is to be recreated and enhanced within the footprint of the site.

Overall the proposed development is not expected to result in any significant adverse effects to protected species or habitats. The report makes recommendations including the addition of bat and bird boxes and it is encouraged that these are followed.

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Due to the proximity of the Beech Cottage, a SSSI component of Pembrokeshire Bat Sites and Bosherton lakes SAC a HRA screening assessment was undertaken. The screening comprehensively assessed the potential impact of the proposed development and concluded that there would be no significant effects on the conservation objectives of features of the SAC as a result of the development.

As long as the works are undertaken as per the drawings submitted and as per the recommendations made in section 4.9 (pages 32-33) of the *'New Hedges Civic Amenity and Recycling Centre – Environmental Report, Hyder Consulting, 22<sup>nd</sup> February 2013'* then there is a low likelihood of any adverse impacts on ecological features.

The Authority consulted with CCW (prior to the transfer of their functions to Natural Resources Wales on 1<sup>st</sup> April 2013) on receipt of the application. The response received advised of no objection to the scheme submitted. As such it can be concluded that the scheme would have no adverse impact upon protected species.

### **Land Stability**

The site constraints identify the site as being partly within a coal mining area, identified by the Coal Authority, as containing potential hazards arising from coal mining. As such and in accordance with the Authority's SPG – Land Instability – former coal workings required the submission of a Coal Mining Risk Assessment Report to be submitted and set out the position in relation to former mining activities and assess the risks from coal mining activities on the proposed development. The Draft TAN 21 states at paragraph 5.1 *"Waste management and disposal sites should not be located where they could be affected by land instability"*.

The submitted report includes up-to-date coal mining information and correctly identifies that the application site is located in an area where unrecorded underground coal mining activity may have taken place at shallow depth. The assessment recommends that intrusive site investigation works be undertaken to confirm coal mining conditions and to enable the design of any necessary mitigation measures prior to commencement of the development.

Through consultation the Coal Authority concurs with the findings of the report and offers no objection subject to a condition requiring intrusive investigation works as recommended in section 6 of the Coal Mining Risk Assessment be undertaken prior to the commencement of development. Subject to the imposition of a condition there is considered to be no objection on land stability matters.

### **Other Material Considerations**



The applicants suggest that an important material consideration is the economic considerations associated with the securing of grant funding to enable this development to take place. They state that the availability of financial support through the European Convergence Programme is key to this development proceeding and is the catalyst to enable the delivery of the scheme with the benefits to serve South East Pembrokeshire. They explain that failure to proceed with the development within the timescales set by the availability of grant support will threaten the provision of an identified need for a waste management facility and the failure to deliver an important element of the LDP. Whilst it is noted that the scheme is reliant on funding this in itself is not considered sufficient to outweigh the harm identified both in relation to the principle of the development when judged against the policy framework and upon the special qualities of the National Park. A site is not specifically allocated for such a use within the LDP and as such it cannot be judged to be an important element of the LDP.

In view of the cross boundary nature of the proposal and its siting within the county of Pembrokeshire it is also relevant to consider policy outside the National Park area. It is relevant to note the recent Adoption of the Pembrokeshire County Council Local Development Plan on 28<sup>th</sup> February 2013. In examining the final report the inspector on 5<sup>th</sup> February 2013 referred to the Council identifying a requirement for a new civic amenity site in south-east of the county due to the constrained size of the existing facility at the Salterns, Tenby. It had been noted that a site at Kingsmoor Common near Kilgetty had been identified in the Deposit Plan although deleted due to common land and access constraints. Reference was made to the identification of a site within the National Park although there was insufficient certainty that the site is deliverable. The inspector agreed that due to the uncertainty over the site the monitoring framework should include an indicator to measure progress towards finding the new site and that if found within the Plan area that a proposal would be judged against the Council's LDP policy.

Paragraph 6.162 of the Adopted Pembrokeshire County Council Local Development Plan states;

*"The Civic Amenity site at the Salterns, Tenby, is constrained by size. It serves communities within and outside the Pembrokeshire Coast National Park. A new site to serve South East Pembrokeshire is required and this could be located either within or outside the National Park. The Council has identified a potential site for the new facility within the National Park and intends to submit a planning application to the National Park Authority in the near future. If the application is unsuccessful, the search for a site will continue. If such a site is found in the Council's planning area, any related planning application would be considered through policy GN.41 (waste minimisation, re-use, recovery, composting and treatment), any other relevant LDP policies and national and regional guidance."*

There is no guidance or steer given in the Policy or the inspector's report to suggest that the site subject of this application is the only site that could provide the required need for a Civic Amenity Site in the area. Furthermore

there is no guidance as to why such a development should take place within a National Park, which by reference to the South West Wales Regional Waste Plan 1<sup>st</sup> Review (August 2008), is identified as an exclusion area in the Areas of Search for facilities serving more than one local authority area and being a major development should only be allowed in exceptional circumstances

As such there are no other material considerations that would override the principal objection to this development in the countryside and the harm identified above.

### **Conclusion**

It has been demonstrated from the information provided as part of the application that the existing Civic Amenity Site at The Salterns is not providing the same rate of recycling found elsewhere in the County at Hermon, Manorowen, Pembroke Dock, St David's and Winsel. As such its redevelopment or relocation has been identified as a priority to increase waste recycling in South East Pembrokeshire. It is also noted in the Pembrokeshire Coast National Park Local Development Plan that regard has been given in the supplementary text to Policy 27 – Local Waste Management Facilities for the provision of a 'relocated enlarged facility' within the National Park provided that Policy 15 is met and on the understanding that the facilities would 'predominantly serve the National Park area'. It would appear that the Authority accepted that there could be no new facilities in the National Park in line with the Regional Waste Plan although an exception could be made due to the existence of the site at the Salterns, Tenby.

Following a detailed consideration of the merits of the application it can be concluded that whilst there is a need for a new or enhanced Civic Amenity Site to serve South East Pembrokeshire the application site put forward for determination is not considered to be appropriate. The proposed development of the site is considered to represent an inappropriate and harmful urban form of development on land within the open countryside and along a key tourist route into the National Park. As such the proposed development will by its very form, character and scale erode the special character and qualities of the National Park and will not be compatible with the strategic aims of the National Park Authority and Policy 1 of conserving or enhancing the natural beauty, wildlife and cultural heritage of the Park, and the public understanding and enjoyment of those qualities. Further to this concern there is a lack of information to conclusively demonstrate that the proposed site for a Civic Amenity & Recycling Centre will serve predominantly the National Park Area in line with the aims of paragraph 4.120 of the Local Development Plan given the absence of Narberth from the catchment area of the proposal.

In addition to the principle identified above the industrial appearance of the development and its facilities, the associated lighting columns, vehicle movements and signage will impact unacceptably upon visual amenity and the special qualities of the National Park contrary to the aims of policies 8, 9 and 15. The lighting columns will by virtue of their form and positioning result

in the introduction of new lighting into an otherwise unspoilt and unlit area of countryside contrary to the aims of policies 8, 9 and 15.

Finally, whilst measures including the planting of bunds and provision of acoustic screens have been introduced in an attempt to mitigate noise, odour and disturbance from the development, particularly in view of its relationship with the adjoining Brooklands Nursing Home, there remains concern that the very form and nature of development will introduce disturbance to the lives of the vulnerable residents at Brooklands Nursing Home contrary to the aims of policy 30. Whilst the scheme is not predicted to result in noise levels being any greater than that of the background noise of the adjoining highway and any odour could be dealt with by suitable management procedures the increased level of vehicular access and movement to and from the site, the scale of heavy vehicles entering and leaving the site, the nature and type of activity taking place on the site and the potential for sudden noise disturbance will likely impact upon the residents at Brooklands Nursing Home to an unacceptable degree.

### **Recommendation**

The application be refused for the following reasons:

### **Reasons**

1. The proposed development of the site represents an inappropriate and harmful urban form of development on land within the open countryside and along a key tourist route into the Pembrokeshire Coast National Park. As such the proposed development will by its very form, character and scale erode the special character and qualities of the National Park and will not be compatible with the strategic aims of the National Park Authority and Policy 1 of conserving or enhancing the natural beauty, wildlife and cultural heritage of the Park, and the public understanding and enjoyment of those qualities. As such the development is contrary to the strategic aims of Policy 1 (National Park Purposes and Duty) of the Pembrokeshire Coast National Park Local Development Plan (Adopted September 2010).
2. Insufficient information has been provided to conclusively demonstrate that the proposed site for a Civic Amenity & Recycling Centre will serve predominantly the National Park Area in line with the aims of paragraph 4.120 of the Local Development Plan. As such the scheme falls to be considered against Policy 27 (Local Waste Management Facilities). The development proposed does not serve only the needs of the National Park area and is not located at an existing waste management site or B2 industrial unit. As such the development fails to meet the principal aims of Policy 27 and the specific location requirements of criterion b) of Policy 27 (Local Waste Management Facilities) of the Pembrokeshire Coast National Park Local Development Plan (Adopted September 2010).

3. The industrial type design and appearance of the development, the hard lines created by the form and type of facilities, the associated lighting columns, vehicle movements to and from the site and creation of signage at the entrance will impact unacceptably upon visual amenity and the special qualities of National Park by virtue of causing significant visual intrusion, being insensitively and unsympathetically sited within the landscape, introducing a use which is incompatible with its location, failing to harmonise with or enhance the landform and landscape character of the National Park and failing to incorporate important traditional features contrary to Policy 15 (Conservation of the Pembrokeshire Coast National Park) criteria a), b), c), d) and e) and Policy 30 (Amenity) criterion d) of the Pembrokeshire Coast National Park Local Development Plan (Adopted September 2010).
4. The proposed lighting columns will by virtue of their form and positioning result in the introduction of new lighting into an otherwise unspoilt and unlit area of countryside. The additional lighting although predominantly down lit will cause a significant adverse effect on the character and appearance of the area within the National Park and lose a sense of tranquillity. As such the development is contrary to the aims of Policy 8 (Special Qualities) criterion (a), Policy 9 (Light Pollution) criterion b), Policy 15 (Conservation of the Pembrokeshire Coast National Park) criteria a), b), c), d) and e) and Policy 30 (Amenity) criteria c) and d) of the Pembrokeshire Coast National Park Local Development Plan (Adopted September 2010).
5. The proposed development will result in significant vehicular movements to and from the site and the associated noise and disturbance as a result of the additional vehicular movements, the scale of heavy vehicles entering and leaving the site, the nature and type of activity taking place on the site and potential for any sudden noise disturbance will likely impact unacceptably upon the living conditions of the vulnerable residents residing in Brooklands Nursing Home adjacent to the application site. As such the proposed development for a Civic Amenity and Recycling Centre adjacent to an existing Nursing Home is considered to be a use inappropriate for where people live or visit and is of a scale incompatible with its surroundings and is therefore contrary to the aims of Policy 30 (Amenity) criteria a) and b) of the Pembrokeshire Coast National Park Local Development Plan (Adopted September 2010).



