

## Agenda – Petitions Committee

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Meeting Venue:

**Committee Room 1 – Senedd**

Meeting date: 23 May 2017

Meeting time: 09.00

For further information contact:

**Graeme Francis** – Committee Clerk

**Kath Thomas** – Deputy Clerk

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### 1 Introduction, apologies, substitutions and declarations of interest

(Pages 1 – 33)

### 2 New petitions

2.1 P-05-749 Reinstate Corwen's Mobile Dental Service

(Pages 34 – 37)

2.2 P-05-753 Strengthening the Legislative and Regulatory Framework  
Surrounding Waste Wood Processing Facilities

(Pages 38 – 55)

2.3 P-05-755 Call on Welsh Government to make the A48 safe for all road  
users and pedestrians at Laleston, Broadlands and Merthyr Mawr

(Pages 56 – 62)

2.4 P-05-756 Live Music Protection in Wales

(Pages 63 – 71)

### 3 Updates to previous petitions

#### Health

3.1 P-04-408 Child and Adolescent Eating Disorder Service

(Pages 72 – 79)

3.2 P-04-532 Improving specialised neuromuscular services in Wales

(Pages 80 – 105)

3.3 P-05-718 NHS Wales Pay

(Page 106)



3.4 P-05-736 To Make Mental Health Services More Accessible  
(Pages 107 – 111)

### **Education**

3.5 P-04-485 Abuse of casual contracts in Further Education  
(Page 112)

3.6 P-04-522 Asbestos in Schools  
(Pages 113 – 135)

3.7 P-04-606 Ensure schools exercise their statutory powers under regulation 7 of The Education (Pupil Registration) (Wales) Regulations 2010 without interference or bias.  
(Pages 136 – 138)

### **Economy and Infrastructure**

3.8 P-04-539 Save Cardiff Coal Exchange  
(Pages 139 – 145)

3.9 P-05-690 Resurfacing of the A40 Raglan–Abergavenny Road  
(Pages 146 – 151)

3.10 P-05-737 Save Our Bus  
(Pages 152 – 154)

### **Environment and Rural Affairs**

3.11 P-04-683 Trees in Towns  
(Page 155)

3.12 P-04-687 Review of Scalping in Cardigan Bay  
(Pages 156 – 157)

3.13 P-05-733 No Further Actions on Nitrate Vulnerable Zones (NVZ) In Wales At All  
(Pages 158 – 162)

### **Communities and Children**

3.14 P-05-711 Ensure Disabled People’s Housing Adaption Needs Are Adequately Met  
(Pages 163 – 165)

**4 Evidence session – P-04-628 To improve access to Education and services in British Sign Language**

(09:30 – 10:15)

(Pages 166 – 176)

Cathie Robins-Talbot

Helen Robins-Talbot

Luke Collins- Hayes

Zoe Pallenson

**5 Paper to note – Correspondence from the Chair of the External Affairs and Additional Legislation Committee**

(Pages 177 – 179)

**6 Motion under Standing Order 17.42(ix) to resolve to exclude the public from the meeting for the remainder of the meeting**

**7 Discussion of Evidence: P-05-710 Ensure Disabled People can Access Public Transport As and When They Need it**

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# Agenda Item 2.1

## **P-05-749 Reinstate Corwen's Mobile Dental Service**

This petition was submitted by Ysgol Caer Drewyn having collected 157 signatures – 152 on paper and 5 on-line.

### **Text of the Petition**

We call upon the National Assembly for Wales to make sure that money is made available for the mobile dentist service in the Bala- Wrexham area to be re-instated and to continue as a service which is important for the future health of children in the area.

### **Additional Information**

We want to start a petition in the hope of getting a replacement dental van to come to our school and help us look after our teeth, like it used too. We have already lost our school bus and we feel like we are losing lots of things from the community which will greatly affect our future.

### **Assembly Constituency and Region.**

- Clwyd West
- North Wales

## Briefing for the Petitions Committee

Petition number: [P-05-0749](#)

Petition title: **Reinstate Corwen's Mobile Dental Service**

Text of petition: We call upon the National Assembly for Wales to make sure that money is made available for the mobile dentist service in the Bala– Wrexham area to be re-instated and to continue as a service which is important for the future health of children in the area.

Additional information: We want to start a petition in the hope of getting a replacement dental van to come to our school and help us look after our teeth, like it used too. We have already lost our school bus and we feel like we are losing lots of things from the community which will greatly affect our future.

### Petition update

It's understood that Betsi Cadwaladr University Health Board, which is responsible for the provision of dental services in north Wales, has now **agreed to reinstate the mobile dental unit 'at the earliest opportunity'**. In a [letter to Llyr Gruffydd AM](#) (who had campaigned on behalf of the petitioners) the Health Board's Chief Executive said:

I was pleased to learn that the pupils of Ysgol Cae'r Drewyn, Corwen appreciate the service and I can understand their concern regarding the disruption to the service they normally receive. I hope the ongoing input from the Designed to Smile team, which will continue with its scheduled input in the area, will be welcomed.

We have now set out a specification for a replacement unit and will be commencing procurement imminently. The lead in time for the delivery of the new unit is not known at this point as the product is bespoke and this will therefore depend upon production timescales with the selected manufacturer. We will, however be emphasising the need to have the new unit in place at the earliest opportunity. We will finance the purchased of this unit from within the Board's capital programme for the year ahead.

The Cabinet Secretary's response to the Petitions Committee noted that the Designed to Smile programme continued to be delivered to the school, and that the Health Board will now be procuring a replacement mobile dental unit. He highlighted the availability of alternative community dental services in Corwen and Dolgellau and that, in the longer term, the Health

Board planned to open two dental surgeries within Corwen Health Centre for adults and children from the local area.

## Background

Community dental services may be delivered by mobile dental units as well as at fixed clinics. Mobile units play a key role in providing preventative care and treatment to schoolchildren under the Designed to Smile programme.

Corwen's mobile dental unit was [reportedly](#) taken out of service in summer 2016 as the vehicle was deemed unfit for use. In Plenary on [7 February 2017](#), the First Minister stated that the Health Board did intend to restart the service, and that alternative provision was in place in the meantime. He referred to the Designed to Smile programme, and its impact on improving children's oral health (the letter from Betsi Cadwaladr University Health Board also highlighted the role of Designed to Smile).

## Designed to Smile

[Designed to Smile \(D2S\)](#) is a child-focused national oral health improvement programme, funded by the Welsh Government. It was initially launched as a three year pilot in areas of north and south Wales in January 2009; the programme was enhanced and expanded in October 2009 to cover the whole of Wales. The programme aims to reduce oral health inequalities, and is targeted at children in Wales with the highest oral health need. D2S's preventative approach is aimed at children from birth through primary school and includes the provision of oral health advice, toothbrushes and paste, supervised brushing and fluoride varnish and fissure sealant programmes (depending on the age of the child).

The most recent [dental survey of 5 year olds](#) (for 2014/15) shows a continued reduction in dental decay among children in Wales, and that dental health is improving across all social groups.

Early data analyses suggest that dmft [average number of decayed, missing and filled teeth] in children attending Designed to Smile schools is improving. When five year olds survey results for 2015/16 are available the full impact of Designed to Smile should be emerging.

## Further information

Betsi Cadwaladr University Health Board, [Local Oral Health Plan 2013 – 2018](#)

Local Health Board oral health profiles 2014: [Betsi Cadwaladr University Health Board](#)

Vaughan Gething AC/AM  
Ysgrifennydd y Cabinet dros Iechyd, Llesiant a Chwaraeon  
Cabinet Secretary for Health, Well-being and Sport



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref: P-05-749  
Ein cyf/Our ref: VG/00774/17

Mike Hedges AM  
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10 May 2017

Dear Chair,

Thank you for your letter of 21 March regarding a petition from Ysgol Caer Drewyn about the reinstatement of the mobile dental unit which serves the Bala-Wrexham area.

My officials wrote to Ysgol Caer Drewyn on 13 January and explained that the clinical dental service to the school had to be temporarily suspended because the ageing mobile unit being used was no longer in working order. The Community Dental Service will, however, continue to deliver the Designed to Smile oral health programme to the school.

I understand Betsi Cadwaladr University Health Board has the necessary resources and is planning to reintroduce the service in 2017-18. The procurement process for a replacement mobile dental unit will commence as soon as possible but may take a little time to complete due to the specialist nature of the facility.

Alternative NHS dental care provided by the Community Dental Service is available in Corwen and Dolgellau. In the longer term, the health board has plans to create two dental surgeries within the Corwen Health Centre to cater for patients, both adults and children, from the locality.

Yours sincerely,

**Vaughan Gething AC/AM**

Ysgrifennydd y Cabinet dros Iechyd, Llesiant a Chwaraeon  
Cabinet Secretary for Health, Well-being and Sport

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

**Pack Page 37**

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.



# Agenda Item 2.2

## **P-05-753 Strengthening the Legislative and Regulatory Framework Surrounding Waste Wood Processing Facilities**

This petition was submitted by Alexander Williams having collected 232 signatures.

### **Text of the Petition**

We, the undersigned, call on the National Assembly for Wales to urge the Welsh Government to:

Direct Natural Resources Wales, local authorities and other relevant public bodies to work together to use their existing powers and duties to take effective and efficient enforcement action within the recycling industry.

Strengthen the legislative and regulatory framework where required to enable relevant public bodies to undertake more efficient and effective enforcement action (including monitoring), and enable them to prosecute and impose stronger financial penalties on companies and individual company directors who breach their operational controls such as planning conditions or terms of their operational licences and environmental permits;

Review existing legislation to allow the public, Fire and Rescue Services and other public bodies to recoup the costs of dealing with incidents, such as the recent fire at South Wales Wood Recycling Ltd, if the cause of the fire is found to be as a result of the company's negligence, criminal action or breaches of other regulations, conditions or permissions.

Review environmental protection rules and provide guidance to local authorities to ensure that all waste wood processing facilities are not located in close proximity to residential premises, sites of special scientific interest or sites of importance for nature conservation.

Undertake a comprehensive assessment on the long-term health implications of the inhalation of wood dust caused by the processing of waste wood and undertake an ongoing assessment of the dust deposits at wood processing facilities.

### **Assembly Constituency and Region.**

- Ogmore
- South Wales West

## Petition P-05-753: Strengthening the Legislative and Regulatory Framework Surrounding Waste Wood Processing Facilities

Y Pwyllgor Deisebau | 23 Mai 2017

Petitions Committee | 23 May 2017

### Research Briefing:

**Petition number:** [P-05-753](#)

**Petition title:** Strengthening the Legislative and Regulatory Framework Surrounding Waste Wood Processing Facilities

**Petition text:**

We, the undersigned, call on the National Assembly for Wales to urge the Welsh Government to:

Direct Natural Resources Wales, local authorities and other relevant public bodies to work together to use their existing powers and duties to take effective and efficient enforcement action within the recycling industry.

Strengthen the legislative and regulatory framework where required to enable relevant public bodies to undertake more efficient and effective enforcement action (including monitoring), and enable them to prosecute and impose stronger financial penalties on companies and individual company directors who breach their operational controls such as planning conditions or terms of their operational licences and environmental permits.

Review existing legislation to allow the public, Fire and Rescue Services and other public bodies to recoup the costs of dealing with incidents, such as the recent fire at South Wales Wood Recycling Ltd, if the cause of the fire is found to be as a result of the company's negligence, criminal action or breaches of other regulations, conditions or permissions.

Review environmental protection rules and provide guidance to local authorities to ensure that all waste wood processing facilities are not located in close proximity to residential premises, Sites of Special Scientific Interest or sites of importance for nature conservation.

Undertake a comprehensive assessment on the long-term health implications of the inhalation of wood dust caused by the processing of waste wood and undertake an ongoing assessment of the dust deposits at wood processing facilities.

## Wood recycling industry

Over recent years, the amount of waste wood being recycled has risen. The [Wood Recyclers Association \(WRA\)](#) estimates that the UK generates an estimated 4.5 million tonnes of waste wood a year. In 2011 60% of that was recycled, a rise from less than 25% in 1996. The WRA expects further increases. Uses for recycled waste wood include traditional feedstock for the panel board industry (which accounts for the majority of recycled wood), animal bedding, equestrian and landscaping surfaces, play areas and filter beds.

This briefing provides a background to waste wood recycling regulatory frameworks with links to relevant legislation. It includes information on EU legislation, permitting, Natural Resources Wales (NRW) enforcement and penalties, planning, fire safety measures, details of the South Wales Wood Recycling Ltd fire incidents, code of practice and health implications. It also outlines National Assembly for Wales and Welsh Government action.

## EU Legislation

The [EU Waste Framework Directive](#) provides the legislative framework for the collection, transport, recovery and disposal of waste. The Directive requires all Member States to take the necessary measures to ensure waste is recovered or disposed of without endangering human health or causing harm to the environment and includes permitting, registration and inspection requirements.

## Permitting

To operate a wood waste recycling facility, a company will usually require an [environmental permit](#) under the [Environmental Permitting \(England and Wales\) Regulations 2010](#). The operator must follow all the conditions of the permit which can be either standard or bespoke. Breaching these conditions is against the law.

The permit has the principal objective of preventing harm to human health and the environment. For example permitted activities, under [standard rules](#), must not be carried out within 500 metres of sites of conservation importance e.g. a European Site, Ramsar site or a Site of Special Scientific Interest (SSSI) or 200 meters of a workplace or residential dwelling. Conditions include controls on the types and quantities of waste that can be handled, the height and spacing of stockpiles and fire precautions to minimise risk of fire.

NRW have produced [Regulatory Guidance Notes](#), [Horizontal Guidance](#), the [Environmental Management System Toolkits](#) and [further guidance](#) to support compliance with environmental permits.

## Enforcement and penalties

NRW carry out assessments, inspections and attend incidents to assess compliance with permits.

NRW's [Enforcement and Prosecution Policy \(DOC 103KB\)](#) outlines action NRW can take where they suspect an offence has occurred or is soon to occur. This enforcement ranges from providing advice and guidance, to serving notices, through to prosecution. NRW also has the ability to vary or revoke an environmental permit. Welsh Ministers have the power to direct the regulator (NRW in this case) in the exercise of their functions, for example if the matter is of regional or national significance.

Where laws allow, NRW will seek the recovery of the costs of investigation and enforcement proceedings. Where NRW incurs costs, for example through remedial works, it will seek to recover the full costs incurred from those responsible in accordance with the 'polluter pays principle'.

In terms of financial penalties, the principal criminal offences in relation to waste operations carry an unlimited fine under the [Legal Aid, Sentencing and Punishment of Offenders Act 2012](#) and courts have a wide discretion. [Guidelines from the Sentencing Council \(PDF 191.10KB\)](#) were revised in 2014 to help criminal courts on their sentencing of environmental offences. The Judicial System is not devolved.

When NRW is considering the appropriate course of action to ensure compliance it follows the Macrory Penalty Principles which are set out in the [Regulator's Compliance Code](#). These state that enforcement sanctions should:

- aim to change the behaviour of the offender;
- aim to eliminate any financial gain or benefit from non-compliance;
- be responsive and consider what is appropriate for the particular offender and regulatory issue, which can include punishment and the public stigma that should be associated with a criminal conviction;
- be proportionate to the nature of the offence and the harm caused;
- aim to restore the harm caused by regulatory non-compliance, where appropriate; and
- aim to deter future non-compliance.

NRW has produced [Guidance on Enforcement and Sanctions \(DOC 611KB\)](#) providing further information.

The [Regulatory Enforcement and Sanctions Act 2008](#) aims to improve the work of regulators by rationalizing inspection and enforcement while maintaining compliance. It sets out a range of civil sanctions for regulatory non-compliance to be used as an alternative to criminal prosecution. The civil sanctions introduced under the Act include:

- a Fixed Monetary Penalty;
- Discretionary Requirements including:

- a Variable Monetary Penalty;
- a Compliance Notice; and
- a Restoration Notice.
- an Enforcement Undertaking; and
- a Stop Notice.

## Planning

A wood recycling company may need planning permission before carrying out developments under the [Town and Country Planning Act \(1990\)](#). The local planning authority may grant permission subject to conditions, for example, restricting what can be done on the premises.

A planning breach in itself is not illegal and the council will often permit a retrospective application where planning permission has not been sought. However, if the breach involves a previously rejected development (or the retrospective application fails) the local authority can issue an enforcement notice.

Guidance to local authorities is set out in [Technical Advice Note](#) (TAN) 21 and TAN 5. They set out Wales national planning policies in relation to waste and protecting the natural and built environment.

## Fires at wood recycling sites

Fire safety is a significant regulatory consideration as recently a number of [fires](#) have occurred at sites involved in the storage, treatment and handling of wood and wood based products in Wales.

NRW's remit includes environmental risks from fires at waste management sites.

The Local Fire and Rescue Authority (FRA) is responsible for enforcing general fire safety under the [Regulatory Reform \(Fire Safety\) Order 2005](#).

The Health and Safety Executive (HSE) is responsible for specific risks and legislation such as the [Dangerous Substances and Explosive Atmospheres Regulations 2002](#).

### Assessment and plans

Guidance has been produced, and recently revised (April 2017), by the Waste Industry Safety and Health Forum (WISH) [Reducing fire risk at waste management sites \(PDF: 3.49MB\)](#) to help operators and other duty holders to control fire risks.

Companies must carry out an assessment of fire risks at each site, and based on this assessment put in place appropriate controls and measures. General guidance on fire risk assessments and plans is available on the [gov.uk website](#). Broadly a fire risk assessment involves:

- identifying where on a site there are combustible and/or flammable materials;
- identifying where on a site there are potential ignition sources; and
- from the above information put in place a plan of controls and measures aimed at reducing the risk of a fire occurring and the impact should a fire occur.

It is also recommended that a fire risk plan includes discussion with the local Fire and Rescue Service (FRS) about their likely firefighting strategy for the site.

### **South Wales Wood Recycling Ltd fires**

In November 2016 [South Wales Wood Recycling Ltd](#) was [fined](#) £20,000 following two fires at separate sites. A woodchip fire broke out in [Alexandra Docks, Newport, in November 2015](#), and another in [Maesteg, Bridgend in March 2016](#).

South Wales Wood Recycling Ltd was fined for:

- failure to comply with/contravention of the requirements of an environmental permit condition (Newport). The company's permit specified the piles should not exceed 7,500 tonnes and be split into two piles of no more than 7 meters in height with a fire break between them. The company was found guilty of exceeding these limits. For example, the company had an estimated 20,000 tonnes of woodchip waste onsite awaiting recovery; and
- keeping controlled waste, namely woodchip, in a manner likely to cause pollution or harm to human health (Newport and Maesteg).

Previous to the incidents, NRW had taken action. At the Newport site NRW had served an enforcement notice in November 2015 on the operators to tackle the stockpile and reduce the risk of fire.

In [September 2016](#), a third fire broke out at a South Wales Wood Recycling Ltd site in Heol-y-Cyw, Bridgend.

In January 2017 NRW served a notice requiring South Wales Wood Recycling Ltd to remove all fire damaged waste material deposited outside the permitted area at the Heol-y-Cyw site. This notice must be complied with by 30 March 2018.

In February 2017, NRW [refused](#) an environmental permit application from South Wales Wood Recycling Ltd for a waste storage and treatment facility in south west Wales.

### **Health implications of the inhalation of wood dust**

Wood recycling involves loading waste wood into a chipping machine by shovel or grabber then transferring the chipped wood by shovel or conveyor. This produces wood dust and employee exposure levels can potentially be high. This is a particular problem during the regular cleaning and maintenance of machinery which often involves compressed air.

The HSE has commissioned a [report \(PDF 781.37KB\)](#) to assess the extent of the health risk from this exposure to wood dust. The HSE states that to reduce the risks to employees' health from exposure to wood dust, recycling companies should:

- have a suitable COSHH assessment of their employees' exposure to wood dust;
- control dust at source by the use of water suppression and extraction;
- ensure plant and equipment is properly maintained to control dust leaks etc.;
- have high-level health surveillance in place; and
- ensure employees who clean and maintain machinery are not excessively exposed to wood dust by:
  - providing them with suitable respiratory protective equipment that they have been trained to use and face fitted for; and
  - providing industrial vacuums for cleaning plant and machinery, rather than using compressed air, when it is practicable to do so.

Defra has also produced [guidance \(PDF: 487.28KB\)](#) for the working of timber and manufacture of wood-based products.

