

## Petitions Committee

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Meeting Venue:

**Committee Room 1 – Senedd**

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Meeting date:

**21 October 2014**

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Meeting time:

**09.30**

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Cynulliad  
Cenedlaethol  
Cymru

National  
Assembly for  
Wales



For further information please contact:

**Steve George**

Committee Clerk

029 2089 8421

[Petition@wales.gov.uk](mailto:Petition@wales.gov.uk)

**Kayleigh Driscoll**

Deputy Committee Clerk

029 2089 8421

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### Agenda

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#### 1 Introduction, apologies and substitutions

#### 2 Updates to previous petitions

##### 2.1 P-04-526 Please make Senedd TV accessible to deaf people (Pages 1 – 2)

#### Economy, Science and Transport

##### 2.2 P-04-468 Road Safety Concerns A48 Chepstow (Pages 3 – 4)

##### 2.3 P-04-416 North-South Rail Services (Pages 5 – 7)

#### Education and Skills

##### 2.4 P-04-522 Asbestos in Schools (Pages 8 – 15)

##### 2.5 P-04-576 Allow Children in Wales to Have a Family Holiday During Term Time (Pages 16 – 25)

## **Health**

- 2.6** P-04-492 Diagnosis of autism in children (Pages 26 – 30)
- 2.7** P-04-494 Robotic assisted laparoscopic prostatectomy must be made available to men in Wales now (Pages 31 – 35)
- 2.8** P-04-527 Campaign for a Special Cancer Drug Fund in Wales (Pages 36 – 38)
- 2.9** P-04-553 A full and independent investigation into the health risks of wireless and mobile phone technologies in Wales including all schools (Pages 39 – 51)
- 2.10** P-04-539 Save Cardiff Coal Exchange (Pages 52 – 54)

## **Natural Resources**

- 2.11** P-04-422 Fracking (Pages 55 – 96)
- 2.12** P-04-524 Planning Control and the Welsh Language (Pages 97 – 99)
- 2.13** P-04-536 Stop Factory Dairy Farming in Wales (Pages 100 – 106)

## **Communities and Tackling Poverty**

- 2.14** P-04-519 Abolition of Park Homes Sales Commission (Pages 107 – 109)
- 2.15** P-04-597 Protect the future of Funky Dragon, the Children and Young People's Assembly for Wales (Pages 110 – 112)

# Agenda Item 2.1

## **P-04-526 Please make Senedd TV accessible to deaf people**

### **Petition wording:**

We call upon the National Assembly for Wales to provide subtitling and signed language access to televised debates and proceedings, to enable the 300,000 with hearing loss and deafness in Wales to follow the democratic processes hearing people already enjoy.

**Petition raised by:** Mervyn James

**Date Petition first considered by Committee:** 21 January 2014

**Number of signatures:** 25

**P-04-526 Please make Senedd TV accessible to deaf people -  
Correspondence from the Petitioner to the Committee, 08.10.14**

Hi So sorry for the delay. Could you forward this to the relevant petitions agent for me ? I did send specific requests to the petitions people regarding Senedd TV, and, thanking the assembly for making more coverage accessible on youtube. health-wise I am unable to attend the Assembly for a while, but as regards to Senedd TV coverage, I did request specific coverage of the Deaf/Sensory-impaired cross-party meetings and to make them caption-accessible.

I think this vitally important, as grass roots deaf and HI have no specific dissemination area from charities who attend, and each tends to be taken from meetings what only covers own sectors. Also as a deaf person I want to know what ministers and charities are saying in my name without considerable efforts involved trying to surf the Assembly web-site to find out. I am finding blind charitable areas are covering more issues than the deaf ones are.

There were issues with the website not entirely unconnected with Senedd TV coverage, which apparently doesn't display the assembly website properly via various ISP search options (I think Google Chrome presents some issues). I don't think the request to film and caption the deaf/sensory impaired committee (Cross-party Committee), is unreasonable, these only take place every 4 - 6 months as we can see. The primary issue is few of us are members of those representing issues there, so accessible coverage reaches a much wider audience of us. As this committee already has signed interpretation when they meet, but we don't see it ! I cannot see any extra costs would be involved other than the captioning, which we would hope is NOT left to google because it becomes nonsensical if a Welsh accent is used.

As regards to Welsh language access via Senedd TV captioning, I mean no disrespect to those that use Welsh, but factually there is no Welsh sign language and thus little point to offer that access, unless the petitions committee has received a specific request which I doubt. Of course as stated two deaf charities who attend already provide their own access, which helps them doesn't help us, as there appears no input from grass roots. Another reason for Accessible Senedd TV I believe..

Thank You - Mr M E James (Newport).

# Agenda Item 2.2

## **P-04-468 Road Safety Concerns A48 Chepstow**

### **Petition wording:**

We call upon the National Assembly for Wales to urge the Welsh Government to reduce the speed limit on the A48 Bridge at Chepstow from 50mph to 30mph.

**Petition raised by:** Chepstow Town Council

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

**Number of signatures :** An associated petition collected 1,000 signatures



Eich cyf/Your ref P-04-468  
Ein cyf/Our ref EH/05173/14

William Powell AM

7 October 2014

Dear William

Thank you for your letter of 30 April regarding petition P-04-468 Road Safety Concerns A48 Chepstow. I apologise for the delay in responding this was due to an administrative error.

The paragraph referred to in point 8 was not intended to be misleading and was instead trying to explain why the current 50mph speed limit is in place.

Funding for the feasibility study was granted in the financial year 2014/15 and has been completed. My officials are currently considering the recommendations.

A handwritten signature in black ink, appearing to read 'Edwina Hart', written over a faint circular stamp.

# Agenda Item 2.3

## **P-04-416: North-South Rail Services**

### **Petition wording:**

We call on the National Assembly for Wales to urge the Welsh Government to work with Arriva Trains to increase the number of direct express rail services between Holyhead and Cardiff.

**Petition raised by:** Neil Taylor

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

**Number of signatures:** 19



Llywodraeth Cymru  
Welsh Government

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**WRITTEN STATEMENT  
BY  
THE WELSH GOVERNMENT**

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**TITLE** North Wales Rail Services  
**DATE** 25 September 2014  
**BY** Edwina Hart, Minister for Economy, Science and Technology

This statement provides an update on improvements to rail services in North Wales.

Following the UK Government's announcement in July about the upgrade to the Halton Curve railway line, I wrote to the Secretary of State for Transport seeking further information on the project. In response the Secretary of State for Transport has confirmed that the Government is providing £10.4 million in support of the Liverpool City Region Growth Deal to fund the reinstatement of the Halton Curve. This will enable passenger services from North Wales and West Cheshire to directly access Liverpool City Centre and Liverpool John Lennon Airport.

The scheme is currently being developed by Network Rail and detailed proposals are expected to be available early next year. Subject to sign off, the UK Government has indicated that the scheme will be delivered in 2016/17.

The scheme has been identified as a priority by the Ministerial Task Force on North Wales Transport and is likely to make a significant difference to travellers on both sides of the border. The reintroduction of the Halton Curve will allow for more flexibility in rail services in that area and we have commissioned a study in conjunction with Merseytravel to assess demand and MerseyTravel have separately commissioned further work to develop options.

Furthermore, over the summer I responded to the UK Government's consultation on the TransPennine Express and Northern Rail Franchises. Good connectivity between Wales and the North of England is very important to sustaining and developing regional economies, and I am keen that all opportunities are taken to strengthen this connectivity during the process of renewing the franchises. My response raised issues around connectivity with services to and from Wales, the Wales and Borders services to and from Manchester, the TransPennine Express services, security and safety, passenger experience and Active Travel.



# VALE OF CLWYD TRADES UNION COUNCIL CYNGOR UNDEBAU LLAFUR DYFFRYN CLWYD

Our Ref/Ein Cyf            NT/Feb 13.

Your Ref/Eich Cyf

Date/Dyddiad                13 October 2014

Petitions Committee  
National Assembly for Wales  
Cardiff Bay  
CARDIFF

Dear Sir

## **Petition on improving north/south rail services**

I have a copy of the current Arriva Trains Wales timetable which is literally identical to the one in operation in February last year.

I would like to emphasise a few points from my letter of 7 February last year which are the basis of my petition.

- The Arriva Holyhead to Cardiff service is basically three stopping services added together.
- There are only two express north south services. One from Holyhead at 0533 arriving at 0958 the other from Llandudno Junction at 0838 arriving at 1211. There is only one express service from Cardiff to Holyhead leaving at 1716 arriving at 2145. The time from Holyhead to Cardiff is roughly four and a half hours. An express north south and return service could be based on the stops of the 0533 from Holyhead.
- There needs to an express service allowing people to travel from north to south and returning in one day without missing a third of a night's sleep and then getting home late.
- The National Assembly needs to discuss with all Wales groups within the public, private and third sector to try and find an acceptable three to four hour slot for meetings bearing in mind the above point.

Yours sincerely



Neil Taylor LL.M, MCIPR  
Secretary/Ysgrifennydd

# Agenda Item 2.4

## **P-04-522 Asbestos in Schools**

### **Petition wording:**

We call on the National Assembly for Wales to urge the Welsh Government to put measures in place to ensure that parents and guardians of children across Wales can easily access information about the presence and management of asbestos in all school buildings.

Given the health risks associated with the presence of asbestos in public buildings, we believe parents and guardians across Wales have the right;

- to know if asbestos is located in their school;
- to know whether, where asbestos is present, it is being managed in line with the Control of Asbestos Regulations 2012;
- to access that information easily online

**Petition raised by:** Cenric Clement-Evans

**Date Petition first considered by Committee:** 10 December 2013

**Number of signatures:** 448

Huw Lewis AC / AM  
Y Gweinidog Addysg a Sgiliau  
Minister for Education and Skills



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref P-04-522  
Ein cyf/Our ref HL/01615/14

William Powell AM  
Assembly Member for Mid & West  
Wales  
Chair Petitions Committee

committeebusiness@Wales.gsi.gov.uk

6 August 2014

Dear William

Thank you for your recent letter concerning correspondence from Cenric Clement-Evans, which refers to a letter from the Health and Safety Executive (HSE) in England to the Petitions Committee, in respect of asbestos in schools.

With regard to the HSE comments about the guidance produced in England, Welsh Government published similar guidance in February 2014. This was produced in consultation with HSE Cymru and provides information necessary for school staff to fulfil their responsibilities in line with legislative requirements and policy of the Health and Safety Executive.

In addition, my officials are in contact with their English counterparts and will inform me of the outcome of the recent consultation in England. At that point I will consider findings and decide if any action is appropriate in Wales. While I note the Mr Clement-Evans' comments, I do not intend for my officials to carry out a Welsh Government consultation at present.

Yours sincerely

**Huw Lewis AC / AM**  
Y Gweinidog Addysg a Sgiliau  
Minister for Education and Skills

4<sup>th</sup> September 2014



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

Dear Mr Powell

**Petition: P-04-522 Asbestos in Schools**

Thank you for your correspondence received on 31<sup>st</sup> July 2014 seeking views on the petition as referenced above. Governors Wales believes that the health, safety and welfare of pupils and staff is paramount and understands the rationale behind the wording of the petition. Governors Wales offers the following comments:

- Chapter 25 of School Governors' Guide to the Law<sup>1</sup> provides an overview of certain areas of responsibility relating to health and safety.
- The Welsh Government Guidance Document on Asbestos Management in Schools<sup>2</sup> details the requirement of Local Authorities and governing bodies in respect of asbestos management procedures and legislation. The responsibilities are clearly outlined pertaining to the relevant duty holder.
- The Health and Safety Executive has also produced a checklist and FAQs to help schools review their asbestos management arrangements.<sup>3</sup>
- We are mindful that, whilst Health and Safety legislation at present does not require schools to inform parents / carers about any existence of asbestos within schools, some schools will however provide such information, to assure parents / carers that effective management arrangements are in place<sup>4</sup> (the full FAQ on this can be found on the HSE website). This would, we feel, be good practice based upon effective risk management and surveys by specialist, qualified surveyors.
- We feel that schools should, therefore, respond openly to enquiries from parents etc., about the presence of asbestos on the premises.
- The consequence of not complying with asbestos regulations is clearly a criminal offence. We believe, therefore, that effective communication and collaboration (as appropriate) is essential for all stakeholders on this area of concern.

Please do not hesitate to contact me if you have any queries concerning the above.

Yours sincerely,

**Jane Morris**  
Director

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<sup>1</sup><http://wales.gov.uk/topics/educationandskills/schoolhome/schoolfundingandplanning/schoolgov/schoolgovguide/govgchap21to27/?lang=en>

<sup>2</sup><http://wales.gov.uk/topics/educationandskills/publications/guidance/asbestos-management-in-schools/?lang=en>

<sup>3</sup>[www.hse.gov.uk/asbestos/index.htm](http://www.hse.gov.uk/asbestos/index.htm)

<sup>4</sup><http://www.hse.gov.uk/services/education/asbestos-faqs.htm> - Should parents be told about asbestos in their children's school?

15 October 2014

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

Dear Mr. Powell,

**Petition P-04-522 Asbestos in Schools**

Thank you for your letter regarding the above petition and your request for the views of the Wales TUC. Please find below the resolution that was passed unanimously at the Wales TUC conference in May this year;

*'Conference reaffirms the position of the Wales TUC that the only safe option in relation to the control of asbestos in school buildings is to remove and dispose of the risk.*

*Conference welcomes the clarity provided in the House of Lords on 14 January 2014 that the development of policies for the management and control of asbestos in schools is a matter for the Welsh Government.*

*Conference, therefore, calls on the Welsh Government to embrace this responsibility and work with local government and the Wales TUC to develop a policy for the progressive, safe and effective removal of asbestos from all schools in Wales.*

The 'Right to Know' Asbestos in schools in Wales submission to the Department for Education Policy Review at Westminster goes to the heart of the Wales TUC resolution and the problem with the reluctance of the Welsh

Government to face up to its responsibilities. The campaign is supported by the Wales TUC affiliates that represent the school workforce.

The Committee need look no further than the chaos and controversy that surrounded Cwmcarn Foundation School. The Caerphilly Authority ordered the School to be temporarily closed following the identification of asbestos while maintenance work was being undertaken. This shows that there needs to be a clear understanding of the impact of failing to take a proactive approach to address the removal of asbestos from schools.

The school is still trying to recover from being temporarily re-sited in Blaenau Gwent as this caused a significant drop in pupil numbers which, in turn, led to a reduction in the school workforce. Thankfully this was affected with the support of the Caerphilly Authority, through voluntary means and redeployment rather than compulsory redundancy. However, the school will continue to face an uncertain future if pupil numbers do not increase.

The Wales TUC maintains that the 'crisis management' used to address the situation at Cwmcarn, although welcome in the circumstances, would not have been necessary if a measured and controlled approach was initiated by the Welsh Government for the safe removal of asbestos from schools in Wales.

Thank you for your request for our views on this important issue and hope that the above Wales TUC policy is helpful.

Yours sincerely,

Julie Cook  
National Officer

**P-04-522 Asbestos in Schools – Correspondence from the Petitioner to the Committee, 16.10.14.**

Dear Kayleigh,

Thank you for sharing the correspondence with the Minister and with governors Wales.

I am a little surprised at the Minister's reference to the letter from Kevin Myers, the then acting Chief Executive of the Health and Safety Executive, as being "a letter from the Health and Safety Executive (HSE) in England", when the 2nd paragraph of that letter confirms that "HSE is a GB-wide regulator". It does not seem to me, that the Minister begins in any way to address the main issue arising from the letter of Mr Myers, namely that policy with regard to asbestos in schools is a matter for Welsh government.

The letter from Mr Myers clearly states that "the regulations do not include any requirement to provide information to parents, or to provide access to such information online, but the Welsh government could decide it wanted schools to do this." I would respectfully suggest that the Minister fails to address these points in any way.

With regard to the guidance, as committee will be aware, I have always welcomed this.

I note that the Minister intends to await the outcome of the consultation in England, before then considering its findings. Whilst I would welcome the fact that note will be taken of the consultation in England, I am disappointed that Welsh Government will not take the lead with regard to this important issue affecting schools in Wales. Unless I am very much mistaken, the consultation undertaken by the Department for Education in England, is specific to English schools. Action is still therefore required by Welsh government with regard to schools in Wales.

In the circumstances therefore, in view of the Minister's decision I would ask that the Petitions Committee review matters again once the outcome of the consultation in England is known.

Turning to the letter from Governors Wales, I welcome their considered response and in particular their view that there should be openness and transparency with regard to the issues of asbestos in schools.

It is my understanding that Wales TUC will be replying to correspondence from the Chair, but I have not had sight of this and cannot comment. I would welcome the opportunity to do so in due course.

Finally I would that over the last few days I am grateful for having had the opportunity of having met with politicians from different political parties both in Wales and England. This has included a round table meeting on asbestos at Westminster, hosted by Shadow Ministers Steven Timms MP and Kate Green MP where it was clear that the issue of asbestos in schools was being taken very seriously by them.

Once again I would thank the members of the Committee for continuing to consider this important matter.

Yours sincerely

Cenric



Dear Kayleigh

As you can see I have now received a copy of the letter of Wales TUC to the Petitions Committee.

I welcome their comments and would repeat my request that Welsh Government formally consults on the issue of Asbestos in Schools in Wales, with a view to formulating policy on the issue.

At the heart of the petition before the committee, is the call for openness and transparency. This was echoed by the statement made by the former CEO of HSE Geoffrey Podger at the Labour asbestos round table meeting on Tuesday when he said that “ It is not acceptable for a few to know the facts and keep them from others” . Clearly Governors Wales agrees with that statement.

I believe as part of their deliberations the Department for Education in England is considering the option of encouraging schools and local authorities to publish data on asbestos on line.

Thanks again

Cenric

## **P-04-576 Allow Children in Wales to Have a Family Holiday During Term Time**

### **Petition Wording**

We call on the National Assembly for Wales to urge the Welsh Government to review the guidance to Local Authorities on head teachers being able to authorise absence for family holidays during term time. Many families from poor backgrounds can only afford to go on holiday during term time, as holidays are about 60% more expensive during the holiday period. Also, many families where parents work are unable to take time off during the school holidays. Holidays can be extremely educational, giving the children awareness of the world in which we live.

**Petition raised by:** Bethany Walpole-Wroe

**Date Petition first considered by Committee:** 15 July 2014

**Number of signatures:** 1008 – An associated e-petition has collected over 10,300 signatures.



Eich cyf/Your ref P-04-576  
Ein cyf/Our ref HL/01725/14

William Powell AM  
Chair Petitions Committee

committeebusiness@Wales.gsi.gov.uk

1 September 2014

Dear William

Thank you for your letter of 14 August, regarding petition P-04-576 from Bethany Walpole.

The Welsh Government has produced two pieces of guidance for local authorities which cover the authorisation of absence during term time for school holidays: Inclusion and Pupil Support, and the All Wales Attendance Framework.

Both documents advise schools and local authorities of their discretionary power to authorise up to ten days absence per year for a family holiday during term time. Parents do not have an automatic right to remove their children from school for a holiday, but they may apply for permission in advance. Upon receiving a request the school should consider the time of year of the proposed trip, length and purpose of the holiday, impact on continuity of learning, circumstances of the family and the wishes of parents as well as the overall attendance pattern of the child.

I have provided a link to the relevant section of each document for ease of reference:

Inclusion and Pupil Support – Section 4

<http://wales.gov.uk/topics/educationandskills/schoolshome/pupilsupport/inclusionpupilsupportguidance/section4/?lang=en>

All Wales Attendance Framework – Section 1, page 74

<http://wales.gov.uk/topics/educationandskills/schoolshome/pupilsupport/framework/?lang=en>

In your letter you also refer to an associated e-petition that had collected 10,300 signatures at the time of your writing. I understand there is an e-petition, apparently a 'sister petition' to the one presented to the Petitions Committee, hosted on a website called '38 Degrees' which calls for the Welsh Government to 'Reverse the Education Authorities rule that Head teachers are no longer able to authorise absence for family holidays during term time'. I have provided the link to this e-petition for ease of reference:

<https://you.38degrees.org.uk/petitions/let-children-in-wales-have-a-family-holiday-during-term-time>

This e-petition is erroneous, in that it seeks to overturn legislation which is not in place. The Education (Pupil Registration) (Wales) Regulations 2010 give schools their discretionary power to grant up to 10 days absence for the purpose of an annual family holiday during term time.

Yours sincerely



**Huw Lewis AC / AM**

Y Gweinidog Addysg a Sgiliau  
Minister for Education and Skills

**Our Ref/Ein Cyf:**  
**Your Ref/Eich Cyf:**

**Date/Dyddiad:**

**Please ask for/Gofynnwch am:**

**Direct line/Llinell uniongyrchol:**029 2046 8611

**Email/Ebost:**

1<sup>st</sup> October 2014

Steve Thomas

[steve.thomas@wlga.gov.uk](mailto:steve.thomas@wlga.gov.uk)



WLGA • CLILC

Petitions Committee  
National Assembly for Wales  
Cardiff Bay  
Cardiff  
CF99 1NA

Dear William Powell,

### **Petition – P-04-576 Allow Children in Wales to Have a Family Holiday During Term Time**

The WLGA is pleased to be able to respond to the recent petition received by the Petitions Committee on allowing children in Wales to have a family holiday during term time.

The WLGA believes that regular attendance at school or education setting promotes opportunity for every child or young person to reach their full potential and learn and develop skills for life. Local authorities in Wales believe that all children and young people should benefit from high quality education and considerable work is underway in all local authorities to ensure that schools improve performance. There is a close connection between pupil attendance and performance, so schools and local authorities have put a significant amount of work and resource into ensuring that pupils have a good learning experience in order to promote excellent attendance.

The work of local authorities has been supported by Welsh Government who have made an attendance grant available for local authorities through the regional school improvement services. Attendance figures in Wales have risen over recent years, with overall attendance in secondary schools in Wales rising from 91.4% in 2010/11 to 93.6% in 2013/14. Overall attendance in primary schools has also risen from 93.3% in 2010/11 to 93.7% in 2013/14.