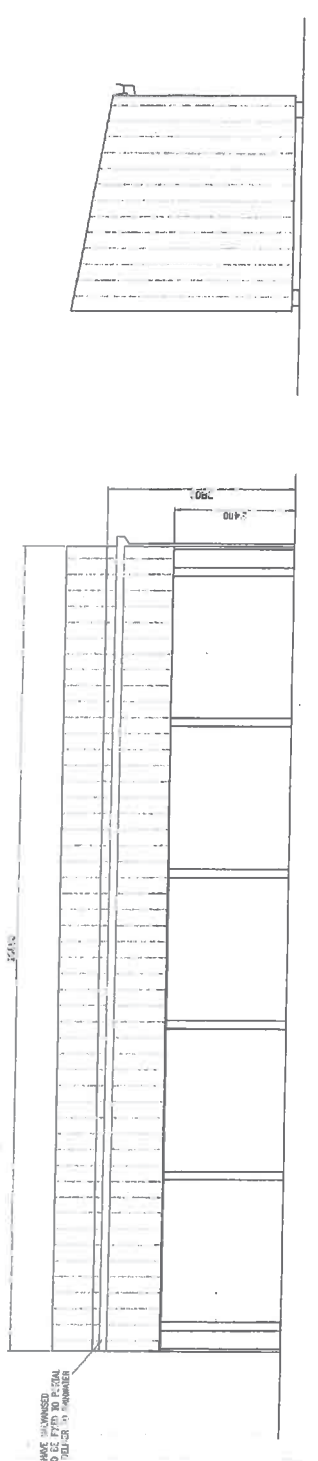








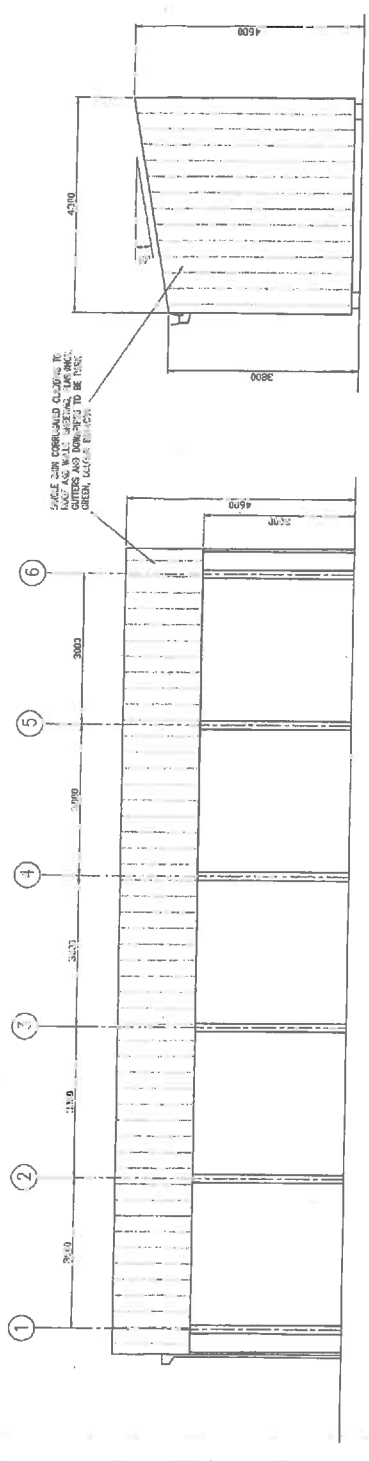




TRUSS STRUCTURE TO HAVE SWAYBRANSED  
 RAFTERS DOWN PIPES TO BE FITTED TO REGIONAL  
 CODES AND TYPICAL TO REQUIREMENT

SOUTH WEST ELEVATION

NORTH WEST ELEVATION



TRUSS STRUCTURE TO HAVE SWAYBRANSED  
 RAFTERS DOWN PIPES TO BE FITTED TO REGIONAL  
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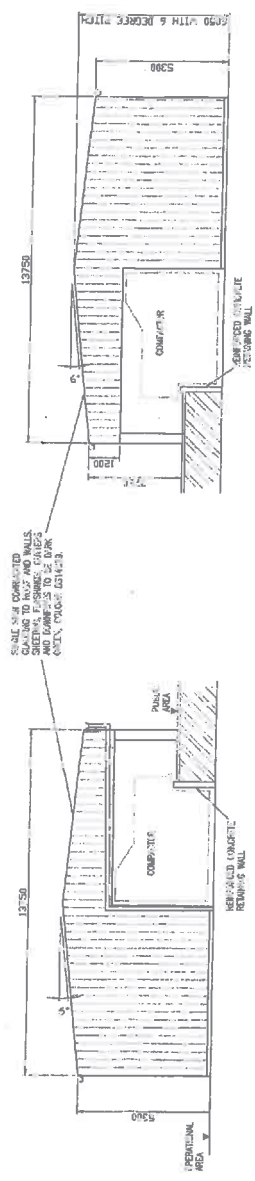
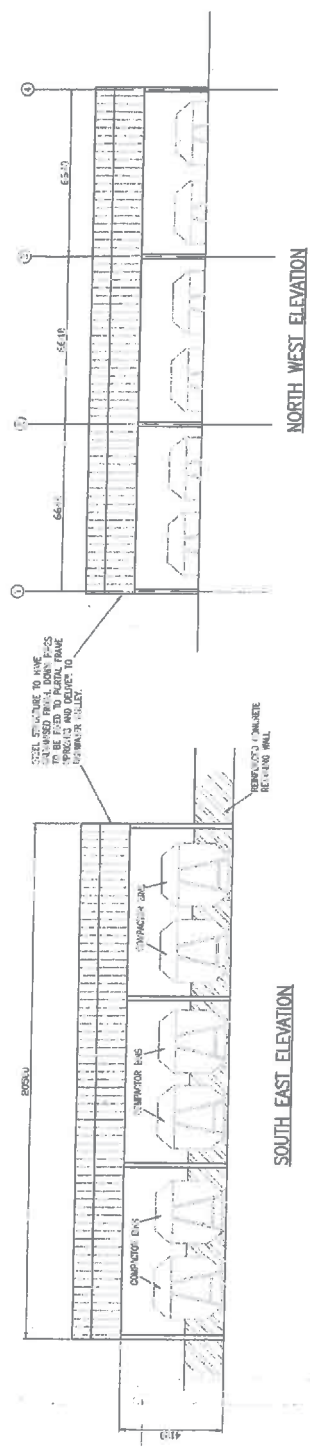
**PEMBROKESHIRE COUNTY COUNCIL**  
**CYNGOR SIR PENFRO**

100 High Street, Tenby, Pembrokeshire, SA71 1AA  
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**NEW HEDGES CIVIC AMENITY AND RECYCLING CENTRE**

PROJECT NO: CA1502  
 DRAWING NO: P1011  
 DATE: 13/09/11

Item 6a)



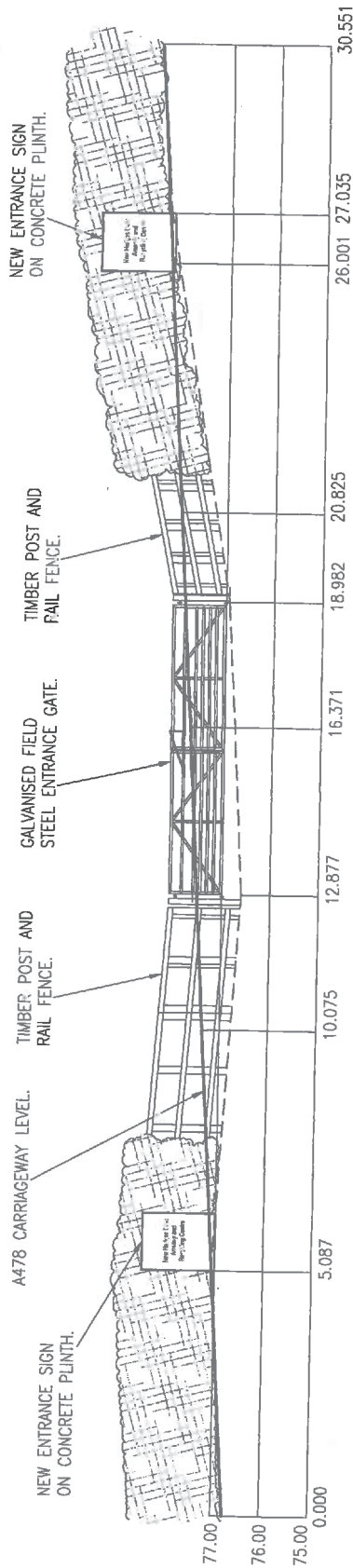
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**CYNGOR SIR PENFRO**

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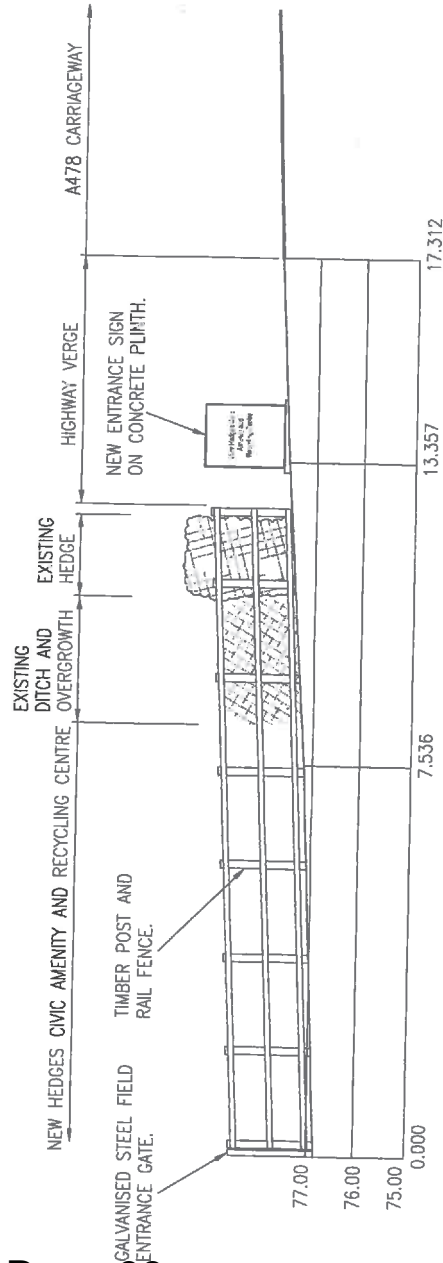
**NEW HEDGES CIVIC AMENITY AND RECYCLING CENTRE**

**COMPACTOR SHED ELEVATIONS**

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PROJECT NO.	CA3502	PLAN	...