## Wood recycling code of practice

As a result of the growth in the industry, the Wood Recyclers Association (WRA) has developed a [Wood Recycling Code of Practice \(PDF: 175.27KB\)](#) to enable responsible wood recycling operations. Signing up to a code is voluntary rather than a legal requirement, though some trade bodies make code participation a requirement of membership. The code is said to provide 'a system of certification for management systems for environmental, health, safety and quality issues at reasonable cost'.

## National Assembly for Wales action

The National Assembly for Wales held a short debate on 5 October 2016 on [The Safety, Storage and Disposal of Biomass and Contaminated Wood Products by South Wales Wood Recycling](#). Huw Irranca DaviesAM, made seven specific suggestions:

Firstly, let's set up a small, time-constrained task and finish group to review the legislative and regulatory framework for licensing and planning controls of waste and recycling operations, and look at the scope for extending the framework of criminal law in this area.

Second: seek to strengthen significantly the financial penalties on breaches of planning and environmental permits, which are currently so insignificant, frankly, that they're often regarded as puny and petty by the offenders. The higher end of penalties for those who wilfully or repeatedly offend should cause extreme financial and personal embarrassment to individual company directors as well as owners or shareholders.

Third: explore ways of putting sanctions directly against named company directors and owners, including the possibility of suspending or banning individuals guilty of repeat or serious offences from holding any positions in related industry sectors—name and shame for a first or lower offence, but bar them from holding such positions for serious or repeat offences.

Fourth: bring forward proposals for streamlining and improving the co-ordination of investigations between organisations such as enforcement agencies and planning authorities. The better sharing of intelligence data and legal expertise will help balance the scales of justice.

Five: develop new ways to entirely remove parts of this process from legal and judicial proceedings, which are costly for the taxpayer and time-consuming for enforcement agencies, frustrating for residents and others affected by ongoing issues...

Six: extend stop notices and other enforcement powers to cover existing consents, not just new offences and new developments, so that stop notices and other sanctions can be enforced on existing operations where they contravene the permitting or the planning conditions.

And seven: examine the scope for extending criminal law to cover new areas covered currently by planning and environmental law, such as serious risk to amenity, and allow local authorities to determine what is constituted by that serious risk. This would allow the Proceeds of Crime Act 2002 to be applied to breaches, so that profits made by criminal behaviour could be sequestered to the public.

Caroline Jones AM and Suzy Davies AM supported this statement.

## Welsh Government action

The Petitions Committee wrote to the Cabinet Secretary for Environment and Rural Affairs, Lesley Griffiths, regarding the petition. [Her response](#) includes an update on the Welsh Government and NRW's action in this area which includes the following:

- NRW as the statutory decision maker will not be directed by Welsh Ministers in any decision to revoke a permit from South Wales Wood Recycling Ltd as the Welsh Government view the matter as local rather than of regional or national significance;
- NRW are continuing to assess whether management of the South Wales Wood Recycling Ltd site in Heol-y-Cyw contributed to the fire and are investigating any potential breaches of the permit. They are reviewing the evidence and considering whether further action is appropriate;
- the [Environmental Permitting \(England and Wales\) \(Amendment\) \(No. 3\) Regulations 2015](#) were introduced to strengthen NRW's powers under the environmental permitting regime as part of Welsh Government's efforts to [tackle waste crime](#). This includes making it easier for NRW to suspend permits, remove the risk of pollution and obtain an injunction to enforce compliance with enforcement notices;
- the Welsh Government intends to introduce further powers this year which will enable NRW to prohibit access to a site to prevent more waste coming in and to make those who unlawfully keep or allow waste to be kept on their land responsible for its removal;



- the Welsh Government are planning to consult this summer on proposals for strengthening the operator competence requirements which operators will be required to demonstrate before a permit is granted and during their operations;
- a further proposal will look at the abuse of the waste exemption regime which allows recovery activities to operate without the need for a permit;
- proposals in the Welsh Government's [Landfill Disposal Tax Bill](#) require those prosecuted for the illegal disposal of waste to pay tax on the waste;
- in response to the petition's proposal for public bodies to recoup the costs if a fire is found to be a result of negligence, the Welsh Government state that the use of existing powers is a better approach than levying charges stating that if businesses were charged there would be no reason not to charge house-holders;
- the Welsh Government has asked the Planning Officer's Society for Wales and NRW to work together to prepare best practice guidance on the interface between planning and environmental permitting regimes;
- in terms of health impacts, the Cabinet Secretary points to environmental permits required for some wood processing activities to control emissions and public health impacts. She states that regulation and enforcement of control measures to prevent off-site impacts and compliance with operating permits should be a sufficient health protection measure. She also states that planning conditions assist in controlling emissions and impacts upon local amenity, and that processes which operate below permitting thresholds are still subject to statutory nuisance legislation.

Every effort is made to ensure that the information contained in this briefing is correct at the time of publication. Readers should be aware that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.



Eich cyf/Your ref P-05-753  
Ein cyf/Our ref LG/00641/17

Mike Hedges AM  
Chair - Petitions Committee

government.committee.business@wales.gsi.gov.uk

23 April 2017

Dear Mike

Thank you for your letter of 27 March regarding the petition received from Alexander Williams about strengthening the legislative and regulatory framework surrounding waste wood processing facilities.

I will respond to each of the points made in the petition below:-

- 1) *Direct Natural Resources Wales to immediately revoke the environmental permit of South Wales Wood Recycling Ltd following a fire at their site in Hoel-y-Cyw, pending the conclusion of the investigation into the cause of the fire, to ensure the site is in full compliance with its operating controls before it is allowed to recommence operations.*

The Police and Fire and Rescue Service investigation into the cause of the fire at Hoel-y-Cyw has been completed, it was inconclusive and unable to identify the cause of the fire. As regards revoking a permit this would mean the permit ceases and operations would not be able to recommence on site. The operator would be required to make a new permit application if they wished to recommence operations.

Natural Resources Wales (NRW) is the statutory decision maker responsible for regulating waste sites they are best placed to determine the appropriate regulatory action at a site. NRW considers regulatory action in line with their published Enforcement and Prosecution Policy and the Regulators Code. All the facts and implications need to be considered before revoking a permit including the consequences any action could have on a company's ability to operate and whether revoking the permit could result in a worse outcome such as company liquidation and the site and waste being abandoned. In deciding what action to take the regulator will assess the risk posed by a site and may work with an operator to bring them into compliance whilst allowing them to operate.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

Pack Page 49

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

The Welsh Ministers have a power to direct the regulator in the exercise of their functions. The purpose of this direction-making power is to enable the Welsh Ministers to direct specific action to be taken where the Welsh Ministers consider it is appropriate in the circumstance not to leave the decision with NRW. The issues raised at South Wales Wood Recycling Ltd (SWWR) are regular regulatory/operational decisions. They are of local rather than regional or national significance and I am confident NRW, as the regulator will take whatever action is necessary to safeguard the environment and protect the local communities. I therefore do not feel it is necessary to direct NRW to revoke the permit.

- 2) *Direct Natural Resources Wales, local authorities and other relevant public bodies to use their existing powers and duties to take effective and efficient enforcement action where necessary.*

A number of actions have been undertaken since the fire at SWWR in Heol-y-Cyw last year. In January 2017 NRW served a notice requiring SWWR to remove all fire damaged waste material deposited outside the permitted area at the site. This notice has to be complied with by 30 March 2018. NRW are continuing to assess whether management of the site contributed to the fire and investigating any potential breaches of the permit. They are reviewing the evidence and considering whether further action is appropriate.

- 3) *Strengthen the legislative and regulatory framework where required to enable relevant public bodies to undertake more efficient and effective enforcement action (including monitoring), and enable them to prosecute and impose stronger financial penalties on companies and individual company directors who breach their operational controls such as planning conditions or terms of their operational licences and environmental permits.*

In my response to the short debate on 5 October 2016 on the SWWR fire, I set out a number of actions which I am taking forward to strengthen NRW's powers to take more effective action on waste crime. In October 2015, we introduced powers to make it easier for NRW to suspend permits, remove the risk of pollution and to obtain an injunction to enforce compliance with enforcement notices.

I intend to introduce further new powers this year which will enable NRW where appropriate to prohibit access to a site to prevent more waste coming in and to make those who unlawfully keep or allow waste to be kept on their land responsible for removal of the waste. I will also be consulting this Summer on proposals for strengthening the operator competence requirements which operators will be required to demonstrate before a permit is granted and during their operations. This will give NRW stronger grounds on which to refuse permit applications if operators fail to demonstrate financial and technical competence. The second proposal will look at the abuse of the waste exemption regime which allows recovery activities to operate without the need for a permit. Proposals in the Welsh Government's Landfill Disposal Bill to require those prosecuted for the illegal disposal of waste to pay tax on the waste will also act as a further deterrent against illegal deposits.

Regarding the suggestion of imposing stronger financial penalties, the principal criminal offences in relation to waste operations already carry an unlimited fine. It is therefore not possible to increase these financial penalties. Furthermore in the interests of justice the Courts have a wide discretion in terms of sentencing for criminal offences. Guidelines from the Sentencing Council were revised in 2014 to help criminal courts on their sentencing of environmental offences. As the Judicial System is not devolved there are significant constitutional, legal and practical obstacles in limiting this discretion.

- 4) *Review existing legislation to allow the public, Fire and Rescue Services and other public bodies to recoup the costs of dealing with incidents, such as the recent fire at South Wales Wood Recycling Ltd, if the cause of the fire is found to be as a result of the company's negligence, criminal action or breaches of other regulations, conditions or permissions.*

The fire service already has powers under the Fire Safety Order 2005 to deal with businesses which neglect their fire safety responsibilities. These can include prosecution in the most serious cases. The Fire and Rescue Services Act 2004 also allows Fire and Rescue Authorities to charge for some services, however the Act prohibits authorities from charging for firefighting (except in certain circumstances such as fighting fires on board ships at sea or offshore installations). Introducing charges where the cause of a fire is found to be as a result of negligence would be a significant change, many fires are started by negligence; for example, leaving cookers unattended, overloading electrical circuits or smoking in bed. If businesses were to be charged, there would be no reason not to charge house-holders as well which could call into question the nature of the fire service. The use of the existing powers is a better approach than levying charges for a firefighting response and it does not depend on a fire actually breaking out.

- 5) *Review environmental protection rules and provide guidance to local authorities to ensure all waste wood processing facilities are not located in close proximity to residential premises, sites of special scientific interest or sites of importance for nature conservation.*

Guidance to local authorities is set out in the Planning Policy Wales Technical Advice Note (TAN 21) and in Technical Advice Note 5. These documents set out Wales's national planning policies in relation to waste and protecting the natural and built environment which together with a waste technical guide have been prepared to enhance understanding of waste technologies amongst planners.

National planning policy is clear on the important role of the land use planning system in facilitating sustainable waste management. The policy provides a framework for decision making, recognising the social and economic benefits which can be realised from the management of waste as a resource to meet the needs of society and businesses, whilst at the same time minimising adverse environmental impacts, avoiding risks to human health and protecting the amenity of residents.

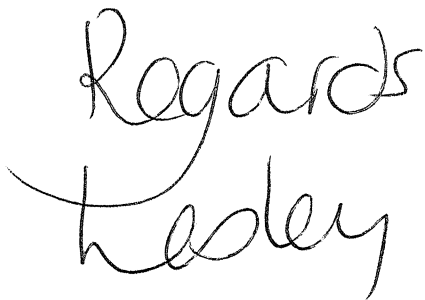
The policy also states the impact of proposals for waste management facilities on the amenity of local people and the environment, including designated sites such as SSSI's and built heritage, must be adequately assessed to determine whether a planning application is acceptable, and, if adverse impacts on amenity or the environment cannot be mitigated, planning permission should be refused.

I have asked the Planning Officer's Society for Wales and NRW to work together to prepare best practice guidance on the interface between planning and environmental permitting regimes. This guidance will help provide greater clarity around responsibilities on local authorities and NRW in monitoring and taking action on waste operations.

- 6) *Undertake a comprehensive assessment on the long-term health implications of the inhalation of wood dust caused by the processing of waste wood and undertake an ongoing assessment of the dust deposits at wood processing facilities.*

The Health and Safety Executive has undertaken research on the health impacts of wood dust and particulate matter, advice on working with wood is available on the Health and Safety Executive website <http://www.hse.gov.uk/coshh/industry/woodworking.htm> Defra also produced guidance for the working of timber and manufacture of wood-based products <http://webarchive.nationalarchives.gov.uk/20141106091809/http://www.defra.gov.uk/industrial-emissions/files/06092012-pgn-602.pdf>

Some wood processing activities require an environmental permit to control emissions and public health impact. Regulation and enforcement of control measures to prevent off-site impacts and compliance with operating permits should be a sufficient health protection measure. Planning conditions also assist in controlling emissions and impacts upon local amenity. Those processes which operate below permitting thresholds are still subject to statutory nuisance legislation (to investigate and mitigate any off-site impacts) which is enforced by Local Authority Environmental Health Departments. Where individuals consider their health is being affected by a site, they should raise this with the local authority environmental health department to investigate.

A handwritten signature in black ink, reading "Regards Lesley". The word "Regards" is written in a cursive style, and "Lesley" is written below it in a similar cursive style.

**Lesley Griffiths AC/AM**

Ysgrifennydd y Cabinet dros yr Amgylchedd a Materion Gwledig  
Cabinet Secretary for Environment and Rural Affairs

**P-05-753 Strengthening the Legislative and Regulatory Framework  
Surrounding Waste Wood Processing Facilities – Correspondence from the  
Petitioner to the Committee, 16.05.17**

Dear Kayleigh,

Many thanks for your email. I would be grateful if you could make the committee aware of the following observations following the Minister's letter.

Best wishes

Alex

Point 1 – whether the Fire and Rescue Service found that the company were responsible for the fire or not, the fact remains that had the site been managed in accordance with their planning permission and the requirements of their Environmental Permit, the fire could have been dealt with quickly and at far less cost to the public purse, and of course the probability of a fire occurring in the first place would have been much reduced.

Secondly, the second paragraph relating to NRW raises an interesting issue. The Minister states that "all the facts and implications need to be considered" and she goes on to imply that these implications include things like company liquidation, or a company's ability to operate. However, I contend that environmental legislation and guidance is there for a purpose, because these sorts of activities can be damaging to the environment. Sustainability is important, but surely NRW has the responsibility to put the environment first rather than ensuring that they are seen as a friend to business, a conflict of interests which could compromise their ability to be an effective regulator.

For example, what did NRW do when they found out that the site was in contravention of their permit by having a throughput figure far in excess of the total stipulated in their permit? NRW amended the permit to incorporate the actual level of throughput. Whilst I know that NRW have been pursuing action against the company for the breach, the message this gives the company is that it is OK to breach their permit as NRW will just fall in line with them.

Thirdly, the Minister classes this as a local issue and so well within the purview of NRW. However, three fires have occurred in a short period of time over a wide area of South Wales, and this should at least be considered as a regional issue. Coupled with the other similar fires at Llandow in recent years then surely this tells us that

there is a wider problem within the industry and thus that we have a national problem here.

Point 2 – NRW and BCBC may indeed have taken action since the fire, but they were not using their powers effectively before the incident. At the public meeting which was held in Heol-y-Cyw after the fire, NRW said it wasn't their responsibility to monitor the stack height and that this was something for the Council to action. This was the case only because between them they had decided this was the way forward. NRW had much better powers to manage the situation but did not use them. For instance they could have threatened to suspend their licence to operate until the site was brought into compliance, but this didn't happen. Instead the Council, with their one enforcement officer for the whole of the Borough were left to deal with the problem. Given the level of fines that result from enforcement action it simply wasn't cost effective for the Council to take action.

Point 3 – The Minister says that she is working to strengthen NRW's powers, but what is happening to review the low level of fines imposed for enforcement action and the updating of planning legislation and guidance?

I welcome the increased powers for NRW to prohibit access to a site to prevent more waste coming in. However, to be effective, NRW need to be given the freedom to undertake their essential role of regulator.

Point 4 – Until the level of fines and costs levied by bodies such as NRW and LAs actually reflects the costs of taking the action nothing will change.

Point 5 – The Minister's reference to Planning Policy Wales and the Technical Advice Notes only relates to new applications and does not allow for existing sites. The Minister talks about a sustainable waste management system, and this perhaps hits on the crux of the problem that has created this situation. Local Authorities incur significant financial penalties if they do not hit their recycling targets. The recycling system in Wales is heavily target driven, and this has been a very effective way to ensure that Wales has one of the best recycling rates in Europe, of which we should be very proud. However, this does also cause problems. NRW have said that they are reluctant to shut down recycling sites even just temporarily as they will be lobbied by LAs complaining that they will be unable to meet their recycling targets and will be financially penalised.

Furthermore, for sites like South Wales Wood Recycling, much of the product sent there for recycling is of such poor quality that there is actually no use for the resulting end product, and as a result, the waste stacks build and build.

Point 6 – HSE advice only relates to workers and employers, and the conditions that should be adhered to in working environments. They do not apply to local residents. The very fact that the HSE consider it necessary to have guidance and advice highlights that dust particles can be harmful to health. We are also well aware of the need for environmental permits for the operation of such sites, but as we have seen, these permits are not always most effectively and efficiently implemented, monitored and managed. Conditions, when imposed are not complied with, and enforcement action results in such paltry fines that companies such as SWWR would be excused to thinking that they could just factor these into their operating costs rather than actually spending the sums required to operate their sites correctly.



# Agenda Item 2.3

## **P-05-755 Call on Welsh Government to make the A48 safe for all road users and pedestrians at Laleston, Broadlands and Merthyr Mawr**

This petition was submitted by Ian Spiller having collected 997 signatures.

### **Text of the Petition**

We the undersigned call on the Welsh Government and Bridgend Country Borough Council to make the A48 from Ewenny Roundabout, Merthyr Mawr, Broadlands to Laleston safe for ALL road users and pedestrians.

The A48 in Bridgend is an accident hotspot, over the last year 2 lives have been lost, and too many minor accidents and near misses have happened, involving cars, pedestrians and cyclists.

Despite this from Island Farm the A48 remains a 60mph road, the cycle/pathway finish at Newbridge Fields from Broadlands.

No Safe Crossing exists from the public footpaths linking Newbridge Fields/Craig-Y-Parcu nature serve to the rear of Broadlands on to Merthyr Mawr from the designated trail.

Broadlands children are expected to walk on a 60mph road to get to Brynteg School, or cross the road risking their lives on a daily basis.

Some road users pay little attention to the NO RIGHT TURN at Merthyr Mawr junctions creating an additional hazard for all users.

Bridgend County Borough Council have linked improvements to the long awaiting Island Farm Development.

Join the campaign today, how many more families will be shattered before action is taken?

### **Additional information**

We call for an

- Immediate reduction in speed from 60mph to 40mph
- Create safe crossing on the A48 from Newbridge Field/Craig-Y-Parcau nature reserve on the Merthyr Mawr Trail

- Extend Cycle/Footpath to enable our children to walk safely to school
- Explore options such as a central island for preventing people from ignoring the no turning right from Merthyr Mawr junctions.

Funding must be made immediate available to prevent any further tragedies occurring.

**Assembly Constituency and Region.**

- Bridgend
- South Wales West

## Petition P-05-755: Make the A48 safe for all road users and pedestrians at Laleston, Broadlands and Merthyr Mawr

Y Pwyllgor Deisebau | 23 Mai 2017

Petitions Committee | 23 May 2017

### Research Briefing:

**Petition number:** P-05-755

**Petition title:** Call on Welsh Government to make the A48 safe for all road users and pedestrians at Laleston, Broadlands and Merthyr Mawr.

**Petition text:**

We the undersigned call on the National Assembly for Wales to urge the Welsh Government to make the A48 from Ewenny Roundabout, Merthyr Mawr, Broadlands to Laleston safe for ALL road users and pedestrians.

The A48 in Bridgend is an accident hotspot, over the last year 2 lives have been lost, and too many minor accidents and near misses have happened, involving cars, pedestrians and cyclists.

Despite this from Island Farm the A48 remains a 60mph road, the cycle/pathway finishes at Newbridge Fields from Broadlands.

We call for:

- an immediate reduction in speed from 60mph to 40mph;
- a safe crossing on the A48 from Newbridge Field/Craig-Y-Parcau nature reserve on the Merthyr Mawr Trail;
- an extended Cycle/Footpath to enable our children to walk safely to school;
- the exploration of options such as a central island for preventing people from ignoring the no turning right from Merthyr Mawr junctions or provision of a roundabout to allow safe turning.
- Funding must be made immediately available to prevent any further tragedies occurring.