Attendance figures, used by Welsh Government and local authorities, are an important measure of the success of a school, not only to ensure children and young people achieve to their highest potential but also in order to promote wider well-being. The more time a child or young person spends at school the more opportunity they have to make friends, feel included and boost social skills, confidence and self-esteem. Time away from school, for any reason, can lead to the child or young person falling behind and missing out on vital

Steve Thomas  
Chief Executive  
Prif Weithredwr

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

Pack Page 18

opportunities.

The WLGA and local authorities in Wales have been explicit in their support for the Welsh Governments aim to improve literacy and numeracy skills and to improve the performance of children and young people from more socio-economically deprived backgrounds. Regular and consistence attendance at school plays a vital role in reaching the standards set within the Literacy and Numeracy Framework and throughout the educational journey. In order to support pupils from more socio-economically deprived backgrounds to achieve high attendance head teachers and local authority Education Welfare Services work together to ensure that communities, families and children and young people are engaged with the school or education setting. In this work local authorities are guided by the Welsh Government's Behaviour and Action Plan and the All Wales Attendance Framework.

Local authorities have also recently been given powers to issue fixed penalty notices to parents of pupils who are not attending school. All local authorities in Wales are in the process of implementing guidance for the appropriate use of fixed penalty notices as part of the overall strategy for tackling poor attendance in order to promote high achievement.

The WLGA does recognise the importance of families spending time together and enjoying holidays. The benefits of such time cannot be understated in terms of new experiences and developing skills for the whole family. However, it is important that schools and families work together to promote full attendance at school during term time and ensure that school is seen as important and fulfilling to the child or young person.

The WLGA also understands the argument that many families from socio-economically deprived backgrounds can only afford to go on holiday during term time. There is a broader concern that holidays are far more expensive and out of reach of some families out of school term time. This is definitely an issue of equality of opportunity and one that the WLGA recognises. This issue should not, however, be addressed by removing children or young people from schools or education settings. Breaking the cycle of poverty that many children and young people find themselves in, is dependent on those children achieving their full educational potential; attendance at school is essential to achieving this.

The focus should therefore be on school attendance and improving performance so we can ensure that children and young people have the best possible start in their educational and professional lives.

The WLGA would be happy to provide further information should this be required.

Yours Sincerely

Steve Thomas  
Chief Executive

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# Comisiynydd Plant Cymru Children's Commissioner for Wales

Keith Towler

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William Powell AM/AC  
Chair/Cadeirydd  
Petitions Committee  
National Assembly for Wales/Cynulliad Cenedlaethol Cymru  
Cardiff Bay/Bae Caerdydd  
Cardiff  
CF99 1NA

24 September 2014

Dear William

Re: **PETITION – P-04-576 ALLOW CHILDREN IN WALES TO HAVE A FAMILY HOLIDAY DURING TERM TIME**

Thank you for your letter of 14 August 2014 requesting my views on the above mentioned petition.

I recognise the importance of providing children and young people with the best possible opportunities to explore their global identities and fulfil their potential. This principle is enshrined by Article 29 (Aims of Education) of the United Nations Convention on the Rights of the Child (UNCRC) and General Comment No. 1 emphasises that children and young people should be afforded a robust educative offer that supports holistic development of their full potential<sup>1</sup>.

I recognise that holidays play an important part in family life and often provide children and young people with additional learning opportunities to explore the world, participate in cultural activities and develop their sense of global citizenship; offering potential learning experiences that might not otherwise be available through the education curriculum.

I also understand how financial limitations, particularly for those children and families living in poverty, can limit childhood opportunities, including family holidays. With so many families facing many financial challenges, it may seem somewhat surprising for me to raise the importance of cultural poverty. The reason for my concern is that there's a growing body of evidence to suggest that cultural engagement supports better educational engagement and outcomes. And indeed, within my Child Poverty Progress Report 2013<sup>2</sup> and Annual Report 2012/2013<sup>3</sup>, I emphasised that structured learning through arts and culture improves attainment in all subjects.

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<sup>1</sup> UN Committee on the Rights of the Child (2001) *General Comment No. 1 (2001) Article 29 (1): The Aims of Education* [.pdf] Available online at: <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhSiQgl8gX5Zxh0cQqSRzx6Ze%2f9ZHelGwBpr0TgNk7n2KwvLTyUpYZrr02J%2f7DotFSXAJUShXkO3j7y04tA46d54m4kcgEa%2b5RtfThvOH2pDQf> Accessed on: 09/09/2014

<sup>2</sup> <http://www.childcom.org.uk/uploads/publications/402.pdf>

<sup>3</sup> <http://www.childcom.org.uk/uploads/publications/400.pdf>

This petition highlights complexities surrounding familial choice, poverty, access to the best possible education and access to a child's right to play. As such, in considering the petition's proposal to review the guidance to Local Authorities on head teachers being able to authorise absence for family holidays, I have to consider what would be in the best interests of children and young people (Article 3 of the UNCRC).

In general, the rate of pupil absenteeism has been decreasing in Wales. The latest evidence available demonstrates that the decline of pupil absenteeism in primary school has been ongoing since 2005<sup>4</sup> and in secondary schools since 2006<sup>5</sup>. Maintaining and supporting children and young people to consistently attend school is a crucial component to ensuring that they are positively engaged in education and offered the best possible opportunities to fulfil their individual potential.

There is evidence available which demonstrates that absence from education negatively impacts pupils' wellbeing and ability to fulfil their individual academic potential<sup>6 7</sup>. Absenteeism from school presents children and young people with significant challenges and difficulties to catch up with missed learning and places undue stress on children and young people's mental health and emotional wellbeing resulting in academic underachievement, difficulty making friends, loss of confidence and self-esteem, behavioural difficulties, and impaired socialisation for work<sup>8</sup>. I have a duty to protect and promote the wellbeing of the children and young people, and it is clear to me that the impact of absenteeism from education detrimentally impacts the immediate and long-term life chances of children and young people.

When we look at the guidance in relation to this, the Welsh Government document, *Guidance on penalty notices for regular non-attendance at school*, states that "schools must consider whether the reason for absence is reasonable" (p.6)<sup>9</sup>. I believe schools should take all appropriate measures to consider *reasonable* absence and that they enter into discussions with parents/carers who want to take their children on holiday term time

I do not believe that the best interests of children and young people are going to be served through the application of financial penalties. My Investigation and Advice service has received

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<sup>4</sup> Statistics for Wales (2013) *Absenteeism from Primary Schools, 2012/2013* [.pdf] Available online at: <http://wales.gov.uk/docs/statistics/2013/131218-absenteeism-primary-schools-2012-13a-en.pdf> Accessed on: 09/09/2014

<sup>5</sup> Statistics for Wales (2013) *Absenteeism from Secondary Schools, 2012/2013* [.pdf] Available online at: <http://wales.gov.uk/docs/statistics/2013/130910-absenteeism-secondary-schools-2012-13-en.pdf> Accessed on: 09/09/2014

<sup>6</sup> Reid, K (2008) *National Behaviour and Attendance Review (NBAR) Report* [.pdf] Available online at: <http://wales.gov.uk/dcells/publications/publications/reports/3773934/nbarreport?lang=en> Accessed on: 09/09/2014

<sup>7</sup> DfE (2012) *Improving attendance at school* [.pdf] Available online at: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/180772/DFE-00036-2012\\_improving\\_attendance\\_at\\_school.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/180772/DFE-00036-2012_improving_attendance_at_school.pdf) Accessed on: 09/09/2014

<sup>8</sup> DfES (2003) *Absence from School: A study of its causes and effects in seven LEAs* [.pdf] Available online at: <http://dera.ioe.ac.uk/8655/1/RR424.pdf> Accessed on: 09/09/2014

<sup>9</sup> Welsh Government (2013) *Guidance on penalty notices for regular non-attendance at school* [.pdf] Available online at: <http://wales.gov.uk/docs/dcells/publications/130925-guidance-regular-non-attendance-en.pdf> Accessed on: 09/09/2014



Page 3

calls from parents concerned at correspondence about school absences that they have received from Local Education Authorities and schools. I would encourage your Committee to explore the implementation of Welsh Government guidance on a national basis and address any inconsistencies that may be arising in interpreting the guidance by individual local authorities in Wales.

Thank you again for the opportunity to comment.

Yours sincerely

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

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

Petitions Committee  
National Assembly for Wales  
Cardiff Bay  
Cardiff  
CF99 1NA

Dear William Powell,

**Petition – P-04-576 Allow Children in Wales to Have a Family Holiday During Term Time**

Thank you for considering our petition once again as part of your meeting. We have read with interest the letters from the WLGA, the Minister for Education and Skills, Huw Lewis, and the Children’s Commissioner, Keith Towler.

We would like to firstly draw your attention to a number of points:

1. We recognise the need for good attendance, however a blanket ban does not allow for any compassion for individual circumstances.
2. We would like to work with the head teachers on a case-by-case basis, so that each request will be considered fairly and on its own merit.
3. Quality family time is extremely important as recognised by all the respondents, and many families cannot get that time during the school holidays for a number of reason, including financial constraints and work commitments.
4. The blanket ban issued by the councils also means that children are no longer able to request authorised absence for important events, such as a funeral or a family wedding.
5. We have also heard a number of heart-wrenching stories, which I cannot make public, but could discuss privately, where clearly the child’s overall mental health and well-being were at stake. The council ban doesn’t give any provision for this type of situation.
6. Issuing a blanket ban on term time holidays is also likely to have a knock-on effect for our tourism industry, something which tourism businesses are already noticing due to the legislation in England.
7. This issue has strong feeling across Wales. We currently have nearly 15,000 signatures and more than 3,500 Facebook likes, many of whom are angry with the guidelines and engaging with the page to tell their story or vent their frustrations.

We would also like to pick up a point made by the WLGA:

“The WLGA does recognise the importance of families spending time together and enjoying holidays. The benefits of such time cannot be understated in terms of new experiences and developing skills for the whole family. However, it is important that schools and families work together to promote full attendance at school during term time and ensure that school is seen as important and fulfilling to the child or young person. ”

This almost precisely mirrors what we as a campaign group are hoping to achieve. We would like to work with the school to ensure good attendance and attainment for children across Wales, but have the flexibility to request term time absence as and when a need arises. The school would then of course retain the right to deny absence having made a fair judgement on that individual request.

We also feel strongly that schools should be free to exercise their statutory powers under regulation 7 of The Education (Pupil Registration) (Wales) Regulations 2010 without interference from bodies such as regional educational consortia and local authorities and without threat of penalisation through school inspection, performance judgement and banding processes.

We feel that the current government guidelines, giving head teachers the authority to grant up to 10 days absence per year, and more in exceptional circumstances, are fair and if implemented by councils across Wales, that would lead to much more consistency throughout.

We would also like to make you aware that we have submitted a request for petition with the European Parliament, which is currently being considered.

Yours sincerely,

Bethany Walpole-Wroe and Helen Weedon

## **P-04-492 Diagnosis of autism in children**

### **Petition wording:**

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

- ensure timely diagnosis for children with Autism Spectrum Disorder [ASD], regardless of where they live, so that children with autism can be supported and lead fulfilled lives; and
- review implementation of and ensure compliance with the NICE guidelines on recognition, referral and diagnosis of children and young people on the autism spectrum as part of the Welsh Government's refresh of its ASD Strategic Action Plan.

### **Supporting information:**

Diagnosing can be a critical milestone for people with autism. For children, it can help ensure that the right support is put in place from an early age.

Diagnosing autism can be difficult because autism is complex condition that affects each person in a different way. We therefore support the view that a number of different specialists should be part of the process to ensure a correct diagnosis.

However a timely diagnosis is vital in order to minimise anxiety and stress for children with autism and their families. The Deputy Minister for Social Services supports this view and in response to a question from Rebecca Evans AM said: 'I fully recognise the importance of receiving a timely diagnosis.' We also know that early intervention for children with autism is crucial in their educational, emotional and social development and for their longer-term health.

While there are good examples of diagnostic and assessments services in Wales, we are very concerned that not everyone can access a timely diagnosis and that not every area is following the NICE guidelines on

recognition, referral and diagnosis of children and young people on the autism spectrum.

Our experience in Pembrokeshire has been particularly difficult, with some members of the branch waiting up to seven years for a diagnostic assessment. This lengthy wait for diagnosis is having a huge impact on families across Pembrokeshire.

We have tried on several occasions to engage with Hywel Dda Local Health Board. We have also met with local AMs Paul Davies and Angela Burns outlining our concerns. Paul Davies has written to Hywel Dda Health Board urging them to meet with the branch. We are still waiting for the Health Board to act on that request.

One of the branch members has 'waited over six years for my one son to get a diagnosis. Now I'm waiting for the other it's been about two years and it fills me with dread.'

We want to ensure timely diagnosis for all children with an Autism Spectrum Disorder across Wales so that they can be supported appropriately to lead fulfilled lives.

#### About autism

Autism is a lifelong developmental disability that affects the way a person communicates with, and relates to, other people. It also affects how they make sense of the world around them. It is a spectrum condition, which means that, while all people with autism share three main areas of difficulty, their condition will affect them in different ways. The three main areas of difficulty are:

- Difficulty with social interaction. This includes recognising and understanding other people's feelings and managing their own. Not understanding how to interact with other people can make it hard to form friendships;
- Difficulty with social communication. This includes using and understanding verbal and non-verbal language, such as gestures, facial expressions and tone of voice; and

- Difficulty with social imagination. This includes the ability to understand and predict other people's intentions and behaviour and to imagine situations outside of their own routine. This can be accompanied by a narrow repetitive range of activities.

Some people with autism are able to live relatively independent lives but others may need a lifetime of specialist support. People with autism may also experience some form of sensory sensitivity or under-sensitivity, for example to sounds touch, tastes, smells, light or colours. Asperger syndrome is a form of autism.

Research has shown that 1 in 100 people have autism. By applying the 1 in 100 figure we estimate that over 30,000 people in Wales have autism. Together with their families, they make up over 100,000 people whose lives are touched by autism every single day.

#### About the NAS and Pembrokeshire Branch

The National Autistic Society Cymru [NAS Cymru] is Wales' only member-led charity for people affected by autism. The National Autistic Society was founded in 1962 by a group of parents who were passionate about ensuring a better future for their children. In Wales, since 1994, we have been providing local support, services and actively campaigning so that people with autism get to lead the life they choose.

NAS Cymru believes that the right support at the right time makes an enormous difference to the lives of those affected by autism and we are committed to ensuring that their voices are heard.

Across Wales we have over 900 members and 11 local branches including the one in Pembrokeshire. Launched on the 1st April 2011, the branch is for parents of children with autism to provide a network of support for people connected through autism living in Pembrokeshire and surrounding areas. The branch meets on a regular basis holding formal and informal events, as well as campaigning and fundraising locally.

**Petition raised by:** National Autistic Society Pembrokeshire Branch

**Date petition first considered by Committee:** 18 June 2013

**Number of signatures:** 902

The National Autistic Society Cymru  
Pembrokeshire Branch  
C/O 6&7 Village Way  
Greenmeadow Springs Business Park  
Cardiff  
CF15 7NE  
02 October 2014

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

Dear William Powell

Thank you for the opportunity to comment on the correspondence that you received from the then Deputy Minister for Social Services, Gwenda Thomas, on the 21 August 2014.

We are pleased to note that a representative from NAS Cymru will be a member of the Task and Finish Group being established on children's autism diagnosis. We look forward to working with Welsh Government and others on this important piece of work.

Since then, there has been a Cabinet reshuffle and a new Minister is now responsible for autism and the Autistic Spectrum Disorder Strategic Action Plan. Given that, could the Petitions Committee undertake to:

- draw the new Minister's attention to the Petition and the agreed actions;
- clarify when the Task and Finish Group is expected to begin its work; and
- obtain confirmation from the Minister that autism remains a Welsh Government priority

As you will recall, Hywel Dda local health board drew up an improvement plan to help reduce the particularly long waiting times in Pembrokeshire. In my previous correspondence to you dated 18 March 2014 I asked that the Committee receives an update from Hywel Dda local health board on progress of its plan by June 2014.

I would be grateful if the Committee could confirm that it has received a progress report from Hywel Dda and that you are happy to share it with the Pembrokeshire Branch. It would also be useful for the Hywel Dda local health board to explain to the Committee how it intends to ensure that children in Pembrokeshire receive a timely diagnosis, after this current improvement plan finishes.

Kind regards

Lisa Phillips  
NAS Pembrokeshire branch



Accept difference. Not indifference.



## Agenda Item 2.7

### **P-04-494 Robotic assisted laparoscopic prostatectomy must be made available to men in Wales now**

#### **Petition wording:**

Robotic assisted laparoscopic prostatectomy is the 21st Century Gold standard. Wales as a nation must be at the forefront in offering this standard. We, the undersigned, are appalled by the fact that men in Wales with prostate cancer cannot be offered robotic surgery in Wales, yet in England ALL men have this choice with at least 40 locations offering this treatment and with men from Wales having to pay thousands of pounds to access this capability in these English NHS facilities (typically between £13-15,000). Clearly, many men in Wales cannot afford this. We call on the National Assembly for Wales to urge the Welsh Government together with the National Health Service of Wales to resolve this totally unfair predicament and serious lack of essential resource within our NHS in Wales without delay. It is vital that this technology, this 21st Century Gold Standard is offered to men in Wales. It simply cannot be right that such technology is available elsewhere and that men from Wales have to pay to avail themselves of it in an NHS facility in England.

**Petition raised by:** Professor Kevin Davies MBE

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

**Number of signatures:** 2090. An associated petition collected 1,000 signatures.

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-04-494  
Ein cyf/Our ref MD/03321/14

William Powell AM  
Chair  
Petitions Committee

[Stephen.George@wales.gov.uk](mailto:Stephen.George@wales.gov.uk)

20 September 2014

*Dear William,*

Thank you for your letter of 1 September regarding the availability of robotic assisted laparoscopic prostatectomy in Wales.

I am sorry to hear that you have not had a response from Abertawe Bro Morgannwg University Health Board to your letters and will ask the chair of the health board to follow this up.

I have read the petitioner's passionate letter and am pleased to report Wales' first unit at the University Hospital of Wales, Cardiff is now being used to treat patients. The unit will provide robotic-assisted laparoscopic prostatectomy to patients from across South and West Wales, and patients in North Wales will continue to access this treatment at Manchester's Christie Hospital.

We have taken the difficult decision to introduce this form of surgery for prostate cancer at an unprecedented time of austerity. England has many more units than Wales but this is to be expected as it has a population base that is more than 17 times larger. I also note the draft National Institute for Health and Care Excellence states guidance that units should treat a minimum of 150 patients per year and its machines be based at centres that are likely to treat a high volume of patients. This demonstrates the necessity of establishing robotic treatment centres only where we have sufficient demand for the treatment, ensuring that standards are high and the facility is fully utilised.

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

I can assure you that patients in other health boards will be able to access the UHW service and inter-health board commissioning will ensure timely referral and treatment of patients according to their clinical need.

I hope this is helpful.

Best wishes,  
Mark

**Mark Drakeford AC / AM**

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



**GIG**  
CYMRU  
**NHS**  
WALES

Bwrdd Iechyd Prifysgol  
Abertawe Bro Morgannwg  
University Health Board

Our Ref: P-04-494

Date: 24<sup>th</sup> September 2014

ABMU Health Board  
Headquarters  
One Talbot Gateway  
Seaway Parade  
Port Talbot  
SA12 7BR

Tel: 01639 683302  
WHTN: 1787 3302

Ms Kayleigh Driscoll  
Deputy Committee Clerk  
National Assembly for Wales  
Cardiff Bay  
Cardiff  
CF99 1NA

Dear Ms Driscoll

As outlined in the attached letters from Williams Powell, Cardiff and Vale University Health Board has been allocated funding by the Health Technologies Fund for a robotic surgery system at the University Hospital of Wales. The business case submitted by Cardiff and Vale for the purchase of a robot to undertake radical prostatectomy procedures outlined that demand in ABMU based on 2012/2013 activity is 65 cases per annum. NICE clinical guidance recommends that commissioners ensure that the robotic system for surgical treatment of localised prostate cancer are cost effective by basing them in centres that are expected to perform at least 150 robot-assisted laparoscopic radical prostatectomies per year. Based on the 2012/2013 activity level, there are currently insufficient levels of activity to support the commissioning of a robot solely within ABMU. Therefore, ABMU has been working in collaboration with Cardiff and Vale on the delivery of this service for all patients in South Wales.

The Cardiff and Vale business case emphasised that 'whilst the robot would be based in Cardiff, it would be used by a small team of robotically trained Urology Surgeons (to include Mr Neil Fenn from ABMUHB and Mr Jim Wilson from Aneurin Bevan HB) with equity of access based on patient flows, the majority of which will be from outside Cardiff and Vale. To ensure compliance with cancer standards, the clinical model will be flexible to allow surgeons to operate on patients from locations across South Wales, not just those for their local populations.' Therefore, those patients under the care of ABMU will have equity in

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◦ Chairman/Cadeirydd: **Professor Andrew Davies**

◦ Chief Executive/ Prif Weithredydd: **Mr Paul Roberts**

ABM Headquarters/ Pencadlys ABM, One Talbot Gateway, Seaway Parade, Baglan Energy Park, Port Talbot. SA12 7BR.  
Telephone: 01639 683344 Ffon 01639 683344 FAX: 01639 687675 and 01639 687676

Bwrdd Iechyd ABM yw enw gweithredu Bwrdd Iechyd Lleol Prifysgol Abertawe Bro Morgannwg  
ABM University Health Board is the operational name of Abertawe Bro Morgannwg University Local Health Board

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

their care, as access to a robot has already been established via the Cardiff & Vale business case.