**PROPOSED ELEVATION OF MAIN ENTRANCE**  
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**PROPOSED SECTION OF MAIN ENTRANCE**  
SCALE 1:100



**PEMBROKESHIRE COUNTY COUNCIL**  
**CYNGOR SIR PENFRO**

Jan R. Wesley B.Eng(Hons), C.Eng, M.I.Mech.E., M.C.I.B.S.E.  
Cyfarwyddwr Cludiant ar Amgloboed Director of Transportation & Environment  
Pembrokeshire County Council  
County Hall, Haverfordwest,  
Sir Benfro, SA61 1TP  
Ffôn: 01437 764551  
Ffacs: 01437 769451  
www.pembrokeshire.gov.uk

**DRAWING TITLE**  
ENTRANCE ELEVATION AND SECTION

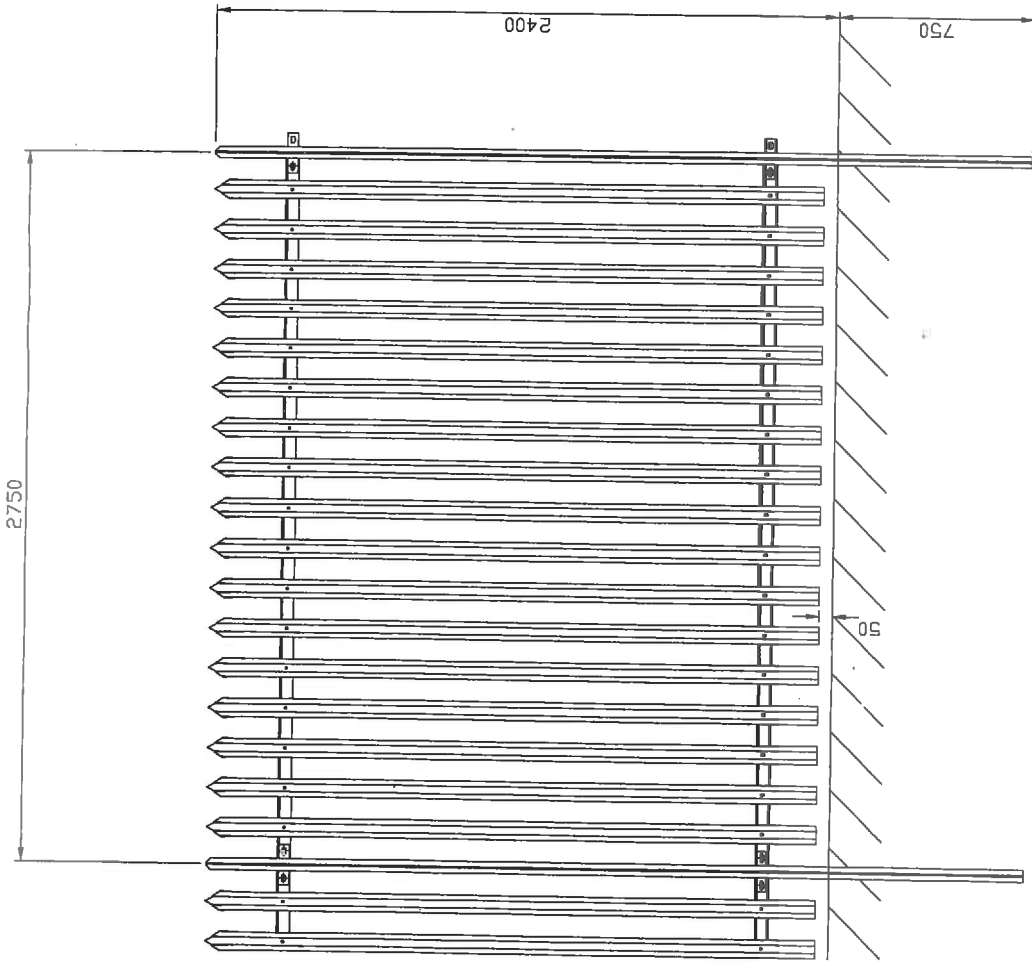
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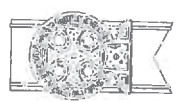
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**PEMBROKESHIRE  
COUNTY COUNCIL  
CYNGOR SIR  
PENFRO**

Ian R. Westley B.Eng(Fibre), C.Eng, M.J.Mech.E., M.C.I.B.S.E.  
 Cyngorwr/Councillor ar Angŷfoddd  
 Cyngor Sir Penfro,  
 Newydd y Sir, HWYFORDD,  
 Sir Bedfor, SA61 1TP  
 Ffôn: 01437 764551  
 Ffacs: 01437 769451  
 www.pembrokeshire.gov.uk

Director of Transportation & Environment  
 Pembrokeshire County Council,  
 County Hall, HWYFORDWEST,  
 Pembrokeshire, SA61 1TP  
 Tel: 01437 764551  
 Fax: 01437 769451  
 www.pembrokeshire.gov.uk

**DRAWING TITLE**  
 TYPICAL PALISADE  
 FENCE PANEL

**DRAWN BY** CPJ  
**CHECKED** RML

**DATE** 07/12  
**SCALE** AS SHOWN @ A3

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<b>CAD REF.</b> CA3502_PL024	<b>PROJECT PHASE</b> PLAN	<b>REV.</b>
		<b>DRAWING No.</b> CA3502_PL024
		<b>REV.</b>








Jane Gibson, BA (Hons) MRTPI  
Director of Park Direction and Planning  
National Park Offices  
Llanion House  
Pembroke Dock  
Pembrokeshire  
SA72 6DY

18 June 2013

Dear Mrs Gibson

**Development Management Committee Meeting 19<sup>th</sup> June 2013: Application Ref: NP/13/0093 - Construction of Civic amenity and Recycling Centre, incorporating an internal access road, site access improvements, erection of a compactor shed, canopy shed and welfare office, provision of containers, skips and igloos, staff and visitor parking, weighbridge area and quarantine area, lighting and site signage, fencing and landscaping works on land adjoining Brooklands, Saundersfoot, Pembrokeshire.**

Further to the letter of your Chief Executive dated 17<sup>th</sup> June 2013 addressed to the County Council's Director of Transportation, Housing and Environment, in which you inform that you are unable to accept the request for the planning application to be deferred, I have been instructed, as agent for the Council to confirm that we wish to formally withdraw the planning application, as currently submitted.

This position follows the advice provided to the Council that it could, if so wished, withdraw the planning application in order to address the reasons for refusal in a future submission.

In the circumstances therefore, this is considered to be a necessary course of action to enable the Council to consider its position more fully, in order to determine an appropriate response in the light of the planning officer's recommendation and the reasons for refusal.

I should be grateful if you could formally confirm the Authority's acceptance of this request and that as a consequence, the planning application should not be considered for determination at tomorrow's Development Management Committee Meeting.



INVESTOR IN PEOPLE





I should also be grateful if you could advise your colleagues that the request, previously made by ourselves to speak at tomorrow's Meeting is also hereby withdrawn.

Should you require any further information in relation to this request, please contact me.

Yours sincerely

A handwritten signature in black ink, appearing to read "David Jones".

**David Jones**  
**Principal Planning Consultant**

# Agenda Item 4.11

## **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

Carl Sargeant AC / AM  
Y Gweinidog Tai ac Adfywio  
Minister for Housing and Regeneration



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref CS/00886/13

William Powell AM  
Petitions Committee Chair  
Cardiff Bay  
Cardiff  
CF99 1NA  
committeebusiness@Wales.gsi.gov.uk

15<sup>th</sup> May 2013

Dear William Powell AM,

Thank you for your letter of 24 April with regard to a petition seeking financial assistance to support Powys County Council's representation at the co-joined public inquiry for five wind farms.

The five proposed wind farms in Powys, subject to the co-joined public inquiry, are all over 50MW and as such are not devolved to the Welsh Government; they are the responsibility of the UK Government. With such applications, it is the right of the local planning authority to object and trigger an independent public inquiry. Following Powys County Council's objections to these applications the UK Government called a co-joined public inquiry. The Welsh Government has no jurisdiction for these applications and is unable to intervene in this process. The funding of the co-joined public inquiry is a matter for Powys County Council and the UK Government to resolve.

I am however aware of the resource implications of strategic renewable energy applications located in the Strategic Search Areas and as such the Welsh Government provides financial support for local planning authorities who have to respond to such applications for which they receive no planning fee income. The Welsh Government also provides direct financial support to local planning authorities who need external technical assistance in order to help them determine applications involving innovative technologies with which officers may be less familiar. Powys County Council in particular has received £390,000 from the Welsh Government since 2008.

**Carl Sargeant AC / AM**  
Y Gweinidog Tai ac Adfywio  
Minister for Housing and Regeneration

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



**Jeremy Patterson,**  
**Prif Weithredwr**  
**Chief Executive**

County Hall / Neuadd y Sir,  
Llandrindod Wells,  
Powys  
LD1 5LG

*If calling please ask for / Os yn galw gofynnwch am*

William Powell A.M.,  
National Assembly for Wales,  
Cathays Park,  
CARDIFF,  
CF1 3NQ.

Mr. J.R. Patterson

*Tel / Ffôn:*

01597 - 826199

*Fax / Ffacs:*

01597 - 826149

*Email / Llythyru electronig:* [jeremyp@powys.gov.uk](mailto:jeremyp@powys.gov.uk)

*Our ref / Ein cyf:*

JRP/CE.01/104

*Date / Dyddiad:*

16 May 2013

Dear Mr. Powell,

**National Assembly for Wales Petitions Committee**

Thank you for your letter dated 24 April 2013.

I appreciate you seeking my views in this matter. In fact, I wrote to officials in Welsh Government last summer on behalf of elected Members seeking financial support for the public inquiry process. In response, the point was made that whilst the government continues to support our authority in helping commission expert input into the planning process, prior to decisions being taken, any such financial support does not extend to funding the costs of defending decisions, for example, at public inquiry.

My understanding is that this has been the government's consistent stance in this matter although I would be very interested in hearing any updated view in the light of the petition.

Once again, thank you for the opportunity to feed into the process. However, following my unsuccessful attempts last year, I feel that there is little that I can add at the present time.

Yours sincerely

**Jeremy Patterson**  
**Chief Executive**

Gwasanaethau effeithiol ar gyfer calon werdd Cymru  
Efficient services for the green heart of Wales

**P-04-473 Wind Farm Public Inquiry Financial Support -  
Correspondence from the petitioner to the Committee,  
22.06.2013**

**Additional information for Petitions Committee below**

1. Reply to my letter sent 3rd March - from Mr Kris Hawkins
  2. Copy email from me ( John Day) with additional question to Mr Kris Hawkins and First Minister
  3. Petitions Committee
- .....  
.....

**1. Reply to my letter sent 3rd March**

Ein cyf/Our ref TO/JG/00469/13

21 March 2013

Dear Mr Day

I refer to your letter of 3 March to the Rt Hon Carwyn Jones AM, First Minister, concerning a public inquiry into an application for wind farm development in Powys.

The UK Government has responsibility for making decisions on applications for wind energy development generating over 50 megawatts. The Welsh Government has no formal role in the decision making process for such projects.

All of the planning fee for such applications is passed to the Planning Inspectorate's National Infrastructure Directorate, and although the relevant local planning authority is expected to undertake substantial work to support the Inspectorate's determination of these applications, and potentially bear extensive costs as a result, it receives no fee from the applicant and no financial support from either the UK Government, or the Planning Inspectorate.

Despite the fact that these applications are made to the UK Government, the Welsh Government has allocated funding from the Planning Improvement Fund, which is targeted at making improvements in the delivery of planning services at the local level, to go some way to reimbursing the costs experienced by local planning authorities when responding to consultation by the Planning Inspectorate on such cases.