Join the campaign today, how many more families will be shattered before action is taken? No Safe Crossing exists from the public footpaths linking Newbridge Fields/Craig-y-Parcau nature serve to the rear of Broadlands on to Merthyr Mawr from the designated trail.

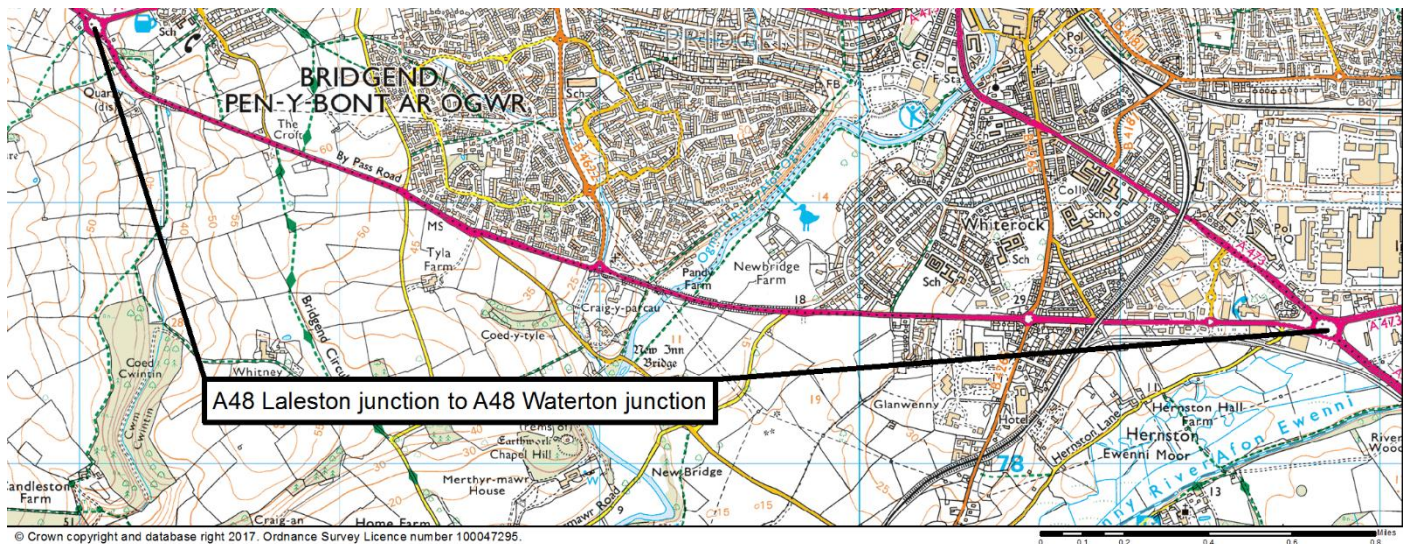
Broadlands children are expected to walk on a 60mph road to get to Brynteg School, or cross the road risking their lives on a daily basis. Some road users pay little attention to the NO RIGHT TURN at Merthyr Mawr junctions creating an additional hazard for all users. Bridgend County Borough Council have linked improvements to the long awaiting Island Farm Development.

## Background

The Welsh Government is the Highway Authority for the Welsh trunk road network, while local authorities are responsible for the local road network. The section of the A48 referred to in this petition, between Lalestone and Waterton (see Figure 1), is a local road. Bridgend County Borough Council is the relevant highway authority.

**Figure 1: A48 Bridgend (Lalestone to Waterton)**

(Source: Ordnance Survey / Research Service)



Bridgend Council commissioned a consultant to undertake a Route Study for this section of the A48 in August 2016 following a fatal collision which took place on 12th July 2016 at the A48 junction with Merthyr Mawr Road. The investigation included analysis of personal injury collisions recorded over a five year period from 1 October 2011 to 30 September 2016. During the period a total of 32 collisions were recorded on this section of the A48. These caused a total of 56 casualties (3 fatalities, 7 serious injuries and 22 slight injuries).

Following the study, Bridgend Council submitted an application for Welsh Government Road Safety Grant (RSG) funding in the 2017–18 funding round. The unpublished grant application form highlights that “there has been a campaign by local residents, the press, local councillors and AMs to improve road safety at this location”. It says that “the proposed measures included a review of the current speed limit [and] improvement of pedestrian crossing facilities”. The proposal included creation of central refuges and road marking changes to restrict the road

width available for overtaking. The cost of the scheme was estimated at £390,000. The application was unsuccessful.

## Welsh Government action

The Welsh Government's [Road Safety Framework for Wales](#) sets targets for the reduction in the number of people killed or seriously injured on Welsh roads by 2020, when compared to the 2004–08 baseline. These targets are to achieve:

- A 40% reduction in the number of people killed or seriously injured;
- A 25% reduction in the number of motorcyclists killed and seriously injured; and
- A 40% reduction in the number of young people (aged 16–24) killed and seriously injured.

The [Welsh Government Road Safety Grant website](#) says that the RSG provides capital and revenue funding for a range of projects with the aim of reducing casualties on Welsh roads. The capital grant includes funding for “engineering projects targeted at sites, routes or areas where people have been being killed or seriously injured”. The website [includes a list of projects](#) funded from the RSG in 2017–18, along with successful Local Transport Fund and Safe Routes in Communities Grant projects.

The petition refers to a need to improve walking and cycling infrastructure on this section of the A48. The [Active Travel \(Wales\) Act 2013](#) requires Welsh local authorities to map and plan for suitable routes for active travel, and to build and improve their infrastructure for walking and cycling every year. Local authorities must prepare maps of existing active travel routes, and “Integrated Network Maps” setting out the routes and facilities required to create an integrated network of active travel routes. The Welsh Government will contribute to funding improvements through the Local Transport Fund, Safe Routes in Communities Grant and the RSG. The [Bridgend Council website](#) includes the “Existing Routes Maps”, approved by the Welsh Government in August 2016, and indicates that the Integrated Network Maps will be submitted to the Welsh Government for approval in autumn 2017.

The letter from the Cabinet Secretary for Economy and Infrastructure regarding this petition says:

Bridgend County Council submitted an application to the Road Safety Capital Grant for this scheme, but unfortunately the scheme did not score highly enough to receive funding. The scheme is first on the reserve list and will be considered should funding become available.

## National Assembly for Wales action

Research Service can find no record of road safety on this stretch of the A48, nor the RSG application, being considered by the Assembly.

Every effort is made to ensure that the information contained in this briefing is correct at the time of publication. Readers should be aware that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.

Ken Skates AC/AM  
Ysgrifennydd y Cabinet dros yr Economi a'r Seilwaith  
Cabinet Secretary for Economy and Infrastructure



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref  
Ein cyf/Our ref KS/01195/17

Mike Hedges AM  
Chair - Petitions Committee

government.committee.business@wales.gsi.gov.uk

10 April 2017

Dear *Mike,*

Thank you for your letter of 27 March regarding Petition P-05-755 Call on Welsh Government to make the A48 safe for all road users and pedestrians at Laleston, Broadlands and Merthyr Mawr.

Whilst we have responsibility for the motorway and trunk road network in Wales, local authorities are responsible for local roads. In this instance, Bridgend County Borough Council has responsibility for the A48 between Laleston, Broadlands and Merthyr Mawr.

Bridgend County Borough Council submitted an application to the Road Safety Capital Grant for this scheme, but unfortunately the scheme did not score highly enough to receive funding. The scheme is first on the reserve list and will be considered should funding become available during 2017-18.

*Yours ever,  
Ken*

Ken Skates AC/AM  
Ysgrifennydd y Cabinet dros yr Economi a'r Seilwaith  
Cabinet Secretary for Economy and Infrastructure

Bae Caerdydd • Cardiff Bay  
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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

Pack Page 62

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

# Agenda Item 2.4

## **P-05-756 Live Music Protection in Wales**

This petition was submitted by Richard Vaughan having collected 5,383 signatures.

### **Petition text:**

We call on the National Assembly for Wales to take steps to protect live music venues in Wales. In particular, we ask that the Assembly introduces the 'agent of change' principle to make it the responsibility of the developers of any new premises, commercial or residential, to find solutions to noise from nearby pre-existing business. We further call on the National Assembly to legislate so that it is possible for local authorities to recognise an area of 'cultural significance for music' within the planning framework.

### **Additional information:**

The 'agent of change' principle has been adopted in England and protects existing live music venues by stipulating that the person or business responsible for the change is also responsible for managing the impact of that change. That means if housing or a hotel, for example, are built next to a live music venue it is the developer's responsibility to mitigate the noise, rather than the existing live music venue. Without the 'agent of change' principle in Wales, there are threats to live music venues from new developments, as can be seen through the proposed building of a new hotel on Womanby Street in Cardiff. In addition, the Mayor of London is currently proposing to recognise parts of London as 'an area of cultural significance for music'. We believe this should be an option for local authorities in Wales, particularly for places like Womanby Street, where so many famous Welsh musicians have started their career.

### **Assembly Constituency and Region.**

- Cardiff South and Penarth
- South Wales Central



## Petition: P-05-756 Live music protection in Wales

Y Pwyllgor Deisebau | 23 Mai 2016  
Petitions Committee | 23 May 2016

### Research Briefing:

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Petition number: P-05-756

Petition title: **Live music protection in Wales**

Petition text:

We call on the National Assembly for Wales to take steps to protect live music venues in Wales. In particular, we ask that the Assembly introduces the 'agent of change' principle to make it the responsibility of the developers of any new premises, commercial or residential, to find solutions to noise from nearby pre-existing business. We further call on the National Assembly to legislate so that it is possible for local authorities to recognise an area of 'cultural significance for music' within the planning framework.

The 'agent of change' principle has been adopted in England and protects existing live music venues by stipulating that the person or business responsible for the change is also responsible for managing the impact of that change. That means if housing or a hotel, for example, are built next to a live music venue it is the developer's responsibility to mitigate the noise, rather than the existing live music venue. Without the 'agent of change' principle in Wales, there are threats to live music venues from new developments, as can be seen through the proposed building of a new hotel on Womanby Street in Cardiff. In addition, the Mayor of London is currently proposing to recognise parts of London as 'an area of cultural significance for music'. We believe this should be an option for local authorities in Wales, particularly for places like Womanby Street, where so many famous Welsh musicians have started their career.

The petition has attracted 5,383 signatures.

## Background

### The agent of change principle

'[Agent of change](#)' is a principle being promoted by the live music industry as a means of protecting existing music venues from closure.

It is argued that local authorities tend to favour complaints from residents in new developments over noise levels from established music venues in the vicinity. This has been cited as a major factor in a number of venues closing across the UK in recent years.

The agent of change principle requires that the person or business responsible for the change must also be responsible for managing the impact of the change. This would mean, in the case of live music, that a developer of a new residential building near an existing music venue would be required to include appropriate noise attenuation measures.

In the reverse circumstances, where a new music venue is proposed near an existing residential building, then the agent of change – the music venue – would need to ensure they include appropriate measures to reduce noise.

Proponents of agent of change state that this is different from current position which holds that whoever is reported as causing a nuisance is always responsible for that nuisance. This position is held irrespective of how long the noise considered to be a 'nuisance' has existed, historic instances of the same noise being a nuisance, or whether someone has moved into the vicinity of the noise in full knowledge of it.

The [Music Venue Trust](#) states that the agent of change approach has been trialled successfully in Australia, resulting in better planning outcomes and music venues and others giving more consideration to their neighbours.

### Planning policy in Wales

National planning policy in Wales does not explicitly refer to the agent of change principle or the cultural significance of live music venues. However, it does state that noise is a material consideration in terms of deciding applications for planning permission, including for proposals to use or develop land near an existing source of noise.

[Planning Policy Wales – Edition 9, November 2016](#) (the Welsh Government's national planning policy) states:

13.15.1 Noise can be a material planning consideration, for example in proposals to use or develop land near an existing source of noise or where a proposed new development is likely to generate noise. Local planning authorities should make a careful assessment of likely noise levels and have regard to any relevant Noise Action Plan before determining such planning applications and in some circumstances it will be necessary for a technical noise assessment to be provided by the developer ...

[Technical Advice Note 11: Noise \(1997\)](#) provides further advice:

Noise-sensitive development

10. Local planning authorities should consider whether proposals for new noise-sensitive development would be incompatible with existing activities, taking into account the likely level of noise exposure at the time of the application and any increase that may reasonably be expected in the foreseeable future. Such development should not normally be permitted in areas which are, or are expected to become, subject to unacceptably high levels of noise and should not normally be permitted where high levels of noise will continue throughout the night.

The Cabinet Secretary for Economy and Infrastructure, Ken States AM, wrote to the Petitions Committee on 23 April 2017. His letter states:

Existing policy in Planning Policy Wales already has a similar approach to the agent of change principle, in saying that new uses should not be introduced into an area without consideration of the existing uses. Ensuring effective noise mitigation is implemented as part of a new development, where appropriate, is also part of this approach. It is also already open to local planning authorities to consider compatibility of uses in areas and afford appropriate protection where they consider it necessary, as part of their Local Development Plans. ...

[Cardiff's Local Development Plan \(LDP\)](#) states:

5.181. Noise can have a harmful impact on people's health and quality of life. Developments such as housing, schools and hospitals can be particularly sensitive to noise, as can areas of landscape, nature or built heritage importance. Where possible, new developments that are particularly noise-sensitive should be located away from existing or proposed sources of significant noise. This assessment can be informed by information on noise complaints being collated by the Council as part of an on-going initiative to reduce noise nuisance.

## Planning Policy in England

As is the case in Wales, national planning policy in England does not explicitly refer to the agent of change principle or the cultural significance of live music venues. However it does advise that planning policies and decisions should recognise that existing businesses should not have unreasonable restrictions put on them because of changes in nearby land uses.

The [National Planning Policy Framework \(NPPF\)](#) (the UK Government's national planning policy for England) states that:

123. Planning policies and decisions should aim to: ...

- recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; ...

The [accompanying planning practice guidance on noise](#) states that:

The potential effect of a new residential development being located close to an existing business that gives rise to noise should be carefully considered. This is because existing noise levels from the business even if intermittent (for example, a live music venue) may be regarded as unacceptable by

the new residents and subject to enforcement action. To help avoid such instances, appropriate mitigation should be considered, including optimising the sound insulation provided by the new development's building envelope. In the case of an established business, the policy set out in the third bullet of paragraph 123 of the Framework should be followed [i.e. that quoted above].

The practice guidance also states that:

When assessing whether a statutory nuisance exists, local authorities will consider a number of relevant factors, including the noise level, its duration, how often it occurs, the time of day or night that it occurs and the 'character of the locality'. The factors influencing the 'character of the locality' may include long-established sources of noise in the vicinity – for example, church bells, industrial premises, music venues or public houses.

On planning policy in England, the Cabinet Secretary's letter states:

In England there was a commitment given in the UK Government's Housing White Paper (published 7 February 2017) to amend the National Planning Policy Framework (NPPF) in England to emphasise that account should be taken of existing businesses, such as music venues. This followed earlier changes to secondary legislation made in England to allow a number of commercial types and uses to be converted into residential properties without the need for planning permission ...

He goes on to say that this change:

... has caused problems for live music venues in England. These changes to secondary legislation were not made in Wales and planning permission is still required before the commercial uses of buildings can be changed into residential ones.

The Mayor of London, Sadiq Kahn, has previously committed to introducing an agent of change rule into the London Plan that would make developers of housing near existing leisure venues responsible for noise management.

Ahead of the publication of the new London Plan this autumn, [Draft Culture and Night Time Economy Supplementary Planning Guidance \(PDF 5.13MB\)](#) has been published for consultation. The document says that development proposals:

... should seek to manage noise without placing unreasonable restrictions on development or add unduly to the costs and administrative burdens of existing businesses.

Cultural venues should remain viable and continue in their present form, without the prospect of neighbour complaints, licensing restrictions or the threat of closure.

It also stresses that the existing London Plan policy which says that development proposals should seek to manage noise, including through:

... mitigating and minimising adverse impacts without placing unreasonable restrictions on development or adding unduly to the costs and administrative burdens of existing businesses.

## Welsh Government action

### Cabinet Secretary's letter

In addition to the comments above, the Cabinet Secretary's letter states that officials have met with the Music Venue Trust and others to discuss the agent of change principle. He states that officials are looking at how this can be better reflected in Planning Policy Wales, and how other non-legislative measures could be used to support music venues.

## National Assembly for Wales action

The specific case relating to Womanby Street in Cardiff has been raised twice in the Assembly chamber by Neil McEvoy AM.

On [4 April 2017](#), Neil McEvoy AM said:

Cabinet Secretary, Womanby Street is a place famous for live music right across Wales, and I'm sure there are many of us in this Chamber who've had some very late nights in those venues. Many renowned musicians have started their careers in Womanby Street. Now, Wales is a musical nation and music is the heartbeat of Wales. It's also the heartbeat of this city, and we need to encourage live music in Cardiff and across Wales. But the problem is that the current planning regime just doesn't do that, because it allows developments to be built in areas sometimes just next to a live music venue, and then, when a complaint is made, the venue will have to close down. So, you can have a music venue like the one in Womanby Street, there for 35 years. There can be a development next door, a flat can be put in, and that will justify the closure of the live music venue. Now, what we need in Wales is the agent of change principle written into planning law. There's a petition, and I understand that more than 3,000 people have signed it. There's also a statement of opinion, which I've put in, and I would encourage every AM here to sign that. Now, what we need to do is designate places like Womanby Street as cultural centres, which need to be protected through the planning law. The Mayor of London is doing this, so will your Government? Over to you, Minister

The Leader of the House, Jane Hutt AM, responded:

The Member has drawn attention to the importance of live music in Wales, which, of course, many of us have enjoyed in both public and private venues across Wales, and you draw attention to one here in the capital of Wales, in Cardiff. Indeed, you also say that there is a petition on this issue that's coming forward, and I'm sure the Petitions Committee will handle that and make sure that it is then drawn to our attention.

The [Statement of Opinion](#) referred to above was raised by Neil McEvoy AM and Simon Thomas AM and reads:

This Assembly:

Recognises the threat to live music venues across Wales.

Recognises the unique role that Womanby Street plays in the live music scene in Cardiff.

Notes the number of significant artists who have begun their career playing in Womanby Street venues.

Calls on the Welsh Government to introduce the agent of change principle to Wales so that developers must find solutions to noise from nearby pre-existing businesses.

At the time of writing the Statement of Opinion had been signed by a further seven Assembly Members.

On [5 April 2017](#), Neil McEvoy AM, made a 90 second statement:

Diolch, Llywydd. Three and a half thousand people have now signed the petition to this Assembly calling for us to protect live music venues in Wales. That petition was started by the conductor and composer, Richard Vaughan. The problem is that there are two proposals to develop in Wales's most famous live music street, Womanby Street, and the developments pose a threat to the music venues because of the weak planning laws we have in Wales. In England, there is the agent of change principle, which means that new developments need to accommodate existing live music venues and not the other way around. It's time to think about what we can do, and people from all political parties need to stand up and protect the live music venues in Wales. The proposals for Womanby Street should be rejected unless there are cast-iron guarantees that the existing live music premises will not be affected. Our Senedd needs to listen to the thousands of people who have taken the time to sign the petition, because we need a change in planning law, and I call upon everybody present to ensure that we change the law here in Wales and protect our live music venues. Diolch.

Every effort is made to ensure that the information contained in this briefing is correct at the time of publication. Readers should be aware that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.



Eich cyf/Your ref P-05-756  
Ein cyf/Our ref KS/01327/17

Mike Hedges AM  
Chair - Petitions Committee

[government.committee.business@wales.gsi.gov.uk](mailto:government.committee.business@wales.gsi.gov.uk)

23 April 2017

Dear

Mike,

Thank you for your letter on 3 April regarding Live Music Protection in Wales.  
(Petition P-05-756)

The petition addresses two related areas; the agent of change principle and the use of legislation to allow for recognition of areas of cultural significance for music.

Existing policy in Planning Policy Wales already has a similar approach to the agent of change principle, in saying that new uses should not be introduced into an area without consideration of the existing uses. Ensuring effective noise mitigation is implemented as part of a new development, where appropriate, is also part of this approach. It is also already open to local planning authorities to consider the compatibility of uses in areas and afford appropriate protection where they consider it necessary, as part of their Local Development Plans. National policy does not however, explicitly reference the agent of change principle or the cultural significance of live music venues in this regard.

In England there was a commitment given in the UK Government's Housing White Paper (published 7 February 2017) to amend the National Planning Policy Framework (NPPF) in England to emphasise that account should be taken of existing businesses, such as music venues. This followed earlier changes to secondary legislation made in England to allow a number of commercial types of uses to be converted into residential properties without the need for planning permission, a change which has caused problems for live music venues in England. These changes to secondary legislation were not made in Wales and planning permission is still required before the commercial uses of buildings can be changed into residential ones.