To support patients from outside Cardiff and Vale having equitable access to the robot, a clinical pathway for patients referred for surgery outside Cardiff and Vale has been developed by consultants from ABMU, Aneurin Bevan and Cardiff & Vale. The pathway for the service for patients in Wales is based on a model with a central robotic system in Cardiff and provision for a 'flow of patients' with their surgeons from neighbouring cancer centres currently providing an open or Laparoscopic RP service. This group of patients makes up the majority of cases and therefore the agreed pathway is designed to support this model and ensure patient flow is safe and efficient.

Yours sincerely

pp *Alexandra Howells*

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

# Agenda Item 2.8

## **P-04-527 Campaign for a Special Cancer Drug Fund in Wales**

### **Petition wording:**

Beth Margetson is one of our town's residents whose life has been overshadowed by a dreadful disease we know as cancer and it will affect nearly 1 in 3 of us at some point during our lives. Many will survive yet others in advanced stages of this disease like Beth are unable to gain access to the latest treatments that have not been approved by NICE although a pathway exists in England & Scotland to obtain treatment via a Cancer drug fund. Here in Wales no such fund exists yet each year over 74 million free prescriptions are issued in Wales at a cost of over £550 million to the NHS in Wales. We therefore request that the Welsh Assembly Government introduce a nominal charge (e.g. £1.00) for prescriptions in order that a special Cancer Drug fund be set up in Wales with the proceeds so that people like Beth and many hundreds of others like her at least have a chance that is being denied to them thus far unlike people in England or Scotland.

**Petition raised by:** Cllr Sean Aspey

**Date Petition first considered by Committee:** 21 January 2014

**Number of signatures:** TBC



Your Ref: P-04-527

11<sup>th</sup> September 2014

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

**For the attention of Stephen George, Committee Clerk**

Dear Mr Powell

I refer to your letter dated September 2014 requesting further information on the All Wales Medicines Strategy Group's (AWMSG's) appraisal processes for evaluating cancer medicines.

The remit of AWMSG is to advise the Minister for Health and Social Services on the managed entry of all newly licensed medicines, or licence extensions of existing medicines, for use within NHS Wales. AWMSG takes into account the future work programme of the National Institute for Health and Care Excellence (NICE) when considering whether a medicine will be appraised. To avoid duplication of effort, AWMSG would not normally consider undertaking an appraisal if NICE intends to publish final technology advice (Single Technology Appraisal or Multiple Technology Appraisal) for the same medicine and indication(s) within 12 months of the date of marketing authorisation. AWMSG advice is interim to that of NICE, should NICE subsequently publish final technology appraisal advice. Exceptions to this rule have been made on occasions when there has been a request by clinicians for mandatory advice ahead of NICE: For example, the prostate cancer medicine, abiraterone, was routinely available to patients living in Wales four months ahead of patients living in England.

In January 2014 AWMSG adopted a new approach intended to address some of the issues relating to equity of access in relation to new medicines for patients in Wales. It applies in circumstances when the National Institute for Health and Care Excellence (NICE) does not recommend a medicine for use within the NHS on the grounds of cost-effectiveness and the medicine is subsequently funded within England via alternative national commissioning routes (including the Cancer Drugs Fund). An opportunity now exists for the marketing authorisation holder to make an application for the medicine to be appraised by the All Wales Medicines Strategy Group (AWMSG). The application must include a Wales Patient Access Scheme (WPAS), but may also include additional information which may not have been submitted to NICE, or information specific to NHS Wales (perhaps highlighting a specific patient population or other societal benefit/s).

It is important that any 'additional evidence' showing added value or benefit to NHS Wales over and above that considered by NICE is clearly identified, highlighted by the marketing authorisation holder, and reflects the context of an AWMSG appraisal which applies clinical and cost-effectiveness, in addition to a broad strategic, societal and patient perspective to its recommendations. It is also important that confirmation and full details of the alternative funding route within the NHS in England is provided. This approach has been implemented and will be reviewed by AWMSG in March 2015.

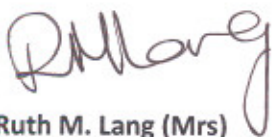
In advising whether a medicine should be routinely available, AWMSG takes into account evidence of clinical-effectiveness, cost-effectiveness, clinical expert and patient/patient carer views, in addition to societal and budget impact issues. The appraisal process is open, transparent and robust - the holder of the marketing authorisation (normally the applicant company) submits their best available evidence to support the use of the medicine, has opportunity to comment on the critique of the evidence, is invited to attend the public meeting and given opportunity to input into discussions. This process is the same for all medicines irrespective of a patient's condition, thus enabling equity of access to medicines that are considered by AWMSG to be both clinically-effective and cost-effective. In addition, a process exists in Wales for health board clinicians to make decisions for individual patients in exceptional circumstances, which is outside the role and remit of AWMSG.

My role as Head of Liaison & Administration in the All Wales Therapeutics & Toxicology Centre is to provide secretariat services and administrative support to the AWMSG. It would therefore be inappropriate for me to provide my personal views in relation to the matters raised by the petition more generally. I would, however, be more than happy to chat through any aspect of the AWMSG appraisal process to assure you that the appraisal process in Wales is rigorous, fair, transparent and equitable.

Please don't hesitate to contact me if you require any further information.

Kind regards.

Yours sincerely



Ruth M. Lang (Mrs)

Head of Liaison & Administration

All Wales Therapeutics & Toxicology Centre



## Agenda Item 2.9

### **P-04-553 A full and independent investigation in to the health risks of wireless and mobile phone technologies in Wales including all schools**

#### **Petition wording:**

We call on the National Assembly for Wales to urge the Welsh Government to conduct a full and independent investigation in to the effects of Electro Magnetic Fields created and emitted by wireless technologies, phone masts, mobile phones and other frequency emitters and domestic appliances on the health and general well being of humans and the natural world. There is now an enormous body of evidence demonstrating that the bombardment of modern traffic in electro magnetic fields can be harmful, causing DNA and cellular damage, having an impact on immune function and causing an increased risk of cancer and a loss of fertility – with children being especially susceptible to these threats.

#### **Additional Information**

The Council of Europe, World Health Organization, International Agency for UK Trades Union Congress (TUC), European Environment Agency, International Commission for Electromagnetic Safety and the Russian, German and Israeli governments are all asking for these health risks to be addressed and for practical measures such as hard wiring in schools to be introduced instead of Wi Fi. The Welsh Government could also lead in this area and protect the future health of all Welsh citizens by conducting their own independent research as well as consulting with independent organisations such as Powerwatch and WiFiinschools who provide a vast amount of research and strongly advise that the precautionary principle be followed.

**Petition raised by:** Cymru Sofren / Sovereign Wales

**Date Petition first considered by Committee:** 13 May 2014

**Number of signatures:** 11

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



Eich cyf/Your ref P-04-553  
Ein cyf/Our ref MD/05160/14

Llywodraeth Cymru  
Welsh Government

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

4 October 2014

Dear William,

Thank you for your recent letter asking for my views on petition P-04-553 from Cymru Sofren/Sovereign Wales which states:

*Petition - P-04-553 A full and independent investigation in to the health risks of wireless and mobile phone technologies in Wales including all schools*

The **Public Health England Centre for Radiation, Chemical and Environmental Hazards (PHE-CRCE)** (formerly the Health Protection Agency – HPA) provides advice to the Welsh Government on radiological protection matters. It provides an independent, impartial and authoritative source of scientific advice on questions related to health effects from ionising and non-ionising radiation.

Based on the advice I have received from PHE-CRCE, I do not support the petition's call for a full and independent investigation of these issues, as I am reassured that PHE-CRCE's continued monitoring of the scientific research data provides sufficient information to protect the public in this area.

I attach at Annex A advice given by PHE-CRCE on the specific issues raised by the petition, and at Annex B a summary of their current position on research into electromagnetic fields. I think the Committee will find the information presented helpful in the further consideration of the petition.

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

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

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## Public Health England Centre for Radiation, Chemical and Environmental Hazards (PHE-CRCE)

### Advice on issues raised by petition P-04-553

The petition states that “*there is an enormous body of evidence demonstrating that the bombardment of modern traffic in electro-magnetic fields can be harmful*”. The most recent PHE-backed comprehensive review of scientific studies was undertaken by the independent Advisory Group on Non-ionising Radiation (AGNIR) and published at the end of April 2012. The AGNIR report considered whether there was evidence for health effects occurring in relation to exposures below the International Commission on Non-Ionizing Radiation Protection (ICNIRP) levels, which have been adopted in the UK. The overall conclusion was that, although a substantial amount of research has been conducted in this area, there is no convincing evidence that radio wave exposures below guideline levels cause health effects in either adults or children. The AGNIR report and associated PHE response can be found at:

<https://www.gov.uk/government/publications/radiofrequency-electromagnetic-fields-health-effects>

The petition particularly asks for the inclusion of schools in any investigation, and identifies children as particularly susceptible to the “*threats*” of electromagnetic exposure. PHE-CRCE has undertaken a systematic programme of research to assess exposures of children from wireless computer networking equipment used in schools. At the start of the project, comprehensive test facilities were set up and a review of technical standards and wireless equipment used in UK schools was carried out. The main objectives of the project were as follows.

- Measurements of the electromagnetic field strengths around selected Wi-Fi devices during transmission, and calculations of radiated powers.
- Computer modelling of Wi-Fi equipment in use by children in order to predict the specific absorption rate (SAR) of radiofrequency energy in the body.
- Measurements of the proportion of the time that individual Wi-Fi computers transmit during typical school lessons.

The project findings were published in September 2011 and summarised in an appendix contained within the 2012 AGNIR report. The data gathered during the project reinforced the position adopted by the former Health Protection Agency (HPA) at the beginning of the project that exposures from Wi-Fi equipment are small in relation to the ICNIRP guidelines and less than those from mobile phones. Note, a precautionary approach continues to be advised with mobile phones, and this recognises that exposures are much higher than occur in other situations, though still within the guidelines, when mobile phones are held to the head to make voice calls.

The siting of mobile phone masts near to schools is a topic on which concerns are sometimes expressed and we note that the Petitions Committee has also written to Ofcom to identify if there has been any recent research in this matter. The 2012 AGNIR review includes a summary of over 3,000 measurements made by Ofcom as part of a UK-wide audit programme at 541 sites near mobile phone masts, including 339 schools. The maximum exposure found at any location was hundreds of times below the ICNIRP guideline levels, and typical exposures were lower still.

In responding to the 2012 AGNIR report for situations giving rise to exposures that are already low in relation to guidelines (for example, those from Wi-Fi and mobile phone base stations), PHE advised that community and individual measures to reduce exposures are not necessary. PHE is also committed to carefully continue monitoring the emerging scientific evidence, providing any

### Summary of PHE advice about the health effects of exposure to radiofrequency fields

*Please note the weblinks to documents on the former HPA website provided below will not work at present because that site has been taken down. PHE is in the process of re-providing the material from HPA on [www.gov.uk](http://www.gov.uk). For the moment, it is best to obtain ex-HPA material from the snapshot of the HPA website that is held in the National Archives:*

*<http://webarchive.nationalarchives.gov.uk/20140722091854/http://www.hpa.org.uk/webw/HPAweb&Page&HPAwebAutoListName/Page/1317139282177>*

#### Role of Public Health England

Public Health England (PHE) came into being in April 2013, and advises the Government (including the Welsh Government) on all aspects of public health, including exposure to radio waves, the appropriate standards of protection for the general population and any measures necessary to protect sensitive groups. PHE inherited this responsibility from the former Health Protection Agency (HPA) and it continues to develop and provide a range of published information about radiofrequency topics. The material includes comprehensive scientific review reports and position statements, which can be found at:

<http://www.hpa.org.uk/Topics/Radiation/UnderstandingRadiation/UnderstandingRadiationTopics/ElectromagneticFields/RadioWaves/>

Within this suite of information are statements on the following frequently mentioned topics. The statements highlight assessments that have been done and which support the PHE view that exposures are small in relation to guidelines and not expected to pose a hazard to the public:

- Wireless networks (Wi-Fi), as used in schools and elsewhere;
- Mobile phone base stations, including the latest 4G systems;
- Smart meters for monitoring of domestic energy usage.

The situation with mobile phones, including their use by children, is somewhat different, as explained below, but also covered by published information.

#### Public exposure guidelines for radiofrequency fields: scientific evidence and consistency of PHE guidance with the international consensus

Central to PHE advice is that exposures to radio waves should comply with the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). ICNIRP is formally recognised by the World Health Organization (WHO). PHE has also issued precautionary advice to discourage the non-essential use of mobile phones by children. This precautionary advice recognises that exposures are much higher than occur in other situations, though still within the guidelines, when mobile phones are held to the head to make voice calls. Similar advice is not considered necessary with the lower exposures that occur from Wi-Fi equipment, smart meters and mobile phone base stations, including the latest 4G systems.

While exposure to radio waves is not new and health-related research has been conducted on this topic for many years, a large amount of new scientific evidence has emerged over the past few years. This knowledge has arisen through dedicated national and international research programmes that have addressed concerns about rapidly proliferating wireless technologies. The UK has contributed to the international research effort through various projects that have been commissioned, including through the Mobile Telecommunications and Health Research

<http://monographs.iarc.fr/ENG/Monographs/vol102/index.php>

In putting the IARC “possibly carcinogenic” classification into context, it is worthy of note that, as of October 2013, 285 substances/situations are graded 2B by IARC, 66 as the higher “probably carcinogenic to humans” classification (group 2A) and 111 as the highest “carcinogenic to humans” classification (group 1). Among all of these classifications are many widespread and familiar substances/situations, including coffee and pickled vegetables (2B), shift working that involves circadian disruption (2A) and alcohol (1). The full lists can be found at:

<http://monographs.iarc.fr/ENG/Classification/index.php>

The IARC classification for radio waves was largely based on personal exposures associated with mobile phone use and the evidence was evaluated as being limited among users of wireless telephones for glioma and acoustic neuroma (cancers of brain/nerve tissues in the head), and inadequate to draw conclusions for other types of cancers. The evidence from environmental radiofrequency exposures, which include wireless telecommunications, was considered inadequate to draw conclusions.

Each carcinogenicity classification has to be looked at on its own merits, along with evidence relating to other health effects, in deciding on what is a proportionate public health response. IARC explains in the preamble to its monographs that their purpose is that of carcinogenic hazard identification, which is (only) the first step in performing a health risk assessment. For some exposures, it may be appropriate to do nothing, while for others it may be appropriate to seek to eliminate the exposure entirely. For radio wave exposures, the UK/PHE approach is between these two extremes and features the targeting of precautionary advice on the situation giving the highest exposure to the largest number of people, i.e. use of mobile phones held to the head in order to make voice calls. There is also a particular emphasis in that advice on those considered potentially most vulnerable, i.e. children, whose use of mobile phones should be discouraged.

HPA (now PHE) issued a response to the IARC classification when it was published and the classification has been taken into account in PHE advice. The response can be found at:

<http://www.hpa.org.uk/NewsCentre/NationalPressReleases/2011PressReleases/110531electromagneticfields/>

The topic of cancer effects also occupies a substantial part of the 2012 AGNIR report. The Group reviewed essentially the same evidence as the IARC working group and concluded that, although some positive findings have been reported in a few studies, overall the evidence does not suggest that using mobile phones causes brain tumours or any other type of cancer. The data, however, are essentially restricted to periods of less than 15 years from first exposure because mobile phones have only been in widespread use for that long. AGNIR considered it will be important to continue monitoring the evidence over the coming years, including that from national brain tumour trends, which have so far given no indication of any risk.

### **Continuing PHE precautionary advice about exposure to radiofrequency technologies**

PHE (as the former HPA) responded to the 2012 AGNIR report maintaining its advice to follow the ICNIRP guidelines and also maintaining its long-standing precautionary advice in respect of exposures from mobile phones, which can give rise to exposures that approach the international guidelines when they are held to the head to make voice calls. The decision to maintain the precautionary approach reflected the continuing possibility of: (a) biological effects, although not apparently harmful, occurring at exposure levels within the ICNIRP guidelines, and (b) the limited information regarding cancer effects in the long term. Measures that mobile phone users may take to reduce their exposures were described in the HPA response to the AGNIR report.

The Council of Europe Resolution 1815 (2011) also makes various recommendations and comes from the Council of Europe's Committee on the Environment, Agriculture and Local and Regional Affairs. It is not clear exactly what evidence was considered or which experts were approached to submit evidence to their review. The Council of Europe is separate from the European Parliament and the European Commission.

Government and PHE are aware that there are people and organisations who believe more precaution is warranted for public exposure to radio waves in light of their view of the scientific evidence. However, the published reviews by AGNIR and internationally recognised bodies do not, in the opinion of PHE, warrant more precaution than is already advised with respect to public exposure to radiofrequency fields.

### **PHE priorities for health improvement**

PHE is a new organisation and recently published the following document: "Public Health England: our priorities for 2013/14". Protection from environmental hazards, including uncertain ones like exposure to radio waves, is a priority for PHE, but it is important to take a broad view across the whole range of health topics in deciding what actions are appropriate and proportionate. Unlike hazards such as smoking, poor diet, lack of exercise etc., and despite much research, there remains no clear evidence of harm to health from exposure to radio waves below the internationally agreed (ICNIRP) guideline levels that are already adopted in the UK.

### **Promotion of UK precautionary advice about exposure to radiofrequency fields**

Precautionary advice for the public on radio wave exposures has been published by the Department of Health and the Welsh Government on the NHS choices website, and in more technical sources such as the previously mentioned PHE response to the AGNIR report. Leaflets have also been prepared in Wales with the involvement of school children. PHE's view is that provision of this material on the internet reflects the appropriate priority of this particular topic within the broader context of all messages directed to the public about their health.

**P-04-553 A full and independent investigation in to the health risks of wireless and mobile phone technologies in Wales including all schools – Correspondence – Ofcom to Chair, 14.09.14**

Dear William

Thank you for your letter regarding Petition P-04-553.

Ofcom regulates the operation of mobile networks in relation to their use of radio frequencies but does not have any duties related to the recommendations for exposure to EMF emissions. We do not set emission safety levels and we have neither the expertise nor the remit to participate in matters concerning biological or health research. However, we have published general advice to provide background information and indicate where further information may be found.

As this advice sets out, measurements taken of emissions near cellular installations have consistently been very significantly lower than the international guidelines recommended by Public Health England (formerly the Health Protection Agency). We are also aware that current (September 2013) advice published by the World Health Organisation about mobile phones states:

Based on mixed epidemiological evidence on humans regarding an association between exposure to RF radiation from wireless phones and head cancers (glioma and acoustic neuroma), RF fields have been classified by the International Agency for Research on Cancer as possibly carcinogenic to humans (Group 2B). Studies to date provide no indication that environmental exposure to RF fields, such as from base stations, increases the risk of cancer or any other disease.

Other health effects

Scientists have reported other health effects of using mobile phones including changes in brain activity, reaction times, and sleep patterns. These effects are minor and have no apparent health significance. More studies are underway to try to confirm these findings.”

I hope that this is helpful. If you have any further questions, please do not hesitate to contact me again.

Best regards

Rhodri



**P-04-553 A full and independent investigation in to the health risks of wireless and mobile phone technologies in Wales including all schools – Correspondence from the Petitioner to the Committee, 14.10.14.**

Dear all at the petition panel,

Many thanks for forwarding the replies from Rhodri Williams of Ofcom and Health Minister Mark Drakeford regarding an independent investigation into the health risks of wireless and mobile phone technologies.

I claim no scientific or medical expertise in this area so will rather reply to the points raised in the reply letters in an objective way and point to research I've come across from people who have properly investigated this complex issue in great detail. I hope this will be helpful and relevant to this devolved Welsh issue of health.

I'm glad that Mr Rhodri Williams of Ofcom acknowledges the findings by the World Health Organisation that wireless devices all emit non ionizing radio frequencies, which the World Health Organization (WHO) has classified as potentially carcinogenic.

Regarding Mr Drakeford's letter: as health is a devolved issue, and rather than relying solely on the advice of Public Health England, I believe it would be right to request that Mr Drakeford recognises the duty of the Welsh Government to do its own independent and balanced research and investigation in this area using research and recommendations available by the myriad of international authorities, both independent and government funded. Many of these are mentioned here. People have voted for devolution on the basis that specific areas such as health are devolved, as set in law in the Government of Wales Act 2006. Whilst I appreciate Public Health England taking time to offer their advice I do not think it's right that Mr Drakeford relies on them to speak on behalf of the Welsh Government in this devolved area and it's concerning if Mr Drakeford and the Welsh Government are failing in their devolved legal remit as is clearly set out in law.

In reference to Mr Drakeford and Public Health England's letter, both cite a 2012 UK HPA AGNIR report to make their points. However this report has been heavily

criticized as being an uncomprehensive and biased report as this Safe Schools Information Technology Alliance (SSITA) document explains:

*"This report has been widely criticised, e.g. Professor Dariusz Leszczynski (Finnish Radiation Protection Agency) commented that unlike the claims on the HPA website the UK HPA AGNIR Report 2012 is not a comprehensive review but it is a biased review. From our own review, there are numerous reference to studies which have found harmful effects and yet these are not referenced in the conclusion e.g. Page 86: Cellular studies– “ ..there are also studies ... did show potential genotoxic effects... a clear answer is still elusive"*

*In addition, the HPA does actually recognise that the possibility of harm remains: Professor Anthony Swerdlow, chair of the HPA's Advisory Group which prepared the report, has said: "Long term effects from childhood use are also largely unknown".*

*HPA recommend a precautionary approach. Finally, none of the aforementioned papers of Wi-Fi*

*adverse effects are cited in the HPA report as the cut-off date for papers was Dec 2010"*

The SSITA report mentioned above can be found here:

<http://www.wifiinschools.org.uk/resources/Wi-Fi+concerns+Oct2012.pdf> Please take a look in order to evaluate the balance of evidence.