When responding to consultation by the Inspectorate, the local planning authority should make its views on the application known, on the basis of national and local policy and material considerations. Where the recommendation is to refuse, then an inquiry is automatically generated; the local planning authority will have to defend this recommendation at a public inquiry and will also have to bear the costs of the inquiry. Powys County Council would have been aware of these procedures.

The decision to object to the wind farm developments in question is a matter exclusively for Powys County Council. In addition, the funding of public inquiries and the distribution of planning fees paid by major wind farm developers remain non-devolved matters, and your concerns about the costs borne by Powys County Council in relation to its recommendations, are matters for the Council, and the UK Government to consider respectively.

Yours sincerely

Kris Hawkins  
Resources and Delivery Branch  
Planning Division

.....  
.....

2. Copy email from me (John Day) with an additional question to Mr Kris Hawkins and First Minister Carwyn Jones

sent 22nd June 2013

For the attention of Rt. Hon Carwyn Jones AM First Minister and Mr Kris Hawkins, Resources and Delivery Branch, Planning Division

National Assembly for Wales  
Cardiff Bay  
Cardiff  
CF99 1N

Thank you for your letter referenced TO/JG/00469/13 (in reply to my letter dated 3rd March 2013)

I have one further question, is it within your power to provide the funding to help with the costs incurred by Powys County Council with the Public Inquiry?

regards  
John Day

.....  
.....

**3. Petitions Committee**

***I thank the staff in the Petitions Committee for their help whilst setting up this petition .***

***Your website states that a petition is a way of asking the National Assembly to consider any issue, problem or proposal that the Assembly has the power to do something about. The Assembly has set up a***

***Petitions Committee to consider admissible petitions and to decide what action should be taken.***

***In this case the Welsh Government representative appears to be saying in his letter (copy above) that it is not within their power, and yet the Presiding Officer must have decided that it does have the power by allowing the petition.***

***Those who support the petition believe that the Welsh Government take local views into account whilst making decisions that affect all of us, now I'm not so sure.***

***The role and power of the Petitions Committee and the process may require reviewing to ensure that the electorate are not mis-led into thinking that they do have influence.***

John Day 22nd June 2013

# Agenda Item 4.12

## **P-04-440 : Say NO to Asset Stripping Bronllys Hospital**

### **Petition wording:**

We call upon the National Assembly for Wales to urge the Welsh Government to reject any attempt by the Powys Teaching Health Board to asset-strip the Bronllys Community hospital by closing or moving its Stroke Unit, nor by placing new services or service facilities for the region elsewhere and rather to instruct the Health Board to devise a strategy to build or re-build, improve and/or extend this NHS Hospital's facilities, and services and resource expertise; and to retain and re-build this valuable community asset as a centre of excellence.

We further call upon the National Assembly for Wales to urge the Welsh Government to instruct the Health Board to place Bronllys Hospital at the centre of its strategy for the provision of adult and older people's health services in South East Powys for the next 50 years, and to release the necessary resources to make this happen.

**Petition raised by:** Michael Eccles

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

**Number of signatures:** 2,200





CYNGOR IECHYD CYMUNED  
COMMUNITY HEALTH COUNCIL

BRYCHEINIOG A MAESYFED | BRECKNOCK & RADNOR

18.  
40

Cyngor Iechyd Cymuned Brycheiniog a Maesyfed  
Brecknock & Radnor Community Health Council  
Neuadd Brycheiniog  
Ffordd Cambrian/Cambrian Way  
Aberhonddu/Brecon  
Powys  
LD3 7HR

31<sup>st</sup> May 2013

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

Your ref: P-04-440

Dear Ms Stockes

### **BRONLLYS HOSPITAL – STROKE UNIT - PETITION**

1. I refer to the letter dated 8<sup>th</sup> April 2013 signed by the Chair of the Petitions Committee, William Powell AM, and to our subsequent telephone conversation. I note that the Petitions Committee is considering a petition which collected 2,220 signatures and was submitted by Mr M Eccles.

2. The Petitions Committee ("the Committee") will be aware that Powys Teaching Health Board undertook engagement in 2011 with the communities of south east Powys following the publication of its discussion document entitled "New Directions for Health Care Services for South East Powys". In January 2012, the Community Health Council responded to the engagement process. In particular, the CHC

ffon | tel: 01874 624206  
ffacs | fax: 01874 611602  
Email: [breconchc@breconchc.org.uk](mailto:breconchc@breconchc.org.uk)

informed the Health Board that it (the CHC) would require the Health Board to undertake formal public consultation about any proposals to transfer the stroke rehabilitation unit, currently provided at Bronllys Hospital, to Breconshire War Memorial Hospital. In September 2012, the Health Board published its public consultation document which indicated its preferred option to relocate stroke rehabilitation services (the stroke unit) at Bronllys Hospital to Breconshire War Memorial Hospital.

3. As required by the Community Health Council a period of public consultation was initiated from 24<sup>th</sup> September 2012 to 30<sup>th</sup> November 2012. Towards the end of the consultation period – on Wednesday 28<sup>th</sup> November 2012 – the CHC Chair and Chief Officer received representation from Talgarth Town Councillors and the Chair of the Bronllys Hospital and Community League of Friends requesting an extension to the period for responses to the public consultation. I must advise that the CHC did not receive similar representation from any other areas of south east Powys. However the Community Health Council responded positively to the representations made and agreed (in conjunction with the Health Board) to extend the period of consultation until Friday 14<sup>th</sup> December 2012.

4. In respect of the period of engagement in 2011 and the formal public consultation in 2012, the Community Health Council followed the guidance issued by Welsh Government in March 2011 to the NHS entitled "Guidance for Engagement and Consultation on Change to Health Services".

5. In relation to the general principles for managing service change the Welsh Government guidance advises that a CHC should:

ffon | tel: 01874 624206  
ffacs | fax: 01874 611602  
Email: [breconchc@breconchc.org.uk](mailto:breconchc@breconchc.org.uk)

- carefully consider service change proposals and assess their benefits and risks to the community as a whole as well as particular groups
- work with the NHS body to seek views and foster debate
- take a strategic and “whole system” view of change proposals, and consider whether they are in the best interests of health services
- work with the NHS to address major and immediate concerns about safety and sustainability where urgent action is needed
- ensure that objections to change proposals are based on sound arguments in terms of how safe and sustainable services can be provided from within available resources
- propose alternative solutions for providing/maintaining safe and sustainable services within available resources
- recognise that maintaining status quo is not an acceptable response if safe and sustainable services cannot be maintained within the available resources
- in its dealings with NHS bodies on such issues of sensitivity, recognise the importance of due governance, including maintaining confidentiality, in line with the requirements set out in the CHC Member Code of Conduct.

The CHC carried out its responsibilities in the context of the guidance.

6. Following the closure of the consultation period, CHC members were provided with copies of the responses received by the Health Board and Community Health Council to the consultation proposals. Members were provided, also, with a systematic themed analysis of the responses received and with the CHC’s non-verbatim reports taken at each of the public meetings. It must be emphasised that the analysis provided by CHC officers was undertaken independently of the Health Board. In addition, Members also received an analysis in relation to stroke service

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provision from 2009 to 2012 by GP practice. This data was supplied by the Health Board and is reproduced below:

Practice	2009/10	2010/11	2011/12
Ystradgynlais	25	19	12
Brecon	40	25	29
Knighton	6	6	5
Rhayader	6	6	4
Builth Wells	20	14	8
Llandrindod Wells	21	22	16
Crickhowell	19	12	12
Hay/Talgarth	14	10	7
Presteigne	7	10	5

7. Your letter refers to a petition containing 2,220 signatures, whereas page six of the enclosure to your letter refers to a petition of 3,144 signatures. The petition received and considered by CHC members contained 3,144 signatures. We were not and are not aware of a separate petition of 2,220 signatories.

8. The Welsh Statutory Instrument 2010 No. 288(W.37) [The Community Health Councils (Constitution, Membership and Procedures)(Wales) Regulations 2010] advises at Schedule 2 that this Community Health Council relates to the district of Radnorshire and Brecknock which forms part of the Principal Local Governance Area of Powys. In performing its functions, this CHC must have regard to the need within Brecknock and Radnor:

- (a) for systematic, continuous engagement with the local population and community groups within its district, in order to appropriately represent the

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public's view on the operation of the National Health Service within that district;

(b) to consider any proposed new service or service change within the context of such current priorities, resources and governance structures as are notified to it by the Welsh Ministers; and

(c) for constant evaluation of existing health services in its district.

In this regard, the CHC noted that of the 3,144 signatures, 82 were individuals resident in Brecknock and Radnor. The remaining signatures were resident in areas beyond the district of the CHC. Consequently I have to advise that the CHC did not have and does not have the authority to represent the views of patients and public resident beyond its area. Nevertheless, members received and considered the points submitted by the author (s) of the petition. CHC Members had to consider all the views expressed in the context of the both south east Powys and the catchment areas of the stroke rehabilitation unit, which includes much of the north of Brecknock and Radnorshire in addition to south east Powys. The Welsh Government guidance expects CHCs to '*take a strategic and "whole system" view of change proposals, and consider whether they are in the best interests of health services*'. The CHC had to carefully consider the proposals and assess their benefits and risks to the community as a whole as well as particular groups. In assessing the impact of proposed changes the Community Health Council is not permitted to take a partisan role.

8. The Petitioners to your Committee have stated that *they* (the CHC) *created a consultation process that was all smoke and mirrors*. I should emphasise to the Committee that the CHC did not create the consultation process. The Health Board and CHC in partnership followed Welsh Government guidance concerning the public consultation process. At the first public meeting, it was evident that the Health Board's consultation document was not as clear and as straight forward as it should

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ffacs | fax: 01874 611602  
Email: [breconchc@breconchc.org.uk](mailto:breconchc@breconchc.org.uk)

have been. At that and subsequent meetings the Health Board delivered a clearer presentation about its proposals. As stated above, whilst the consultation document was not as clear as it should have been, it did contain details of the Health Board's option proposals and the preferred option to transfer stroke rehabilitation services from Bronllys Hospital to Breconshire War Memorial Hospital. In its formal response to the Health Board, the CHC made it clear to the Board that future consultation documents had to be clear and understandable. In short (CHC) members expect improved quality documents that are "to the point".

9. CHCs listen to and consider the views expressed by public and patients and seek to reflect them in their work. If a health proposal is unpopular, CHCs are not able, simply, to say "No" and reject the proposal out of hand. The Welsh Government guidance is clear about how CHCs should respond if it cannot support a proposed service change, ie when the CHC considers the proposed change is not in the interest of the area. In the context of south east Powys members considered the Health Board's preferred option, for stroke rehabilitation services would be in the interests of the entire area.