Officials have met with the Music Venue Trust and other stakeholders to discuss the agent of change principle as part of the review of Planning Policy Wales. The challenges facing live music venues are acknowledged as well as the role these activities play in our cultural

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

**Back Page 70**  
We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

experience and in fostering creativity in the music sector. Ways in which this can be better reflected as part of Planning Policy Wales are currently being considered.

My officials in the creative sector team are also looking at other, non-legislative measures to support grassroots music venues and are speaking to local authorities, venue owners and industry stakeholders to understand their requirements better.

*Yams ever,*

*Ken*

**Ken Skates AC/AM**

Ysgrifennydd y Cabinet dros yr Economi a'r Seilwaith  
Cabinet Secretary for Economy and Infrastructure



# Agenda Item 3.1

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

### **Petition wording:**

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

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

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

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

**Petition raised by:** Helen Missen

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

**Number of signatures:** 246

Vaughan Gething AC/AM  
Ysgrifennydd y Cabinet dros Iechyd, Llesiant a Chwaraeon  
Cabinet Secretary for Health, Well-being and Sport



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref: P-04-408  
Ein cyf/Our ref VG/00560/17

Mike Hedges AM  
Chair - Petitions Committee  
National Assembly for Wales  
Ty Hywel  
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government.committee.business@wales.gsi.gov.uk

23 March 2017

Dear Mike,

Thank you for your letter of 23 February on behalf of the Petitions Committee regarding petition P-04-408 Child and Adolescent Eating Disorder services.

Our *Together for Mental Health Strategy Delivery Plan* committed us to ask for a review of the pattern and cost effectiveness of inpatient eating disorder treatment across all-age services. The final report was received in 2015 and proposed that the pathway of eating disorder services should be based on the 'recovery model' widely used elsewhere in mental health services. It acknowledged that community services were having a positive effect and that the balance of care should be shifted towards a range of early intervention and treatment services within communities and as close to home as possible. This should ensure that children are better supported to live at home with their families, both reducing need to go into more specialist provision and enabling people who do need such care to return home more quickly.

This model of care already exists within Child and Adolescent Mental Health Services (CAMHS) in Wales where admission to inpatient services is becoming increasingly rare. The review highlighted that investment in CAMHS in recent years, including £250,000 recurrently from 2013 onwards, is showing positive results. Due to the investments made in staff and training at that time, the vast majority of young people with an acute eating disorder can now be successfully managed through generic mental health services. It is now rare that a young person needs referral out of Wales to receive a highly specialist eating disorder service. However, there will always be a very small number of young people who require highly specialised care provided facilities which act as hubs for the whole UK.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

The review concluded that in 2015 there was no strong case for a dedicated eating disorder unit in Wales for a number of reasons, including a lack of critical mass with the number of cases where an eating disorder is the primary diagnosis requiring admission appearing to be a decreasing trend.

Following this review, we also commissioned Public Health Wales to refresh the 2009 *Eating Disorders Framework for Wales* and have asked health boards to take account of the findings which were published in 2016. A more formal framework review will be undertaken following the publication of new NICE guidance *Eating Disorders – recognition and treatment*, which is due to be published in the spring of 2017.

The Welsh Government's 2017-18 budget also includes proposals to increase funding for eating disorder services in Wales by an additional £500,000. We are currently in the process of discussing with health boards how best to use this funding to benefit people with eating disorders.

Yours sincerely,

A handwritten signature in black ink that reads "Vaughan Gething". The signature is written in a cursive style with a large initial 'V'.

**Vaughan Gething AC/AM**

Ysgrifennydd y Cabinet dros Iechyd, Llesiant a Chwaraeon  
Cabinet Secretary for Health, Well-being and Sport

## **P-04-408 Child and Adolescent Eating Disorder Service – Correspondence from the Petitioner to the Committee, 17.05.17**

Dear Mr Hedges

Thank you so much for considering the petition that I submitted some 5 years ago, and which the last committee felt was important to keep on the agenda.

I am extremely grateful to the now Minister Health Wellbeing and Sport, Gethin Vaughan, for taking time to respond to your letter and for considering this important topic.

I wonder if a rough outline as to how this petition came about, and also what has been achieved over the years might be of some help?

Over the years I have kept my personal experience to the minimum, deciding that the X factor sob story is not my style. There is one though!

In 2009 our then 15 year old daughter was diagnosed with anorexia nervosa. A high achieving A grade student had the bottom of her world pulled out from under her, as did we as a family. We took her to the GP within weeks of realising something was drastically wrong. All research indicated that early, specialised intervention was, and remains, key to recovery. (Neural pathways are laid down in mental illness, in children this is highly malleable at the early stages of the illness... The sooner these thought patterns are realigned, the quicker the recovery. The brains of those affected by malnutrition are not in a fit state to access help for themselves, thus families become central to the treatment, whilst refeeding is used to promote full nutrition alongside therapy.

<http://www.maudsleyparents.org/whatismaudsley.html>)

Unfortunately, the specialist service was not available in CAMHS at that time in our area. Our daughter was told she was 'not ill enough' to warrant a referral to the expert in North Wales, Dr Glaze. The long and short of our story is that our daughter is still unwell with anorexia. We have taken her privately now (at great cost to us, but that has been our choice), and she is in a strong recovery at present. She is about to graduate from Durham Uni having read Anthropology.

I do not have a bone to pick, I merely saw there was a need in CAMHS in Wales, to have investment.

The Eating Disorder Framework for Wales (2009), was put together for the benefit of adults with eating disorders. A million pounds, ring fenced and annual, was put in place for adult teams.

The thought then was that CAMHS could manage EDs in their general case load, and indeed did. Research and understanding has changed over the years, and the magnifying glass of early intervention has swung back to CAMHS.

The £250,000 for South Wales, given in 2013 by Mr Drakeford, was a nod to this very fact.

I intend for the now Minister for Health and Sport to give the remaining £750,000 that is outstanding for the rest of Wales in alignment to that which is given for adult services.

This, as I have said many times, enhances a better outcome for health boards expenditure on people who suffer for longer than is necessary.

To treat early, with effective evidence based treatment in an effective specialist way, causes the person with the illness to recover quickly!

Out of adversity comes strength, and I decided that I needed to understand these illnesses and so be able to help our daughter, and indeed many other families.

My thought remain that I want no other family to go through what we have, knowing now what I do: these illnesses can be recovered from. They are to all intents and purposes 'curable', with effective treatment.

I have been fortunate enough to be asked to participate in the Cross Party Group for EDs as well as being a carer representative on the Eating Disorder committees, Transition Sub committee and Research Development Group for eating disorders here in Wales.

I have over these past 7 years also been on the EDIC (Eating Disorder International Committee) planning committee, I am a managing trustee for Charlotte's Helix, and a member of the FEAST (Families Empowered and Supported in treatment of Eating disorders, [www.feast-ed.org](http://www.feast-ed.org)) task force for the UK. I am also an individual rep for PAVO.

I was also asked by Public Health Wales to represent carers by giving talks in the refresh of the framework last year.

There is no choice to eating disorders, much as there is no choice to appendicitis or a broken leg, heart disease, an autoimmune disease or breast cancer. None of which would be labelled as a disease of 'silly girls', these are serious, destructive physical illnesses as anorexia or bulimia are mental illnesses.

Eating disorders, especially anorexia, have the highest mortality rate of any mental illness, and this remains to this day.

Some people are genetically predisposed, with personality traits that may or may not cause the 'perfect storm' to occur, with environmental and social triggers being on the very edge of the loaded gun as to why some people succumb to an eating disorder.

Research into mental illness is beginning to uncover what is going on in the neurobiology of the people affected, as well as the genetics.

<http://www.psychiatrictimes.com/special-reports/neurobiology-eating-disorders-clinical-implications>. ([www.charlotteshelix.net](http://www.charlotteshelix.net)) Weight loss is merely a symptom of the illness, somewhat like a rash in chicken pox...shingles may or may not occur later in life with the right environment in place for an underlying illness to rear its head in another form.

As you may know the petition has given the last Health Minister, Mark Drakeford a leaping block to investment into CAMHS eating disorder services, which has brought much needed funds to create a new service based in the South of Wales. As Mr Vaughan rightly points out this service has provided training, both remotely and in conference style, to many CAMHS teams across Wales.

Dr Davies is a skilled and specialised psychiatrist in the area of Eating Disorders and brings a wealth of expertise and also the Maudlsey Method, as a recovery model, for best evidence based treatment for young people with Eating Disorders (ED).

I applaud her and her team.

However, this team, and indeed Dr Davies are part time. To be able to provide and facilitate as much training as possible, I do think that further investment, specifically in that team thus enabling expansion, would be prudent.

Training of all CAMHS teams across Wales takes time, and indeed the complexity of eating disorders means that teams must keep training and thus become embedded in the evidence base and practice with these specific illnesses.

To enable this I wonder if the minister would consider investing specifically in all Health Boards to make 'virtual teams' more robust, and within that provide dedicated staff for eating disorders?

The virtual teams that are in place, both in the north and south of the country are making some inroads into the training and diagnosis of patients.

The current standing, as I understand it, is that existing staff carve out some time from their job plans to undertake ED work. This causes extra strain and less time investment into the already heavy case loads.

Dr Glaze in North Wales (NWAS, North Wales Adolescent Services) runs a multidisciplinary team (MDT) specifically set up for the early intervention in eating disorder treatment, named aptly SPEED. It is centrally and locally delivered, and comprises of paediatric and psychiatric consultants, psychologists, family therapist, dietetics and is underpinned by the Maudsley method, which as Mr Vaughan rightly realises is the best practice for treatment.

The very fact this team is early intervention for referrals from across North Wales and North Powys is exemplary.

This has been set up with little funding from central government and needs more investment. The referral rates are massive and not enough time can be given to it, as there are other needs in CAMHS for Dr Glaze to turn his hand to.

He has an empty ward, which if more funding were given, could potentially be opened to the SPEED team and an outpatient setting specifically for eating disorders.

The south of Wales would benefit greatly from paediatric expertise and influence. Perhaps, as in North Wales a dedicated paediatrician to ensure sufficient and combined expertise.

The 'middle' of Wales needs some attention, as there is a population who do live in these areas!!!

To underpin all of these thoughts we should return to the Framework for eating disorders, which as Mr Vaughan mentioned, was refreshed last year by Public Health Wales.

In Dr Khesh's summary of findings from the refresh he quoted the Together for Children and Young People initiative:

"Previous reviews of specialist CAMHS in Wales have identified that the service is under more pressure than ever before, and inspire of additional investment and staffing, does not have the capacity to meet demand (PWH 2011)"

He goes on to point out: "Over the past 4 years it is reported that there has been over 100% increase in referrals to CAMHS, this adds to waiting times of children needing specialist services."

He highlights that there are some hotspots (my words) that need looking at, namely Powys and North Wales which are repeatedly flagged during the process by carers and service users.

Now, these findings clearly cover adult services as well, especially in North Wales, however, it remains a problem in Powys especially in the delivery of CAMHS services for eating disorders.

The NICE guidelines for EDs is being released imminently, and at the time of writing this, have not as yet been released. They will need to be looked at as to how to go forward with the refresh of the framework. Dr Khesh in the Public Health refresh document also suggests a re writing of the framework.<http://gov.wales/docs/dhss/publications/160824eating-disorderen.pdf>

I am aware that monies have been negotiated for all eating disorder services across Wales to the sum of £500,000 annually. I am also aware of the thoughts as to what this will be spent on.

The holes that will inevitably be plugged with this money, will not be at the grass roots of early intervention, but will be used more broadly.

As a summary then, I still stand by the fact that the Welsh Government have a duty to provide more funding specifically for the Early intervention within CAMHS for eating disorder treatment. This needs to be specifically for staffing and the rolling out of the already seen to be improving outcome services.

An injection into already functioning, and seen to be improving outcome measure services provided both by Dr Glaze and Dr Davies, plus an injection to all health boards specifically for ED services in CAMHS potentially increasing the VC service, thus enabling staff to concentrate their efforts into the treatment of children and adolescents at the onset of these illnesses.

Thank you again for taking the time to read and understand the thoughts behind this petition.

Helen Missen



## Agenda Item 3.2

### **P-04-532 Improving specialised neuromuscular services in Wales**

#### **Petition wording:**

We call on the National Assembly for Wales to urge the Welsh Government to ensure that Health Boards implement the investment proposed by the Welsh Neuromuscular Network Vision Document for improving specialised neuromuscular services in Wales.

#### **Additional Information:**

The Welsh Neuromuscular Network is recommending the following priority developments: 1. Increase in Family Care Advisors and support. 2. Specialist adult neuromuscular physiotherapists. 3. Appointment of consultant in adult neuromuscular disease. 4. Increase in clinical psychology. 5. An equipment budget to enable minor purchases and lease arrangements.

**Petition raised by:** Muscular Dystrophy Campaign

**Date Petition first considered by Committee:** 4 February 2014

Vaughan Gething AC/AM  
Ysgrifennydd y Cabinet dros Iechyd, Llesiant a Chwaraeon  
Cabinet Secretary for Health, Well-being and Sport



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref: Petition P-04-032  
Ein cyf/Our ref VG/00769/17

Mike Hedges AM  
Chair - Petitions Committee  
National Assembly for Wales  
Ty Hywel  
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[government.committee.business@wales.gsi.gov.uk](mailto:government.committee.business@wales.gsi.gov.uk)

06 April 2017

Dear Mike,

Thank you for your letter of 21 March about the petition, P-04-032 Improving specialised neuromuscular services in Wales. I note that you and the Petitions Committee have had sight of my letter to Dr Dai Lloyd, Chair of Health, Social Care and Sport Committee. I hope it conveys both the progress made to date and actions still in train.

My officials have sought updates from both the Welsh Neuromuscular Network (WNMN) and Welsh Health Specialised Services Committee (WHSSC) in regards to the petitioner's additional queries.

In respect of the petitioners query relating to a national decision making forum, the Chief Executive Group, chaired by Andrew Goodall, Director General of Health and Social Services and Chief Executive, NHS Wales, is aware of the concerns. The group has asked that the WNMN liaise with the Neurological Conditions Implementation Group (NCIG) to seek a solution.

WHSSC instigated development of a clear strategy for specialised neurosciences services for patients, in order to set the direction for specialised services in this area. As neuromuscular services are not commissioned by WHSSC as they are predominantly delivered in primary and secondary care, they will not be covered by the WHSSC Commissioning Strategy for Specialised Neurosciences national review. The review has focused on the services that health boards have delegated to WHSSC to commission on their behalf, rather than disease specific services.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Whilst I understand that these responses may not provide the assurances being sought, I would like to take this opportunity to reassure you that this issue remains high on the agenda. I have been advised that WHSSC will continue to work closely with the WNMN and NCIG to clarify referral and treatment pathways for the elements of the service they are responsible and that the Chief Executives Group and the NCIG will continue to receive regular updates.

Yours sincerely,

A handwritten signature in black ink that reads "Vaughan Gething". The signature is written in a cursive style with a large initial 'V' and a long, sweeping tail.

**Vaughan Gething AC/AM**

Ysgrifennydd y Cabinet dros Iechyd, Llesiant a Chwaraeon  
Cabinet Secretary for Health, Well-being and Sport



GIG  
CYMRU  
NHS  
WALES

Bwrdd Iechyd Prifysgol  
Cwm Taf  
University Health Board

Your ref/eich cyf:  
Our ref/ein cyf:  
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AJW/TLT  
6 April 2017  
01443 744803  
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Allison.williams4@wales.nhs.uk  
Chair and Chief Executive

Mike Hedges AC/AM  
Chair  
National Assembly for Wales  
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Dear Mr Hedges

### **Petitions P-04-532 Improving Specialised Neuromuscular Services in Wales**

I am writing in response to the above petition. Cwm Taf UHB is aware of the request from this campaign group for investment in services for this particular patient cohort.

Every year the Health Board considers investment in new services in the context of available resources through its 3-year plan (IMTP). I am very sorry to advise that in the context of all the competing demands on resources, we have not yet been able to identify funding for these developments. As a collaborative group of Health Board CEOs we have asked that the Neuromuscular Delivery Plan Group considers these proposed developments alongside the other investment priorities within the £1million fund they have available for such matters.

Yours sincerely

**Mrs Allison Williams**  
**Chief Executive/Prif Weithredydd**

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Ref: AL/SL/HJ/sj

7<sup>th</sup> April 2017

Mike Hedges AC/AM  
Chair  
National Assembly for Wales Petitions Committee  
Cardiff Bay  
Cardiff  
CF99 1NA

Dear Mr Hedges

**Re: P-04-532 Correspondence from the Chair of the Petitions Committee**

I refer to your letter of 20<sup>th</sup> March 2017 seeking the views of Powys Teaching Health Board (PTHB) on the issues raised by the recent Petition, both generally and specifically on the Petitioner's most recent correspondence which was enclosed.

Based on data collected from GP practices across Powys there are 19 adults living with a neuromuscular condition in Powys.

From a local perspective, we include ongoing development of services for people with neuromuscular conditions into our Neurological Conditions Delivery Plan (NCDP). This is overseen by a Neurological Conditions Steering Group and the actions are incorporated into our Integrated Medium Term Plans.

Avoidance of unplanned admissions is a key outcome measure for the implementation of our NCDP.

## **1. Increase in Family Care Advisors and Support**

It is important that people living with a neuromuscular condition, and their families, have access to an appropriate level of advice and support. To ensure equity of access to this service opportunities for providing this support via telephone and skype should be explored.

These advisors also need to link in with local services to ensure they are aware of any local services that these people may benefit from. An example of this in Powys would be the Neuro Café's, the Neuro Emotional Intervention Programme, Activate your Life Courses, Community Neuro Clinics and Neuro Out-Patient Services.

In Powys we have a Community Neuro Service Coordinator who is able to signpost to relevant Health and social Care sources of support and coordinates regular multidisciplinary reviews for people living with neurological conditions.

The Integrated Disability Service in Powys provides care and support for children and young adults and facilitates transition into adult services where appropriate. Health and social care professionals plan and deliver client specific care plans with service users through Team Around the Family (TAF) and Care Around the Family (CAF) processes. Any Family Care Advisors and support would need to link in with the CAF and TAF.

## **2. Specialist adult neuromuscular physiotherapists**

In Powys we have Clinical Specialist Physiotherapists in neurorehabilitation. It would be valuable were these specialist physiotherapists to have access to highly specialist advice in managing complex cases, either by e-mail, telephone or through video conferencing. Any specialist Adult Neuromuscular Physiotherapists would need to put in place appropriate training and support for Neurorehabilitation Physiotherapists working across Wales.

## **3. Appointment of consultant in adult neuromuscular disease.**

This would be welcomed by PTHB. Timely access to a Consultant in adult neuromuscular disease is important for diagnosis and ongoing management. Neurology is a commissioned service of which neuromuscular conditions is a sub speciality. We have a

service level agreement in place and are invoiced on a per contact basis.

#### **4. Increase in clinical psychology**

In Powys we are working to improve support for emotional, behavioural and cognitive problems for people with stroke and neurological conditions. We have recently piloted a Neuro Emotional Intervention Programme, based on Acceptance and Commitment Therapy. This is in the process of being evaluated as part of the development of a more robust and sustainable neuropsychology services for stroke and all neurological and neuromuscular conditions.

Psychological support for children and young people is provided by Children's Mental Health Service (CAMHS) and Educational Psychologists.

#### **5. An equipment budget to enable minor purchases and lease arrangements.**

In Powys all equipment is managed through the joint equipment stores or purchased through Individual Patient funding Requests (IPFR). It would be difficult to manage a budget like this on an all Wales basis and ensure equity of access and cost effectiveness.

#### **6. a national decision-making forum with resources that is sufficiently aware of service risks and thereby assign an informed priority to the situation.**

There is already a national group looking at the implementation of the neurological conditions delivery plan. The Welsh Neuromuscular Network is represented this group. There is more value to be gained in looking at commonalities between the service needs of people with all neurological and neuromuscular conditions in the first instance, and making sure these are met in a cost and clinically effective way. It is not clear if there is a critical mass of service users to warrant a separate national decision-making forum. All services should be developed and delivered based on national guidelines and evidence based practice in a model that suits the health needs of local communities.

**7. Neuromuscular services are included within the scope of the national review of neurosciences in Wales being led by WHSSC.**

It would be helpful to have some guidance from WHSSC about what level of service is considered highly specialist and should be commissioned through them and what is considered core and should be commissioned or provided by local health boards in line with other neurological conditions.