As mentioned in the petition, on 27th May 2011, The Parliamentary Assembly of the Council of Europe called on Member States to reduce exposure to radio frequency electromagnetic fields, asking for particular attention to be given to children and young people ( who are most at risk) , and called for restrictions on the use of wireless technologies (Wi-Fi) in schools, with a clearly stated recommendation for fully-wired networks to be used in schools. This Council of Europe Resolution (1815) and other reports mentioned here cover the subjects seen in Mr Drakeford's reply. Below are some of the main points from this resolution. Of special consideration is section 8.3.2: "for children in general, and particularly in schools and classrooms, give preference to wired Internet connections":

*"8.1.3. Put in place information and awareness-raising campaigns on the risks of potentially harmful long-term biological effects on the environment and on human health, especially targeting children, teenagers and young people of reproductive*

age;

### ***8.3. concerning the protection of children***

***8.3.1. develop within different ministries (education, environment and health) targeted information campaigns aimed at teachers, parents and children to alert them to the specific risks of early, ill-considered and prolonged use of mobiles and other devices emitting microwaves;***

***8.3.2. for children in general, and particularly in schools and classrooms, give preference to wired Internet connections, and strictly regulate the use of mobile phones by schoolchildren on school premises;"***

The resolution also states that Governments should reconsider the scientific basis for the present electromagnetic fields exposure standards set by the International Commission on Non-Ionising Radiation Protection which have serious limitations, and apply as low as reasonably achievable (ALARA) principles.

The Council of Europe resolution also called for better liaison between education, health and environmental ministries, which up until now has been sadly, and alarmingly, lacking. The adopted resolution underlines the fact that the precautionary principle should be applicable when scientific evaluation does not allow the risk to be determined with sufficient certainty.

To see the draft in full and for further details please see here: <http://assembly.coe.int/Mainf.asp?link=/Documents/AdoptedText/tal1/eRES1815.html> Please take a look in order to evaluate the evidence.

The EU's top environmental watchdog, The European Environment Agency (EEA) is also calling for immediate action to reduce exposure to radiation from Wi-Fi, mobile phones and their masts. They have previously concluded that safety limits set for the radiation are "thousands of times too lenient"

Professor Jacqueline McGlade, the EEA's executive director has said: "Recent research and reviews on the long-term effects of radiations from mobile telecommunications suggest that it would be prudent for health authorities to recommend actions to reduce exposures, especially to vulnerable groups, such as

children." The EEA is also wisely advising that the precautionary principle be followed.

As mentioned in the original petition, the Russian, German and Israeli governments are all asking for these health risks to be addressed and for practical measures such as hard wiring in schools to be introduced instead of Wi-Fi. Switzerland's Federal Office of Public Health [FOPH] website states "It is currently not known whether the EMF created by WLANs pose a health risk". The Public Health Department of Salzburg has warned that Wi-Fi should not be installed in schools. On 3rd Oct 2012 The American Academy of Environmental Medicine issued the following statement on Wi-Fi in Schools: "Adverse health effects from wireless radio frequency fields, such as learning disabilities, altered immune responses, and headaches, clearly exist and are well documented in the scientific literature. Safer technology, such as use of hard-wiring, is strongly recommended in schools"

The International Commission for Electromagnetic Safety [ICEMS] strongly advise limited use of cell phones and other similar devices by young children and teenagers. Irish, Austrian and many other internationally recognised authorities have also expressed a need for safer precautionary use of technology. France has imposed a ban on all mobile phone use in schools.

## **Conclusion**

According to scientific research by the authorities mentioned here, children and their physiology are considered at greater risk from exposure to electro magnetic frequencies as they absorb more radiation into their brains, bone marrow and muscles and their bodies and brains are still developing. This data is especially relevant to Wi-Fi because, although exposure from Wi-Fi devices is likely to be lower than from mobile phones, Wi-Fi in schools exposes children to microwave radiation 6 hours a day, 5 days a week, year after year.

With this in mind, I believe there is a duty on the Welsh Government to conduct an independent investigation and to adopt the elemental precautionary principle when it comes to mobile communication devices, especially so in Welsh schools where there is a duty to provide a safe environment for all children whilst in their care.

I would also be glad if Mr Drakeford could explain whether, in the absence of an independent Welsh investigation, he and the Welsh Government think it appropriate to not follow the precautionary principle recommended by the World Health Organisation, the Council of Europe, The European Environment Agency and many other international authorities including the former Health Protection Agency that is mentioned in Mr Drakeford's letter, and are happy to take contradictory advice from Public Health England – a body meant for England even though an equivalent devolved health body exists in Wales, Public Health Wales.

I do not believe petitions like this should have to be made at all. It should be expected that government should be able to carry out this kind of basic precautionary practice without having to be requested to do so. It is of concern that there needs to be a petition at all to remind the Welsh government of their basic duties in what should be this fully devolved area of health..

**The Precautionary Principle is defined as:**

“The precautionary principle applies where scientific evidence is insufficient, inconclusive or uncertain and preliminary scientific evaluation indicates that there are reasonable grounds for concern that the potentially dangerous effects on the environment, human, animal or plant health may be inconsistent with the high level of protection chosen.” (From the European Commission communication on the precautionary principle).

**May I recommend that the Welsh Government contact these following mentioned bodies as a starting point in any independent investigation:**

<http://www.wifiinschools.org.uk/resources/Wi-Fi+concerns+Oct2012.pdf>

<http://ssita.org.uk/the-health-protection-agency/>

<http://www.independent.co.uk/environment/green-living/eu-watchdog-calls-for-urgent-action-on-wifi-radiation-402539.html>

<http://www.bioinitiative.org/ceo-wireless-letter/>

<http://assembly.coe.int/Mainf.asp?link=/Documents/AdoptedText/ta11/eRES1815.html>

<http://emfsafetynetwork.org/wireless-devices-potential-cancer-risk-says-world-health-organization/>

[http://www.iarc.fr/en/media-centre/pr/2011/pdfs/pr208\\_E.pdf](http://www.iarc.fr/en/media-centre/pr/2011/pdfs/pr208_E.pdf)

<http://www.canceractive.com/cancer-active-page-link.aspx?n=3120>

[http://www.thelancet.com/journals/lanonc/article/PIIS1470-2045%2811%2970147-4/fulltext#article\\_upsell](http://www.thelancet.com/journals/lanonc/article/PIIS1470-2045%2811%2970147-4/fulltext#article_upsell)

<http://wiredchild.org/component/content/article/46-hidden/99-icnirp.html>

<http://www.powerwatch.org.uk/elf/overview.asp>

<http://www.wifiinschools.org.uk/>

Thank you again for your patience in reading this reply,

Regards

## P-04-539 Save Cardiff Coal Exchange

### Petition wording:

This petition seeks a commitment from the Welsh Government to set up a public enquiry into the events surrounding the Coal Exchange and to support public opinion which seeks to protect and conserve the building.

The Coal Exchange is one of Cardiff's most important buildings and one of the finest buildings in Wales. It's where the world's first million pound deal was struck during the city's industrial heyday (equivalent to over £100m today). Yet far from cherishing this building, Cardiff council proposes to demolish the main body of the building, keeping only the facades.

If this happens, then the magnificent interior with its immense historical significance will be lost forever. This grade 2\* listed building deserves better, and the views of the public need to be heard.

The Council have been claiming for the past year that it is on the point of collapse. No works have been done, yet there is no apparent evidence that the building is about to collapse. It is questioned if Cardiff Council were able to use section 78 powers under the building act to progress their plans, and this needs to be investigated openly.

So much of Cardiff Bay's social and built heritage has already been destroyed; it seems inconceivable that more can be cast aside with cynical abandon.

It's unclear why the council refuses to see the value of restoring the Coal Exchange to protect this iconic building for the use and enjoyment of future generations.

The issues are of the highest level of public interest, and it is considered essential that an open public consultation occurs to review matters.

**Petition raised by:** Jon Avent

**Date Petition first considered by Committee:** 11 March 2014

**Number of signatures:** TBC





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Solicitor's  
Department

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Stephen George  
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DX: 123240 KINGSWAY

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

**Please Quote: BV21414938/1/JJ**  
**Your Reference:**

26 September 2014

Dear Mr George,

**GYG Macob Exchange Limited (Dissolved)**  
**Property: Cardiff Coal Exchange**

I write further to my letter dated 23<sup>rd</sup> September 2014. We have carried out a search at Companies House, which shows the GYG Exchange Limited (formerly Macob Exchange Limited) is presently in liquidation. The Treasury Solicitor will only deal with the assets of dissolved companies, and are therefore not in a position to deal with the Cardiff Coal Exchange.

Further queries should be referred to the appointed liquidator for GYG Exchange Limited.

Yours faithfully

**Jacqui Joachin**  
**For the Treasury Solicitor**

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# Agenda Item 2.11

## **P-04-422 : Fracking**

### **Petition wording:**

We call upon the National Assembly for Wales to urge the Minister for Environment and Sustainable Development to produce a Ministerial Interim Minerals Planning Policy Statement as well as a new technical advice note to strengthen the precautionary principle with regard to planning applications for onshore oil and gas, including fracking. All reasonable scientific doubt that there is any risk of adverse impacts must be eliminated, and strongest consideration must be given to the urgent need to mitigate climate change.

**Petition raised by:** Friends of the Earth Cymru

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

**Number of signatures:** Approximately 1000

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-04-422  
Ein cyf/Our ref AD-/00620/14  
William Powell AM  
Chair, Petitions committee  
Ty Hywel  
Cardiff Bay  
Cardiff  
CF99 1NA

27 April 2014

Dear Bill,

#### **P-04-422 - Friends of the Earth Cymru – Fracking**

Thank you for your letter dated March 2014 received by my office on 8 April about P-04-422 Fracking.

You reference my letter to you of 9 August 2013 and ask for further information on the matters raised in the petitioner's follow-up letter to you of 19 December. In particular, you seek clarification on whether the Welsh Government considers the current guidance and regulation relating to unconventional gas activity in Wales is appropriate.

The Welsh Government considers the robust regulatory processes that would apply to unconventional gas activity in Wales, and our current precautionary approach to mineral development as advocated in national planning policy, provide appropriate safeguards to both the environment and society. We will, however, continue to review all the evidence to ensure this remain fit for purpose.

With regard to the regulatory processes that apply to unconventional gas exploration in Wales, oil and gas licensing are reserved matters and the Department of Energy and Climate Change (DECC) issue licenses that enable developers to pursue exploration for conventional and unconventional gas.

Prior to any drilling in Wales, a developer would require all the necessary consents including planning permission from the relevant local planning authority and the appropriate permissions and authorisations from Natural Resources Wales (NRW), the Health and Safety Executive, the Coal Authority and the British Geological Survey.

Those permissions and processes are detailed in the '*Onshore Oil and Gas Exploration in the UK: Regulation and Best Practice*' documents published by DECC in December 2013 and available at <https://www.gov.uk/government/publications/regulatory-roadmap-onshore-oil-and-gas-exploration-in-the-uk-regulation-and-best-practice>.

The documents, prepared in collaboration with the Devolved Administrations and other interested parties including regulatory bodies, provide guidance on the planning and permitting of onshore oil and gas operations and will be revised as new regulation is introduced.

With regard to concerns from stakeholders about the current regulatory structures I note you intend to write to NRW for their views. It is my understanding that NRW is clear of its role in onshore oil and gas in Wales and the regulatory framework that would apply to exploration for unconventional gas. NRW has been actively engaging with developers with exploration licenses in Wales to clarify its approach to regulation and to confirm the range of permits and consents which might be required.

Planning matters are for the consideration of the Minister for Housing and Regeneration. I can however advise that Minerals Planning Policy Wales (MPPW) provides clear guidance on the material planning issues that a local authority may need to consider when determining any planning application for unconventional gas development in Wales.

This includes protecting areas of importance around National Parks, Areas of Outstanding Natural Beauty (AONBs), Special Areas of Conservation, Sites of Special Scientific Interest (SSSIs), groundwater resources and agricultural land.

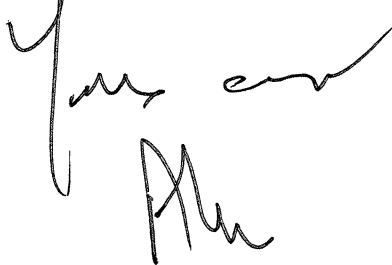
MPPW identifies that Local Planning Authorities' Development Plans should set out clearly the criteria that will be applied to minerals proposals to ensure that they do not have an unacceptably adverse impact on the environment and amenity of nearby residents, and the issues that must be addressed include:

- Access and traffic generation
- Noise
- Control of dust, smoke, and fumes
- Disposal of mineral waste
- Blasting controls
- Land drainage, impact on groundwater resources and the prevention of the pollution of water supplies
- Visual intrusion and general landscaping
- Impact on sites of nature conservation, historic and cultural importance
- Land instability
- Cumulative impact
- Restoration, aftercare and after use

MPPW also highlights that other legislation (for example, Environmental Permitting Regulations) might also be relevant to some of these matters, and that the planning system should not conflict with, or attempt to duplicate, controls better regulated by other bodies under different consent regimes.

The petitioner also raises questions about employment numbers associated with shale gas development. As shale gas development in the UK is still in the exploration stage it is difficult to consider actual employment numbers for areas of the UK including Wales. We do however note the employment estimates undertaken by AMEC as part of the Strategic Environmental Assessment (SEA) for the 14<sup>th</sup> onshore licensing round, and the views of the Institute of Directors in its 'Getting Shale Gas Working' document of May 2013. As part of our ongoing gathering of evidence we have committed to the commissioning of a report on the economic impacts of unconventional gas development in Wales.

On community benefits it is perhaps not appropriate to compare potential benefits from unconventional gas which is still in the exploration stage with those from other, well established, energy sources. We are, however, committed to maximising the benefits for communities hosting energy developments in Wales.

A handwritten signature in black ink, appearing to read 'Alun Davies', with a stylized flourish extending from the end of the name.

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

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Eich cyf/Your ref:

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

20 May 2014

Dear William,

Thank you for allowing Natural Resources Wales the opportunity to respond to the issues raised by Gareth Clubb about environmental regulation of onshore oil and gas activities in Wales. Our detailed responses to the issues are set out in the attached document.

Our regulation and enforcement roles help to ensure that onshore oil and gas operations in Wales are managed in a way that protects public health and the environment. We are clear on our approach to regulation of exploratory activity and the range of permits, consents and licences required by developers (see annexes 1 and 2 of the attached document). We have written to the 10 companies who hold the 24 PEDL licences across Wales to confirm our regulatory approach. Over the winter we have met most of these companies to discuss our approach, as well as understand their plans for developing sites in Wales over the next 18 months.

Discussions with developers have indicated that only 2-3 exploratory permit applications are likely to become active over the next 18 months. It is important to recognise that in Wales we have only received **one** application for a permit in relation to onshore oil and gas **exploratory activity**. This application is still in the process of determination.

Natural Resources Wales is a learning organisation, committed to using the best evidence to inform our decision making. In England and Scotland, the pace and extent of exploratory activity into the different forms of onshore oil and gas is much greater than in Wales. We are committed to learning from their experiences to inform our approach in Wales. We will adapt our approach as new and relevant evidence emerges, within the confines of the relevant EU Directives and UK legislation. We continue to work with Welsh Government, the Environment Agency and SEPA as well as the Office of Unconventional Oil & Gas at DECC to ensure that we are aware of any emerging issues that may require a change in our regulatory approach or even new legislation.

At this time, we are confident that the current approach to environmental regulation is appropriate for protecting public health and the environment from the risks associated with **exploratory** onshore oil and gas activity in Wales. As the industry develops and moves to feasibility testing and full scale commercial production other issues may emerge which may require revisions to our approach or new legislation.

I hope the information I have provided with this letter assures you that Natural Resources Wales is clear on its role, remit and approach to environmental regulation of onshore oil and gas development in Wales. If you have any further queries please do not hesitate to contact me, or Ceri Davies the Director of Knowledge, Strategy & Planning who leads on this technical area for me.

Yours sincerely,

A handwritten signature in black ink that reads "Emyr Roberts". The signature is written in a cursive, slightly slanted style.

**Emyr Roberts**

**Prif Weithredwr  
Chief Executive**

## **Natural Resources Wales' role and remit in the environmental regulation of onshore oil and gas in Wales**

The regulatory framework governing unconventional gas is complicated, with a number of organisations involved. DECC controls the extent and pace of onshore oil and gas development across England and Wales. This includes coal bed methane, shale gas, and underground coal gasification. DECC issue Petroleum Exploration and Development Licences (PEDL) under the Petroleum Act 1989. This matter is not devolved to Welsh Ministers.

Once a developer has secured a PEDL they must seek additional permissions from the local authorities, Natural Resources Wales, Coal Authority, British Geological Survey and Health and Safety Executive (HSE) before exploratory work can start. Operators must also serve a notice to Natural Resources Wales under Section 199 of the Water Resources Act 1991 to “construct a boring for the purposes of searching for or extracting minerals”.

At each site there are likely to be three phases to the development of onshore oil and gas resources:

- Exploratory activity, involving test drilling;
- Appraisal; usually involves pilot production
- Full scale commercial production.

Movement from one stage to the next may not occur, depending on the resource assessment, technical feasibility and economics. This decision is taken by the developer.

The operator will be required to secure permissions at each stage. This means that we expect the developer to apply for the necessary environmental permits, consents and licences at each stage. Our role as an environmental regulator is to assess individual proposals under a number of different pieces of legislation, and if appropriate issue permits/licences.

There are potentially eleven licences or consents required from Natural Resources Wales, five of which fall under the Environmental Permitting (England & Wales) Regulation 2010 (EPR). The list is set out in Annex 1. The specific list of requirements is likely to change over time as EU and UK legislation changes and evolves.

In England and Wales only exploratory activity is underway. To date developers operating in Wales have focussed on securing planning permission. Only one developer has submitted an application for an environmental permit. This application is still in progress.



## **Issues raised by Gareth Clubb, FOE Cymru, in a letter to the Petitions Committee related to the role of Natural Resources Wales in the environmental regulation of onshore oil and gas in Wales.**

### **1. Statement by Gareth Clubb FOE Cymru:**

In their written evidence to the Welsh Affairs Committee, Natural Resources Wales stated that they “would welcome further guidance and a policy framework from the UK and Welsh Governments”. This seems to indicate that in NRW’s opinion there is no policy framework and insufficient guidance, which would hardly be an appropriate basis on which to regulate a new industry in Wales.

#### **1.1 NRW Response:**

We believe our written evidence may have been misunderstood. We believe there is a clear policy framework and guidance in place for the exploratory phase of onshore oil and gas developments in the UK and Wales. Since the publication of our evidence paper, additional reports have been released by DECC and the other regulators which clarifies the position and evidence base. Welsh Government recognises the role of gas in the transition to the low carbon economy. Nevertheless, the evidence on the potential oil and gas resource available in Wales is very limited. Further work is required in this area

We are clear on our roles in onshore oil and gas in Wales and the regulatory framework that applies (see annex 1 & 2). We believe the current regulatory regime is appropriate for the exploratory stage. We will keep this under review as we gain experience of regulating exploratory activity. We will also review new evidence as it becomes available and consider the implications for our approach to regulation.

NRW is working with the Environment Agency, other devolved environmental bodies and the Office of Onshore Oil and Gas at DECC to ensure that we are aware of and have an opportunity to contribute to new initiatives in developing evidence and approaches to regulate and manage onshore oil and gas activities.

In the autumn we wrote to and subsequently met the 10 companies who hold the 24 PEDL licences in Wales to confirm the role of Natural Resources Wales and our approach to regulation.

### **2. Statement by Gareth Clubb FOE Cymru:**

The Environment and Sustainability Committee recently stated ‘we believe it is important that NRW urgently clarifies its position on the permitting, regulating and monitoring of UCG sites’.

#### **2.1 NRW Response**

In the autumn of 2013, NRW wrote to all the developers who hold PEDL licences in Wales to clarify our approach to regulation and to confirm the range of permits and consents which may be required. Please see the information in annex 1 & 2.

### **3. Statement by Gareth Clubb FOE Cymru:**

Furthermore, the Environment Agency says it does not have the resources to monitor impacts if the industry develops to scale. The Minister's letter seems to indicate that NRW will be dependent on the EA for advice and support on regulatory and technical matters. How this will take place with the EA already stretched, losing 10% of its headcount, and potentially beyond capacity in the near future remains unresolved.

### **3.1 NRW Response:**

NRW is working with the Environment Agency, other devolved environmental bodies and the Office of Onshore Oil and Gas at DECC to ensure that we are aware of and have an opportunity to contribute to new initiatives in developing evidence and approaches to regulate and manage onshore oil and gas activities.

All permitting decisions in Wales are taken by staff employed by NRW, aligned to our own policies and approaches and those of Welsh Government.

### **4. Statement by Gareth Clubb FOE Cymru:**

NRW doesn't believe that EIAs are necessary for exploratory drilling although it does require Mineral waste permits and radioactive waste permits. It is difficult to reconcile the idea that there would be minimal risk of environmental impact given the other permits required.

### **4.1 NRW Response:**

The drilling of shale gas wells, whether for exploration or production, is currently subject to the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (as amended) (the Regulations).

All deep drilling operations, including shale gas wells, can be Schedule 2 developments under the regulations and should be screened by the local planning authority to assess whether they are likely to have any significant effects on the environment. The Local Planning Authority shall determine whether or not a particular development is EIA development under the 1999 Regulations, and may consult NRW and other consultees in the screening process to inform its decision. The LPA must also consult with NRW and other consultation bodies in adopting a Scoping Opinion in determining the information that is to be provided in the Environmental Statement.

The Regulations do not specify whether fracking/ hydraulic fracturing is EIA development. NRW is of the opinion that where developments are considered likely to have significant effects on the environment by virtue of their nature, size or location, they could potentially comprise EIA development under Schedule 2 Paragraphs 2(d) and 2(e) provided that the respective threshold criteria are met and/or whether or not the development is located in a sensitive area (as defined).

Additionally, Regulation 4(8) of the EIA Regulations entitle Welsh Ministers to screen Schedule 2 development that does not meet the threshold or satisfy any of the criteria for screening if they consider it appropriate.