10. I trust that the information presented above will assist your work.

Yours sincerely



**J D Adams**  
**Prif Swyddog**  
**Chief Officer**  
**Brecknock & Radnor CHC**

**Prif Swyddog Dros Dro**  
**Interim Chief Officer**  
**Montgomery CHC**

ffon | tel: 01874 624206  
ffacs | fax: 01874 611602  
Email: [breconchc@breconchc.org.uk](mailto:breconchc@breconchc.org.uk)

## **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

Mark Drakeford AC / AM  
Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol  
Minister for Health and Social Services



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref P-04-471  
Ein cyf/Our ref MD/00680/13

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

9 May 2013

committeebusiness@Wales.gsi.gov.uk

Dear William

Thank you for your letter of 24 April on behalf of the Petitions Committee regarding Petition P-04-471 which calls on the Welsh Government to provide defibrillators in all Welsh public places.

I am grateful to you providing the supporting evidence which Mr Phil Hill collated for the petition. I have forwarded this to the relevant officials who lead on this matter.

The Welsh Government recognises the value of defibrillators in appropriate circumstances and the Welsh Ambulance Services NHS Trust (WAST) has introduced them into key public areas such as train stations, as well as carrying out resuscitation training for the public on their use.

On 8 May I launched *Together for Health – A Heart Disease Delivery Plan*. The Plan, which covers the period 2013-2016, is designed to minimise incidence of preventable heart disease and ensure that those affected by any kind of heart disease receive timely access to quality services. Delivery Theme 3: *Fast and Effective Care*, includes a priority for Local Health Boards, working with WAST and the British Heart Foundation, to review provision of defibrillators in public places and community first responders to ensure adequate provision and training.

Best wishes

Mark

**Mark Drakeford 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.Mark.Drakeford@wales.gsi.gov.uk



**Our Ref/Ein Cyf:**  
**Your Ref/Eich Cyf:**  
**Date/Dyddiad:**  
**Please ask for/Gofynnwch am:**  
**Direct line/Llinell uniongyrchol:**  
**Email/Ebost:**

ST/SJ  
P-04-471  
2 May 2013  
Steve Thomas  
029 2046 8610  
steve.thomas@wlga.gov.uk



**WLGA • CLILC**

William Powell AM  
Chair  
Petitions Committee  
Cardiff Bay  
Cardiff  
CF99 1NA

Dear Mr Powell

Thank you for your letter of 24<sup>th</sup> April on the provision of automated external defibrillators within local government "public places". WLGA fully accepts that this is a crucial issue and one which can save lives. There is strong evidence, as reported in guidelines from the European Resuscitation Council (ERC),<sup>1</sup> that using automated external defibrillators in the management of cardiac arrest outside of hospital, improve survival. Our problem however is that the WLGA does not have the capacity to collect the scale of information you seek. We have no dedicated health and safety professionals within WLGA or resource to undertake this. It would in turn require all authorities to undertake an extensive and potentially costly survey not least of all in terms of leisure centres, libraries, schools, residential care homes etc.

Bearing in mind the severe resource constraints we are facing I will write out to seek the policies of authorities on this but I'm afraid that this is about the extent of the assistance we can provide on this enquiry.

Yours sincerely

**Steve Thomas CBE**  
Chief Executive / Prif Weithredwr

Steve Thomas CBE  
Chief Executive  
Prif Weithredwr

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

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

[www.wlga.gov.uk](http://www.wlga.gov.uk)



Our reference: CC/JD/JP  
External Telephone Number: 01656 655555  
Internal Extension Number:

Your reference: P-04-471

3<sup>rd</sup> May 2013

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

Dear *William*

Thank you for your letter regarding the recent petition submission for automated external defibrillators. I am grateful for the opportunity to be able to influence such an initiative and have referred the request to ACC Julian Kirby who will provide a force response to this important issue in due course.

Yours sincerely

*Peter*

Peter Vaughan, QPM  
Chief Constable

**HEDDLW DE CYMRU**  
Pencadlys Heddlu De Cymru, Heol y Bont-faen, Penybont CF31 3SU  
Mewn argyfwng ffoniwch **999**, fel arall, ffoniwch **101**  
Gwefan: [www.heddlu-de-cymru.police.uk](http://www.heddlu-de-cymru.police.uk)

**SOUTH WALES POLICE**  
South Wales Police Headquarters, Cowbridge Road, Bridgend CF31 3SU  
In an emergency always dial **999**, for non-emergencies dial **101**  
Website: [www.south-wales.police.uk](http://www.south-wales.police.uk)



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

**Our Ref:** HJ/JAG  
**Your Ref:** P-04-471  
**Date:** 14 May 2013  
**Contact:** Huw Jakeway  
**Tel:** 01443 232006

Dear Assembly Member

In responding to the petition presented by Mr Hill, it is important to firstly acknowledge our Service's position on the availability and use of Automated External Defibrillators (AEDs). South Wales Fire and Rescue Service (SWFRS) has over 100 AEDs throughout our communities either via static sites or a combination of static and roaming sites.

We recognise the significant benefits of having an AED readily available for cardiac arrests as detailed in the evidence submitted in the petition. It was indeed money secured from Welsh Government that purchased the AEDs for the Service in 2006. Over this period of time we have commissioned the AEDs, and ensured that our medical skills for our firefighters has evolved, in partnership with Welsh Ambulance Service Trust (WAST), to a level over and above the traditional first aid at work; to include trauma training and basic life support with AEDs.

It is fair to acknowledge however, that the integration of AEDs into SWFRS has been primarily driven by the need to protect our firefighters who may suffer from a cardiac arrest during operational activities. There have been many occasions where AEDs have been used on members of the public. Presently, SWFRS, in partnership with WAST, are trialling a community fire responder scheme, where firefighters in a light vehicle are responding to defined red calls for WAST when they are the nearest resource. This trial has seen firefighters use AEDs quite regularly.

I am an advocate for having AEDs in readily accessible places throughout our communities and would add that AEDs should be accessible in places where there is robust management both in the training of staff in their use as well as regular maintenance, servicing and protection against vandalism; as is the case with fire extinguishers. Places of employment should be encouraged to play their part and extend staff training to include the use of AEDs for the safety of their employees and public alike.

South Wales Fire and Rescue Service Headquarters,  
Forest View Business Park, Llantrisant, Pontyclun, CF72 8LX.

Telephone 01443 232000 • Fax 01443 232180  
www.southwales-fire.gov.uk

Pencadlys Gwasanaeth Tân ac Achub De Cymru,  
Parc Busnes Forest View, Llantrisant, Pont-y-clun, CF72 8LX.

Ffôn 01443 232000 • Ffacs 01443 232180  
www.decymru-tan.gov.uk

In conclusion I would support the recommendations of the petitioner on the provision of AEDs in public places.

Yours sincerely

A handwritten signature in blue ink that reads "H. Jakeway". The signature is fluid and cursive, with a large loop at the end.

**Huw Jakeway**  
**Chief Fire Officer**



# Heddlu • Police DYFED-POWYS

*Diogelu ein Cymuned - Safeguarding our Community*

Eich cyf. / Your ref.

Ein cyf. / Our ref.

Gofynnwch am:/Please ask for:

CC.cp.91-13

**Mr. Simon Prince**  
**Prif Gwnstabl / Chief Constable**

Pencadlys Heddlu Dyfed-Powys, Blwch Post 99, Llangynnwr, Caerfyrddin, SA31 2PF.  
Dyfed-Powys Police Headquarters, PO Box 99, Llangunnor, Carmarthen, SA31 2PF.

• Ffôn/Tel: **01267 226308**  
• Ffacs/Fax: **01267 226310**  
• E-bost/E-mail : **carol.prince@dyfed-powys.pnn.police.uk**  
• DX: **Dyfed-Powys Police DX 120325 Carmarthen 4**

15<sup>th</sup> May, 2013

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

Dear Mr. Powell,

Thank you for letter dated 24<sup>th</sup> April, 2013 regarding Automated External Defibrillators. I have recently instigated a piece of work across Dyfed-Powys to examine how the related issues impact on the force. When I am in receipt of the findings, I will forward you further details which will further inform the work in this area.

Yours sincerely,

Simon Prince,  
Chief Constable.

Prif Gwnstabl • **Mr. Simon Prince** • Chief Constable.

Buddsodwyr  
Mewn Pobl



Investors  
in People

Mae Heddlu Dyfed-Powys yn croeso i chi gyswilio â ni yn y Gymraeg neu'r Saesneg.

Page 123

Dyfed-Powys Police welcomes correspondence in either Welsh or English.





100

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

*Gofynner am/  
Please ask for:*

Chief Fire Officer  
R Smith

*Rhif Est/Extn. No.*

4401

*E-bost/E-mail:*

r.smith@mawwfire.gov.uk

*Fy Nghyf/My Ref:*

RS/RQ/MT

*Eich Cyf/Your Ref:*

P-04-471

*Dyddiad/Date:*

15 May 2013

Dear

Sir

Thank you for your correspondence dated 24 April 2013 in which you highlight your wish to seek the views of the Mid and West Wales Fire & Rescue Service in relation to a petition, calling on the Welsh Government to provide funding to ensure Automated External Defibrillators are made available in all Public places in Wales.

In response to the document received, I am pleased to be able to provide you with the view of Mid and West Wales Fire & Rescue Service in regard to this petition.

As a Rescue Service engaged in many levels of intervention in order to protect the people we serve, we would encourage and support any safe and practical measure that could enhance the chances of preventing unnecessary loss of life within our communities.

Much has been written in support of Automatic External Defibrillators and the difference they can make to a heart attack victim's chance of survival. Information provided by The Resuscitation Council (UK) claims that the scientific evidence to support early defibrillation is overwhelming and that delay from collapse to delivery of the first shock is the single most important determinant of survival.

Research carried out by the British Heart Foundation indicates that for every minute that passes without a heart attack victim receiving defibrillation, their chances of survival decrease by 14 per cent. The research also shows that applying a controlled shock within five minutes of collapse provides the best possible chances of the victim surviving.

Within the predominantly rural environment of Wales, medical teams responding to emergencies in remote or isolated communities often encounter delays due to travel distances and difficulties negotiating the road networks serving these areas. Certainly in most instances medical teams are not able to achieve a response standard that would enable shock treatment to be delivered within the 5 minute window recommended by the British Heart foundation.

Some success has been achieved in reducing the time it takes to deliver emergency intervention by the deployment of first responders, people who live or work within the community and can be despatched by or via ambulance control centre to reach a patient more quickly than a conventional ambulance. Mid and West Wales Fire & Rescue Service have supported this scheme for many years and have teams of firefighters who respond as an initial deployment to local medical emergencies. These teams are located strategically across the Service area. The deployment of first responders undoubtedly reduces the time it takes a medical team to reach a patient, but in the case of heart attack victims, although equipped with Automatic External Defibrillators (AEDs) they cannot consistently be relied upon to deliver shock treatment within the prescribed 5 minutes.

Within rural areas, communities with poor road networks or traffic congestion, where large crowds can be expected to gather and within public places generally AED technology opens a window for the public at the scene of an incident who have access to AED equipment, to take on a key role in supporting our emergency services by being in a position to deliver shock treatment at the earliest moment following an incident of cardiac arrest.

The ILCOR (International Liaison Committee on Resuscitation) Consensus on Science and Treatment Recommendations and the Resuscitation Council UK guidelines state that “while it is highly desirable that those who are called upon to use an AED should be trained in their use, the equipment can be used safely and effectively without previous training. The use of an AED should therefore not be restricted to trained rescuers“. They do however recommend that training should be encouraged in order to help improve correct pad placement and reduce the time taken to delivery of shock treatment.