In Powys many complex care packages are jointly funded through Health and Social care. This would complicate having health care funded through WHSSC.

I hope that the above answers your queries but if you have any further questions please do not hesitate to contact me.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Alan Lawrie', with a horizontal line underneath.

Alan Lawrie  
Deputy CEO/Director of Primary Community Care and Mental Health





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

Bwrdd Iechyd Prifysgol  
Abertawe Bro Morgannwg  
University Health Board

☎ (01639 683387)  
☎ WHTN (3387)  
✉ Christine.Morrell@wales.nhs.uk

**One Talbot Gateway,  
Baglan Energy Park,  
Baglan  
Port Talbot,  
SA12 7BR**

Mike Hedges AC/AM  
**Cadeirydd/ Chair**

National Assembly for Wales  
Petitions Committee

### **Petition P-04-532 Improving Specialised Neuromuscular Services in Wales**

Dyddid/Date: 17<sup>th</sup> April, 201

Dear Mr Hedges

Abertawe Bro Morgannwg University Health Board has noted the recommendations within the Welsh Neuromuscular Network Vision Document for improving specialised neuromuscular services in Wales including the five priority developments outlined. We continue to develop our services to build sustainable long-term provision.

We follow the direction set in the Welsh Government's 'Together for Health, Neurological Conditions Delivery Plan, 2014-17. In line with this we update our delivery plan and review our milestones and actions annually. As the Neurological Conditions Delivery Plan is refreshed we will consider and align our local plans accordingly. As you would expect our local priorities would reflect our local populations needs assessment and also take into consideration of the needs of Hywel Dda as we provide regional services. Consideration is given to equity of access and prioritisation according to need to ensure we provide equitable services to utilise our finite resources in the most efficient and effective way we can.

The Physiotherapy Service of ABMU-HB currently provides a Physiotherapy Clinical Specialist in Neurosciences to attend the monthly Regional (ABMU & Hywel Dda) Adult Muscle clinics run by a Neurologist and the Family Care Advisor (FCA). This arrangement has been in place since 2013 and was implemented in response to a request from the FCA. No funding was identified for this role, it was achieved through reconfiguration of existing physiotherapy provision across neurosciences.

Individuals attending this clinic are given the choice of seeing the neurophysiotherapist or not, with approximately 60% of attendees wishing to. The majority of those who see the neurophysiotherapist will also do so during their annual reviews. Within clinic the neurophysiotherapist adopts co-production principles in terms of patient-centred assessment and decision-making. Individuals often ask advice about what is safe for them to do having previously been advised that there are no effective therapeutic interventions or even that exercising is unsafe and will accelerate their condition. Advice regarding the type and safety of general physical activity is given specific to their condition, alongside therapeutic interventions for postural management, pain, joint contracture and other impairments and activity limitations associated with their neuromuscular condition. Recent clinic developments include the inclusion of standardised assessment protocols including accurate muscle strength testing using a hand-held dynamometer. A standardised patient-reported outcome measure (ACTIVLIM) has also recently been implemented within clinic, although the clinic is cognisant to the joint plans of the All-Wales Stroke Implementation (SIG) and All-Wales Neurological Conditions (NCIG) groups to develop a PROM & PREM for individuals with long-term neurological conditions.

Conditions encountered within this clinic are:

FSH

Beckers

Inclusion Body Myositis

Duchenne Muscular Dystrophy

Limb Girdle Dystrophy

Spinal Muscle Atrophy

A developing role for this neurophysiotherapist is acting as an expert resource and providing support and advice to physiotherapy colleagues throughout ABMU & Hywel Dda Health Boards. This support currently ranges from remote advice giving via telephone or e-mail to joint consultations (often performed in the patient's home or local Therapy Dept. With the recent provision of an i-pad via the COPE Project it is anticipated that platforms such as Facetime and

Skype will offer an efficient range of support options. Currently adoption of the Neuro-inflammatroy Team's protocol for use of Facetime is being considered.

Alongside the FCA this neurophysiotherapist is contributing to a series of development events with the therapy teams of Hywel Dda Health Board. A full day workshop is planned for April, to identify the patient population across the Health Board and map the therapy service available.

This neurophysiotherapist also supported the development of a FCA-led Multidisciplinary clinic for individuals with Charcot Marie Tooth (CMT). The clinic runs monthly and is hosted within the Specialist Rehabilitation Centre at Morriston Hospital. The MDT comprises the FCA, a neurophysiotherapist, an orhotist and an individual with CMT. It is anticipated that the patient focus group that identified this need will reconvene in the near future and identify further service developments.

Individuals with neuromuscular conditions can often present with respiratory dysfunction, related to either weakness of the respiratory muscles or significant postural deficits such as scoliosis. Individuals may require ventilator support or cough augmentation. The neurophysiotherapist is currently involved with an ABMU Working Party looking at the Respiratory & Cardiac support for individuals with neuromuscular conditions. The provision of Non-invasive Ventilation is co-ordinated by a Consultant in Respiratory Medicine with a team of Clinical Nurse Specialists. Provision of cough augmentation is less well defined and supported, the Physiotherapy Service have submitted a case for a Neuro-ventilatory Physiotherapist and this business case is currently being refreshed in preparation for re-submission,

.

The neurophysiotherapist is an active member of the Wales Neuromuscular Network, they attend and contribute to the Cross-Party Group for Neuromuscular Conditions.

To provide equipment that is deemed necessary Occupational Therapists would work with colleagues in the local authority to provide what is needed in an equitable manner. Although we do not have a specific budget for this client group there was some one off money allocated from Welsh Government in 2014, some of which was for cough assist machines which were purchased by ABMU Health Board on behalf of all Health Boards in Wales.

The rest of the money was allocated to each HB to be spent on specific equipment for neuromuscular patients. The co-ordination of the expenditure is via the Neuromuscular Care

Advisors. A decision was made by the Neuromuscular network that a portion of the funding could be utilised for on-going maintenance costs.

I hope this information is helpful.

Best regards,



**Christine Morrell**

**Cyfarwyddwr, Gwyddorau Therapi ac Iechyd**

**Executive Director of Therapies and Health Science**

**cc. Alex Howells**

**Interim Chief Executive, Abertawe Bro Morgannwg University Health Board**



Eich cyf/Your ref: P-04-532  
Ein cyf/Our ref: SH-ns-04-6134  
Welsh Health Telephone Network:  
Direct Line/Llinell unffôn ychol: 02920 745681

**Dr Sharon Hopkins**  
**Interim Chief Executive**

20 April 2017

**Mike Hedges AC/AM**  
Chair, Petitions Committee  
National Assembly for Wales  
Cardiff Bay  
Cardiff  
CF99 1NA

Dear Mr Hedges

**Re: Petition P-04-532 Improving Specialised Neuromuscular Services in Wales**

Thank you for your letter dated 20 March 2017 asking for Cardiff and Vale UHB to provide comments on the above petition.

Cardiff and Vale University Health Board has been making good progress in relation to improving the services provided to patients with neuromuscular conditions, but recognise there is more work to be done over next few years.

In general terms, by way of progress I am pleased to report that:

- All our consultants contribute to the Wales Neuromuscular Network and are supported in attending the Neuromuscular network meetings.
- We are working closely with MDUK and have an Advocacy and Information Officer who holds an honorary contract with the UHB and she attends the neuromuscular clinics providing patients with social support and support with advocacy issues.
- We have developed a transitional clinic to enable the smooth transfer of patients from paediatric care to adult care.

In relation to the specific points you raise in your letter, I am also pleased to report that we have already taken forward a number of actions in these key areas.

**1. Increase in Family Care Advisers**

Cardiff and Vale UHB is in the process of increasing the establishment of Family Care Advisers taking forward the recruitment of 3 new part-time Advisers. The additional staff will be employed by Cardiff and Vale UHB but will deliver services

across South East, South West and North Wales. It is envisaged that these additional staff will be in post by early summer.

## **2. Specialist Neuromuscular Physiotherapist**

Similarly, there is a recruitment process underway to appoint a Specialist Neuromuscular Physiotherapist who will work closely with the Family Care Advisers.

## **3. Appointment of a Consultant in Adult Neuromuscular Disease**

In 2006 the UHB appointed Dr Ellie Marsh, Consultant Neurologist and Specialist in Adult Neuromuscular Disease. Dr Marsh works closely with the Family Care Advisers and with the Paediatric Neuromuscular Team to ensure a smooth transition from paediatric to adult care. It should be noted that there are several other specialist consultants who provide a service for the management of neuromuscular disease in adults.

## **4. Increase in Clinical Psychology**

The UHB provides a limited psychology service for patients with neuromuscular conditions but recognises that this is insufficient to meet the needs of all patients and their families. In 2015 the UHB submitted a bid for funding from the Neurological Conditions and Stroke Rehabilitation Delivery Plan for increased resources to support the appointment of a Psychologist to work with both adult and paediatric patients. Unfortunately, given the number of bids received and the limited funds available the bid was unsuccessful. We are therefore unable to progress this appointment at the current time.

## **5. An equipment budget to enable minor purchases, lease arrangements**

Whilst there is no allocated equipment budget in order to purchase minor pieces of equipment or to provide lease arrangements, we have taken advantage of one off opportunities to access funding where possible. For example, at the end of last year a sum of money was provided to the UHB from Welsh Government to purchase equipment for patients. This money was invested wisely and large pieces of equipment were purchased in order for these to be provided on a loan basis to patients. The service also purchased a number of individual items for patients where required.

In summary, the UHB has been progressing improving the care and treatment for patients with neuromuscular conditions but recognises there is more work to be undertaken. In discussions with the clinical team a number of priorities have been identified and we will work closely with the clinical team in addressing these issues.

- Increasing the capacity in the adult Neuromuscular service to enable a weekly clinic to be undertaken at the University Hospital Llandough where the clinic can be held alongside other respiratory clinics. The timescale for this is likely to coincide with the transfer of Rookwood Hospital to UHL.
- Development of a Neuromuscular “hub” in Cardiff with physical space enabling all professionals to work closely together.

- Establishing an improved integrated nerve and muscle biopsy service to aid diagnostics.
- Improving psychology input for paediatric and adult patients.

Should you require any further information on this matter, please do not hesitate to contact me.

Yours sincerely



**Dr Sharon Hopkins**  
**Interim Chief Executive**







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

Bwrdd Iechyd Prifysgol  
Aneurin Bevan  
University Health Board

Our Ref:

Direct Line:

24<sup>th</sup> April 2017

Mike Hedges AM  
Chair of the Petitions Committee  
National Assembly for Wales  
Cardiff Bay  
Cardiff  
CF99 1NA

Dear Mr Hedges

Thank you for your recent correspondence dated 20 March 2017. Please find attached the response from Aneurin Bevan University Health Board (ABUHB) and my apologies that this is outside the 4 week requested response time.

Firstly, may I provide assurance that the Health Board is aware of the need for further development of neuromuscular services in Wales and has been fully engaged in conversation with the Wales Neuromuscular Network (WNMN) in this regard, both directly at Chief Executive Officer level and via the national Neurological Conditions Implementation Group (NCIG), which is chaired by the Health Board's Director of Therapies & Health Science.

Since the development of the WNMN Vision Document in 2013, the WNMN has developed a number of proposals to secure funding for the expansion of this area of service provision across Wales. This response provides detail around neuro-muscular service development on a national basis followed by an update on neurological condition service development specifically within ABUHB.

Cont/d.....

**Bwrdd Iechyd Prifysgol Aneurin Bevan**

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**Aneurin Bevan University Health Board**

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Bwrdd Iechyd Prifysgol Aneurin Bevan yw enw gweithredol Bwrdd Iechyd Lleol Prifysgol Aneurin Bevan  
Aneurin Bevan University Health Board is the operational name of Aneurin Bevan University Local Health Board

With the much welcomed Welsh Government announcement in 2015 of an additional £1 million resource annually for neurological conditions, I understand from the Chair of the NCIG that NCIG members debated at length the priority areas for investment across all neurological conditions in Wales as it was recognised that to achieve all areas for development would exceed the resource available. I am advised that the NCIG took the decision to invest the majority of the funding (£900k) specifically in the development of neuro-rehabilitation services as this was deemed to be the area most urgently in need of development.

In addition, the Stroke Implementation Group (SIG) agreed to fund £300k for community neuro-rehabilitation. There was a strong view from both Groups that neuro-rehabilitation services should not 'disease or condition focussed' but should be based on addressing the rehabilitation requirements of patients irrespective of their condition. This was deemed to be both clinically appropriate and a way of ensuring the best return against the available resource. As there was significant variation in the baseline service provision across Wales, both Groups agreed that this funding should be used to improve neuro-rehabilitation services locally in ways that built upon existing levels of service provision in a stepped way to achieving consistent service provision across Wales.

The Chair of NCIG advises me that as a result, organisations were invited to bid against a combined resource of £1.2m for improving neuro-rehabilitation services locally in line with their highest priority areas for specific development. Bids in excess of £4.2m were received, including three separate bids specifically for neuro-muscular services:

- One from WNMN for IT kit for the Family Care Advisors £7.5k
- One from Cardiff & Vale UHB to host psychologists in a hub and spoke model to support training of other Health Board psychologists to deliver local services to neuromuscular patients £93k recurrently
- One from Cardiff & Vale UHB for 1-2 physiotherapists based in Cardiff to train and provide specialist advice to physiotherapists across Wales in neuro muscular conditions and provide clinical input specifically to Cardiff patients £60-110k recurrently

I understand that all bids were thoroughly evaluated against an agreed set of criteria. No organisation received the full amount they requested and where they had more than one bid they were asked to prioritise.

In relation to neuromuscular conditions, the physiotherapy bid was prioritised and supported to the sum of £60k recurrently. In addition, outside the neuro-rehabilitation funding the WNMN was also awarded £60k recurrently to expand the Neuromuscular Family Care Advisors in South Wales.

Cont/d.....

In total the WNMN received £120k recurrently, which although did not fully meet their requirements was proportionate to the amounts received by other organisations against their bids. The WNMN was made aware of the funding decision in December 2015 but has only in recent months secured appointments into these roles.

In February 2016 Tracy Cooper as Chair of the WNMN approached the Health Boards' CEOs to fund a second physiotherapist, one psychologist (as per their bids to the NCIG) plus an additional 1.5wte Family Care Advisors and 1.5wte band 3 admin support (not included in their previous bids to NCIG). This request totalled £205k per annum. Whilst this area of further service development for circa 3400 patients across Wales was recognised, it is set against a list of competing service developments across a range of clinical conditions, including but not exclusive to neurological conditions. The CEOs were mindful of the level of investment and robust prioritisation process adopted by the NCIG and Health Boards were unable to commit additional resources to the service at that time.

Whilst this may not be of comfort to the WNMN or individuals championing neuro-muscular service development, I am sure you will appreciate that this is one of many areas of service development recognised within the Health Boards IMTPs within a challenging financial context.

In relation to the two additional areas of priority identified in your letter (additional consultant in neuro-muscular disease and an equipment budget), I am not aware that the WNMN has made any requests for these areas of development over the past 4 years.

To provide a local context, the ABUHB bid submitted to NCIG prioritised the expansion of our existing stroke community neuro-rehabilitation service (CNRS) to enable the team to support patients with acquired brain injury as this group of patients had no access to services within the ABUHB area. The bid was partially successful and the CNRS is now a fully multi-disciplinary service including the provision of physiotherapy and psychology support for stroke patients and those with acquired brain injury. Further expansion of this service for wider neurological condition groups is one of our priorities for the future, in addition to further development of wider neurological condition services including multiple sclerosis, Parkinson's disease and epilepsy.

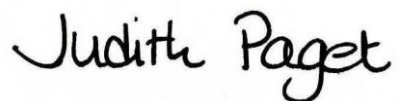
With respect specifically to supporting patients with neuro-muscular conditions, the Health Board provides multi-disciplinary clinics but recognises that further development is required. It is also worth noting that the Health Boards in South Wales are continuing to provide tapered funding to support the South Wales Motor Neurone Disease Care Network to the sum of £30,022 in 2017/18 and £46,062 in 2018/19.

Cont/d.....

I trust that this will provide some assurance that Aneurin Bevan University Health Board is committed to improving service provision for all clinical specialities, including neuro-muscular conditions and is working hard to manage a number of competing priorities.

Once again, please accept my apologies for the delay in responding to your request.

Yours sincerely

A handwritten signature in black ink that reads "Judith Paget". The script is cursive and fluid.

**Judith Paget**  
**Chief Executive/ Prif Weithredwr**



GIG  
CYMRU  
NHS  
WALES

Bwrdd Iechyd Prifysgol  
Hywel Dda  
University Health Board

Ein cyf/Our ref: CEO.535.0417  
Gofynnwch am/Please ask for: Sian-Marie James  
Rhif Ffôn /Telephone: 01267 239581  
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Dyddiad/Date: 21 April 2017

Swyddfeydd Corfforaethol, Adeilad Ystwyth  
Hafan Derwen, Parc Dewi Sant, Heol Ffynnon Job  
Caerfyrddin, Sir Gaerfyrddin, SA31 3BB

Corporate Offices, Ystwyth Building  
Hafan Derwen, St Davids Park, Job's Well Road,  
Carmarthen, Carmarthenshire, SA31 3BB

Mike Hedges AM  
Chair  
Petitions Committee  
National Assembly for Wales  
Cardiff Bay  
Cardiff  
CF99 1NA

Dear Mike

Thank you for your letter of 20 March 2017, seeking Hywel Dda University Health Board's view regarding the petition received by the Petition's Committee from the Muscular Dystrophy campaign.

The petition calls for ongoing development of local services for people with neuromuscular conditions, including:

- additional physiotherapy support
- psychology support
- dedicated neuromuscular consultant time

Currently Hywel Dda accesses a specialist neuromuscular service hosted by Abertawe Bro Morgannwg University Health Board. The Neuromuscular Family Care Advisor is working in partnership with the local professionals providing hands on intervention and support. Of the one hundred and eighty seven (187) people who are projected to have a neuromuscular disorder in this area, sixty (60) adults and eighteen (18) children currently access this specialist service.

Swyddfeydd Corfforaethol, Adeilad Ystwyth,  
Hafan Derwen, Parc Dewi Sant, Heol Ffynnon Job,  
Caerfyrddin, Sir Gaerfyrddin, SA31 3BB

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Carmarthen, Carmarthenshire, SA31 3BB

Cadeirydd / Chair  
**Mrs Bernardine Rees OBE**

Prif Weithredwr/Chief Executive  
**Mr Steve Moore**

**Pack Page 100**

Bwrdd Iechyd Prifysgol Hywel Dda yw enw gweithredol Bwrdd Iechyd Lleol Prifysgol Hywel Dda  
Hywel Dda University Health Board is the operational name of Hywel Dda University Local Health Board

Mae Bwrdd Iechyd Prifysgol Hywel Dda yn amgylchedd di-fwg Hywel Dda University Health Board operates a smoke free environment

The service is supported by Dr Walters, a Neurologist specialising in neuromuscular disorders. All neuromuscular patients known to Dr Walters attend an annual review at the Adult Multi Disciplinary Team Muscle Clinic in Morriston hospital. People with neuromuscular disorders may also be managed by Dr Hirst at her general Neurology Clinic in Glangwili Hospital based on local agreement. Paediatric Muscle Clinics are held in Singleton and Withybush Hospitals by Dr White, Paediatric Neurologist.

One of the recent local service developments relating to neurology is the establishment of a Specialist Community Neurology Team. This comprised a Neuropsychologist, Advanced Scope Physiotherapist and Occupational Therapist and also a Specialist Speech and Language Therapist. Local experience of a regional approach to condition specific rehabilitation services indicates that the local therapists continue to deliver the on-going hands on neuro rehabilitation. The team members are newly appointed and their role will include working closely with the Neuromuscular Family Care Advisor. This team will establish core specialist community neuro rehabilitation multidisciplinary working for a range of neurological conditions, including muscular dystrophy. This model is believed to match the needs of a rural population.

Children with neuromuscular disorders access local therapists for ongoing support through childhood and also have access to local paediatricians as needed. Physiotherapists and occupational therapists that deliver a community paediatric service are supported to develop highly specialist skills in supporting children with neurological conditions as this makes up the bulk of their clinical practice. Paediatric Physiotherapists exchange knowledge and information with the regional Specialist Neuromuscular Physiotherapist.