In summary, NRW has a statutory advice role, providing advice to local authorities and/or the Minister on whether a particular development requires an Environmental Statement. Ultimately it is the decision maker, the Local Authority and/or Minister,

who makes the final decision as to whether a development is a Schedule 2 development under the 1999 Regulations.

## **Annex 1: Environmental permits and consents required from Natural Resources Wales**

### **Types of Permits**

#### **Groundwater Activity**

#### **Conditions**

Unless we are satisfied that there is no risk of inputs to groundwater

#### **Mining Waste Activity**

Likely to apply in all circumstances

#### **Industrial Emissions Activity**

When the Operator intends to flare more than 10 tonnes of gas per day). If it is less than 10 tonnes of gas per day it is subject to Mining Waste Activity.

#### **Radioactive Substances Activity**

Likely to apply in all circumstances

#### **Water Discharge Activity**

If surface water run-off becomes polluted, for example due to a spill of diesel fuel

### **Licences**

#### **Conditions**

#### **European Protected Species**

May be required where there is potential to have adverse effects.

May also be subject to assessment under the Conservation of Habitats and Species Regulations 2010.

#### **Water Abstraction License**

If the Operator plans to abstract more than 20m<sup>3</sup>/day for their own use, rather than purchasing water from a public water supply utility company

#### **Marine Licence**

Any activity which involves placing any infrastructure on, or removing any material from, the seabed inside of 12 nautical miles

### **Consents**

#### **Conditions**

#### **Groundwater Investigation Consent**

To cover drilling and test pumping where there is the potential to abstract more than 20m<sup>3</sup>/day in the production process

**Flood Risk Consent**

If the proposed site is near a watercourse or main river

**Site of Special Scientific Interest (SSSI's)\***

Consent required where there is potential to impact these sites

May also be subject to assessment under the Conservation of Habitats and Species Regulations 2010

**Annex 2: The roles of Natural Resources Wales in onshore oil and gas**

Natural Resources Wales plays four main roles:

**Advisory role**

- As a statutory consultee to planning authorities on planning permissions for surface operations at a site;
- Advice and guidance to a developer, on the potential environmental and landscape impacts at a site, which may need to be addressed in a permit application and/ or an Environmental Impact Assessment;
- At designated sites, providing advice on the consenting activities which may have an impact on the integrity of those sites.

**Regulatory role**

As an environmental regulator we will have to assess individual onshore oil & gas proposals under a number of different pieces of legislation, and issue consents/ permits. This may include:

- Issue a consent, under the Water Resources Act 1991, to construct a borehole for the purpose of extracting minerals;
- Issue water abstraction licences;
- Issue flood risk consent;
- Depending on the nature of the site and the proposed operation up to 5 permits may be required under the Environmental Permitting (England and Wales) Regulations 2010(as amended). (See annex 1 for full list).
- Underground coal gasification operations that store large quantities of oxygen, carbon monoxide and hydrogen will be subject to COMAH regulations.

In issuing these permits Natural Resources Wales will have to screen for and carry out Habitats Regulation Assessment (HRA) for any consent that is likely to have a significant impact on N2K sites.

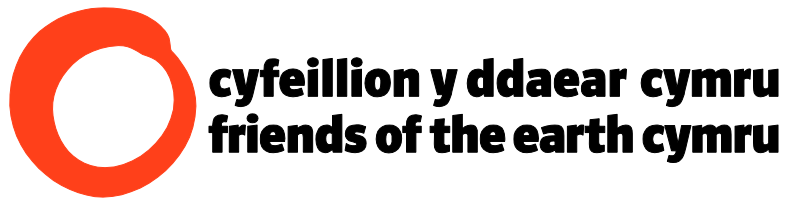
**Monitoring and compliance role**

- Monitor compliance at each site to ensure that the environmental risks are properly managed through audits, site inspections, spot check monitoring and reviewing operator records and procedures.

**Incident Management role**

Respond to pollution events, act to minimise the impact on residents and the local environment.

June 2014



## **All that glitters...**

**Is the regulation of unconventional gas and oil exploration in Wales really ‘gold standard’?**

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For 30 years we've seen that the wellbeing of people and planet go hand in hand – and it's been the inspiration for our campaigns. Together with thousands of people like you we've secured safer food and water, defended wildlife and natural habitats, championed the move to clean energy and acted to keep our climate stable. Be a Friend of the Earth – see things differently.

**Pack Page 67**

All that glitters...

## Executive Summary

Ministers and the fracking industry have made assurances that fracking in the UK will be safe because we have 'gold standard' regulation – avoiding the dangers of fracking experienced in other countries.

This report exposes that far from being 'gold standard', much of UK fracking regulation is inadequate, flawed or ineffectively applied and enforced. Some potential impacts are simply not considered at all. This exposes the country to unacceptable risks to the local environment and health and from rising carbon emissions.

## Moratorium on fracking

The risks exposed in this document are serious. Because of this, there should be an immediate moratorium on further exploration for and production of unconventional fossil fuels such as shale gas and coal bed methane.

## Serious concerns about fracking regulation

- Natural Resources Wales has produced **no guidance**, or even draft guidance, to cover the activities of the onshore oil and gas industry. Where draft guidance has been issued in England by the Environment Agency, it is worryingly soft-touch to the industry.
- The **climate change impacts** of extracting and burning unconventional gas and oil are not adequately assessed: this risks fracking releasing climate changing emissions undermining UK Climate Change Act commitments.
- The **risks of water contamination** are not adequately identified or considered: this risks unforeseen water contamination that could potentially have major impacts.
- Regulators have failed to set out a clear **water supply strategy** for fracking in water-stressed areas: this risks problems for local water supply, especially in times of drought.
- Decision makers fail to adequately address potential **impacts on protected species and habitats** or screen out protected areas from exploration and extraction altogether: this risks some of our most precious wildlife being harmed.
- There are problems with the application of Environmental Impact Assessment, which fails to address all the risks arising at unconventional oil and gas sites and is being inadequately applied: this means that **potential environmental risks are not being identified and mitigated**.
- There is a lack of dedicated regulation on unconventional gas and oil, despite expert body recommendations from bodies including the Royal Society: this means there are **few industry-specific checks and balances on fracking**.
- There are major shortcomings in planning practice guidance, this risks wrong decisions being taken because **local decision-makers have inadequate information about and understanding of proposed activities**.
- There is **inadequate monitoring and enforcement** by planning authorities and regulators leading to a culture of self-regulation: this means we may not know if fracking companies are complying with basic standards.



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- The impact of regulation risks being reduced further through ‘salami-slicing’ whereby companies get permission from regulators in increments, rather than being open about their overall plans from the start: this **undermines scrutiny** and the opportunity to object.
- The Government has smoothed the path for the unconventional gas and oil industry, **undermining democracy** and public participation in decision-making through:
  - Removing the responsibility for companies to **notify individual landowners of their intention to frack**.
  - Proposing **changes to trespass laws** that would give fracking companies the right to drill under homes and businesses without permission.
  - Proposing to introduce “standard” environmental permits which will normally **remove the right of local people to be consulted**.
  - Failing to consult on planning practice guidance which means **planning rules override the interests of communities**.
- **Gas and oil companies have attempted to weaken** or circumvent regulation through direct lobbying of senior civil servants.
- The UK Government has cut regulators’ budgets and given some of them an economic growth duty which means they have to consider **economic growth alongside other factors** such as environmental pollution and impact on local residents and businesses.

### Basic regulation missing

These failings demonstrate the risks the UK Government is prepared to take in pushing ahead with fracking without proper regulation, without full knowledge of the impacts, and while undermining the rights of communities. Fracking should be immediately suspended in order for these issues to be addressed.

Expert bodies in other countries have expressed concerns about gaps in knowledge about the environmental and human health risks posed by fracking, and whether these are controllable through technical means and increased regulation. **The United Nations Environment Program has said that fracking may result in “unavoidable environmental impacts”<sup>1</sup> even if done properly.**

The following regulations would be the minimum required to demonstrate that the serious risks posed by fracking are considered. However, even with regulation of this kind, risks would remain.

- The use of the precautionary approach in decision-making by all regulators and public decision makers: meaning a presumption against further activities until there has been a full evaluation of possible impacts and of potential mitigation measures.
- A full assessment of climate impacts – considering combustion impacts in the round - at all stages of regulation, namely licensing, minerals plans, planning permission and site-level permitting, and ensuring that this assessment is of primary importance in decision-making. This would mean emissions from fracking were known and could be taken into consideration as part of plans to move to an almost carbon free energy by 2030 in line with Committee on Climate Change advice.
- Full baseline monitoring of water, air and soil before drilling, testing or fracking begin: this would allow the scale and impact of any fracking contamination to be measured and understood.

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- Effective assessment of cumulative impacts in all cases: this would mean that, if fracking was proposed at several sites, decision-makers would have to consider the potential impacts at all sites, rather than one-by-one (which might lead to impacts being seen as lower).
- Making Environmental Impact Assessment mandatory for all unconventional gas and oil activities instead of the industry's voluntary commitment to undertake EIAs: this would mean the assessments apply to all unconventional gas and oil exploration and extraction, not just 'fracking' and it would ensure the assessments were undertaken in every case.
- The introduction of dedicated regulations for the industry, rather than using non-binding industry guidelines and regulations developed for the offshore industry: this would mean the industry would be required to comply with appropriate safeguards and could be held to account for any breaches.
- Ensuring full and independent monitoring and enforcement of regulations by all regulators: this would mean that any breaches of regulation would be identified and fracking companies forced to take action.
- Requiring a full financial bond to cover all possible remediation.

These changes would make the industry safer but not safe. And, for climate change reasons, fracking could still not be the answer to the UK's energy problems.

### **Fracking is incompatible with averting dangerous climate change**

Fracking cannot be the solution to the UK's energy future because exploiting unconventional gas and oil will not help tackle climate change:

- It would just add to the world's stock of **unburnable carbon** – fossil fuels that we cannot burn if we want to avoid the worst impacts of climate change.
- We do not have a binding global climate deal to ensure that unconventional gas and oil would be used instead of rather than **as well as other fossil fuels** – use of coal for electricity generation in the US has fallen, but more coal has been exported.
- The prospect of unconventional gas in the UK risks driving a second '**dash for gas**' – diverting resources and grid infrastructure to fossil fuels when the UK must have almost entirely carbon-free electricity by 2030 to meet the UK's binding climate change targets, according to the Government's independent climate advisors the Committee on Climate Change (CCC). The CCC has also said that pursuing a 'high gas' scenario to power Britain in the 2020s would be "*completely incompatible*" with our legally-binding climate change targets.

The UK's energy system must reduce our reliance on fossil fuels, basing our energy future on reducing energy waste and exploiting the UK's vast potential for renewables. Reducing our reliance on fossil fuels, rather than remaining dependent on them, is also a much better way of dealing with concerns about energy security.

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## 1 Introduction

Much of the current debate about unconventional gas and oil in the UK focuses on the robustness of the regulatory regime which applies to exploration, development and production activities. The industry claims that the UK's regulatory regime is "*recognised as the gold standard*"<sup>2</sup> and the Secretary of State for Energy and Climate Change has said that the regulatory regime is "*the world's toughest*"<sup>3</sup>.

However, when subjected to closer inspection, it is clear that current regulation of unconventional gas and oil exploration in Wales is inadequate. Very little dedicated regulation has been introduced to cover unconventional gas and oil exploration and extraction to date, despite the process involved being largely untested in the UK, the impacts unassessed, and with techniques in some cases very different from conventional oil and gas production.

This report details concerns about the regulation of unconventional gas and oil (shale gas, shale oil and coal bed methane) in Wales, based on the record of the last three years. It looks only at regulation of the exploration for and appraisal of unconventional gas and oil, and not at possible production. This is because very little dedicated regulation has been brought forward for the production phase. However the proposed regulations for exploration do not inspire confidence in regulations for production.

After setting out the context and the risks associated with unconventional gas and oil, we address concerns about the inadequacy and ineffectiveness of regulation, looking specifically at the treatment of climate change, water contamination, water supply and habitats. We also consider key cross-cutting issues including poor monitoring and enforcement, problems with public participation and evidence of successful corporate lobbying of senior civil servants. It concludes that the UK regulatory regime cannot be described as 'gold standard' because much is inadequate, flawed or ineffectively applied and enforced.

## 2 Context

The UK Government has nailed its colours firmly to the mast. David Cameron has said that the UK must go "*all out for shale*"<sup>4</sup> and George Osborne, has said that "*shale gas is the future and we will make it happen*"<sup>5</sup>. Exploration for and appraisal of shale oil and coal bed methane is also taking place.

Members of the UK Government have assured the public that fracking will be safe because of our regulatory regime, which has been described as "*the world's toughest*"<sup>6</sup> and "*gold standard*"<sup>7</sup>. Recent studies of shale gas only give it a clean bill of health on the condition that regulation is effective:

- Public Health England (PHE) concluded that the risks to public health from shale gas are low if "*operations are properly run and regulated*"<sup>8</sup>. (It should be noted that PHE admit that there is little evidence – but, as US experts have stated "*lack of data is not an indication of an absence of harm*"<sup>9</sup>).

All that glitters...

- Professor David Mackay, the Chief Scientist of the Department of Energy and Climate Change (DECC), concluded that the local carbon footprint of shale gas extraction will be relatively low *“if adequately regulated”*<sup>10</sup>.

Yet, as this report shows, it is clear that regulation is not adequate at present.

High volume hydraulic fracturing is a relatively new technology that has been developed over the last decade. There is solid evidence of impacts on the environment and on people’s health, but much still remains unknown concerning impacts and whether they can be addressed by regulation, as international expert bodies have recognised:

- The Umweltbundesamt (Germany’s main environmental protection agency) concluded in a report on fracking that *“basic knowledge and data are currently missing preventing a profound assessment of the risks and their technical controllability”*<sup>11</sup>.
- The Council of Canadian Academies<sup>12</sup>, in a report on fracking for the federal Government, stated that *“knowledge of the potential environmental impacts [of fracking] has not kept pace with development, resulting in gaps in scientific knowledge about these impacts”*<sup>13</sup>.

### **Unconventional gas and oil and climate change**

This report focuses on the adequacy of regulation around unconventional gas and oil, but it is vital to make clear that the production of unconventional gas and oil are not compatible with tackling climate change. The world already has more gas and oil than we can afford to burn to avoid catastrophic climate change. And there is every likelihood that unconventional oil and gas will be burnt instead of, rather than as well as other fossil fuels, as evidence from the USA has shown<sup>14</sup>.

If the world is to avoid the worst impacts of global climate change, then a global deal is needed setting limits on carbon emissions for all countries. If such a deal is not reached then, according to DECC’s Chief Scientist, fracking is likely to increase global emissions and add to the risk of climate change<sup>15</sup>. Power-switching from coal to gas has helped cut emissions in the US power sector. However, analysis by the Tyndall Centre shows that as the price of coal fell, just over half of the emissions avoided in the US have been ‘exported’, as other nations (including the UK) took advantage of cheaper coal<sup>16</sup>.

Shale gas is higher carbon than pipeline gas, and higher than Liquefied Natural Gas under certain scenarios<sup>17</sup>. Research carried out by Friends of the Earth indicates that for the UK to play its fair part in ensuring a 50% of chance of keeping global average temperature rises to no more than 2 degrees, unconventional gas and oil in the UK simply cannot be exploited<sup>18</sup>. In addition, the United Nations Environment Programme has stated that *“increased extraction and use of unconventional gas is likely to be detrimental to efforts to curb climate change”*<sup>19</sup>.

In its recent report on the mitigation of climate change, the Intergovernmental Panel on Climate Change (IPCC) concluded that *“[greenhouse gas] emissions from energy supply can be reduced significantly by replacing current world average coal-fired power plants with modern, highly efficient natural gas combined-cycle power plants”*<sup>20</sup>. This has been presented in some quarters as support for fracking and unconventional gas. However:

All that glitters...

- Any benefit depends on gas replacing coal, rather than being burned as well as coal. This has not been the case so far.
- Any emissions benefit also depends on the fact that “*fugitive emissions associated with extraction and supply are low or mitigated*”<sup>21</sup>. But recent evidence shows that levels of these emissions at some sites in the US could be up to 1,000 times higher than previous estimates<sup>22</sup>.
- The IPCC makes clear that a huge increase in renewable energy is needed; investment in renewable energy is in direct competition with investment in unconventional oil and gas.

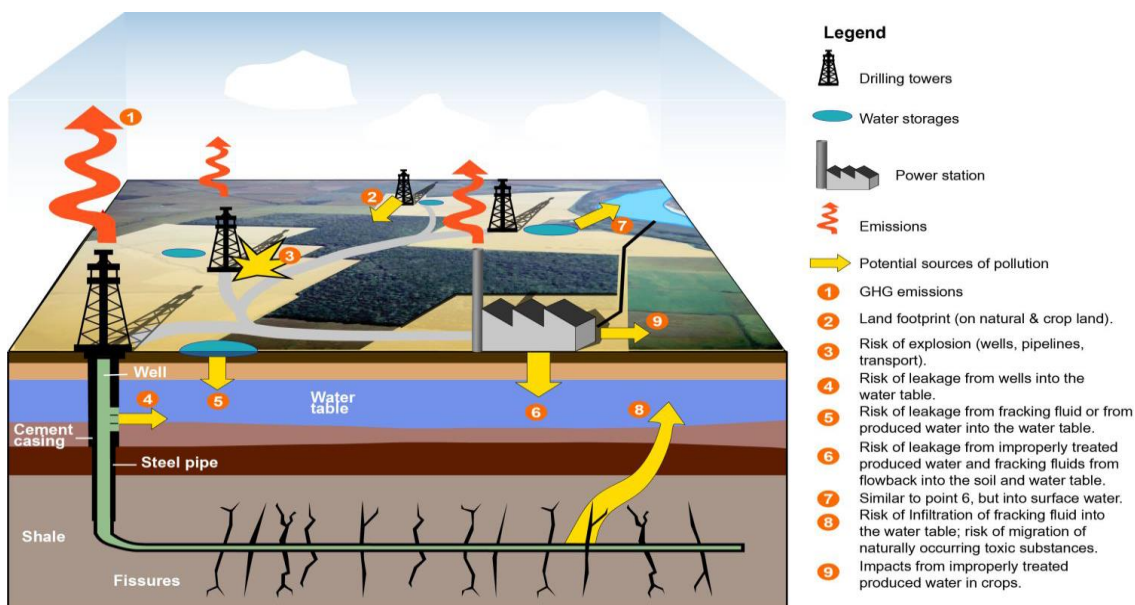
### Friends of the Earth’s involvement in regulation

Friends of the Earth has many years’ experience of planning and legal work and has worked with dozens of local communities to support them to protect their local environment and to exercise their democratic rights. As part of this work, over the last three years, we have been closely tracking the regulation of the unconventional gas and oil industry in the UK. We have had many meetings and discussions with regulators and responded to national consultations. We have advised and supported local communities in their dealings with a range of regulators and planning authorities.

It is this experience that has demonstrated that, far from being gold standard, the current regulation of unconventional gas and oil exploration is inadequate, flawed or ineffectively applied and enforced. An earlier comprehensive review of the regulatory regime - ‘*Are we fit to frack?*’<sup>23</sup> also found serious failings.

### Unconventional gas and oil: what are the risks?

The United Nations Environment Program has depicted the risks posed by fracking in the following diagram<sup>24</sup>:



A report for the European Commission looking at the possible impacts of fracking on the environment and health “*identified a number of issues as presenting a high risk for people and the*

All that glitters...

*environment*<sup>25</sup>. It assessed the cumulative impact of fracking at multiple installations as 'high risk' in terms of groundwater contamination, surface water contamination, water resources, release to air, land take, risk to biodiversity, noise impacts and traffic.

### The regulatory process

The regulation of unconventional gas and oil in Wales<sup>26</sup> involves many different bodies and permissions. The process is explained in detail in the 'Regulatory Roadmap' produced by DECC<sup>27</sup>. However in brief:

- Companies wishing to drill must first obtain a licence from DECC. These licences are offered in regular competitive licensing rounds. The licence grants a company exclusivity over exploration and production of all hydrocarbons (gas and oil, conventional and unconventional) in a defined area. Before launching a new licensing round, the UK Government must carry out a Strategic Environmental Assessment (SEA) of its plans.
- Once the company has a licence, in order to drill and to extract, it must obtain planning permission from the appropriate Minerals Planning Authority; in Wales, this is the local authority. Separate planning permissions are encouraged for exploration, appraisal and production.
- Then the company must obtain environmental permits from Natural Resources Wales. It grants any permits that it believes are needed for the activity, covering issues such as radioactive waste, mining waste, water abstraction, gas flaring, and groundwater.
- The Health & Safety Executive, although not a statutory consultee on planning applications, must approve the design, construction and operation of the wells.
- The Minerals Planning Authority and Natural Resources Wales both have key monitoring roles in ensuring that planning conditions and permit conditions respectively are met.

Despite the multiple stages and many agencies involved in this process, regulation is failing.

### 3 How is regulation failing?

The current regulation of unconventional gas and oil exploration is inadequate, flawed or ineffectively applied and enforced. We consider this in detail with regard to climate change, water contamination, water supply and habitats. We also consider critical cross-cutting issues.

At the heart of the inadequacy of regulation is the failure to follow a precautionary approach. The precautionary principle in environmental law and policy derives from the Rio Declaration on Environment and Development in 1992 (signed by the UK). It is one of the fundamental principles of EU environmental policy<sup>28</sup> and is encapsulated in many key Directives<sup>29</sup>. The precautionary principle states that "*where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation*"<sup>30</sup>. Given clear evidence of problems associated with fracking (eg well failure<sup>31</sup>, pollution of groundwater<sup>32</sup> and health impacts<sup>33</sup>) and concerns expressed about the lack of full and up-to-date knowledge (outlined in the Introduction), it is clear that a precautionary approach should be applied by all public bodies concerned in relation to unconventional gas and oil exploration and

All that glitters...

production. We believe this means a presumption against further activities until there has been a full evaluation of possible impacts and of potential mitigation measures.