Mid and West Wales Fire & Rescue Service agree with this perspective on training and whilst we accept that the equipment can be operated by untrained persons, would want to encourage the development of as many trained operatives as possible within our communities, including our staff who live and work there.

Many Fire and Rescue Services across Britain have already been equipped with defibrillators and many have received considerable support from local Ambulance Trusts and the British Heart Foundation. Mid and West Wales Fire & Rescue Service also consider there is significant scope to enhance our life saving ability by equipping our front-line fire appliances with AEDs and we would welcome any such initiative and fully support the training of our staff to operate them.

The buildings owned and operated by Mid and West Wales Fire & Rescue Service are strategically placed within local towns and villages and some could be considered as suitable locations for the positioning of AED equipment which could be accessed by members of the public or by responders. Again we would be very supportive of any request to use our premises for this purpose.

As a Fire and Rescue Service we understand clearly, that the quicker intervention can be delivered, the better the outcome. Our experience of operating within the areas of Mid and West Wales has highlighted to us the difficulties such an area presents to emergency responders in relation to rapid intervention. As stated we already work closely with the Ambulance Trust to help minimise the time taken for medical teams to reach patients, but we believe that the provision of more strategically placed lifesaving equipment and trained people would provide a significant enhancement. We would therefore wish to see as many AEDs located within our towns and villages as possible supported by many trained people as can be provided.

The position we wish to take in relation to this petition therefore is to positively encourage its implementation. In particular Mid and West Wales Fire & Rescue Service supports;

- The placing of Automated External Defibrillators in public places
- The expansion of First Responder Schemes
- Greater availability of Automated External Defibrillators to Fire and other emergency services

Yours sincerely

  
R Smith  
Chief Fire Officer



KO.  
NS.



**HEDDLU GOGLEDD CYMRU**  
Gogledd Cymru diogelach

**NORTH WALES POLICE**  
A safer North Wales

Ein Cyf:/Our Ref: CC/6917/CM/  
Eich Cyf:/Your Ref: P-04-471

28<sup>th</sup> May 2013

**Mark Polin QPM MBA**  
**Prif Gwnstabl / Chief Constable**

Mr William Powell AC/AM  
National Assembly for Wales  
Cardiff Bay  
Cardiff  
CF99 1NA

Dear Mr Powell,

Thank you for your letter of 24<sup>th</sup> April 2013 seeking views on the petition by Mr Hill regarding Automated External Defibrillators being provided in public places.

Unfortunately, I do not consider it appropriate for North Wales Police to comment on campaigns or petitions that are not specifically related to Policing issues. I expect that our colleagues in the Health Boards will be best placed to comment on this subject and will defer to expert opinion.

Yours sincerely,

**Rebecca Jones**  
Swyddog Staff i'r Prif Gwnstabl  
Staff Officer to the Chief Constable

# Agenda Item 4.14

## **P-04-481 Close the Gap for deaf pupils in Wales**

### **Petition wording:**

We call upon the National Assembly for Wales to urge the Welsh Government to develop a national strategy to Close the Gap in educational attainment between deaf pupils and their peers.

The National Deaf Children's Society (NDCS) Cymru presents this petition today as it is both Deaf Awareness Week and two years since 55 AMs pledged to take action to Close the Gap for deaf pupils.

Still, Welsh Government statistics demonstrate significant attainment gaps between deaf pupils and their peers. In 2012, deaf pupils were 26% less likely to achieve 5 GCSEs at A\*-C, and 41% less likely to achieve A\*-C passes in core subjects English/Welsh, Maths and Science.

Our video petition asks the experts (deaf pupils themselves) what matters most. They told us:

- We need appropriate support in school and college
- We need all classrooms to have good acoustics
- Some of us use sign language. Help us encourage our hearing peers and teachers to learn sign.
- We need more teachers and pupils to be deaf aware.

Too many deaf pupils are facing barriers in these areas. A national strategy is needed to address the barriers and Close the Gap!

### **Additional Information**

Our video petition and an accompanying report can be downloaded at [www.ndcs.org.uk/ClosetheGapWales](http://www.ndcs.org.uk/ClosetheGapWales)

The video petition was produced with the help of eight deaf young people outlines the four things that they feel are most important to deaf pupils at school and college.

The accompanying report outlines the barriers that many deaf pupils in Wales are facing in these areas. It also makes suggestions on how a strategy could help to overcome these barriers.

**Petition raised by:** NDCS

**Date petition first considered by Committee:** 14 May 2013



Eich cyf/Your ref P-04-481  
Ein cyf/Our ref LA/01456/13

William Powell AM

committeebusiness@Wales.gsi.gov.uk

12 June 2013

Dear William,

Thank you for your letter of 22 May bringing to my attention the National Deaf Children's Society (NDCS) Cymru's Petition.

The Welsh Government is committed to meeting the educational needs of all hearing impaired learners so that they reach their full potential. As Minister for Education and Skills, I am keen to ensure that our schools are best placed to meet the need of these learners, However Local Authorities have the legal responsibility to ensure that these learners receive the suitable educational provision that is required.

I have out below the steps that the Welsh Government is taking to address the issues you have brought to my attention:

### **Sufficient numbers of trained professionals to support the needs of Wales' young deaf population**

A mandatory qualification for Teachers of the Deaf can be obtained from the University of South Wales. The Welsh Government has worked closely with the University of South Wales to ensure this course is made available to those wanting to work with learners with sensory impairments.

From 2006-2009, the Welsh Government provided additional funding of £192,000 to enrol 24 teachers onto this Postgraduate Diploma - 12 for Hearing Impairment and 12 for Visual Impairment.

I am aware of the continued demand for this provision, and my officials are currently considering workforce planning across all Special Educational Needs (SEN), which will of course include those providing specialist services for hearing impaired children.

The Welsh Government is developing the Masters in Educational Practice which will be made available to Newly Qualified Teachers (NQTs). This qualification will be delivered regionally across Wales in alliance with Cardiff, Aberystwyth and Bangor Universities. Cardiff University however will have the accreditation of the Masters. The programme will include a module on additional learning needs (ALN).

## **The Impact of the Additional Learning Needs Reforms**

Through our plans for SEN Reform, the Welsh Government is proposing to replace the statutory framework for the assessment and planning of provision for children and young people with SEN with a simpler, more person-centred system. This approach takes account of the fact that all children and young people, including those with hearing impairment, have individual needs.

A key proposal for SEN Reform is to introduce an Individual Development Plan (IDP) planning process to replace the existing assessment system that includes statementing. Our aim is to actively involve parents and the child/young persons in the process. The IDP should improve early prevention and intervention systems and extend the age range to cover all learners from birth to their 25<sup>th</sup> birthday.

Provision Pathways are proposed for SEN reform and will be part of the consultation response document which we hope to publish before the Autumn. Further discussions with key stakeholders to develop the proposals in more detail are ongoing. A further consultation is then planned for later in 2013.

The Welsh Government is developing proposals taking place to improve transition from school to college. This issue and others will be given careful consideration as we determine how best to monitor and safeguard learner interests. The Welsh Government is assisted by a Post-16 ALN Development and Implementation Group made up of key stakeholder representatives which includes the National Deaf Children's Society (NDCS).

### **Ensuring that educational establishments comply with acoustic standards**

Working with the NDCS Cymru, the Welsh Government included, for school capital projects, the requirement that there must be a pre-completion test to demonstrate that the building is compliant with the acoustic standards as set out in Building Bulletin 93 (BB93); this will continue to be a requirement of future contracts including the 21<sup>st</sup> Century Schools programme.

### **The encouragement and accessibility of BSL classes**

The Welsh Government recognises the important role that both teachers and their fellow pupils play in the educational and social development of hearing impaired learners. The ability to communicate affectively with others is essential. I am aware of courses available to those wishing to learn signing such as British Sign Language (BSL).

As part of the workforce planning exercise across all SEN that I have referred to, we may require a more highly skilled workforce. We will also look for examples of best practice that can be used to encourage people to undertake the appropriate training, and we will work closely with third sector organisations including the NDCS Cymru to help inform this area of work.

### **Improving deaf awareness with both teachers and pupils**

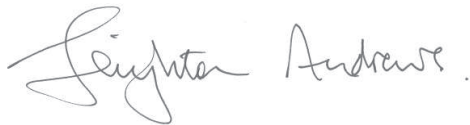
Through our proposals for SEN Reform and the wider agenda of improved professional development for teaching staff, we aim to raise awareness and understanding of SEN within the classroom. We recognise that good quality teaching will ensure that a range of teaching approaches are deployed to meet the diverse range of pupils' needs.

Another of the proposals in our consultation was to introduce training for school Special Educational Needs Co-ordinators (SENco) in Wales. Through the SEN Reform Pilot Projects in Cardiff and Newport, work has been undertaken on defining the role of the SENco and developing an accredited course. Further discussions with key stakeholders, including the Headteacher Focus Group set up through the Pilot Projects, will develop future SENco training.

There is no specific basic deaf awareness training but all trainees and qualified teachers are aware of the legal requirements relating to SEN (ALN) and disability and the rationale for the inclusion of those with SEN and disabilities in mainstream education. This includes an understanding of the graduated framework of identification, assessment and intervention set out in the SEN Code of Practice for Wales; the kinds of provision that might be made through school action, school action plus, or through a statement of special educational needs; and the role of the class or subject teacher within this framework.

In order to seek advice, trainees and qualified teachers are aware of the role of the SENco, and how an Individual Education Plan (IEP) is used as a planning and teaching tool. They know how to access the advice they need to support the needs of learners with SEN and disabilities, and are aware of the sources of advice available to them outside school.

I hope this information is useful.

A handwritten signature in cursive script that reads "Leighton Andrews".

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

# NDCS Cymru response to Ministerial comments on *Close the Gap* Petition



## Petition P-04-481, June 2013

NDCS Cymru is grateful for the opportunity to comment on the Minister's response. Whilst NDCS Cymru is pleased that the Welsh Government will be conducting a workforce planning exercise to include support services for deaf children, we are disappointed that other points raised in our petition are not addressed in the Ministerial response.

We are disappointed to read the Minister's comment that it is the responsibility of local authorities to ensure that deaf learners receive suitable education. Although we agree that local authorities do have responsibilities, it is clear that deaf children across Wales are facing barriers. As statistics show a significant and persistent attainment gap between deaf pupils and their peers at every Key Stage, we believe the Welsh Government has a duty to step in and take action to *Close the Gap!* This is supported by the fact that 55 Assembly Members have pledged to take action on this point.

Our *Close the Gap!* petition highlighted a number of factors which we consider to be contributing to the attainment gap. We call for a **national strategy** to address each of these factors in a cohesive way and, having read the Minister's response, we still feel that such a strategy is required.

We would like to take this opportunity to comment on each of the points highlighted within the Minister's response. For ease of reference, we have used the same titles as the Minister's letter.