In addition, access to Neurologists has been reviewed and there is acknowledgement that the service should be more responsive. Hywel Dda University Health Board is working in partnership with Abertawe Bro Morgannwg University Health Board to increase local access to neurologists.

There are some concerns that the further investment of regional or national specialist posts advocated to support people with neuromuscular disorders may not best meet the needs of people living in a rural area. These specialist posts often don't provide the best access for more distant populations such as ours.

I hope you find this information helpful and that it addresses your recent query.

Yours sincerely

A handwritten signature in black ink that reads "Steve Moore". The signature is written in a cursive style with a large, looping "S" at the beginning.

**Steve Moore**  
**Chief Executive**



GIG  
CYMRU  
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WALES

Bwrdd Iechyd Prifysgol  
Betsi Cadwaladr  
University Health Board

Block 5, Carlton Court  
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LL17 0JG

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

**Ein cyf / Our ref:** GD/AM/3348/720

**Eich cyf / Your ref:**

☎: 01745 448788 ext 6364

**Gofynnwch am / Ask for:** Renné Evans

**E-bost / Email:** [Renné.Evans@wales.nhs.uk](mailto:Renné.Evans@wales.nhs.uk)

**Dyddiad / Date:** 27<sup>th</sup> March 2017

Dear Mr Hedges,

**RE: Petition P-04-532 Improving Specialised Neuromuscular Services in Wales.**

Thank you for your e-mail dated 20<sup>th</sup> March 2017 regarding the petition received from the Muscular Dystrophy Campaign and asking for our views on the Petition.

The Wales Neuromuscular Network has recommended a number of priority developments as highlighted below:

### 1. Increase in Family Care Advisors and support

It is agreed that these posts can benefit patient and family by acting as advocates and can help patients and families through health, social and voluntary care services to ensure optimum treatment and experience as highlighted.

### 2. Specialist adult neuromuscular physiotherapists

North Wales does not specifically have a specialist adult neuromuscular physiotherapist. We do, however, have specialist neurological physiotherapists who have the appropriate training and skills to manage adults with neuromuscular conditions. Physiotherapy services would be in support of a neurological physiotherapist who would work with people with neuromuscular conditions to participate in further training specific to neuromuscular conditions and to continually improve the quality and efficiency of services provided.

Physiotherapy intervention for people with neuromuscular conditions involves developing a programme alongside the person with a neuromuscular condition, for example:

- to minimise the development of contractures and postural deformities through a programme of positioning, stretches and exercises;
- to anticipate and minimise any secondary physical complications through the above to include seating;





- to identify and prescribe aids and equipment, including positional equipment, and working with wheelchair services on seating equipment;
- to advise on moving and handling;
- to monitor respiratory function and advise on techniques to assist with breathing exercises and methods of clearing secretions.

The above therapeutic interventions could be carried out safely and effectively by neurologically trained physiotherapists; which is a specialism within Physiotherapy. Depending on the clinical presentation, physiotherapists with different specialisms have the most appropriate knowledge and skills to treat the person (for example, a physiotherapist specialist in respiratory care if the current problem is a chest infection).

It is important that there is a specialist neurological physiotherapist with the awareness and knowledge of neuromuscular conditions involved in the care of people with neuromuscular conditions to ensure that these people receive maximally effective therapy. The neuromuscular specialist Physiotherapist would have a more in depth knowledge of those conditions, (such as muscular dystrophy), increased awareness and knowledge about the amount/intensity of exercise appropriate for these conditions. Treatment techniques are the same as other neurological conditions; stretches, positioning, exercise but knowledge of suitable intensity is an acquired skill. The evidence base is less than supportive currently to the profession in this remit, hence each case is considered individually and experience is invaluable.

Our neurological physiotherapists will hold the core principles of treatment, and if treating this group of patients they are professionally required to develop the necessary additional knowledge required of the condition. They would be supported by the organisation in this regard.

It would not be effective use of time to employ one physiotherapist to treat adult neuromuscular conditions in North Wales given the low volumes and excessive travel time, however we would wholly support additional training/teaching/workshops for professionals working with people with this group of conditions to increase knowledge and skills to highlight any differences in therapeutic management to optimise the quality of the service provided, as suggested. The Therapies division in BCUHB are considering a sessional role for existing Physiotherapists delivering neuro-rehabilitation within the Area structure to work collaboratively across BCUHB to support this service.

### **3. Appointment of consultant in adult neuromuscular disease**

Consultants specialising in neuromuscular disease could provide leadership within multidisciplinary teams and focus on education and support for partners and also lead the development and implementation of care pathways. An assessment would need to be undertaken to determine whether the appointment of a consultant in adult neuromuscular disease would be the best way forward.



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Bwrdd Iechyd Prifysgol  
Betsi Cadwaladr  
University Health Board

#### **4. Increase in clinical psychology**

We recognise the valuable contribution made by clinical psychologist to the care provided to both adults and children with neuromuscular disease. We employ over a 100 qualified clinical psychologists in the Health Board with a range of expertise and are working hard to meet the needs of patients in a timely and appropriate way.

#### **5. Equipment budget**

We note the recommendations from the Welsh Neuromuscular Network for the provision of designated equipment budgets to enable minor purchases and care arrangements. We continue to work with partners across health and social care to support patients in promptly accessing the vital equipment needed.

Once again, I would like to thank you for seeking the views of the Health Board on the Petition.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Gary Doherty'.

**Gary Doherty**  
**Prif Weithredwr**  
**Chief Executive**

# Agenda Item 3.3

## **P-05-718 NHS Wales Pay**

This petition was submitted by Chris Neilsen, having collected 24 signatures.

### **Text of the Petition**

How can it be right that NHS workers in Wales some earning as low as £7.80 per hour doing much needed jobs when the welsh government is funding such non jobs as Future's Commissioner on 100k per annum and a Welsh Language Commissioner on 90k and many such newly created non jobs. These new layers of silly non jobs should be abolished and the money given to low paid NHS staff.

### **Assembly Constituency and Region:**

Newport East

South Wales East

# Agenda Item 3.4

## **P-05-736 To Make Mental Health Services More Accessible.**

This petition was submitted by Laura Williams, which collected 73 signatures.

### **Text of the Petition**

To make mental health services more accessible the Government should ensure that no-one who approaches a mental health service should be turned away without help. Anyone who goes to their GP or any other health care professional who is experiencing a mental health problem should be automatically referred to the crisis team who should act immediately. The onus should not be on the individual to contact the Crisis Team on their own. There should also always be a one to one therapy option, rather than group therapy.

Many people will know I haven't had an easy time with life or with mental illness; I suffer with depression, anxiety, PTSD and OCD. Recently, I've hit rock bottom and have screamed for help but have been let down by mental health services who I thought would help, instead they have let me down majorly.

I want my experience to help others around Wales and to get the help they need.

### **Assembly constituency and Region.**

- Cardiff West
- South Wales Central



Mike Hedges AM  
Chair – Petitions Committee  
National Assembly for Wales  
Ty Hywel  
Cardiff Bay  
Cardiff  
CF99 1NA

Dear Mike,

### **Petition: P-05-736 - To Make Mental Health Services More Accessible**

Thank you for your letter of 22 February 2017 seeking our views on the issues raised by the above petition and the subsequent response from the Cabinet Secretary.

Hafal fully supports the points that have been made in the petition. Despite having unique and pioneering mental health legislation in Wales (*Mental Health (Wales) Measure 2010*), and an all Wales Cross Government Mental Health Strategy in place (*Together for Mental Health*), many people who require fast and easy access to mental health services are still not receiving the support they need.

Many people living with a mental health problem, and carers, have told us about how they have been unable to access mental health services when they need them. We regularly hear comments such as, *'I have to reach a crisis point before I receive any help or support'*, or hear carers telling us that as a result of ignoring their concerns the person they care for has deteriorated to an extent that they are in need of a crisis service or are admitted to hospital.

We also hear from people how they have difficulty in knowing which part of the service they need to contact in order to receive help and support. For people experiencing a mental health problem or illness for the first time it is usually the GP who is the first point of contact, whilst for people who have previously received a secondary (or specialist) mental health service it is often appropriate to make contact directly with that service.

Irrespective of which part of the service someone seeking help and support initially makes contact with, people expect to receive an early and accessible intervention that addresses their needs. A particular issue we frequently hear about is the lack of communication across and between services. This despite the intention of Welsh legislation such as the Mental Health Measure and the Social Services and Wellbeing Act to ensure greater joined up and integrated services.



Many people who experience mental health problems need support from a broad range of services such as health, social care, housing and employment, and we think it is crucial for all these services to work together in a seamless and co-ordinated way. But often we find that organisational interests and budget constraints outweigh working together for the common good or in the best interests of the individual. Too often silo working comes first and successful outcomes come second.

Moving forward, we think greater clarity is needed in defining the role of GPs, the Local Primary Mental Health Support Service (LPMHSS) and secondary (specialist) mental health services so that people are better able to access the right service at the right time and in the right place. We would like to see access and eligibility criteria be more transparent, and we want services to be more flexible ensuring that, *'no-one who approaches a mental health service should be turned away without help.'*

We want to see better communication and better relationships between and within primary and secondary mental health services, and to see more service provision aimed at preventing people reaching a crisis point rather than delivering what often looks like a crisis driven service. Welsh Government policy commitments such as those set out in the Mental Health Crisis Care Concordat and in various early intervention initiatives are welcome but are not yet fully embedded in service models across Wales.

We want to see carers and families being listened to when they tell professionals their loved one needs help and support. We want to see services designed in such a way that they can act swiftly and where appropriate immediately. Often the urgency and risk is not realised until a formal assessment is undertaken, and sometimes this can be too late and sometimes result in a tragedy occurring.

In Wales we know how many people are accessing Local Primary Mental Health Support Services, how many people are being assessed within 28 days and how many people are receiving treatment within 28 days of referral. In secondary mental health services we know how many people have a valid Care and Treatment Plan. But we struggle to know how many people are getting any better as a result of the care and treatment they receive. We can't measure how many people are achieving successful outcomes, or receiving therapy that is meeting their needs. We therefore want to see better and smarter outcome focused performance indicators that include capturing service user/patient experience.

Prif Swyddfa Hafal  
Uned B3  
Parc Technoleg Lakeside  
Ffordd y Ffenics  
Llansamlet  
Abertawe  
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*dros adferiad  
o afiechyd  
meddwl difrifol*

# hafal

*for recovery  
from serious  
mental illness*

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Hafal continues to work closely on all of these issues and many more with the Welsh Government, Health Boards, local authorities and others to try helping tackle many of the long standing problems there have been relating to mental health services in Wales. We know that there is a strong political commitment to improve mental health services and a strong willingness amongst health and social care professionals to ensure people receive the best possible service.

I hope that we have provided some helpful comments and suggestions on how to improve mental health services in Wales, and that in developing better services we ensure that the views and the voices of those who use services, and carers, are heard the loudest. Please let me know if you would like any further information or advice.

Yours sincerely,

Alun Thomas  
Chief Executive

[www.iechydmeddwicymru.net](http://www.iechydmeddwicymru.net)

Mae Hafal yn gwmni cyfyngedig trwy warrant, wedi'i gofrestru yng Nghymru a Lloegr Rhif: 4504443  
Croesewir goheblaeth yn y Gymraeg a'r Saesneg  
Swyddfa Gofrestredig Uned B3, Parc Technoleg Lakeside  
Ffordd y Ffenics, Llansamlet, Abertawe, SA7 9FE  
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[www.mentalhealthwales.net](http://www.mentalhealthwales.net)

Hafal (meaning 'equal') is a company limited by guarantee, registered in England and Wales Number: 4504443  
Correspondence welcomed in Welsh and English  
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e-mail: hafal@hafal.org, Charity Number: 1093747

**P-05-736 To Make Mental Health Services More Accessible –  
Correspondence from the Petitioner to the Committee, 10.05.17**

Hi,

I'm writing regarding my petition and what more comments could be added having seen that mind have not replied I would like to add that before I did receive mental health support from my local mental health centre I rang mind for help to be told there was a 12 month waiting list which I hope this information can be used which shows that more support is needed for mental health charities and waiting lists.

My key points are..

More communication via mental health professionals and gps For a gp to act upon a persons mental health and not a patient to ring mental health services I.e crisis team More 1 to 1 therapy than group work Easier access to mental health services Less waiting time to see a mental health professional Better crisis team More funding for mental health services.

More information leaflets to be given prior to seeing a gp or mental health professional And more follow ups and care plans with a patient and mental health professional.

Also pip claims should be separate for mental health and illnesses.

Also more gps could be trained regarding mental health as I find a lot of doctors do not understand mental health therefore people find it harder to turn to there gps for help.

I hope that some of these points could be taken into consideration and acted upon.

I hope that I can improve mental health services around wales as more and more people are suffering and not getting the help they need I hope with the Welsh governments support we could move forward and put more into place for the future for children and adults.

If you would like me to come down and give more evidence then I am more than happy to discuss it with the correct people.

Hope to hear from you soon.

Thank you

Laura Williams



# Agenda Item 3.5

## **P-04-485 Abuse of casual contracts in Further Education**

### **Petition wording:**

We call upon the National Assembly for Wales to urge the Welsh Government to use its influence to ensure that the use of hourly paid (zero hour) and fixed term contracts are not abused in the Further Education sector and only used when there is a genuine objective justification for a short term contract with flexibility.

**Petition raised by:** Briony Knibbs

**Date petition first considered by Committee:** 4 June 2013

**Number of signatures:** 674

## **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



Ein cyf/Our ref HL/00686/16  
William Powell AM  
Assembly Member for Mid & West Wales  
Chair - Petitions Committee  
Ty Hywel  
Cardiff Bay  
Cardiff  
CF99 1NA

committeebusiness@Wales.gsi.gov.uk

05 April 2016

Dear William

Thank you for your letter of 21 March to which you attached comments from Mr Cenric Clement-Evans following my appearance at the Petitions Committee last autumn.

For ease of reference I will address the issues which Mr Clement-Evans raises in the order in which they appear in his letter.

### **Accessing Asbestos Information Online**

I note the points raised by Mr Clement Evans but, as I have explained, I do not intend to require local authorities to make information about asbestos management available online.

### **Asbestos Management in School Working Group in Wales**

Mr Clement-Evans queried whether the initial meeting of the Working Group was held in the summer of 2014. I would like to clarify that a meeting was in fact held on 29 June 2015 to discuss the review of policy by the Department for Education in England (DfE). As we considered that the group's input was of value to Wales we agreed that it should be established formally as an Asbestos Management in Schools Working Group. A further meeting was then held in January 2016 to discuss the draft terms of reference for the group and to agree the way forward.

The members of the group continue to monitor progress in England. When developments occur the Welsh Ministers will consider the implications for Wales with respect to guidance and policy decisions. It is at this stage that additional key stakeholder groups will be consulted, including the teaching unions.

### **Terms of reference**

The petitioner has highlighted that the terms of reference for the Welsh Asbestos Management in Schools Working Group differ from those for the DfE Asbestos in Schools Steering Group. This reflects the complementary role of the two groups. As asbestos in schools presents similar problems in both England and Wales, we are satisfied that the work carried out in England will provide Wales with enough information to take any appropriate action.

### **Department of Education Steering Group**

My officials continue to liaise with colleagues in England, so that the Welsh Government is kept informed of developments in this area. They attended the DfE Asbestos in Schools Steering Group meeting on 31 March and will also attend future meetings.

The health and safety of children and staff are very important to me and I would like to assure you of my continued commitment to this issue



### **Huw Lewis AC / AM**

Y Gweinidog Addysg a Sgiliau  
Minister for Education and Skills

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## P-04-522 Asbestos in Schools – Correspondence from the Petitioner to the Committee, 17.05.17

### Petitioner's response to the Petitions Committee 17<sup>th</sup> May 2017

#### 1. Response to the Petitions Committee 1<sup>st</sup> March 2016

I would repeat this response together with the appended items. This was intended to bring together the main issues relating to the petition. The Committee agreed to seek the Minister's views on my further comments and he responded on the 5<sup>th</sup> April 2016.

I would ask that these matters be put to the Cabinet Secretary for Education as her views on these important matters would be welcomed

#### 2. Phased removal of asbestos from schools in Wales

In its booklet "The asbestos crisis–Why Britain needs an eradication law", the All-Party Parliamentary Group on Occupational Health (which is chaired by Ian Lavery MP), with the support of the TUC, called for the phased removal of asbestos from schools.<sup>1</sup> At page 9 a date for phased removal in schools is set out,

*"Where asbestos is identified in any premises, all refurbishment, repair or remedial work done in the vicinity of the asbestos containing material should include the removal of the asbestos. Where no such work takes place, or is planned within the foreseeable future, the duty holder must develop and implement a plan for the removal of all asbestos which ensures that removal is completed as soon as is reasonably practical, but certainly no later than 2035. **In the case of public buildings and educational establishments, such as schools, this should be done by 2028<sup>2</sup>.**"*

Phased removal of asbestos from schools is now Labour Party policy and I refer to 2017 manifesto<sup>3</sup>. Specifically it set out with regard to schools,

*"1. Investment – we will make sure schools are properly resourced by reversing the Conservatives' cuts and ensuring that all schools have the resources they need. We will introduce a fairer funding formula that leaves no school worse off, while redressing the historical underfunding of certain schools. **Labour will also invest in***

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<sup>1</sup> <https://www.tuc.org.uk/sites/default/files/asbestoseradication.pdf>

<sup>2</sup> The passage in bold is the Petitioner's emphasis

<sup>3</sup> <http://www.labour.org.uk/page/-/Images/manifesto-2017/Labour%20Manifesto%202017.pdf>

*new school buildings, including the phased removal of asbestos from existing schools.”<sup>4</sup>*

In light of this manifestos commitment I would request that the Petitions Committee ask Welsh Government for confirmation that this is now Welsh Government policy insofar as schools in Wales are concerned.

### **3. Responsibility for policy on asbestos in schools in Wales**

The Committee will be aware that during its consideration of the petition a significant issue that has arisen has been the question of responsibility whether it be Welsh Government or UK Government. I have previously used the inelegant description of schools sliding into “a devolutionary crack”.

The latest statement from UK Government was made on 1<sup>st</sup> November 2016, when the Minister of State for Schools, Nick Gibb MP, in response to a written question from Amanda Solloway MP (Derby North) (and addressed to the Secretary of State for Education) regarding the removal of the presence of asbestos from school sites in England and Wales advised,

*“Policy on the effective management and removal of asbestos at Welsh school sites is devolved to the Welsh Government, but in England it is one of the department’s priorities in order to ensure that our schools are safe for children and teachers.”<sup>5</sup>*

In my respectful submission the UK Government’s position cannot be clearer as to where responsibility for management and removal lies.

On the 6<sup>th</sup> October 2016, together with Joseph Carter, the Head of the British Lung Foundation in Wales, I met with the Cabinet Secretary for Education, Kirsty Williams AM. She considered that the issue of responsibility had been determined and I assured her that this was not the case. She was willing for me to contact her further on the matter, although sadly pressures of work have led to my not having done so to date. The response of the Minister of State for Schools has not been put to her as far as I am aware. It is however in line with all previous UK Government statements made in both Houses at Westminster.

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<sup>4</sup> Ibid Page 37 with the Petitioner’s emphasis

<sup>5</sup> <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2016-10-07/47204/>

I refer also to the email of Mike Green, the Chair of Department for Education (DfE) Asbestos in Schools Steering Group dated 19<sup>th</sup> October 2015, which has been shared with the Petitions Committee both when I gave evidence and subsequently. He stated clearly in his email,

*“The Department for Education’s remit is for schools in England. As such, the Asbestos in Schools Steering Group, which was set up by the department in 2012, only covers the issue of asbestos management in schools in England. ....*

*Focussing on schools in England enables the group to consider the specific issues faced by English schools, which exist in a different policy framework to those in Wales. I would therefore suggest it is right that the remit of the Steering Group is to consider schools in England.”*

Again in my respectful position the position could not be clearer. The DfE Asbestos in Schools Steering Group is concerned with schools in England. (I do welcome that officials on behalf of Welsh Government are now attending Steering Group meetings, but the remit of the Group remains schools in England.)

Those Welsh Government officials will be able to confirm that the Education Funding Agency have produced draft “Proposals for an Asbestos Management Assurance Process” which are provided with authority of the Joint Union Asbestos Committee but are not for wider circulation at the present time.