The Welsh Government has repeatedly stated that a precautionary approach applies to fracking applications: *“our current national planning policy advocates a precautionary approach for mineral development...”*<sup>34</sup>.

However, given the uncertainty and risks associated with unconventional oil and gas exploration and exploitation, the precautionary approach necessitates a moratorium until such time as certainty can be gained. We continue to press the Welsh Government on this point.

## **Climate change**

Regulation of climate change impacts is poor or absent at key stages of the process.

## **Licensing**

Evidence shows that DECC's consideration of climate change in relation to licensing is inadequate. Specifically, DECC:

- Does not adequately assess impacts from combustion as well as extraction, thus relying on data which is incomplete;
- Does not consider adequately low carbon alternatives such as biogas and renewables; and
- Approves oil and gas extraction although there is no certainty that a binding and ambitious global deal to cut carbon emissions will be achieved in the near future.

It is also unclear from DECC's assessment whether shale gas will be burned in abated or unabated facilities. Carbon capture and storage, at scale and at affordable cost, remains many years away.

As well as shale gas, there is considerable activity in the development of coal-bed methane. The SEA produced ahead of the imminent 14<sup>th</sup> onshore licensing round states *“it is considered unlikely that there will be any large increase in the current, relatively modest, levels of activity”*<sup>35</sup>. DECC's failure to assess the environmental impacts of this kind of unconventional gas means that further exploration will take place but without proper assessment.

There is also progress in the development of underground coal gasification, which follows a separate licensing process and has not yet been the subject of any Strategic Environmental Assessment, meaning that there has been no thorough assessment of carbon and climate impacts. This must be undertaken as a matter of urgency and before further exploration takes place.

## **Minerals Plans and development management**

The planning system in Wales provides for a *“presumption in favour of sustainable development to ensure that social, economic and environmental issues are balanced and integrated”*<sup>36</sup>.

A key principle of Planning Policy Wales (PPW 2014) is that: *“tackling climate change by reducing the greenhouse gas emissions that cause climate change and ensuring that places are resilient to*

All that glitters...

*the consequences of climate change*<sup>37</sup>. This is therefore a material consideration in planning decision-making.

Much more detail on the planning system in Wales in relation to unconventional oil and gas is presented in a separate briefing<sup>38</sup>.

However it is worth noting some of the significant flaws in Minerals Planning Policy Wales in relation to onshore oil and gas:

- Its publication (December 2000) predates the advent of unconventional technology to access oil and gas onshore
- Only two paragraphs in the whole document relate to onshore oil and gas. The level of detail is clearly insufficient for planning officials, who have requested better and more detailed guidance via the Welsh Local Government Association<sup>39</sup>. Despite this plea, the Welsh Government has no plans to update or improve guidance<sup>40</sup>.
- It effectively promotes hydrocarbon extraction. It requires local authorities to set criteria for the location of such extraction: *“Development plans should indicate those areas where oil and gas operations are likely to be acceptable in principle subject to development control criteria being met in a particular case”* which assumes that the development is in principle acceptable<sup>41</sup> – in other words, allocate sites for development.

This effective promotion of hydrocarbon extraction conflicts with the responsibility on local authorities to mitigate climate change.

### **Environmental Impact Assessment**

The consideration of carbon and climate impacts as part of Environmental Impact Assessment (EIA) is often inadequate:

- The EIA Directive only expressly applies to sites of a certain size, so in many cases there is no proper site-level assessment of climate impacts at all. For example, the area of some of Cuadrilla's Lancashire sites is 0.99 hectares, seemingly deliberately set just below the 1ha threshold for screening for EIA. In other cases, although the site is smaller, it may still have significant environmental (including carbon) impacts which must be thoroughly assessed through EIA.
- Obligations to assess cumulative impacts are often not properly complied with. Although activities at individual sites may make only a marginal contribution to climate change, taken together with other similar sites in the area, the carbon impacts are liable to be much more significant. These are often overlooked by planning authorities or given inadequate weight despite their importance.
- Similarly to licensing mentioned above, there is inadequate consideration of low carbon alternatives to gas and oil such as biogas and renewables at the site level.

### **Failure to mitigate and minimise carbon impacts at site level**

Steps to mitigate or minimise carbon and air quality impacts from fugitive emissions, flaring and venting are also inadequate.



All that glitters...

Substantial evidence exists concerning fugitive emissions from shale gas activities during exploration<sup>42</sup> and production<sup>43</sup>. Fugitive emissions are extremely important in carbon terms, given the potency of methane as a greenhouse gas. Draft guidance issued by regulators is very brief and inadequate on this subject, only requiring a description of how leaks are to be prevented and a monitoring protocol<sup>44</sup>. Unless the regulator can have full confidence that fugitive emissions are reduced to minimal levels, then it should adopt a precautionary approach and not permit exploration or extraction of shale gas.

**Flaring** (the burning at the drilling site of excess gas or gas produced during exploration) is regulated under the EU Mining Waste Directive at any level and under the Industrial Emissions Directive where more than 10 tonnes of gas is to be flared per day. Flaring above certain volumes is also regulated under the licence issued by DECC. However we remain concerned that:

- Regulators are under no obligation to consider less harmful alternatives such as storage. The fact that storage is now possible means that flaring may no longer reasonably be regarded as the Best Available Technique<sup>45</sup>, meaning that operators who fail to adopt this technique may no longer comply with Article 4 of the Mining Waste Directive.
- There appears to be no upper limit on the amount of gas which may be flared.

**Venting** (the intentional release of gas into the atmosphere at the drilling site) is the most harmful means of disposing of gas from unconventional gas and oil activities in terms of carbon and air quality impacts. We believe it must only be used where necessary to avert serious and imminent harm to humans, or an accident likely to cause other serious harm.

We consider that regulators' proposals to permit venting where flaring is not "safe or practical"<sup>46</sup> sets too low a threshold given its impacts. It confers undue discretion on operators to determine when flaring is "practical" and implicitly may introduce cost as a key consideration. In practice, venting has been permitted by regulators at a number of sites, for example at the IGas site at Barton Moss in Salford and at the Dart site at Daneshill, Nottinghamshire. It is not clear that venting in these cases was needed on safety grounds, and we are concerned that this process is not being regulated sufficiently tightly at site level.

## **Water contamination**

There is substantial evidence of risks to surface and groundwater from unconventional gas and oil activities. Lord Smith, the Chair of the Environment Agency, said that "*groundwater contamination is the biggest environmental risk in this activity*"<sup>47</sup>. Given this, regulators should be, but are not, taking a precautionary approach. Regulation of this critical area is therefore fundamentally flawed.

EU water legislation imposes an absolute prohibition on input of hazardous substances to groundwater and obliges Member States to limit inputs of pollutants<sup>48</sup>. Methane is classed by Natural Resources Wales as hazardous, as are the oil-based drilling muds as well as some of the additives they contain, such as oxirane. Given the risks which these substances pose to ground and surface water (leaving aside hazardous substances contained in mining wastes stored at, or disposed of from the site), we believe this legislation requires Natural Resources Wales to properly regulate the risks to water at unconventional oil or gas sites up and down the land, including by issuing groundwater permits. We are deeply concerned that Natural Resources Wales is failing to

All that glitters...

have due regard to substantial evidence of risks to groundwater and placing undue reliance on technological 'solutions'. This failure is likely to intensify when Natural Resources Wales receives applications to frack, rather than simply 'test'.

### **Lack of baseline monitoring**

Baseline monitoring of water quality is not explicitly required as part of an Environmental Impact Assessment, nor routinely required by planning authorities. To date, regulatory practice has been inconsistent, with monitoring required at some sites but not at others without clear reasons for the variation in approach. This monitoring is essential to assess, prevent and, where necessary, attribute responsibility for possible contamination. In the USA, failure to do this has made it much more difficult to attribute responsibility for water pollution when this has occurred, as it is not possible to say if water quality was poor before shale gas activities began.

### **Failure to require groundwater permits**

Groundwater permits are used to regulate activities which could involve the discharge of pollutants into groundwater. Despite the absolute prohibition on the input of hazardous substances to groundwater mentioned above, we are concerned that Natural Resources Wales is not taking a proactive approach to permitting for unconventional oil and gas. For example, a search for "fracking" on their website returns "No results found"<sup>49</sup>. Natural Resources Wales has also confirmed that "we have no plans to create our own" technical guidance for onshore gas exploration<sup>50</sup>; rather, they will rely on guidance produced for England.

Regulators generally argue that there is no need for a permit because the risk of well failure is low, but we believe this approach to be flawed:

- There is considerable evidence of wellhead failure in the USA<sup>51</sup>: "*Well barrier and integrity failure is a reasonably well-documented problem for conventional hydrocarbon extraction and the data we report show that it is an important issue for unconventional gas wells as well*"<sup>52</sup>;
- Methane is hazardous and drilling muds which are hazardous have been permitted for use by the Environment Agency at unconventional gas and oil sites in England (eg oil-based mud was used at Barton Moss, Salford). The Environment Agency has failed to clarify whether additives which are also hazardous may be used with drilling muds.
- Regulators do not have sufficient understanding of hydrogeology where no 3D seismic survey and/or EIA is undertaken;
- Inherent risks of pollution of groundwater through faults in shale rock which are much more common in western Europe than the USA<sup>53</sup>;
- Fracking and related processes can create further routes within the rock potentially allowing contamination;
- The regulator in England (Environment Agency) has failed to clarify how close to an aquifer drilling and testing (including fracking) may be undertaken<sup>54</sup>.

The precautionary principle must be applied in relation to groundwater protection because of the evidence of wellhead failure abroad; because technology to be used in this country is unlikely to deliver significantly different outcomes; and because shale in Wales is more faulted than it is in the

All that glitters...

US. As the Environment Agency makes clear, *“Natural processes that help clean up groundwater, which take days or weeks in rivers and lakes, can take decades or centuries in groundwater”*<sup>55</sup>.

### **Treatment of flowback water**

After fracking, between 20% and 80% of the water used to fracture the rock remains underground. Flowback water may contain naturally occurring radioactive material mobilised from the surrounding rock by the testing/fracking process, as well as harmful metals and high levels of salinity. Disposal routes for the thousands of gallons of flowback water are not widely available, and in some cases not currently identified.

No wastewater treatment site in Wales is currently permitted to deal with the flowback water<sup>56</sup>, suggesting that disposal of this waste will have to take place many miles away in England. This is in contravention to the proximity principle, which states that waste should be dealt with as closely to sources as possible.

It is also clearly irresponsible (and contrary to the precautionary principle) for regulators and planning authorities to permit development or mining activity where they do not have a real clarity as to how certain wastes will be disposed of. In these circumstances, public bodies should take a precautionary approach and refuse to permit development (or to grant a permit) pending clear and coherent proposals from operators explaining how all of the wastes they will generate will be disposed of in a way which is safe and environmentally sustainable.

### **Risks to surface water**

Pollution of surface water is also a real risk from the large volumes of flowback water (or produced water from coal bed methane extraction), chemicals and, in some cases, gas, stored on site. This could be as a result of an accident or extreme weather such as flooding. The Environmental Report produced as part of the SEA ahead of a proposed licensing round later this year concluded that if fracking sites are developed on flood plains, then if there was flooding there was the risk that *“storage tanks may become damaged or suffer a loss of power and release contaminants into the flood water”*<sup>57</sup>.

Planning authorities have given planning consent for unconventional gas and oil activities very near to surface water bodies including within a few hundred metres of streams and rivers<sup>58</sup>.

Friends of the Earth Cymru is concerned that the risks to surface water are simply not being taken seriously enough, and that preventative steps may be inadequate. In England, some pollutants from site are permitted to be disposed of in nearby ditches (see for example the Mining Waste permit granted to IGas for Barton Moss<sup>59</sup>). Again, a precautionary approach must be adopted, requiring a full assessment of possible impacts and no discharges until the impacts are well understood.

All that glitters...

## Insufficient clarity on chemicals

There is insufficient clarity on the chemicals to be used in fracking and related activities. The Secretary of State has said that, unlike in many parts of the USA, operators in the UK will have to disclose the chemicals to be used in fracking. But regulators need to go further:

- They must ensure that all chemicals to be used in drilling and fracking are properly registered for that use under the EU's REACH (Registration, Evaluation Authorisation & Restriction of Chemicals), legislation<sup>60</sup>. It must also ensure that the Chemical Safety Assessments and Reports<sup>61</sup> are sufficiently rigorous and that the conditions for safe use are followed for every frack.
- The Environment Agency has told the industry that "*we expect you to propose only non-hazardous substances for use*"<sup>62</sup>. This is unacceptably weak, and we need Natural Resources Wales to require non-hazardous substances in Wales.
- Companies should be required to publish REACH details and Material Safety Data Sheets (which provide standard information such as hazard data, toxicity details and potential health impacts) for any chemicals they propose to use, allowing the opportunity for public comment. This will allow local communities to know what is being used and the risks involved.
- We are also concerned that the Secretary of State's commitment about publicising chemicals may not be legally binding. For example, DECC has not made clear what steps it (or other regulators) would take if companies fail to disclose all the chemicals they intend to use.

## Water supply

The Environment Agency's draft technical guidance for onshore oil and gas exploration says that water supply in this area is the responsibility of the utility companies<sup>63</sup>. Natural Resources Wales has not yet produced draft guidance; we are pushing the regulator to ensure that it maintains responsibility for this aspect of the industry.

Fracking requires significant volumes of water. Although unlikely to be a problem at the national level, Water UK (which represents the water utilities) has said that "*where water is in short supply there may not be enough available from public water supplies or the environment to meet the requirements for hydraulic fracturing*"<sup>64</sup>. This has the potential to be an issue in water-stressed areas of Wales, such as the south east<sup>65</sup>, where a number of drilling companies are currently active or seeking planning permission. The Chartered Institute of Water and Environmental Management has stated that "*there may be local consequences should a significantly sized [shale gas] production industry develop, particularly in some catchments in the south east which are already water stressed*"<sup>66</sup>.

The Water Act 2014 makes provision for the purchase of water from the holders of water abstraction licences. The great majority of abstraction licences are permanent, with little or no scope for review. However "*the majority of licence holders use only 50% of their allotted volume of water, yet most of the rivers and groundwaters in England and Wales would be at serious risk of damage if these unused volumes were abstracted*"<sup>67</sup>.

All that glitters...

Natural Resources Wales must take responsibility for ensuring that unconventional gas and oil exploration does not prejudice public or other core water supply – any failure to do so would be a key problem.

### **Habitats and biodiversity**

The UK Government has failed to assess at the strategic level the potential impact of further gas and oil licensing on protected species and habitats such as National Parks and Sites of Special Scientific Interest (the UK's top wildlife designation).

Where the risk of significant harm to protected habitats and species cannot be ruled out, a Habitat Regulations Assessment should be a critical part of any Strategic Environmental Assessment such as that being carried out ahead of further onshore gas and oil licensing. We believe it is clear that case law requires this to be carried out at the strategic level (the level of the overall plan) but the UK Government has decided to defer the assessment to when individual licence applications are considered.

This approach fails to ensure that the cumulative impacts of activity at many different sites across the UK will be taken into account. Where the risk of significant impacts on protected habitats cannot be excluded, sites must be screened out of the licensing process at the strategic stage, an approach recommended by the UK's leading conservation groups<sup>68</sup>.

### **Cross-cutting issues**

In addition to the specific issue-based problems outlined above, there are also serious cross-cutting problems contributing to the inadequacy and ineffectiveness of regulation.

### **Lack of dedicated regulation**

The United Nations Environment Program, referencing the European Commission, has said that unconventional gas will require dedicated regulations because existing regulations often do not address specific aspects of fracking<sup>69</sup>. In their report to the UK Government, the Royal Society and the Royal Academy of Engineering recommended that “*regulators should work together to develop guidelines specific to shale gas extraction*”<sup>70</sup>. However, this has not happened.

While the UK Government has provided specific planning practice guidance for onshore oil and gas, it has deliberately weakened the impact of planning regulation by making the guidance permissive rather than including detailed safeguards such as the precautionary principle and linking to other guidance on climate change. Meanwhile it is difficult to see any tangible impact of the Welsh Government's “precautionary approach” to onshore oil and gas.

Natural Resources Wales, our environmental regulator, has yet to produce any draft guidance for onshore oil and gas. Draft guidance produced by the Environment Agency for England relies on existing regulations, often developed for offshore or above-ground gas and oil activities (which are often inappropriate), and on non-binding industry guidelines. For example, the draft guidance on drilling a borehole refers operators to the technical guidance ‘IPPC S1.02 Gasification, Liquefaction

All that glitters...

and Refining Sector' for understanding what measures the Environment Agency will be looking for to prevent fugitive emissions. The document referred to is about the refining sector which has mainly above-ground operations which are easy to inspect, verify and contain. As such it is not applicable to shale gas and coal bed methane exploration which take place deep underground, and reference to it for guidance is confusing and inappropriate.

The Environment Agency's guidance also refers operators to the 'UK Onshore Shale Gas Well Guidelines'<sup>71</sup> developed by the UK Onshore Operators' Group and to Oil & Gas UK guidelines. This raises major concerns:

- These documents are guidelines and non-binding, as the consultation points out;
- Oil & Gas UK describes itself as 'The Voice of the Offshore Industry'. Its guidelines were developed for the offshore industry, which faces very different circumstances, making the guidelines inappropriate for onshore operations;
- By setting its own standards, there is a risk that the industry will effectively regulate itself, which is inappropriate for a relatively new industry involving high-risk activities which therefore requires independent regulation and inspection.

### **Problems with Environmental Impact Assessment (EIA)**

Although we fully support EIA in principle, we have two key concerns in relation to the EIA Directive: not all the risks of unconventional gas and oil are adequately addressed and the EIA Directive is being inadequately applied.

EIA is critical to assessment of the environmental impacts of unconventional gas and oil activities. It is integral to decisions about planning permission because it provides crucial information about impacts which must be taken into account. It also generates key information which Natural Resources Wales requires to regulate other aspects of these activities, principally through groundwater, mining waste and radioactive substances permits<sup>72</sup>.

Firstly, in its current form, EIA does not adequately address the risks of unconventional gas and oil. As has been explained above, it does not explicitly require developers to carry out baseline monitoring of water, soil and air quality, which is critical to prevent and, if needed, attribute responsibility for, possible pollution.

Secondly, the EIA Directive is being inadequately applied by planning authorities, or avoidance tactics are being used by companies:

- Very few full EIAs have yet been completed in relation to unconventional gas and oil sites in the UK, despite planning permission having been granted in many cases over three years ago. This is due to the failure of local authorities to screen for or require EIA in many cases. The screening decisions adopted by councils (deciding whether or not a full EIA is required) have sometimes been inadequate, involving cursory consideration of impacts<sup>73</sup>, sensitive areas<sup>74</sup> and accepting information provided by developers with little challenge or scrutiny<sup>75</sup>;
- The lack of completed EIAs can also be at least partly ascribed to developers making applications for sites with an area of 0.99 hectares<sup>76</sup> - the EIA Directive sets a threshold for the screening of 'deep drilling' applications at 1 hectare<sup>77</sup>. Where (as in the case of several Cuadrilla sites in Lancashire) a number of sites are located close together, local authorities

All that glitters...

should still screen for EIA, as case law is clear that the Directive cannot be circumvented by “*the splitting of projects*”<sup>78</sup>. When assessing the “area of the works” for the purposes of EIA, local authorities should take account of all activities carried out underground as well as at the surface. They must bear in mind that sites that are smaller than 1 hectare may have significant environmental impacts in any event.

- Decisions on scoping (assessing which issues should be dealt with in an EIA) have been based on inadequate evidence – for example:
  - Lancashire County Council’s reliance on “desk based study” to provide “environmental baseline for the geological and hydrogeological setting” in relation to Cuadrilla’s application for shale gas exploration at the Becconsall site in Lancashire and
  - Trafford Council’s failure to consider climate change impacts in deciding that no EIA was needed for IGas’s application for coal bed methane testing and production at Davyhulme.
- The Environment Agency lists in its draft guidance the information it believes should be included in an EIA, but this is incomplete. It does not include issues such as traffic management, road damage, noise, lighting, venting and flaring. Nor does it fully address potentially critical issues around water contamination: operators are not required to look at the potential for vertical migration up the outside of a well casing in the event of well failure.

EIA should be mandatory for all unconventional gas exploration and production – a view shared by Britain’s leading conservation charities<sup>79</sup>. The industry has offered to carry out EIAs for all operations involving fracking, but we believe this needs to go further, not least because this is a voluntary offer by the industry and therefore not legally binding. The commitment does not extend to a wide range of activities besides fracking which are undertaken in connection with underground gas and oil exploration and extraction and are also capable of causing environmental harm (eg: drilling, mud logging, coring, a variety of logs and various testing activities).

### **Major shortcomings in the online Planning Practice Guidance**

As Minerals Planning Authorities, local authorities play a key role in consenting development of unconventional gas and oil and ensuring environmental impacts are minimised and mitigated through planning conditions. There are serious shortcomings with Welsh planning guidance and practice, in addition to concerns about climate change, the treatment of cumulative impacts and the lack of public consultation considered above.

There is a lack of clarity about site boundaries. Planning law defines development as “*the carrying out of building, engineering, mining or other operations in, on, over or under land*”<sup>80</sup>. This must include not just activities on the surface but also *within the land*. Thus the boundary of the ‘site’ for consideration in planning should not be defined by the wellpad, but by the extent of drilling.

The Welsh Government has not as yet published guidance that would help local authorities distinguish between the surface area of a site and the likely extent of underground activities, including lateral drilling. This could cause confusion: do developers have permission to drill laterally beyond the surface boundaries? If not, they could be at risk of enforcement proceedings for breach of planning law. Also, if planning authorities fail to take into account the impacts of subsurface

All that glitters...

activities which go beyond the wellpad boundaries, planning permission could be flawed and unsound.