### **Sufficient numbers of trained professionals to support the needs of Wales' young deaf population**

NDCS Cymru is aware of the Welsh Government initiative between 2006 and 2009 to provide additional funding to help enrol teachers on the University of South Wales course for the mandatory qualification for Teachers of the Deaf. However, as the Minister points out, difficulties in sustaining this workforce remain. NDCS Cymru has concerns that in many areas, Teachers of the Deaf are experiencing capacity issues. We are, therefore, pleased to read that specialist services for deaf children will form part of a workforce planning exercise.

We would seek assurances that such an exercise includes consideration not just of Teachers of the Deaf, but also of the numbers and skill sets of other key professionals working with deaf children, such as communication support workers, specialist speech and language therapists and teaching assistants. As identified in our initial campaign report, accessing these specialists, especially those with an appropriate level of training can be difficult. We also seek assurances that such a workforce planning exercise will be combined with a plan of action for addressing manpower, training and development issues.

The Ministerial response highlights that the Welsh Government is developing a Masters in Educational Practice, which will be made available to Newly Qualified Teachers. Whilst the Minister identifies that this programme will include a module on Additional Learning Needs (ALN), we are disappointed that deafness is not specifically covered within this. NDCS Cymru is concerned that a general module on ALN will not improve levels of deaf awareness. Indeed, as identified in our petition, a lack of deaf awareness among teachers presents a difficult barrier for deaf pupils. It appears that many teachers are unaware when they are teaching a child with hearing difficulties due to their misconceptions around assistive listening devices. Although such technology can provide improved access to sound, it does not restore typical levels of hearing. There is also a general lack of awareness that 80% of all children will experience a temporary hearing loss. Ensuring that teachers are aware of some simple, but effective deaf awareness tips could go a long way to improving deaf young people's access at school. As identified elsewhere within this paper, NDCS Cymru believes that it is also important to raise deaf awareness among other school staff, including SENCOs.

Our petition also highlights the role of Estyn in ensuring that schools with deaf pupils on roll and local authority specialist support services are appropriately meeting the needs of deaf pupils. This point has not been addressed within the Minister's response. We would welcome further discussion and consideration of how inspections of services for deaf children might be improved.

## **The impact of the Additional Learning Needs (ALN) Reforms**

NDCS Cymru has reservations regarding the ongoing ALN Reforms and developments in funding for post-16 learners with ALN. Whilst we appreciate that it may not be possible to address many of these concerns within a Deaf Strategy, we would welcome this opportunity to seek assurances that the Welsh Government will work with us to address these concerns and ensure that these reforms work effectively for deaf children and young people.

NDCS Cymru is currently discussing our concerns about proposals for ALN Reforms with civil servants. We are particularly concerned that the Individual Development Plan (IDP) we have seen is not sufficiently robust and may not necessarily include clear information on key points. For example, key information such as a child's level of hearing loss, the agreed placement for the child, and information on ongoing support is not clearly identified within the structure of the IDP.

The Minister's response refers to the development of Provision Pathways as part of the ALN Reforms. Whilst initial discussions with civil servants included the development of disability-specific provision pathways, we have recently been informed that the intention is now to develop one universal pathway. Under the proposed new system, frontline school staff may be asked to co-ordinate support plans. Therefore, disability-specific information is required to ensure that these staff members are aware of the specialist professionals who must contribute to a child's assessment of need. We consider that clear disability-specific provision pathways would also help to reduce any post-code lottery in eligibility for specialist support.

We have a number of other concerns regarding the proposals identified in the consultation paper on ALN Reform. Of particular concern is that the proposals outlined

in that paper would result in reduced rights of appeal for many families. It is imperative that families have the right to appeal a decision not to provide specialist support.

In relation to the devolution of funding to support post-16 students with special educational needs, NDCS Cymru has attended one Development and Implementation Group and is pleased to note in the Minister's response that we will be invited to attend this group again. We remain concerned that the devolution of these funds is imminent, yet we still have little information on how local authorities and further education institutions will be held to account and monitored on their new funding responsibilities.

## **Ensuring that educational establishments comply with acoustic standards**

As identified in our initial campaign report, NDCS Cymru is pleased to have worked with the Welsh Government to ensure that capital projects built through the 21<sup>st</sup> Century Schools Programme are contractually obliged to meet acoustic standards.

However, the Minister's response fails to acknowledge that our petition calls on the Welsh Government to take this commitment to good acoustics an important step further. NDCS Cymru is urging the Welsh Government to utilise its new powers over Building Regulations to strengthen acoustic standards. This would ensure that all new school, college and nursery buildings in Wales will *Sound Good* – regardless of how they are funded. This is an important step forward as it would secure good acoustics for the future, beyond the lifespan of the 21<sup>st</sup> Century Schools programme. These new powers were devolved to the Welsh Government on New Year's Eve 2011, and 39 Assembly Members from across all four political parties signed a new year's resolution with us in support of good acoustics.

As identified in our initial campaign report, NDCS Cymru is also aware that many existing school buildings with a poor acoustic environment may not be refurbished in the near future. As such, we would urge the Welsh Government to promote measures that head teachers can take to assess and improve acoustics in existing school buildings.

NDCS Cymru is keen to ensure that school, college and nursery buildings in Wales have good acoustics as this is important for deaf children and to children with a temporary hearing loss. However, it should also be acknowledged that acoustics are important for other vulnerable groups of learners as well. Indeed, our work in this area has been supported by a number of organisations representing other disabilities, such as RNIB Cymru, SENSE Cymru, Autism Cymru, NAS Cymru, Downs Syndrome Association and AFASIC Cymru. There is also evidence that good acoustic environments can improve the learning environment and behaviour of pupils more generally.

## **The encouragement and accessibility of BSL classes**

NDCS Cymru believes it is imperative that the workforce planning exercise identified in the Minister's letter considers the availability and skill set of specialist professionals who support pupils who use British Sign Language (BSL). We are concerned that without the appropriate skills, communication support workers can neither adequately support these



pupils to access the curriculum, nor further enhance their linguistic skills and vocabulary in BSL.

NDCS Cymru also calls for the workforce planning exercise to be accompanied by a plan to overcome any identified issues within manpower and training/development for staff supporting deaf pupils who use sign language. For example, the introduction of national standards could be considered.

In addition to our concerns around the availability of BSL support for deaf pupils, our petition also highlights that deaf young people recommend that more mainstream teachers and their hearing peers learn to sign. The vast majority of deaf pupils in Wales attend mainstream schools and, for those who use sign language, ensuring that other people in the school can sign helps these pupils to feel more included in school life. We would, therefore, also urge the Welsh Government to consider how more teachers and pupils can be encouraged to learn to sign.

In his response, the Minister acknowledges that sign language courses are available. However, many families tell us that they find it difficult to access such courses. Our *It Starts Here* project has helped to provide families of young deaf children with the opportunity to learn signs based around day-to-day family life. We feel that strong family communication during the early years of a child's life is crucial to the child's educational development. This project is funded by the Big Lottery Fund and is due to end next year. We call upon the Welsh Government to review the availability of BSL classes in Wales and to encourage local authorities to ensure that families in the future are able to access support to communicate with their deaf child.

## **Improving deaf awareness with both teachers and pupils**

The majority of the deaf young people who took part in our video petition told us that improving deaf awareness was the most important part of the petition to them. We are, therefore, extremely disappointed with the Minister's response to this aspect of our petition.

NDCS Cymru is aware of the development of training for Special Educational Needs Co-ordinators (SENCOs). However, it is our understanding that this course is not intended to cover deaf awareness. Since SENCOs are regarded within schools as the key point of contact for enquiries regarding children with support needs, NDCS Cymru believes it is imperative that these individuals have a basic level of deaf awareness and of the specialist professionals and information resources that can be accessed for further information/advice. As SENCOs are likely to play an even greater role in the development of support plans under the proposed ALN Reforms, this level of awareness will become even more important. For these reasons, we are extremely disappointed to have been told that the SENCO training will not cover deafness specifically and would urge the Welsh Government to reconsider.

As identified earlier, NDCS Cymru is similarly disappointed that teachers do not receive any deaf awareness training. The vast majority of deaf pupils in Wales (99%) attend mainstream schools. Furthermore, some 80% of all children will experience a temporary hearing loss that can continue for a sustained period of time and, without appropriate support, can have an impact on their learning development. This, coupled with the

statistics showing that deaf pupils are failing to reach their full potential, demonstrates the need for teachers to receive basic deaf awareness training. NDCS Cymru urges the Welsh Government to reconsider including deaf awareness either within the ITT, NQT or the Masters in Educational Practice.

NDCS has a number of resources, which could be used to improve deaf awareness among teachers and school staff generally. We have also previously worked with Bridgend County Borough Council to develop some basic resources for NQTs and feel that these resources could be further utilised by a cost-effective roll out across Wales.

Deaf young people throughout Wales tell us that, not only is it important that their teachers are deaf aware, but also that they need more pupils to understand deafness. As highlighted within our initial campaign report, the NDCS “Look Smile Chat” resources aim to help schools teach their pupils about deaf awareness and could be utilised within the PSE curriculum. We call on the Welsh Government to consider this point.

## Summary

In 2012, deaf pupils were **41% less likely** to achieve higher grade passes in core subjects English, Maths and Science – this is the widest gap since records began.

As identified at the start of our response, NDCS Cymru is concerned that there are a multitude of factors contributing to this substantial gap in attainment. Our petition report identifies some of the key factors which need to be addressed. Although the Minister’s response outlines a couple of positive steps forward, **many of the key issues within our petition remain unaddressed**. In particular, the Minister’s response does not address our call for a national strategy to *Close the Gap* in educational attainment for deaf pupils. NDCS Cymru believes it is appropriate to develop a **national strategy** to present a cohesive approach to the numerous barriers deaf children face. In particular, we would urge that such a strategy consider the following points:

- Deaf awareness training among key professionals, including teachers and SENCOs.
- Issues in manpower or training and development identified through the proposed workforce planning exercise.
- Consideration of how Estyn’s role of inspecting the services local authorities and schools provide to deaf pupils could be strengthened.
- A clear provision pathway for deaf children and young people.
- Amendment of building regulations to ensure that all new school, college and nursery buildings are required to demonstrate compliance with minimum acoustic standards.
- Encouraging local authorities and head teachers to improve acoustics in existing school buildings.
- Encouraging schools to raise deaf awareness among hearing pupils.
- Improved access to BSL classes for families of deaf children.
- Increased opportunities for pupils and teachers learn BSL.

In addition to our calls for a national strategy, NDCS Cymru hopes to work with the Welsh Government to ensure that the ongoing ALN Reforms and the devolution of Post-16 funding is effective for deaf children and young people.

## Further information

Should the Committee require any further information or evidence, please do not hesitate to contact us at [Campaigns.Wales@ndcs.org.uk](mailto:Campaigns.Wales@ndcs.org.uk)

**Thank you.**

## Annex

### Attainment Gap statistics

#### Key Stage 4

Data on the attainment levels of deaf pupils is available from 2005. It demonstrates that the gap in attainment between deaf pupils and their peers is relatively consistent. Although, the gap dropped significantly in 2011, we are disappointed that this gap has again widened. In 2012, deaf pupils were 26% less likely to achieve 5 GCSEs at grades A\*-C than other children.