It is stated therein,

“1.1 The Asbestos Management in Schools Data Collection report was published in February. This voluntary data collection provided a partial picture of the management of asbestos in schools, **in England**. The Secretary of State has agreed with the recommendation to seek assurances from **all** duty holders who have a responsibility for the management of asbestos in their schools, **in England**, to improve our understanding of the management of asbestos in schools. All duty holders will be expected to undertake the necessary due diligence checks, to ensure that the assurances they provide are based on evidence from all their respective schools.”<sup>6</sup>

Further it is stated,

“5.1 Although not mandatory, as the department does not have the powers to compel all duty holders to complete the assurance process, it is expected that

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<sup>6</sup> The petitioner’s emphasis



all duty holders (approximately 3,500) will participate in the assurance process. We intend to validate our list of duty holders against other sources to ensure that they are all captured. We would expect that this approach should then cover **the estimated 25,000 schools, in England**. The department will communicate the importance of managing asbestos effectively and will set a clear expectation in this communication that all duty holders participate in the assurance process.”

Again in my respectful submission it is clear that the work of the Asbestos in Schools Steering Group on behalf of the DfE is concerned with schools in England and is not concerned with schools in Wales. I am not aware that there has been any similar Asbestos Management in Schools Data Collection relating to schools in Wales. In my respectful submission such work is essential to assess the extent of the issue and further that it is clearly a matter for Welsh Government to put in hand.

It should be noted that DfE has updated its Guidance on Asbestos in Schools in February 2017.<sup>7</sup> This demonstrates that it is continuing to actively review matters, whereas in Wales Welsh Government has not updated its Guidance since May 2014.<sup>8</sup>

On the 26<sup>th</sup> April 2017 the House of Commons Committee of Public Accounts released the report entitled “Capital funding for schools” and specifically commented upon the Department for Education’s knowledge on the school estate and asbestos. Set out below is the relevant conclusion and recommendation.

*“5. The Department still does not know enough about the state of the school estate, meaning that it cannot make well-informed decisions about how best to use its limited resources.*

*The Department now has a better understanding of the condition of school buildings after completing a survey of the estate in 2014. This property data survey estimated that it would cost £6.7 billion to return all school buildings to satisfactory or better condition, and a further £7.1 billion to bring parts of school buildings from satisfactory to good condition. Much of the school estate is over 40 years old, with 60% built before 1976. The Department estimates that the cost of dealing with major defects will double between 2015–16 and 2020–21, even with current levels of investment, as many buildings near the end of their useful lives.*

*The property data survey did not assess the safety or suitability of school buildings or the extent of asbestos. Over 80% of schools responding to a*

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<sup>7</sup> <https://www.gov.uk/government/publications/asbestos-management-in-schools--2>

<sup>8</sup> <http://gov.wales/topics/educationandskills/publications/guidance/asbestos-management-in-schools/?lang=en>

*separate survey by the Department had asbestos, with 19% reporting that they were not complying with asbestos management guidance. However, only a quarter of schools responded to the survey, meaning that the Department does not have a complete picture. The Department estimates that it would cost at least £100 billion to replace the entire school estate which it believes would be the only way to eradicate asbestos from school buildings. The Department is undertaking a second property data survey but, until this is complete, it cannot assess reliably how the school estate is changing and does not know the extent to which its funding is helping to improve the condition of school buildings.*

***Recommendation: The Department should set out a plan by December 2017 for how it will fill gaps in its knowledge about the school estate in areas not covered by the property data survey. Specifically it needs to understand the prevalence, condition and management of asbestos, and know more about the general suitability and safety of school buildings.***<sup>9</sup>

Once again it is clear that none of this is by reference to schools in Wales and I would respectfully suggest that there needs to be a review of the school estate in Wales including in particular to understand the prevalence, condition and management of asbestos in schools.

This is of course at the very heart of the Petition. Freedom of information requests have been raised of all local authority schools in Wales and England by Lucie Stephens whose mother Sue Stephens, a school teacher, died last summer from mesothelioma. For convenience I have collated all the responses in Wales.<sup>10</sup> Once again I would urge that Welsh Government takes responsibility for the management the issue with regard to schools in Wales. It is not I would submit acceptable simply to rely upon a series of ad hoc responses of varying standards to Freedom of Information requests.

#### **4. Working Group on Asbestos**

I refer to my previous response on this issue on 1<sup>st</sup> March 2016 and I would respectfully ask the Committee to consider this, including the response of Wales TUC

In summary I stated,

“It can be seen from the above that there are significant differences between the Steering Group in England and the Working Group here in Wales.

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<sup>99</sup> <https://www.publications.parliament.uk/pa/cm201617/cmselect/cmpublic/961/961.pdf>

<sup>10</sup> <http://www.righttoknowasbestos.org/How-you-can-help/FOI-request.html>

Wales needs either a steering group to mirror that of the DfE or as a very minimum full representation at the DfE Steering Group which leads to action here in Wales.”

At the meeting of the Cross Party on Asbestos on 21<sup>st</sup> September 2016 the minutes record that Tim Cox representing the NASUWT stated,

*“...that the group should mirror the DfE group in terms of composition and that it should not be confined to government bodies. The present composition should be challenged. Victim support groups and parent organisations should also be represented. There is currently a lack of transparency and openness.”*

The Cross Party Group which included representatives from NASUWT and UCAC agreed the Welsh Government should be asked to expand the group to include other stakeholders.

In his letter to the Chair of Committee the Minister for Education and Skills Huw Lewis AM 5<sup>th</sup> April 2016 provided further detail regarding the Asbestos Management in School Working Group in Wales

*“I would like to clarify that a meeting was in fact held on 29 June 2015 to discuss the review of policy by the Department for Education in England (DfE). As we considered that the group’s input was of value to Wales we agreed that it should be established formally as an Asbestos Management in Schools Working Group. A further meeting was then held in in January 2016 to discuss the draft terms of reference for the group and to agree the way forward.*

*“The members of the group continue to monitor progress in England. When developments occur the Welsh Ministers will consider the implications for Wales with respect to guidance and policy decisions. It is at this stage that additional key stakeholder groups will be consulted, including the teaching unions.”*

I would respectfully submit that irrespective of the strong views held by those attending the Cross Party Group on Asbestos including in particular the Wales TUC and the teaching unions in Wales that the group needs to be expanded, that bearing in mind the developments in England as outlined above, that now is the time has been reached where key stakeholder groups should be consulted. I would remind that school workers are represented by additional unions to the teaching unions, whose members are also affected by asbestos, including teaching assistants, caretakers and domestic and cooking staff.

## **5. Conclusion**

On the 1<sup>st</sup> March 2016 I wrote,

“In the meantime the issue of asbestos in schools in Wales is clearly not receiving the same attention as in schools in England. This cannot be right.”

Over 12 months later I would repeat this statement. It would seem that the gap between England and Wales with regard to asbestos in schools is widening rather than narrowing. This is not acceptable.

Cenric Clement-Evans 17<sup>th</sup> May 2017

By virtue of paragraph(s) ix of Standing Order 17.42

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# Agenda Item 3.7

**P-04-606 Ensure schools exercise their statutory powers under regulation 7 of The Education (Pupil Registration) (Wales) Regulations 2010 without interference or bias.**

## **Petition wording**

We ask the National Assembly for Wales to ensure that schools are 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.

Local authorities in Wales and their consortia are recommending that schools do not exercise their statutory powers under the above legislation leaving more families exposed to the threat of penalty notices under the Education (Penalty Notices) (Wales) Regulations 2013 than would have been otherwise. These recommendations are made on the basis that they can improve attainment despite the lack of evidence that absence of the type allowed under regulation 7 of The Education (Pupil Registration) (Wales) Regulations 2010 results in poorer attainment.

Currently schools in Wales can be penalised through inspection, performance judgement and school banding processes for authorising legitimate absences such as sickness, family holidays or other events or instances which enable families to participate fully in a normal, private family life.

These recommendations and processes bias schools against the authorisation of legitimate absence and make schools reluctant to exercise their statutory powers under regulation 7 of The Education (Pupil Registration) (Wales) Regulations 2010. This can damage the home/school relationship and child well-being. Where a family disagrees with a decision to refuse authorisation of absence on the grounds of equality, human rights

or child well-being there is no independent route of appeal. Where a family disregards a decision to refuse authorisation of absence the issue of a penalty notice and potential criminalisation can result. There is an economic impact on the Welsh tourism and leisure industry which provides employment and income to many of our families.

### **Additional Information**

Regulation 7 of The Education (Pupil Registration) (Wales) Regulations 2010 gives schools the discretionary power to authorise up to 10 days absence during a school year for family holidays and more than 10 days absence in exceptional circumstances.

Schools are being advised against exercising this power by their local authorities. They are feeling pressured to improve school attendance figures by Estyn, the education and training inspectorate for Wales, who can penalise them if attendance falls below a certain level.

The drive to improve attendance is based on an assumption that it will improve educational attainment. This is an over-simplification of a very complex issue. Attendance and attainment are linked but a causative relationship is not proven. Research shows that absence for family holidays does not affect attainment at primary school level, and a small degree of absence is unlikely to have any effect at secondary school level. ("A Profile of Pupil Absence, 2011, DfE").

A school's refusal to authorise an absence which is allowable under the law can seriously damage the home/school relationship, particularly if the family believe that the absence is important to their child's well-being and take their child out of school anyway. The family can receive a penalty notice (fine) or be criminalised.

There are many legitimate reasons why children and families need the flexibility to be absent from school during term time which include difficulty obtaining annual leave during school holidays, important family events, geographical remoteness from non-resident parents, grandparents and

extended family. Families employed in the Welsh tourism and leisure industry have felt a significant economic impact from the English term time holiday ban this year. The Good Childhood Report 2014 identified school as only ONE of the ten aspects of life with the greatest influence on child well-being. Family, home, finances, friends, health and choice were among the others.

**Petitioner:** Pembs Parents Want a Say / Rhieni Pembs eisiau cael dweud

**First considered by the Committee:** 9 December 2014

**Number of Signatures:** 812 electronic signatures



## 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:** 389 signatures. An associated petition hosted on another website collected 2680 signatures.



Eich cyf/Your ref P-04-539  
Ein cyf/Our ref KS/00771/17

Mike Hedges AM  
Chair - Petitions Committee  
National Assembly for Wales  
Ty Hywel  
Cardiff Bay  
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CF99 1NA

government.committee.business@wales.gsi.gov.uk

26 April 2017

Dear Mike

Thank you for your letter of 23 February 2017, regarding Petition P-04-539 Save Cardiff Coal Exchange. You have asked on behalf of the petitioner whether the Welsh Ministers would consider calling a public inquiry to investigate the events surrounding the re-development of the Coal Exchange.

Welsh Ministers can call in any planning application and, should they consider it necessary, hold a public inquiry as part of their consideration of the called in application. However, once planning permission is granted there is no longer a planning application for the Welsh Ministers to call in. Cardiff City Council granted planning permission for the change of use of the Coal Exchange building to a hotel and nominated ancillary uses on 15 July 2016. It is no longer possible, therefore, to call in the application and the permission has established the use of the building in planning terms.

Cardiff City Council is currently considering an application by Coal Exchange Limited for listed building consent (ref: 16/02939/MJR) for the phase 1 works associated with the change of use to provide 170 no. hotel suites with associated uses, including reception, function space, heritage zone, restaurant/bars, spa and circulation and at the Coal Exchange. It is also possible for the Welsh Ministers to consider calling in an application for listed building consent, however no requests to do so have been received by them. It is very rare for the Welsh Ministers to call in a listed building application and will only do so where, in their view, it raises issues of exceptional significance or controversy or is linked to a planning application that has been called in. The Welsh Ministers will not call in an application because of concerns about the way in which it has been handled by the Local Planning Authority as there are established routes for handling such concerns through the authority's Monitoring Officer and the Public Services Ombudsman for Wales.

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
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Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

I understand the application for listed building consent has been referred to Cadw by Cardiff City Council for consideration and it is due to provide advice to the Council on 28 April. I will provide you with a further response to your letter once Cadw has concluded its consideration of the listed building consent application referred to above.

Yours ever,

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

**Ken Skates AC/AM**

Ysgrifennydd y Cabinet dros yr Economi a'r Seilwaith  
Cabinet Secretary for Economy and Infrastructure

**SWYDDFA'R ARWEINYDD  
OFFICE OF THE LEADER**

**Phil Bale**  
Arweinydd Cyngor Dinas Caerdydd  
Leader of the City of Cardiff Council

Neuadd y Sir  
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Fy Nghyf / My Ref: CM37094

Eich Cyf / Your Ref: P-04-539

Dyddiad / Date: 28 April 2017

Mike Hedges AM  
National Assembly Wales  
Cardiff Bay  
Cardiff  
CF99 1NA

Annwyl / Dear Mr Hedges,

Thank you for your letter dated 23<sup>rd</sup> February 2017, I apologise for the delay in responding to you.

As you may be aware, progress is being made with the Coal Exchange redevelopment and whilst there are some people who are not fully supportive of the development, generally the response to the scheme has been welcomed. I have no doubt that whilst some opposition to the redevelopment in its current guise remains, everyone wants to see the renovation of the Coal Exchange taken forward in a way that secures the long-term future of the building.

With regard to the query raised, my correspondence referred to in the letter you attached reflected the position at the time of writing. The development proposal has since progressed and should be considered a matter for the developer and the planning authority.

Notwithstanding this, the Memorandum of Understanding was put in place to help facilitate a redevelopment of the Coal Exchange in a way that reflects and respects its heritage, enables a sustainable model for regeneration and does not expose the public purse to any further financial risk. We remain committed to working with the developer to ensure that the obligations within the Memorandum of Understanding are kept and that includes addressing the Car Park area in the front of the building.

It should be noted that the Memorandum of Understanding is not intended as a means of restricting or controlling development which must be managed by the local planning authority as the statutory body in line with the correct legal processes and procedures. From the outset Signature Living were asked to follow the correct procedures and to apply for permissions before progressing works. I understand they

have done this and work has begun on the entrance to the Coal Exchange, which includes work on the concrete structure described as 'extremely ugly' in the attached correspondence. In terms of public procurement, the City of Cardiff Council has followed legal advice.

Please let me or my office know if you need any further information.

Yn gywir,  
Yours sincerely,

A handwritten signature in black ink, appearing to read 'Phil Bale', with a stylized flourish at the end.

**CYNGHORYDD / COUNCILLOR PHIL BALE  
ARWEINYDD, CYNGOR DINAS CAERDYDD  
LEADER, THE CITY OF CARDIFF COUNCIL**

**P-04-539 Save the Coal Exchange – Correspondence from the Petitioner to the Committee, 17.05.17**

Dear Petitions Committee

Thank you for persevering with my petition, which I remain committed to. Primarily I seek to have the facts surrounding the handling of the building by Cardiff Council investigated openly and transparently with proper public scrutiny. The justifications for this seem to be compelling and wide ranging, and I sincerely hope that we can achieve this reasonable objective.

In many respects it is superficially good to see repairs being carried out, but surprising and somewhat suspicious that all this seems to be progressing with little apparent conservation focused control or monitoring.

The listed building application appears to have been pushed through without any recognition of serious concerns raised by the likes of the Victorian Society (see attached letter).

With Cardiff council having a significant financial interest in the building, and being closely embedded with the developer through their procurement of them (without any publicly advertised tender/procurement.... Apparently in breach of WG procurement rules??), it has to be questioned where the necessary independence existed in the process, and why the likes of the Victorian Society were apparently ignored?

..... Although this simply demonstrates the ongoing concerns that require scrutiny of the whole process to occur.

Regards

Jon Avent

## Agenda Item 3.9

### P-05-690 Resurfacing of the A40 Raglan–Abergavenny Road

This petition was submitted by Sara Jones, having collected 22 signatures. The petition also collected 142 signatures on an alternative e-petition website

#### *Text of the Petition*

*This petition calls on the Welsh Government to replace the old concrete surface on the A40 road from Raglan to Abergavenny with whispering tarmac.*

*The Noise Action Plan (2013–18) states that this road is a priority, after the consultation responses received and the measurements taken. Yet no progress has been made despite repeated calls from residents, the local County Councillor, Assembly Member and Member of Parliament.*

*We, the undersigned, state that this road should be given immediate priority, given the numerous concerns raised from both public and representatives and that it has been identified under the existing Welsh Government Noise Action Plan.*

#### **Assembly Constituency and Region**

- Monmouth
- South Wales East



Ken Skates AC/AM  
Ysgrifennydd y Cabinet dros yr Economi a'r Seilwaith  
Cabinet Secretary for Economy and Infrastructure



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref KS/01166/17

Mike Hedges AM  
Chair - Petitions Committee  
National Assembly for Wales  
Cardiff Bay  
Cardiff  
CF99 1NA

2 May 2017

*Dear Mike,*

Thank you for your letter of 4 October 2016, which we received on 23 March, regarding the road surface on the A40 at Raglan.

Further to my reply of 16 August 2016, the position with regard to surfacing remains unchanged. However, work will commence in 2017/18 designing suitable noise mitigation measures for the priority 1 section of the A40 / Usk Road roundabout.

The current priority list will also be reviewed this financial year following a new noise survey of the motorway and trunk road network.

Priorities could therefore change and new sections enter the programme.

*Yours ever,  
Ken*

**Ken Skates AC/AM**  
Ysgrifennydd y Cabinet dros yr Economi a'r Seilwaith  
Cabinet Secretary for Economy and Infrastructure

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1NA

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
0300 0604400

[Gohebiaeth.Ken.Skates@llyw.cymru](mailto:Gohebiaeth.Ken.Skates@llyw.cymru)  
[Correspondence.Ken.Skates@gov.wales](mailto:Correspondence.Ken.Skates@gov.wales)

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

**P-05-690 Resurfacing of the A40 Raglan-Abergavenny Road –  
Correspondence from the Petitioner to the Committee, 15.05.17**

Hi Kayleigh

Please could the committee read the attached letter from 3 November 2014 which commits to resurfacing of the A40 and suggests a scheme is being designed up. I therefore would ask that the Minister confirms the commitment that the noise mitigation he references includes re-surfacing.

Furthermore –

The Welsh Government conducted a consultation in 2012 to identify priority areas under the Noise Action Plan. The following excerpt is taken from the 2013-18 Plan.

**Road traffic noise is highly dependent on the nature of the road surface, particularly at high speeds, and concrete is the noisiest surface to be found nowadays on the Welsh trunk road network. There are three stretches of concrete trunk road remaining in Wales:**

**the A465 between the Aberdulais interchange and Cwmgwrach roundabout; the A40 between Raglan and Abergavenny; and the A4232 between Culverhouse Cross and Junction 33 of the M4.**

**In 2013 the South Wales Trunk Road Agent commissioned noise assessments for all three remaining stretches of concrete trunk road. The measurements taken showed elevated noise levels along all three roads. In addition, the 2012 noise mapping has flagged parts of the concrete A465 and A4232 as candidate priority areas, and fourteen responses to the consultation on this plan concerned excessive noise from the concrete A40, including from residents of three different villages and the managing director of a residential home. All fourteen strongly advocated an improved road surface.**

**In light of the consultation responses and the measurements taken, all the residential properties situated along the three concrete stretches of trunk road will be listed as priority areas under this action plan.**

We call for a commitment to resurfacing as part of any noise mitigation and that the priorities identified in the plan be met. There are only three concrete trunk roads remaining in Wales, we ask that as part of noise mitigation measures the WG bring

forward resurfacing as a priority – as identified by the many consultation responses received.

We fail to understand why a further noise survey is being carried out when the existing commitments under the current action plan have yet to be met.

The road noise has got progressively worse over the past year and affects all the communities alongside the A40, not just The Bryn.

The only solution is for full resurfacing of the A40 from Raglan to Abergavenny.

This has been an nine year campaign – we have been led to believe that resurfacing would take place.

Regards

Sara

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



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref EH/05432/14

Cllr Sara Jones  
Llanover Ward  
Monmouthshire County Council

SaraJones2@monmouthshire.gov.uk

3 November 2014

Dear Cllr Jones,

Thank you for your email of 12 October regarding timescales for resurfacing the A40.

Parts of this road were identified as priority areas for mitigation work in our Noise Action Plan. A resurfacing scheme is being designed in the current financial year. However timing of the actual works will be dependent on available funding in 2015/16. I will update you once next year's programme has been agreed.

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

**P-05-690 Resurfacing of the A40 Raglan–Abergavenny Road –  
Correspondence from Nick Ramsey AM to the Committee, 15.05.17**

To the Petitions Committee

Meeting 23<sup>rd</sup> May 2017 Ref: FW P-04-690

I was disappointed to see a letter dated 2<sup>nd</sup> May 2017 from the Cabinet Secretary for Economy and Infrastructure to Mike Hedges AM as Chair of the Petitions Committee (ref KS/01166/17) regarding the road surface on the A40 in my constituency.