Risks to groundwater are proven, while the prevention of contamination is not. The precautionary principle encapsulated both in the Water Framework Directive states that groundwater should not be polluted at all. Also, with knowledge of the industry and its impacts still evolving, and the industry at a very early stage in the UK, it is not yet possible to know for sure what all the adverse impacts will be, or to assume therefore that planning conditions set now will be adequate.

In several cases, the model planning conditions set out are inadequate:

- They do not properly address underground activity
- Key issues for planning authorities are omitted, such as air quality, traffic, land contamination, flood risk, land stability or subsidence
- The conditions are in some cases broadbrush (eg water<sup>81</sup>) or are duties to monitor rather than abate or mitigate (eg noise)

There is also a lack of clarity about unconventional gas and oil terminology. Planning authorities may be misled or confused by supposed distinctions between 'conventional' and 'unconventional' drilling, 'fracking', 'stimulation' and 'testing'. For example, Cuadrilla's planning application for the Preese Hall site refers to 'drilling of exploratory borehole and testing of hydrocarbons' – no reference is made to hydraulic fracturing<sup>82</sup>. Many of these terms are unclear and may obscure the true nature of the activities and their impacts. .

Planning authorities should consider all relevant issues: climate change is firmly part of their role, and 'control processes' must be put in place by the planning authority's use of conditions – hence the need for EIA to provide information on the environmental impacts and therefore to have pertinent conditions.

The section on restoration and aftercare is inconsistent with other national guidance. Planning guidance requires restoration "*at the earliest opportunity*" and providing "*the means to at least maintain, and preferably enhance, the long-term quality of land and landscapes taken for mineral extraction*"<sup>83</sup>. The online guidance on onshore oil and gas simply refers to "*proper restoration and aftercare*"<sup>84</sup>. It is critical that planning authorities look to Welsh planning policy to secure adequate financial guarantees to cover all eventualities<sup>85</sup>, particularly since online guidance for the UK refers to a 'voluntary agreement' rather than insisting on a planning obligation<sup>86</sup>. Conditions may be imposed but unless they are enforced, there is the risk that the restoration will not happen unless the finance is set aside at the outside to cover the costs.

### **Inadequate monitoring and enforcement**

There are major concerns about the monitoring and enforcement of unconventional gas and oil activities by both planning authorities (through failure to enforce planning condition) and other regulators (through effectively allowing operators to 'mark their own homework').

Monitoring is key to ensuring enforcement, but if experience in England is relevant, it is already clear that planning authorities in Wales will struggle to fulfil their duties. For example, there have



All that glitters...

been instances where companies have failed to abide by planning and permit conditions, and no enforcement action has been taken:

- Conditions were applied to Cuadrilla's planning permission for its Beconsall site that it could only drill for 90 days and must stop drilling by 30<sup>th</sup> September 2011 in order to protect wintering birds at a nearby protected area. However, according to the Head of Planning at Lancashire County Council, Cuadrilla ignored these conditions and drilled for longer than 90 days and past the date stipulated. No enforcement action was taken by the council.
- IGas received planning permission in 2010 for coal bed methane exploration and production at a site in Barton Moss, Salford. Despite stating that it would be drilling to 1300m to the coal bed in its planning application documents, the company has now stated it is exploring the shale gas layer and will be drilling to 3000m. Its permission applies only to coal bed methane yet no enforcement action has been taken by Salford Council.

The Environment Agency's draft guidance makes many references to what it will expect, but very little or none to what it will inspect. This is critical if the public is to have faith in its regulation. For example its draft guidance says "*You should keep us informed of the nature and quantities of the chemicals you propose to use*"<sup>87</sup> but does not say that it will check what is being used, even with occasional inspections. The nature of the Environment Agency's regulatory regime is that operators are left to 'mark their own homework', in other words, self-regulation. This approach fails to ensure that the policies and procedures are being followed in practice and remain fit for purpose.

### **Decommissioning and liability**

Concerns about well integrity also extend to the decommissioning of unconventional gas and oil wells. The risk of problems continues and even grows, because as time goes by an increasing proportion of wells suffer integrity problems<sup>88</sup>. Cuadrilla has stopped work at its Preese Hall well in Lancashire and planning permission to close the well has been granted. But many unanswered questions remain:

- What monitoring of fractures has been undertaken? How far do they extend?
- What will happen to the water and pollutants which remain underground?
- What steps will be taken to prevent further seepage?
- What monitoring of water, air and soil impacts will be undertaken at the site?
- How long will monitoring be undertaken for?
- What sort of risk assessment is being carried out?

The Environment Agency says it "*would expect ... that plans to ensure anything was properly contained subsequently were very firmly in place*"<sup>89</sup> but the Office for Unconventional Gas & Oil is "*not aware of any independent monitoring*"<sup>90</sup> of decommissioned wells.

In line with planning guidance, fracking companies must be required to provide an upfront financial guarantee to cover clean-up costs for the lifetime of a well, including its decommissioning. Where what are effectively 'shell' local companies are set up, these guarantees should be attached to the parent company.

All that glitters...

### **‘Salami-slicing’ of regulation**

The current regulatory regime is vulnerable to ‘salami-slicing’, through which operators obtain permission from planning authorities or regulators for operations in increments, rather than being open about their overall plans at the start of the process. This raises concerns about robustness and lack of transparency, and local authorities and regulators could grant permission on misleading terms. If salami-slicing leads regulators to set the bar at a low level in the exploration phase, it could preclude effective regulation of the production phase.

By splitting gas and oil activities into a series of smaller steps, there is a real risk that the planning authority will fail to assess the overall impacts of the project and look only at the impacts of the particular stage under consideration which may, taken on their own, be quite small.

## **4 Public participation and democracy: further failings**

Public consultation as part of the regulation of unconventional gas and oil falls well short of what is required, with more of a tick-box approach which arguably fails to discharge the UK Government’s responsibilities under the Århus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters. Despite the Prime Minister’s statement to the House of Commons that *“any future shale gas production would have to follow ... deep consultation with local communities”*<sup>91</sup>, the UK Government’s approach seems to be more about sidelining local communities rather than allowing them to engage fully with the issue. Given the strength of local opposition to fracking – 45% of those asked in a recent opinion poll were opposed to fracking in their local area<sup>92</sup> - as well as the local knowledge which communities can bring to bear, local engagement is critical.

The Århus Convention places duties on public authorities to ensure that the public are fully involved in decision making. These are reflected in relevant EU Directives, such as the Mining Waste Directive, and, to some degree, in Natural Resources Wales’ public engagement activities.

This section addresses changes in laws and regulations to benefit companies and reduce public involvement, failure to consult on planning guidance and poor practice in public engagement.

### **Removal of responsibility to notify directly**

The UK Government has removed the requirement on onshore gas and oil companies to notify householders directly if drilling or fracking could take place beneath their property. This is a concession to the industry, prioritising removing regulation and safeguards rather than protection and involvement of local people.

Such notification would, according to the UK Government, involve notifying a *“disproportionately large number of individuals and businesses”* and would be *“unnecessarily excessive”*. Instead, companies will have to *“publish a notice in a local newspaper and put up site displays in local parishes”*<sup>93</sup>.

All that glitters...

The change has been roundly criticised by a number of bodies including the House of Lords Secondary Legislation Committee which concluded that the regulations “*imperfectly achieve their policy objectives*”. It found that “*streamlining procedures in relation to "fracking" might very well be seen as a new and contentious policy; given that the Government allowed only six weeks for this consultation, it is hard to imagine what policy considerations might lead them to allow 12 weeks or longer for a consultation*”. The Committee also made a number of procedural criticisms of the Department of Communities and Local Government and described its explanation of the order as “*both fragmentary and apparently inconsistent*”<sup>94</sup>.

### **Proposed amendment to the law of trespass**

At some point in the period up to April 2015, the UK Government is expected to propose changes to trespass laws to make it easier for gas and oil companies to drill under someone’s land without their approval. Although, in the UK, the Crown rather than landowners ‘own’ the oil or gas under a property, the landowner still has to give permission, or not withhold it, for drilling to take place into the rock under their land. Companies can go to court to get permission to drill under the land, but they and the UK Government are concerned that this will further delay onshore gas and oil exploration and production.

Earlier this year solicitors for landowners in Sussex told Celtique Energy, which wants to drill beneath their land, that they were formally withholding permission. Celtique subsequently changed its plans<sup>95</sup>.

A change to the law would be a further significant concession to the industry at the expense of local peoples’ rights and some time-honoured principles of land law. It also removes independent adjudication (through the courts) from the process and enables government to decide whether a person’s rights have been interfered with and how much compensation (if any) they should receive.

### **Failure to consult on Planning Practice Guidance**

Last summer the UK Government issued Planning Practice Guidance (PPG) for Onshore Oil and Gas. In a significant departure from normal practice, there was no consultation on the PPG: it was simply issued. There has therefore been no public testing or independent expert submissions that have helped to inform the UK Government’s policy. There has been no parliamentary scrutiny or examination by Select Committee. Subsequently this guidance was put into the planning practice guidance portal with some changes – again without specific public consultation or a UK Government response.

The UK Government’s own Consultation Principles<sup>96</sup> explain why consultation is vital: “*increasing the level of transparency*”, “*bringing to bear expertise and alternative perspectives*”, and “*strengthening policy making and ... understanding the effects of the policy on those affected.*” This has not happened for the PPG for Onshore Oil and Gas. Affected communities, local authorities, and MPs as well as a myriad of other interests have not had an opportunity to contribute and provide robust testing of the UK Government’s proposals. Friends of the Earth believes this failure to consult on the PPG is not consistent with the spirit of the Århus Convention.

All that glitters...

### **Introduction of 'standard permits'**

Once again, we have little or no indication of the preparations that Natural Resources Wales is making for the advent of the unconventional gas industry in Wales. In England, meanwhile, the Environment Agency has proposed to create 'standard permits' for some aspects of unconventional gas and oil operations. The principle and content of a standard permit has been consulted on once, but (if adopted) thereafter there would be no public involvement, and decisions on whether an operation should be covered by a standard permit would be a matter for the regulator and the operator. This could contravene the Århus Convention (and potentially the public participation provisions of the Mining Waste Directive) and decreases transparency around unconventional gas and oil regulation and the accountability of public bodies and the industry to local people.

The use of standard permits in this area is inappropriate and potentially harmful. The Environment Agency has said that "*we only develop standard rules for operations with well understood risks and mitigation measures*"<sup>97</sup> but this is not the case with unconventional gas and oil which uses emerging technology most of which has never before been used in the UK, with environmental and safety impacts that are inadequately understood.

The Environment Agency has stated that it would consult on standard permits in cases of "high public interest". Experience to date indicates that in practice this will only occur in a small proportion of cases, since the Agency concluded that horizontal drilling into shale rock at Balcombe last year was not "high public interest", despite significant protest at the site and nationwide interest.

### **Problems with local consultation to date**

There has been poor practice to date in local consultation in high-profile cases.

- Cuadrilla received planning permission to drill in Balcombe in 2010, but made no attempt to consult with either local residents or the Parish Council. Residents organised their own public meeting in 2012 once they heard about the permission. After reassuring residents that drilling in Balcombe was unlikely as they were concentrating on the North West, Cuadrilla wrote to residents in May 2013 to say they would be drilling in Balcombe after all. They would not speak at a public meeting, but instead held a 'drop-in' session. Further requests for public meetings were forwarded to the company's then PR advisers Bell Pottinger.
- Celtique Energy, the company proposing to drill and frack near Fernhurst in Sussex, has reportedly set out ground rules for its community surgeries and discussions. These specify that recording is "*strictly prohibited*" and that no "*formal minutes or transcript of the meeting [may be] produced or published in the public domain*"<sup>98</sup>. Local MP Andrew Tyrie suggested in a letter to Celtique Energy's chief executive Geoff Davies that this might be because "*a number of my constituents allege that you have given different answers to the same question*"<sup>99</sup>.
- DECC has recommended that an Environmental Risk Assessment (ERA)<sup>100</sup> should be carried out for all unconventional gas and oil applications. ERA guidance says that local interest based groups should be involved. But when an ERA took place at one of Cuadrilla's sites in Lancashire, local community group Ribble Estuary against Fracking was not invited to take part. 'Public Consultation meetings' were arranged instead with twelve people invited.

All that glitters...

This, it was claimed, was the most effective way to cascade information down to the local community, but the company failed to explain to some of the invitees that this was their role.

## 5 Corporate lobbying and involvement

There is clear evidence of corporate lobbying of senior civil servants, calling for weaker regulation. Freedom of Information requests have revealed that Lord Browne, chairman of Cuadrilla and a non-executive director in the Cabinet Office, intervened personally with the chair of the Environment Agency, Lord Smith, to try to exempt the company from compliance with regulations on the monitoring and disposal of waste products from drilling<sup>101</sup>. This issue was also raised with the Environment Agency by Friends of the Earth in relation to Cuadrilla's drilling in Balcombe. Following Friends of the Earth's complaint, and despite Cuadrilla's lobbying, the Environment Agency decided that Cuadrilla did need a Mining Waste Permit.

Following a separate personal intervention by Lord Browne, Lord Smith *“offered to halve the consultation time for a waste permit, agreed to intervene with a county council over Cuadrilla's planning permission and to identify further risks to Cuadrilla's plans.”*<sup>102</sup>

Further close links between the industry and the UK Government came to light when details of emails between DECC and the UK Onshore Operators Group were revealed, showing that the two agreed 'lines to take' on regulation on the launch of Public Health England's review of the health effects of shale gas exploration and production<sup>103</sup>.

## 6 The UK Government's role: pliant cheerleader?

In its enthusiasm for unconventional gas and oil, the UK Government has adopted an attitude described as *“pliant cheerleading”*<sup>104</sup>. UK Government statements such as *“all out for shale”* and *“shale gas is the future and we will make it happen”* apply strong political pressure on regulators, leading them to adopt a potentially over-permissive attitude and to over-streamline regulation. This can be seen in the statement in the Environment Agency's draft guidance that *“we avoid objecting where we can”*<sup>105</sup>. Other UK Government decisions also risk reducing the adequacy and effectiveness of regulation.

### Office for Unconventional Gas and Oil: cheerleader and regulator?

Overall responsibility for the regulation of unconventional gas and oil in the UK lies with the Office for Unconventional Gas and Oil (OUGO). OUGO sits within the Department of Energy & Climate Change, which is also responsible for regulating some of the impacts of fracking by issuing licences to companies. OUGO's website refers to its roles as to *“ensure we make the best use of our natural resources by encouraging the development of the unconventional gas and oil industry in the UK”*, and to *“ensure regulation of the industry, including the planning and permitting processes, is as streamlined and simplified as possible through the exploration, appraisal and development phases to full production, while remaining sufficiently robust to safeguard public safety, the workforce, and the environment”*<sup>106</sup>.

All that glitters...

There is a clear conflict between OUGO's twin roles of 'encouraging development and 'ensuring regulation' (a dichotomy raised by Tim Yeo MP, chair of the Energy & Climate Change Select Committee<sup>107</sup>), between the streamlining of regulation and making it robust.

### **Cuts to regulators**

Key regulators are facing staff and budget cuts, affecting their capacity to respond to the challenges posed by this new technology:

- Natural Resources Wales is facing a 3.3% budget reduction between 2014-15 and 2015-16<sup>108</sup>. At a time of heightened pressure on the agency following floods and forestry disease, this increases concerns about the permitting and inspection regime.
- Planning authorities are also facing budget cuts, meaning that planning officers are stretched and under-resourced. This compounds concerns that neither officers nor councillors on planning committees have sufficient knowledge about the issues.

### **Lobbying to water down EU action**

The UK Government has led lobbying to water down possible European action on the regulation of unconventional gas and oil.

In January, the European Commission decided on its action in this area. An Impact Assessment showing that a new Directive setting specific binding provisions was the most effective of the options considered in terms of tackling the environmental risks, providing legal clarity and addressing public concerns. The same Impact Assessment showed that non-binding recommendations and guidance to member states was the least effective option but the European Commission took the latter course.

Letters obtained by Friends of the Earth show that the UK Government led the lobbying in favour of this weakest option<sup>109</sup>. Thus, while the UK Government proclaims the benefit of regulation, behind the scenes in Europe it has manoeuvred to water down regulations.

### **Placing an 'economic growth duty' on regulators**

The UK Government has proposed a duty on the Health & Safety Executive to have regard to economic growth, which creates further potential conflict. It adds to the pressure on regulators to approve activities such as unconventional gas and oil which are promoted by the UK Government as vital for the economy<sup>110</sup>. Meanwhile, the Welsh Government has created a new 'statutory purpose' for the environmental regulator, to include a duty to "sustainably use" the environment and natural resources of Wales<sup>111</sup>.

Agencies whose role is to conserve and enhance the natural environment should be free from demands to boost short-term economic growth.

## 7 Conclusions

Unconventional gas and oil exploration and production present serious and unnecessary risks for Wales.

This briefing shows that there are serious shortcomings with the regulatory regime for unconventional gas and oil in Wales. Public health and safety risks are not adequately addressed by the current regulatory framework, and local decision-making is being weakened, despite the UK Government's commitment that communities should be consulted in full.

Far from being gold standard as claimed, the regulatory regime is inadequate, flawed or ineffectively applied and enforced:

- Natural Resources Wales has produced no guidance, or even draft guidance, to cover the activities of the onshore oil and gas industry. Where draft guidance has been issued in England by the Environment Agency, it is worryingly soft-touch to the industry.
- The climate change impacts of extracting and burning unconventional gas and oil are not adequately addressed.
- The risks of water contamination are not adequately regulated.
- Regulators have failed to set out a clear strategy in relation to water supply for fracking, which requires very large volumes of water.
- Decision makers fail to adequately address potential impacts on protected species and habitats or screen out protected areas from exploration and extraction altogether.
- There are problems with the application of Environmental Impact Assessment, which fails to address all the risks arising at unconventional oil and gas sites and is being inadequately applied.
- There is a lack of dedicated regulation, despite specific expert body recommendations that this is needed from, for example, the Royal Society.
- There are major shortcomings in planning practice guidance, such as a lack of clarity about site boundaries and inadequate model planning conditions.
- There is inadequate monitoring and enforcement by planning authorities and regulators leading to a culture of self-regulation.
- The impact of regulation risks being reduced further through 'salami-slicing' whereby companies get permission from regulators in increments, rather than being open about their overall plans from the start.
- The UK Government has smoothed the path for the industry, undermining democracy and public participation in decision making through:
  - the removal of the responsibility on companies to notify individual landowners,
  - proposed changes to trespass laws,
  - proposals to introduce "standard" environmental permits which would not normally be consulted on; and
  - failure to consult on planning practice guidance.
- Gas and oil companies have succeeded in weakening and in some cases circumventing regulation through direct lobbying of senior civil servants.
- The UK Government has cut regulators' budgets and given some of them an economic growth duty.

All that glitters...

The UK Government and the industry repeatedly stress the strength of current regulations. This is far from being the case. The following changes would strengthen them:

- The use of the precautionary approach by all regulators and public decision makers;
- A full assessment of climate impacts – considering combustion impacts in the round - at all stages of regulation, namely licensing, minerals plans, planning permission and site-level permitting;
- Full baseline monitoring of water, air and soil before drilling, testing or fracking begin;
- Effective assessment of cumulative impacts in all cases;
- Making Environmental Impact Assessment mandatory for all unconventional gas and oil activities – the industry’s voluntary commitment to undertake EIA is insufficient because it only applies to “fracking” (not drilling or other kinds of testing) and it is unclear if it is legally enforceable;
- The introduction of dedicated regulations for the industry, rather than using non-binding industry guidelines and regulations developed for the offshore industry;
- Specific technical guidance for the industry in Wales;
- Ensuring full and independent monitoring and enforcement of regulations by all regulators; and
- Requiring a full financial bond to cover all possible remediation

However, even if these were implemented, major doubts remain: can the unconventional oil and gas industry be regulated into safety, or will better regulation make it safer, but not safe? As the United Nations Environment Program has stated, *“fracking may result in unavoidable environmental impacts even if [gas] is extracted properly”*<sup>112</sup>.

In addition, unconventional gas and oil will not help tackle climate change:

- Exploiting the UK’s unconventional gas and oil would just add to the world’s stock of unburnable carbon – fossil fuels that we cannot burn if we want to avoid the worst impacts of climate change.
- We do not have a binding global climate deal which would give at least a 2 in 3 chance of avoiding global temperatures rising by more than 2°C. This deal would help ensure that unconventional gas and oil would be used instead of, rather than as well as, other fossil fuels.
- The prospect of unconventional gas, particularly shale gas, in the UK risks driving a second ‘dash for gas’ with the construction of a large number of new gas-fired power stations. The Chief Executive of the Committee for Climate Change has said that this would be *“completely incompatible”*<sup>113</sup> with the UK’s binding climate change targets.

The UK’s energy system must reduce our reliance on fossil fuels, basing our energy future on reducing energy waste and exploiting the UK’s vast potential for renewables. Reducing our reliance on fossil fuels, rather than remaining dependent on them, is also a much better way of dealing with concerns about energy security.

Because of this, there should be a moratorium on further exploration for and production of unconventional fossil fuels such as shale gas and coal bed methane.