We are even more concerned that the gap in attainment for higher grade passes in core subjects English/Welsh, Maths and Science has widened to 41%. This is the highest it has been since records began.

Year	Attainment gap for achieving 5 GCSEs at grades A*-C (%)	Attainment gap for achieving A*-C grades in English/Welsh, Maths and Science (%)
2012	26	41
2011	12	19
2010	29	33
2009	15	13
2008	30	27
2007	27	27
2006	26	38
2005	29	36

#### Key Stages 1- 3

We are pleased to have seen some improvement over the past few years in the attainment of deaf pupils at Key Stages 1-3. However, we remain concerned that the gap in attainment is still unacceptably high for deaf pupils at every Key Stage level.

In 2012:

- Deaf pupils at Key Stage 1 were 15% less likely to achieve the Foundation Phase Indicator
- Deaf pupils at Key Stage 2 were 15% less likely to achieve the Core Subject Indicator
- Deaf pupils at Key Stage 3 were 19% less likely to achieve the Core Subject Indicator.

#### \* Please Note:

All figures show how much less likely it is (as a percentage) that deaf children will achieve as well as their hearing peers.

The data specifically excludes special educational need (SEN) types other than deafness in order to draw the simplest comparison. It compares the attainment of deaf pupils who have no other additional SEN with the attainment levels of pupils who have no registered SEN.

The "Foundation Phase Indicator" refers to reaching the expected level or above in English/Welsh, Personal and Social Development and Maths.

The "Core Subject Indicator" refers to achieving the expected level or above in English or Welsh (first language), Mathematics and Science in combination. The expected level of the majority of pupils is level 4 at Key Stage 2 and level 5 at Key Stage 3.

More detailed information on this attainment data is available at [www.ndcs.org.uk/ClosetheGapWales](http://www.ndcs.org.uk/ClosetheGapWales)

## **P-04-397 Living Wage**

### **Petition wording:**

We call on the Welsh Government to stand by their promise to work towards a living wage for every worker in Wales and tell us when and how they will make it happen.

No matter how hard they try the minimum wage simply is not enough for some parents to make ends meet and give children like us the best chance in life. The living wage means that parents who work would earn at least £7.20 an hour.

We are young campaigners working with Save the Children across the UK for change. We are campaigning for a living wage, representing the views of young people, families and communities in Wales.

**Petition raised by:** Save the Children

**Date petition first considered by Committee:** 19 June 2012

**Number of signatures:** 483

# Agenda Item 5

## **P-04-456 Dementia - This Could Happen to you**

### **Petition wording:**

We, the undersigned, call on the National Assembly for Wales to urge the Welsh Government to:

- i. Bring to an end the discrimination against dementia sufferers in Wales who apply for N.H.S. Continuing Care Funding, by allowing for the cognition category of need (known as the 'domain') to go up to the level 'Severe' in the Welsh version of the Decision Support Tool. This would bring it in line with the English version; and
- ii. Direct Local Health Boards to implement the National Framework for N.H.S., Continuing Care Funding correctly in terms of patient eligibility and without regard to budgetary constraints.

**Petition raised by:** Helen Jones

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

**Number of signatures:** 1413

From:- Tony Alexander, Alzheimer's Society,

To:- The Petitions Committee, Welsh Assembly, Cardiff

Petition :- P-04-456 Dementia – This Could Happen To You

1 The Alzheimer's Society provides various advisory services in England and Wales for patients living with dementia (not only Alzheimer's disease) and their families. One of these services is assisting families whose relatives have been refused NHS Continuing Healthcare. The writer is one of seven voluntary advisers providing this free assistance.

2 The assessment process is complicated. This is a simplified explanation. The writer is happy to provide a more detailed explanation to the Committee if it considers this would assist.

3 To qualify for funding the patient must have what is termed a Primary Health Need which is established by considering the patient's needs level across twelve criteria (called domains). The NHS guidance provides that if there is a Priority need level in any one of those domains, or two Severe needs levels, then that would probably indicate eligibility. If the patient has

- (a) one Severe need level and needs levels in other domains, or
- (b) a number of domains with High and or Moderate needs levels

then this may also indicate eligibility.

4 Once the needs levels for the twelve domains have been assessed then further considerations are made in relation to the circumstances of the patient and the interaction of those needs to consider the nature, intensity complexity and unpredictability of the patient's condition before determining eligibility.

5 Please see the attached spreadsheet showing the assessments for 66 patients (62 English and 4 Welsh) over the period from March 2012 to February 2013. These would all have been refused NHS CHC in the first instance. These patients would typically be suffering from moderate to severe dementia, with little or no short or long term memory. As dementia progresses, patients cognition deteriorates and their needs for this domain increases. This is reflected in that 44 of these patients (i.e. two thirds) had Severe cognition needs levels. Eleven had High needs and these include the four patients from Wales where the maximum needs level for the cognition domain is High.

6 Applying the guidance referred to in Para 3 above to any patient it is apparent that if there is a needs level of Severe for any domain, then it increases the chance of that patient being found eligible for NHS CHC. As the maximum needs level for Cognition in Wales is High, it means that patients in Wales are less likely to qualify than their English counterparts where the maximum is Severe.

5 It might be thought that as the maximum needs levels in the Welsh assessment system contain more Severses than the English system that this would mean that Welsh dementia patients were in a better overall position as they had a better chance of being assessed with Severe needs levels on those other domains where there is a maximum of Severe in Wales and only High in England. However in practice this is not the case as can be seen from the spreadsheet. Cognition is the one domain where, because of the nature of the condition, it is certain that dementia patients will attain maximum needs levels as the disease progresses. The consequence of this anomaly between the Welsh and English assessment systems is that patients with dementia in Wales are discriminated against insofar as eligibility for NHS Continuing Healthcare funding.

6 There is another inhibiting factor affecting patients in both England and Wales, which is that assessors in the NHS believe that as the disease progresses the patient's psychological and emotional needs (one of the other domains considered in an assessment) actually decrease. As

far as the writer is aware there is no medical research as authority for this belief, but there is research to the contrary. As a result of this belief assessors frequently reduce the needs level for this domain where paradoxically the maximum level in Wales is Severe and is High in England.

7 It is a well known fact that in these times of austerity that the Health Service is under severe pressure to reduce costs. NHS CHC is a soft target and although budgetary constraints are not supposed to influence eligibility, there is anecdotal evidence to indicate that Boards apply a rationing policy. This is indirectly evidenced by the attached spreadsheet from which it can be seen that all these patients were refused CHC in the first instance even though all of them had either one severe needs level or in the eleven cases where there were no severe needs, then a number of domains with Highs and Moderates, which according to the guidelines summarised in Para 3 above would also indicate possible eligibility. In other words, unless a patient has one Priority or two Severes then the chances of obtaining funding at first instance is limited.



Domain Scores

	Behaviour	Cognition	Psychological & Emotional	Communication	Mobility	Nutrition	Continenence	Skin	Breathing	Drugs	ASC	Other
1	H	S	H	H	H	L	H	H	L	M	N	N
2	N	S	M	H	H	H	M	H	L	L	L	N
3	M	S	M	H	H	H	M	M	H	M	L	N
4	S	S	L	M	N	L	M	M	N	M	N	N
5	H	H	L	M	N	L	L	L	N	H	N	N
6	S	S	H	N	L	H	L	N	N	M	N	N
7	N	S	H	H	H	M	M	M	N	M	L	N
8	M	S	L	H	H	H	M	M	N	M	L	N
9	H	S	L	M	H	L	M	L	N	H	L	N
10	S	S	M	H	H	H	M	M	N	S	N	N
11	S	S	M	M	H	H	M	M	N	H	N	N
12	N	S	L	H	H	H	M	M	N	H	M	N
13	S	S	M	M	L	L	L	N	N	M	N	N
14	S	S	M	H	H	H	M	M	L	M	N	N
15	N	S	L	M	M	L	M	M	N	L	N	N
16	H	S	M	M	L	H	M	N	N	M	M	N
17	H	S	M	M	H	H	M	M	N	M	N	N
18	N	S	N	H	H	S	H	M	L	P	N	N
19	S	S	L	H	N	L	M	N	N	H	N	N
20	M	S	H	H	N	L	H	N	N	N	N	N
21	M	S	L	M	H	H	M	M	N	L	M	N
22	H	S	M	M	H	L	M	M	N	H	L	N
23	S	S	M	M	L	L	M	M	N	M	N	N
24	N	M	H	M	H	L	L	M	N	M	N	N
25	H	S	M	H	H	L	H	H	N	L	N	N
26	M	S	H	H	H	H	M	M	N	M	M	N
27	L	S	L	H	M	H	M	M	M	H	L	N
28	M	S	M	H	N	H	M	M	N	M	H	N
29	L	S	L	H	H	H	M	M	L	H	N	N
30	H	S	M	H	H	H	M	M	N	L	N	N
31	S	H	M	L	N	N	L	L	N	H	L	N
32	L	S	L	H	H	H	M	M	L	H	H	N
33	S	S	M	H	H	L	M	M	N	L	N	N
34	S	S	H	M	H	L	M	L	N	H	L	N
35	M	S	H	H	H	M	M	M	N	H	N	H
36	H	S	M	H	H	H	H	M	N	L	N	H
37	M	S	L	H	H	H	M	M	N	M	L	N
38	L	S	H	M	H	H	M	M	N	H	L	N
39	S	S	H	H	H	M	M	M	L	H	H	N
40	H	S	M	H	H	H	M	M	L	M	L	M
41	S	S	H	L	H	M	M	M	N	M	N	N
42	L	S	L	H	H	H	M	M	N	H	H	N
43	M	H	H	M	H	H	M	S	N	S	L	N
44	N	S	M	H	H	M	M	M	N	L	L	N
45	N	S	N	H	M	L	M	L	N	N	N	N
46	H	H	L	L	L	L	L	L	N	L	N	N
47	L	H	L	M	H	H	M	M	N	L	L	N
48	N	H	L	M	M	L	M	M	N	H	N	N
49	N	S	N	H	H	L	M	L	N	L	N	N
50	L	S	L	H	M	L	M	M	N	M	N	N
51	H	S	L	H	H	L	M	M	N	M	N	N
52	M	S	M	H	H	L	M	M	N	L	N	N
53	M	S	H	H	H	M	M	N	M	N	N	N
54	H	S	L	H	N	L	L	L	N	M	N	N
55	M	S	M	M	M	L	M	M	N	M	N	N
56	M	H	M	H	H	M	M	M	L	H	N	N
57	M	S	M	H	M	M	L	L	N	L	N	N
58	H	H	M	L	L	L	M	M	N	M	N	N
59	L	S	L	H	H	H	M	M	N	M	L	N
60	M	S	H	H	H	M	M	M	N	M	N	N
61	H	S	L	H	M	M	M	M	N	M	N	N
62	M	S	M	H	H	H	M	M	N	M	M	N
63	M	H	H	H	H	M	M	M	L	M	N	N
64	M	H	L	H	H	L	M	M	N	M	N	N
65	H	S	H	H	N	L	L	M	N	M	N	S
66	N	H	N	H	H	H	M	M	N	M	N	L