I have been campaigning with constituents for many years for the old concrete surface of the A40 between Abergavenny and Raglan to be resurfaced to reduce noise levels for local residents. This remains one of the very few sections of noisy concrete Trunk Road surface in Wales, and needs to be resurfaced as a matter of priority. Following the results of the 2013–18 Noise Action Plan I was led to believe that the road was to be resurfaced at last, but we are still waiting for this to happen.

The Cabinet Secretary's letter of 2<sup>nd</sup> May 2017 refers to yet another noise survey and seems to imply that the work required to resurface the A40 between Raglan and Abergavenny is to be delayed yet again.

This matter deserves priority given the length of time this campaign has been running and in view of the previous findings and assurances provided to carry out resurfacing rather than other lesser noise mitigation schemes.

Kind regards

Nick

Nick Ramsay AM

# Agenda Item 3.10

**P-05-737 Save our Bus.**

This petition was submitted by Patricia Threadgill, which collected 60 signatures.

## **Text of the Petition**

Just learned today the bus I use regularly from Gilfach Goch-Pontypridd is being "wiped out". In Jan 2016 the Welsh Government said it was committed to improving the quality + accessibility of local bus services. In Gilfach Goch we have older + poorer people + people with disabilities who use this bus, which can be the difference between getting around or feeling trapped. So please save the 150 to PONTY !!!!

## **Assembly constituency and Region.**

- Ogmore
- South Wales West

Dear Ms England

Thank you for your e-mail of 22<sup>nd</sup> February regarding service 150.

We have received some complaints from users of this service that terminates now at Porth as opposed to Pontypridd.

The reasons for this given by Stagecoach at the time were as detailed in the paperwork you have supplied.

I have contacted Mr Edward Reid, Commercial Manager at Stagecoach in South Wales who confirms that they currently have no plans to reintroduce a through service between Gilfach Goch and Pontypridd. They did indicate however that they have recently conducted a survey of passengers on this service.

I have also contacted Me Charlie Nelson, Transportation Manager at Rhondda Cynon Taff CBC who comments as follows

“As we discussed this afternoon, I am aware of the concerns surrounding Stagecoach’s decision to reduce the frequency and withdraw the Pontypridd to Porth section of the 150 service, which previously had run between Gilfach Goch and Pontypridd.

The Council Leader and I met with some of the local Councillors, who represent a number of deprived and hill top areas on the line of the route that are remote from shopping areas, health and leisure facilities, as well as basic necessities such as Dentists, Opticians, Banks. From that meeting in January 2017, it was clear that such communities rely on a frequent and direct public transport link and any reduction or loss of services is regrettable.

At the Leader’s request, as agreed at the meeting, I met with Stagecoach’s Managing Director in the hope that as a major partner of the Council, and its major public transport provider, the impact of the changes on the affected communities and the loss of the through service to Pontypridd could be re-examined.

As a consequence of these discussions, it was agreed that an on bus survey, with a 200+ sample size, would be carried out by the operator within February 2017, so as to collect objective data against which Stagecoach could review the commercial business options. I am awaiting the results from that survey.

In the meantime, in recognition that having to change buses in Porth is more inconvenient for the public, especially the elderly, I have managed to secure through ticketing onto the remaining 11 buses an hour that operate between Porth and Pontypridd. This means that customers travelling from / to Gilfach Goch can purchase through single or return tickets to / from Pontypridd.

I trust the above information is of assistance and should you require anything further please do not hesitate to contact me.”

I hope that this information is of use to you.

Kind Regards

Barclay Davies

**Barclay Davies | Deputy Director for Cymru/Wales**

0300 111 0001 – PO Box 1045, Cardiff CF11 1JE

[www.bususers.org](http://www.bususers.org)   





## P-04-683 Trees in Towns

This petition was submitted by Coed Cadw Woodland Trust, having collected 2,258 signatures.

### *Text of the Petition*

- *I support the aspiration that every city, town and village in Wales should benefit from at least 20% tree canopy cover, matching the leafy suburbs of the best places to live*
- *I call on the Welsh Government to support this by establishing a challenge fund for tree planting to improve the environment where people live*
- *This should particularly support the planting of native trees, that can provide a habitat and nectar source for pollinators, and also fruit trees, that will provide a sustainable source of food.*

### **Assembly Constituency and Region**

- Cardiff South and Penarth
- South Wales Central

# Agenda Item 3.12

## **P-04-687 Review of Scalping in Cardigan Bay**

This petition was submitted by Harry Hayfield, having collected 33 online signatures.

### **Text of the Petition**

*We, the undersigned, call upon the Welsh Government to prevent scallop dredging in Cardigan Bay and to ensure that the resident populations of dolphins and porpoises are protected both now and in the future.*

### **Assembly Constituency and Region**

Ceredigion

Mid and West Wales

**P-04-687 Review of Scalping in Cardigan Bay - Correspondence from the Petitioner to the Committee, 11.05.17**

I do apologise about that, but it turned out that all of your messages were sent to my spam filter (perhaps that is something that your technical team could investigate in case it has happened to other petitioners). I have read the Minister's views and generally agree with them, but would like to suggest that, if possible, that community councils in the areas where concerns have been raised (as well as county councillors, AM's, MP's and MEP's where suitable) are also involved in the discussions

# Agenda Item 3.13

## **P-05-733 No Further Actions on Nitrate Vulnerable Zones (NVZ) In Wales At All.**

This petition was submitted by Nicola Savage, which collected 30 online signatures and over 400 paper signatures. An associated petition on Change.org collected 497 signatures.

### **Text of the Petition**

We call on the National Assembly for Wales to urge the Welsh Government to take no further actions on NVZ in Wales at all. Bringing this directive in would put enormous pressure on an already crippled dairy farming industry and the wider rural communities. We are the backbone of the Welsh Economy, No Farmers, No Food

### **Assembly constituency and Region.**

- Preseli Pembrokeshire
- Mid and West Wales

Lesley Griffiths AC/AM  
Ysgrifennydd y Cabinet dros yr Amgylchedd a Materion Gwledig  
Cabinet Secretary for Environment and Rural Affairs



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref P-05-733  
Ein cyf/Our ref LG/00598/17

Mike Hedges AM  
Chair - Petitions Committee  
National Assembly for Wales  
Ty Hywel  
Cardiff Bay  
Cardiff  
CF99 1NA

government.committee.business@wales.gsi.gov.uk

 April 2017

Dear Mike

Thank you for your letter of 21 March, regarding further correspondence received in relation to petition P-05-733.

The Cleddau catchment was recommended for designation by Natural Resources Wales based on the best available evidence. The proposed designation is a human health issue, irrespective of the type of designation. Eutrophication is the excessive development of certain types of algae which disturbs aquatic ecosystems and becomes a threat to human health. Algal toxins in marine ecosystems can accumulate in shellfish and more generally in seafood, reaching dangerous levels.

There are a number of algal species which can produce toxins harmful to human health and represent a risk to seafood consumers. They can cause various effects such as Diarrhoeic Shellfish Poisoning which leads to gastrointestinal symptoms and Paralytic Shellfish Poisoning which leads to tingling, numbness, shaking, slurring of speech, burning of the stomach and fever for which there is no antidote. Amnesic Shellfish Poisoning symptoms include mental confusion and loss of memory, disorientation and sometimes coma. Neurotoxic Shellfish Poisoning leads to muscular paralysis, state of shock and sometimes death. Venerupin Shellfish Poisoning leads to gastrointestinal, nervous, haemorrhagic, hepatic symptoms and in extreme cases delirium and hepatic coma.

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1NA

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
0300 0604400  
[Gohebiaeth.Lesley.Griffiths@llyw.cymru](mailto:Gohebiaeth.Lesley.Griffiths@llyw.cymru)  
[Correspondence.Lesley.Griffiths@gov.wales](mailto:Correspondence.Lesley.Griffiths@gov.wales)

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

Pack Page 159

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

The presence of bacteria potentially harmful to human health such as *Escherichia coli*, *Salmonella* spp or *Vibrio Cholerae* can represent a threat to people bathing in water. Under normal conditions, these bacteria do not survive very long in seawater. The major reasons for this is a lack of nutrients in seawater, the exposure of bacteria to UV rays which have a bactericidal effect, and, finally, the osmolarity of sea water which is much higher than that of bacteria. During algal blooms, the conditions are reversed, food becomes abundant, light is diminished and some algae may also release chemicals that produce osmo-protection for the bacteria.

While reliance on manufactured fertilisers and livestock numbers have reduced since the 1980's this does not reflect other factors, including how agricultural practices have also led to a reduction of permanent grassland and other "buffer" areas such as ditches, hedges and wetlands, a situation which favours erosion, run-off and drainage of nutrients to water bodies. It should not be concluded measures are not needed now as fertiliser use is reduced compared to the 1980's. Prior to the 1980's, fertiliser use and stocking levels increased continuously for over 100 years to unsustainable levels. Due to the complexity of catchment functioning and historical losses of nitrates to the environment, concentrations of nitrate in certain aquifers are unlikely to recover for many years. Nitrate levels in carboniferous limestone aquifers in North East Wales, for example, are not expected to reach a peak until around 2050. It is for this reason we need to take action now for the benefit of future generations.

The economic, environmental, social and cultural well-being of future generations, and in particular rural communities, is dependant upon achieving the objectives of the Nitrates Directive, the protection of water quality by preventing nitrates from agricultural sources polluting ground and surface waters. Wales will shortly be leaving the European Union following which the Common Agricultural Policy and related financial payments to the agricultural industry will no longer apply. It is disappointing, at a time when I am considering the development of an alternative agricultural support scheme, the petitioner is critical of the tourism sector. It should be recognised that rural communities and agricultural businesses are highly reliant on the economic benefits of tourism, which support the rural economy.

Over the last three years, there have been 248 agricultural point source pollution incidents in Wales, an average of 1.6 per week, including 14 category 1 incidents. A Category 1 incident is an event which has a major, serious, persistent and/or extensive impact on the environment. The latest Category 1 slurry pollution incident occurred on 21 February on a tributary of the Gwili, near Llanpumsaint, Carmarthenshire. Nearly the entire length of the unnamed tributary (approximately 2.5km) was affected with hundreds of fish carcasses counted. The number of carcasses is only an indication of the significance of the incident and the total fish kill will be far greater. Invertebrate populations will also have been significantly effected, with associated impacts upon the capacity for fish to return and bird life.

In December an even more significant Category 1 incident occurred on the Teifi. The Teifi, designated a Special Area of Conservation due to the presence of Annex II species including bullhead, lamprey and Atlantic salmon, has benefitted from an international reputation as one of the top producing rivers for salmon and sea trout in the U.K. The Gwili is also a popular angling destination. Such incidents risk damage to the rural economy. Stock levels have been clearly identified as being in a very poor condition in 21 of the 23 principle salmon rivers in Wales, potentially leading to an outright ban on the killing of salmon. The value of recreational freshwater angling tourism to Wales was estimated to be worth well over £100m to the Welsh economy, £32 million in rural household incomes.

Natural Resources Wales are currently investigating another 8 agricultural pollution incidents reported over the period 16-20 March. Cemaes Bay, Anglesey recently failed to meet the required standards under the Bathing Water Directive and advisory signs will be posted in the Bay to notify bathers. Livestock bacteria and excrement have been linked to the pollution and Councillors have raised their fears that tourism numbers will dip unless the water quality drastically improves. The implications of these events are clear and I am greatly concerned about their frequency and the impact they will have on rural communities.

If we are to learn from the experiences of others, there are a number of examples which demonstrate how the implementation of the Nitrates Directive is compatible with our well-being goals. In 1999 the Scottish Government implemented a temporary ban on the fishing for scallops and queen scallops in specific areas, necessitated by high levels of Amnesic Shellfish Poisoning caused by algal blooms. The reported economic loss was £800,000 and resulted in job losses and significant loss of income within the affected rural communities.

Over the last 30 years the environmental quality of the Black Sea has deteriorated due to the eutrophication of the water, resulting in alarming algal overgrowth. Following the break up of the ecosystem between the 1970s and the 1980s, fish deaths were estimated at five million tons between 1973 and 1990, representing US\$ 2 billion at market cost. A further consequence is that tourists have stopped visiting the coasts of the Black Sea leading to losses for the tourist industry. A study performed in the framework of the Black Sea Environmental Programme estimated in 1995 that the annual economic loss due to tourist disaffection in this region was close to US\$ 360 million for a 10% decrease in the environmental quality.

The Environment (Wales) Act 2016 provides the Welsh Ministers with powers to suspend statutory requirements for experimental schemes upon application from Natural Resources Wales. However, under the Government of Wales Act 2006 the Welsh Ministers have no power to make subordinate legislation or to do any other act incompatible with EU law. In this respect, it is not possible to experiment with alternatives to the Nitrate Vulnerable Zone Action Programme which are incompatible with the Nitrates Directive, while we remain within the European Union. Approximately 97.6% of Wales is not designated and voluntary measures could be applied in these areas with the aim of reducing the risk of future designation. Unfortunately studies suggest that over two thirds of farms are not yet compliant with slurry storage regulations which have been in place since 1991, which suggests that voluntary measures are unlikely to be successful. Insufficient storage means slurry has to be spread on the land irrespective of weather conditions and leads to pollution of watercourses.

The Nitrates Directive requires certain measures to be introduced by member states but there is flexibility as to how each member state implements these measures. There appears to be a misconception that the measures are dictated by the European Union and are not applicable to Wales. However, the implementation of the Nitrates Directive in Wales, which differs from that of other member states, is supported by evidence established as part of the initial transposition of the Nitrates Directive and subsequent reviews. The evidence suggests that the Action Programme measures will be effective in reducing agricultural pollution, in particular the loss of nitrates to water. The extent to which the Action Programme measures are expected to reduce levels of nitrate pollution has been determined by previous regulatory impact assessments. A regulatory impact assessment is being developed as part of the current review.

Until we formally exit the EU, we are obliged to comply with all European law. I am interested to hear people's views if they feel alternative approaches to those included in the consultation can achieve the same or better outcome whilst satisfying the requirements of the Directive. My officials are exploring the opportunities available to us and recently met with a major UK dairy to discuss their proposals for an alternative approach. I am highly supportive of such proposals and of industry lead initiatives. My officials will continue to work with the dairy to further explore possible options.

Regards  
Lesley

**Lesley Griffiths AC/AM**

Ysgrifennydd y Cabinet dros yr Amgylchedd a Materion Gwledig  
Cabinet Secretary for Environment and Rural Affairs



# Agenda Item 3.14

## **P-05-711 Ensure Disabled People's Housing Adaption Needs Are Adequately Met.**

This petition was submitted by the Whizz-Kidz Cardiff Ambassador Club, having collected 30 online signatures and 95 paper signatures = 125 signatures.

### **Text of the Petition**

We call on the National Assembly for Wales to urge the Welsh Government to commit to ensuring that disabled people in Wales do not have to wait for more than three years to receive the essential housing adaptations/houses they need and to work with local authorities to ensure staff dealing with adapted housing cases are adequately trained and accountable to ensure individual needs are met.

### **Additional information**

Some of the Young Ambassadors at the Whizz-Kidz Cardiff club have had long struggles to get their housing needs met. There is a lot of inconsistency in dealing with cases and one young person in the group has not been able to live with their parents for over 7 years while they wait for a suitable house. We believe this is unacceptable and with more consistency and accountability when dealing with cases and better staff training the situation can be improved.

### **Assembly Constituency and Region**

- N/A

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

ST/SS  
11/04/2017  
Steve Thomas  
029 2046 8610  
steve.thomas@wlga.gov.uk



Kayleigh Driscoll  
Deputy Clerk – Petitions Committee  
Chamber and Committee Service  
National Assembly for Wales

Dear Kayleigh,

### **Petition P-05-711 Ensure Disabled People's Housing Adaptation Needs are adequately met**

Thank you for your letter dated 2<sup>nd</sup> November 2016, my apologies for the delay in providing you with a response.

Following the review of Independent Living Adaptations published in 2015, the WLGA has welcomed the focus that the new framework *ENABLE – Support for independent living* has brought to simplifying and standardising approval mechanisms and the processes for delivering adaptations as quickly as possible. We have also welcomed the additional funding made available by Welsh Government to support the roll out of the system which boosts the help available for people in need. While the new framework brings improvements to the processes around providing adaptations, it will also sometimes be necessary for advice and assistance to be given to help people to find a suitable alternative home, which meets their needs.

An adequately trained and accountable workforce is essential in the delivery of services and ensuring that people receive the best care and support. Proper training and development for staff in front-line roles is essential, and this is particularly the case given changed requirements under the Social Care and Well-being (Wales) Act. Social Care Wales has developed a training strategy and a range of training resources to support the implementation of the Act, and it will be essential that all relevant staff are able to access these resources to enable them to deliver the ambitions of the Act, and ensure that the needs of individuals are met.

Please let me know if you require any further information on this matter.

Steve Thomas CBE  
Prif Weithredwr  
Chief Executive

Cymdeithas Llywodraeth  
Leol Cymru  
Tŷ Llywodraeth Leol  
Rhodfa Drake  
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Association  
Local Government House  
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wlga.wales

@WelshLGA

**Croesawn ohebiaeth yn y Gymraeg a'r Saesneg a byddwn yn ymateb i ohebiaeth yn yr un iaith.**

**Ni fydd defnyddio'r naill iaith na'r llall yn arwain at oedi.**

**Paek Page 164**  
We welcome correspondence in Welsh and English and will respond to correspondence in the same language.  
Use of either language will not lead to a delay.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Steve Thomas'.

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

**Croesawn ohebiaeth yn y Gymraeg a'r Saesneg a byddwn yn ymateb i ohebiaeth yn yr un iaith.**

**Ni fydd defnyddio'r naill iaith na'r llall yn arwain at oedi.**

We welcome correspondence in Welsh and English and will respond to correspondence in the same language.

Use of either language will not lead to a delay.

# Agenda Item 4

By virtue of paragraph(s) ix of Standing Order 17.42

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Mike Hedges AM  
Chair, Petitions Committee  
SeneddPetitions@Assembly.Wales

27 April 2017

Dear Mike

## Great Repeal Bill White Paper

Following our discussion of Brexit issues at the Chairs' Forum on 5 April 2017, and in light of decisions taken by the External Affairs Committee at its meeting on 3 April 2017, I am writing to inform you of the work that the External Affairs Committee has planned in relation to the Great Repeal Bill White Paper.

I am also writing to invite you and your committee to contribute to this work.

The Great Repeal Bill and the UK Government's broader approach to legislating for Brexit, poses the Assembly and its committees some significant challenges.

The final shape of this Bill will have significant implications both in terms of the Assembly's role in the Brexit process and its place in the constitutional order of the United Kingdom.

The White Paper offers the Assembly its first opportunity to influence the legislation and, arguably, its best opportunity.

I see two key aspects to this scrutiny:

1. **Devolution:** ensuring the Assembly and Welsh Ministers are not prevented from taking an appropriate role in the process; and



2. **Balance of executive power:** that an appropriate balance is struck between the powers and pace needed by Welsh Ministers to complete their legislative task with the need for proper Assembly oversight.

Whilst the External Affairs Committee has been established by the Assembly to take a lead on these issues, such is the scale of the task ahead that I believe most Assembly committees will need to play a part in the Assembly's response. We will maximise the Assembly's ability to influence the final shape of legislation by working collaboratively and coordinating our work where possible.

I would welcome your views on the Great Repeal White Paper and the UK Government's broader legislative approach to Brexit. Our terms of reference are as follows:

In the context of the UK Government's White Paper, to assess whether:

- the Assembly's role in the Brexit legislative process, and in scrutinising executive functions, in areas of devolved competence is protected;
- principles of effective law making are being observed;
- the Welsh people, stakeholder and organisations have sufficient opportunity to contribute to the legislative processes established by the Bill;
- the Bill enables the Assembly to exercise appropriate control over delegated powers provided by the Bill; and
- the Welsh Government's response is sufficient.

The External Affairs Committee is preparing to gather evidence during the first half of the Summer Term, with a view to reporting in early June. Should you wish to respond to this letter, then I would be grateful for responses by Friday 2 June 2017.

We are planning to continue our scrutiny of this legislation (and the implications it has throughout and following the Brexit process) should the Great Repeal Bill be introduced later in the year and I will write to you again should the timescales for this become clearer.



Yours sincerely

A handwritten signature in black ink that reads "David F. Rees." The signature is written in a cursive style with a clear first name, a middle initial, and a last name.

David Rees AM

Chair of the External Affairs and Additional Legislation Committee