## All that glitters...

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- 89 House of Lords Economic Affairs Committee inquiry 'The Economic Impact on UK Energy Policy of Shale Gas and Oil' op cit Q165
- 90 Ibid
- 91 House of Commons 12th September 2012 <http://www.publications.parliament.uk/pa/cm201213/cmhansrd/cm120912/debtext/120912-0001.htm#12091223000008>
- 92 See [http://news.opinium.co.uk/sites/news.opinium.co.uk/files/fracking\\_-\\_the\\_nations\\_view\\_-\\_opinium\\_research\\_may\\_2014\\_-\\_static\\_version.pdf](http://news.opinium.co.uk/sites/news.opinium.co.uk/files/fracking_-_the_nations_view_-_opinium_research_may_2014_-_static_version.pdf)
- 93 DCLG Written Ministerial Statement on Planning Applications, <http://www.parliament.uk/documents/commons-vote-office/December%202013/18%20December/9-DCLG-Planning-Applications.pdf>
- 94 28th Report of Secondary Legislation Committee concerning Draft Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations: <http://www.publications.parliament.uk/pa/ld201314/ldselect/ldsecleg/124/12403.htm#a2>.
- 95 See <http://www.theguardian.com/environment/2014/may/12/celtique-energy-abandons-south-downs-fracking-plans>
- 96 Government Consultation Principles [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/255180/Consultation-Principles-Oct-2013.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/255180/Consultation-Principles-Oct-2013.pdf)
- 97 Email from Matt Georges, Environment Agency lead on draft technical guidance, to Tony Bosworth 31/07/13
- 98 Daily Telegraph 'Fracking boss bans locals from recording 'engagement' talks' <http://www.telegraph.co.uk/finance/comment/citydiary/10554209/Fracking-boss-bans-locals-from-recording-engagement-talks.html>
- 99 ibid
- 100 These are more superficial than Environmental Impact Assessments and as such are not an adequate replacement.
- 101 Greenpeace, 'Fracking in the UK: FOI's show Lord Browne intervened to try and water down environmental regulations for Cuadrilla', <http://www.greenpeace.org.uk/newsdesk/energy/investigations/fracking-uk-foi%E2%80%99s-show-lord-browne-intervened-try-water-down-environmental-regulations-cuadrilla>
- 102 Guardian, 'Owen Patterson held urgent meeting for fracking boss, documents show' <http://www.theguardian.com/environment/2014/mar/21/owen-paterson-urgent-meeting-fracking-cuadrilla-lord-browne>
- 103 Guardian, 'Emails reveal UK helped shale gas industry manage fracking opposition', <http://www.theguardian.com/environment/2014/jan/17/emails-uk-shale-gas-fracking-opposition>
- 104 The Guardian, 'Emails reveal UK helped shale gas industry manage fracking opposition' <http://www.theguardian.com/environment/2014/jan/17/emails-uk-shale-gas-fracking-opposition>
- 105 Environment Agency, *Onshore oil and gas exploratory operations: technical guidance Consultation Draft*, op cit
- 106 See <https://www.gov.uk/government/groups/office-of-unconventional-gas-and-oil-ougo>
- 107 House of Commons Energy & Climate Change Select Committee report (2012-13 session), 'The Impact of Shale Gas on Energy Markets' <http://www.publications.parliament.uk/pa/cm201213/cmselect/cmenergy/785/785.pdf> Q280
- 108 <http://wales.gov.uk/docs/caecd/publications/131203budget1415-meg-en.pdf> p 12
- 109 Letter from David Cameron to Jose Manuel Barroso obtained by Friends of the Earth. Mr Cameron wrote "it is essential the EU minimise the regulatory burdens and costs on industry and domestic bill payers by not creating uncertainty or introducing new legislation"
- 110 See for example Energy Minister Michael Fallon's speech on 'UK onshore production' <https://www.gov.uk/government/speeches/uk-onshore-production-michael-fallon>
- 111 <http://naturalresourceswales.gov.uk/content/docs/pdfs/our-work/board-meeting-agendas-minutes-and-papers/18-december-2013/paper-10-strategic-principles-for-planning-advice.pdf?lang=en> para 12
- 112 UNEP 'Gas fracking: can we safely squeeze the rocks' op cit
- 113 The Guardian, 4th December 2012, 'Gas strategy should be 'plan Z', government's climate adviser warns' op cit

# Agenda Item 2.12

## **P-04-524 Planning Control and the Welsh Language**

### **Petition wording:**

We the undersigned call upon the National Assembly for Wales, during its consideration of the Planning Reform Bill, to include a provision making the use of bilingual signage a legal planning condition requirement for all new builds in Wales where the public have access whether on payment or otherwise.

### **Additional information:**

More than 50 years after the Welsh Language Society started their campaign for bilingualism in Wales the private sector are still a long way off compliance. Legislation is required to ensure compliance with Paragraph 13 of TAN 20. Individual campaigns like the Premier Inn campaign should not be necessary an a blanket policy is required that puts Welsh on an equal footing within the private sector.

**Petition raised by:** Owain Arfon Jones

**Date Petition first considered by Committee:** 21 January 2014

**Number of signatures:** 123

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




Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref P-04-S24  
Ein cyf/Our ref CS/00187/14

William Powell AM  
Chair Petitions committee

committeebusiness@Wales.gsi.gov.uk

 February 2014

Dear William

Thank you for your letter dated 31 January regarding a petition led by Owain Arfon Jones on bilingual signage. I am grateful for the opportunity to comment as part of your committee's considerations of the petition.

The petition calls for the Planning (Wales) Bill to include a requirement for all new buildings, to which the public has access, to have bilingual signage. I am unable to support this petition as it calls for the inclusion of a non-planning policy matter in the Planning (Wales) Bill.

The Planning (Wales) Bill is concerned with amending the legislative framework for delivery of the planning system in Wales. The Planning Bill does not contain planning policy, which continues to be set out in Planning Policy Wales and Technical Advice Notes. There is existing guidance already in place relating to signs and advertisements, so far as they relate to the planning system.

Legislation enables the planning system to restrict or regulate the display of signs and advertisements only on the grounds of amenity and public safety. Planning guidance on this matter is contained in Technical Advice Note (TAN) 7: Outdoor Advertisement Control (1996).

The language that appears on signs is not a matter subject to planning control in legislation; therefore any policy would not be enforceable. However, Technical Advice Note 20: Planning and the Welsh Language (2013) identifies bilingual signs as one method of promoting the distinctive culture of Wales. Local planning authorities may promote bilingual signs and the use of Welsh names for new development and streets in their Local Development Plans.

The Welsh Government recently issued proposed standards relating to the Welsh Language, which include standards regarding signage. These currently apply to Welsh Ministers, local authorities and national park authorities.

A handwritten signature in black ink, appearing to be 'CS', with a small vertical line to the right of the second letter.

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

## **P-04-536 Stop Factory Dairy Farming in Wales**

### **Petition wording:**

We call upon the National Assembly for Wales to urge the Welsh Government to update Planning Policy Wales and other relevant planning documents such as Technical Advice Note 6: Planning for Sustainable Rural Communities, to ensure that large scale indoor factory dairy farms are not created in the pursuit of short-term economic gain and to the possible detriment of many small-scale run farms. The recent approval of the farm in Welshpool, Powys cited paragraph 7.2.2 of Planning Policy Wales specifically in saying that it “...recognise(d) that there will be occasions when the economic benefits will outweigh social and environmental considerations.” and we believe this must be urgently reviewed since the possible creation of a small number of new jobs should not outweigh the long term economic benefits afforded by the plentiful, efficient and sustainable asset of grazing which many Welsh dairy farmers fully recognise.

Large scale indoor factory dairy farms are designed to keep cows indoors rather than out on pasture, and have been shown to increase environmental damage, impoverish local communities, can severely compromise good animal welfare and become a financial drain on their surroundings. We believe that following the Welsh Government’s decision to approve the farm in Welshpool, a review of planning legislation is of critical importance to ensure Wales fulfils its aspiration to become a truly sustainable country.

**Petition raised by:** World Society for the Protection of Animals

**Date Petition first considered by Committee:** 18 February 2014

**Number of signatures:** 9246

Carl Sargeant AC / AM  
Y Gweinidog Cyfoeth Naturiol  
Minister for Natural Resources



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref P-04-536  
Ein cyf/Our ref CS/01163/14

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

*Bill*  
September 2014

committeebusiness@Wales.gsi.gov.uk

Dear Bill

Thank you for your letter of 01 September enclosing further correspondence from World Animal Protection (WAP) dated 20 June, in relation to their petition to stop 'factory' dairy farming in Wales.

I have read WAP's further correspondence in response to my letter to the Petition Committee in April, and have addressed the issues they raise below. My comments in this letter should be read in conjunction with those in my previous letter to the Committee.

Following the High Court judgement to uphold my decision to grant planning permission for the Lower Leighton Farm development it is not appropriate for me to discuss, or comment on, the case any further or the reasoning behind the court's judgement.

In WAP's letter (page 2) reference is made to evidence presented in the Pew Commission on Industrial Farm Animal Production (PCIFAP). This study is based on the farming systems and regulations as applied in the USA, it is not appropriate to read across the findings and conclusions to Welsh agriculture which operates under different regulation.

In terms of economic benefits (pages 7 & 8), it is not considered that large farms put small farms out of business, but due to economies of scale it could be argued that the larger units are able to increase investment to take up modern techniques and practises much earlier than a smaller enterprise. With regards to profitability - a small herd, with well managed cows, can make the same profit per cow as a larger herd. Large herds are also "pasture based" in that housed cows will consume silage, or conserved grass. Grazed grass is a cheaper feed than silage, but it is more complicated than that. Profitability of lower yielding grass systems depend on the weather, high yield systems with cereal/protein supplements profit depends on purchased feed prices.

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1NA

English Enquiry Line 0845 010 3300  
Llinell Ymholiadau Cymraeg 0845 010 4400  
Correspondence: Carl.Sargeant@wales.gsi.gov.uk

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Legislation regarding farmed animals in Wales requires farmers to provide for the 5 needs of animals. These are provision of a suitable environment, diet, health, ability to exhibit normal behaviour patterns, to be protected from harm and the ability to be together with or separate from other animals as necessary. These apply equally to sheep farmed on extensive open grassland and to cattle in all year round housing.

The Farm Animal Welfare Committee (FAWC) advises the Welsh Government (also the Department for Environment, Food and Rural Affairs (Defra) and Scottish Government) on the welfare of farmed animals. The question of the welfare of continuously housed dairy cattle has been examined by the Committee. In their advice, FAWC recognised the advantages and disadvantages of continuously housed dairy cattle and considered that if a dairy cow is to be housed all year round with little or no access to grazing, it is particularly important that housing and general facilities are appropriate so that the cow remains healthy and has the opportunity for good welfare whilst providing the desired milk yield. In addition to the provision of resources, good management, highly skilled veterinary care, and adequate numbers of stockmen, stockmanship of the highest standard is essential.

Provided that these conditions are met and pending the new evidence about a dairy cow's ability to express normal behaviour, FAWC's advice is that a cow housed all the year round with little or no access to grazing can have a satisfactory standard of welfare.

I provide a link to the letter of advice presented by FAWC in August 2010.

<http://webarchive.nationalarchives.gov.uk/20110615095037/http://www.fawc.org.uk/pdf/cows-welfare-letter.pdf>

WAP also raise concern about the welfare of individual cows within large herds (page 2 and 5). There are challenges in keeping any number of animals in groups whether these are large or small. The large livestock units have developed processes to monitor an animal's performance that can give positive welfare benefits. Monitoring of foot health through automated gait analysis can detect lameness early and provide the opportunities for suitable interventions. Such systems are employed at points where animals are collected together, at exits to milking units, and can monitor animals several times a day. Integrated computer systems that monitor not only milk production but the amount of feed consumed and the frequency of feeding can alert stockmen to animals that are in the early stages of digestive upset avoiding more serious situations developing.

It is useful to compare such conditions to those conditions that may exist on holdings where systems are more traditional and considered more benign for animals. Supervision of animals may be more intermittent under more extensive grazing patterns. Indicators of ill health may not be noticed if the recording systems employed on smaller units are poor. That can lead to more significant health conditions developing that ultimately require more drastic interventions.

In relation to the comment about cubicles on page 5, cows housed in large units are managed in a similar way to cows housed in small units, in Wales both are likely to be in sheds with cubicles. The reference quoted from 1989 is no longer applicable; cubicle design has moved forward in 25 years and is much improved.

On-farm animal welfare in Wales is closely monitored. Animal Health and Veterinary Laboratories Agency (AHVLA) and Trading Standards within Local Authorities (LAs) both undertake animal welfare inspections. AHVLA and LAs respond to complaints received from members of the public by conducting an inspection, which may lead to further action by LAs following a veterinary recommendation by AHVLA. Other AHVLA responsibilities include routine and programmed inspections on farm to monitor compliance with domestic legislation and mandatory European legislation.

Regarding cattle slurry (pages 7, 8, 13 and 14) the total volume on large farms will be far greater than on smaller farms. However, the volume produced by a single cow is the same, irrespective of the size of herd it is in. Larger farms, generally, have better facilities for storing, managing and spreading slurry. They will for instance be more likely to move slurry by pipeline rather than tanker, and use slurry injection (into the ground) or "low trajectory" spreading systems. This greatly reduces the intense smells associated with spreading and leads to benefits for the farmer from better utilisation of slurry nutrients.

In terms of Planning I reiterate my previous position, submitted to the Petitions Committee in response to your letter of 7 April, that existing planning policy is considered to provide sufficient flexibility to allow the issues raised by dairy farms (or other types of farm), both large and small, to be properly assessed and determined on their planning merits. It is for local planning authorities to consider the evidence presented to them by applicants in any particular case in order to determine whether a proposal is or is not appropriate. The planning system includes processes to take account of public concern about planning applications and where developments have not correctly followed planning regulation. Call In allows applications to be considered for determination by Welsh Ministers instead of local planning authorities, whilst development carried out without necessary permission or undertaken in breach of the conditions imposed by the local planning authority may be subject to enforcement action.

I have noted the case studies that WAP present in Appendix A (pages 11 to 15) and which are also referred to on pages 6 and 7 of their letter, but I cannot comment on the specific issues that these raise as they are matters that fall under the responsibility of the relevant local authorities. However issues such as noise, traffic generation, environmental impact, amenity and health are all factors that are required to be addressed by local planning authorities when they assess and determine planning applications, whatever size of development is proposed. Where procedural deficiencies, mistakes or impropriety in the planning application process are identified, mechanisms exist to investigate and redress them, and include recourse to a local authority's monitoring officer or to the Ombudsman for Wales.

Technical Advice Note 6 Planning for Sustainable Rural Communities makes reference to slurry and pollution. It explains that permitted development rights are granted for a range of agricultural buildings and operations, however these rights do not extend to buildings to be used for the accommodation of livestock, or to associated structures such as slurry tanks and lagoons when they are built within 400 metres of a 'protected building'. Protected buildings include most residential and other permanent buildings such as schools, hospitals and offices. To minimise potential conflict between neighbouring uses planning authorities should exercise care when considering planning applications for protected buildings within 400 metres of established livestock units.

Regulations set minimum standards for new, substantially reconstructed or enlarged silage, slurry or fuel oil facilities (The Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) Regulations 1991). Natural Resources Wales is empowered to serve notice requiring action to improve existing installations when it is considered that there is a significant risk of

pollution. These regulations form an important part of the Welsh Government's commitment to reduce agricultural pollution of rivers. Planning authorities are encouraged to consider sympathetically development proposals aimed at meeting these regulations.

Yours sincerely

A handwritten signature in black ink, appearing to be 'CS', written in a cursive style.

**Carl Sargeant AC / AM**  
Y Gweinidog Cyfoeth Naturiol  
Minister for Natural Resources

**P-04-536 Stop Factory Dairy Farming in Wales – Correspondence from the Petitioner to the Committee, 14.10.14.**

Dear Petition Committee,

Please find enclosed our response to the letter (dated 23<sup>rd</sup> September) sent to us by email on 8<sup>th</sup> October 2014 from the Minister for Natural Resources in the Welsh Assembly Government.

We disagree with the Minister's view that it is inappropriate to disregard the findings and conclusion of the Pew Commission on Industrial Farm Animal Production (PCIFAP) simply because of different regulatory environments in the United States and Wales. The key point is the intensive dairy systems that **are** being adopted in Wales will operate using similar models of production.

In terms of economics we would ask on what evidence and analysis the Minister makes his assertion that it is not 'considered' that large farms put small farms out of business. In Denmark the dairy industry went from 85% of farms that undertook grazing in 2001 to an estimate of around 35% in 2010 (Van den Pol-Van Dasselaaar 2011).

We would point out that the adoption of modern techniques and practices can also be adopted by farmers that graze their cattle, including the ability to use computerised technology. The TEASGAC in Ireland is investing large sums in developing such technology in support of a dairy industry that will remain based on grazing cattle outside.

On welfare and stockmanship we contest the Minister's assertion that larger herds of zero grazed, housed cows will benefit from increased monitoring by stockmen. The stockman will have more cows to monitor.

On the issue of slurry it is obvious that a similar volume of slurry will be produced by a single cow. We contest that larger farms 'generally' have better facilities for managing and spreading slurry, by pipeline instead of by tanker. This is certainly

not the case from evidence provided to us by local residents near one of the largest intensive indoor dairy farms near Carmarthen.

Despite the Minister's assurances about the planning system, it is evident that there remains an issue around retrospective planning permission that needs to be assessed. World Animal Protection also continues to believe there needs to be an urgent review of how planning policy and guidance on factory dairy farms can ensure the people of Wales are not failed by the planning system.

This is vital to ensure that local people are provided with a democratic opportunity to express their concerns through the planning process, so they can avoid or ameliorate the impacts these types of farms will have on their local environment, their quality of their life and enjoyment of their homes.

We remain grateful to the committee for its continuing consideration of this petition.

Yours faithfully,

Ian Woodhurst

Campaign Manager  
World Animal Protection UK

# Agenda Item 2.14

## **P-04-519 Abolition of Park Homes Sales Commission**

### **Petition wording:**

We call upon the National Assembly For Wales to urge the Welsh Government to remove from Legislation the right of Park Owners to demand commission on the private sale of park homes now that they are no longer involved in the selling process.

**Petition raised by:** Caerwnon Park Residents Association

**Date Petition first considered by Committee:** 10 December 2013

Lesley Griffiths AC / AM  
Y Gweinidog Cymunedau a Threchu Tlodi  
Minister for Communities and Tackling Poverty



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref P-04-519  
Ein cyf/Old ref DC/CS/01199/14  
Cyf Newydd/ New Reference DC/LG/05032/14

William Powell AM

[committeebusiness@Wales.gsi.gov.uk](mailto:committeebusiness@Wales.gsi.gov.uk)

2 October 2014

Dear William

Thank you for your letter to my predecessor of 1 September on behalf of the Petitions Committee regarding the petition from Caerwnon Park Residents Association. I am responding as this matter now falls within my portfolio.

The Committee had asked if my predecessor would be willing to meet with the petitioners to hold a detailed discussion regarding the reduction, or abolition of, the commission paid to park owners on the sale of a mobile home.

Unfortunately due to the diary commitments of my new post, I am unable to meet at present. A short debate on the 10% commission rate was held in Plenary on 16 July 2014. Over the summer my officials have been reviewing the data and evidence contained in the 'Economics of the Park Homes Industry' report produced in 2002 and the 'Consultation on the Park Home Commission Rate' undertaken in 2006.

I will shortly provide a response to the Assembly following the completion of this review. This will set out a timetable for undertaking specific Welsh research into the commission rate and an assessment of its impact on the industry for both site residents and site owners.

Regards  
Lesley

Lesley Griffiths AC/AM  
Y Gweinidog Cymunedau a Threchu Tlodi  
Minister for Communities and Tackling Poverty

**P-04-519 Abolition of Park Homes Sales Commission – Correspondence  
from Petitioner to the Clerking Team, 09.10.14**

Dear Kayleigh,

Thank you for keeping us informed of the progress of events relating to our petition.

We are very grateful that your committee were prepared to put forward our petition in the first place but as you must be aware by what is happening in England it is a very big bone of contention amongst all park home residents.

We are aware that the responsibility for this subject has been removed from Carl Sargeant and now comes under Lesley Griffiths AM's. portfolio and we do understand that she has many other commitments as well as ours, however we still believe that a meeting between her and ourselves would be beneficial to all so we would welcome the opportunity for a meeting to take place at her earliest convenience.

Yours sincerely

R.G. Mountford



## **P-04-597 Protect the future of Funky Dragon, the Children and Young People's Assembly for Wales**

### **Petition wording:**

We, the undersigned, call on the National Assembly for Wales to urge the Welsh Government to protect the future of Funky Dragon, the Children and Young People's Assembly for Wales by restoring core funding. Wales must have an independent, youth led, publically funded, national platform for children and young people, democratically elected at a local level, to give voice to their views and opinions and to hold the Welsh Government to account. The national platform must be empowered to work with all elected members to further children and young people's issues and to report directly to the United Nations Committee on the Rights of the Child as Funky Dragon did so successfully in 2008.

Funky Dragon still believes that:

1. Young people, democratically elected at a local level, should have a National Platform to voice their views and opinions.
2. That platform should be called The Youth Assembly for Wales.
3. It should be able to work with all Elected Members including Assembly Members and Members of Parliament to further young peoples issues.
4. It should be supported to allow Welsh young people to report directly to the United Nations Committee on the Rights of the Child.

The UN Committee on the Rights of the Child, in commenting on the last UK State report stated: Concluding observation 33. That governments' 'Support forums for children's participation, such as the United Kingdom Youth Parliament, Funky Dragon in Wales and Youth Parliament in Scotland should be implemented.

**Petitioner :** Catherine Patricia Jones

**First considered by the Committee:** 23 September 2014

**Number of Signatures:** 1,212 electronic signatures and 429 paper signatures. Total 1,641

**P-04-597 Protect the Future of Funky Dragon – Correspondence from the  
Petitioner to the Clerking Team, 16.10.14**

Hi Kayleigh

I have just spoken to Steve George, who recommended that I email you with my request. It is with regard to the taking of evidence in relation to our petition to protect the future of Funky Dragon. The discussions around evidence taking in the petitions committee meeting of 7<sup>th</sup> of October were about a less formal setting being most appropriate. Funky Dragon would like to ask that any evidence taken be on the record, if at all possible. I understand the committee's concern about making it as easy as possible for young people to give evidence but the young people of our Grand Council are used to all types of settings and would not find the committee to be off putting in any way. They are used to public speaking and have met AMs and ministers in all sorts of settings. In addition to this we have been contacted by a number of children's rights experts and organisations who would like to give evidence if possible.

Regards



Melvyn Williams MA  
Rheolwr Cyfathrebu a Gwasanaethau Corfforaethol  
Communications and Corporate Services Manager

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