

Petitions Committee

Meeting Venue:
Committee Room 1 – Senedd

Meeting date:
24 January 2012

Meeting time:
09:30

Cynulliad
Cenedlaethol
Cymru

National
Assembly for
Wales



For further information please contact:

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Agenda

1. Introduction, apologies and substitutions 09:30

2. New petitions 09:30 – 09:40

- 2.1 P-04-358 Re-instate Home Support for children with ASD and their families in the Caerphilly County Borough (Pages 1 – 2)
- 2.2 P-04-360 Penylan Not Spot Petition (Page 3)
- 2.3 P-04-361 Free bus passes for students under 25, and in full-time education (Page 4)

3. Updates to previous petitions 09:40 – 10:10

Education and Skills

- 3.1 P-03-296 Unfair Proposals on Student Loans (Pages 5 – 19)
- 3.2 P-04-349 Welsh-medium Provision – Caerphilly (Pages 20 – 33)

Wales Peace Institute

- 3.3 P-03-262 Academi Heddwch Cymru / Wales Peace Institute (Pages 34 – 36)

Environment and Sustainable Development

- 3.4 P-04-341 Waste and Incineration (Pages 37 – 47)
- 3.5 P-04-344 Freshwater East Public Sewer (Pages 48 – 62)

Local Government and Communities

- 3.6 P-04-345 Rail and Bus Links between Aberystwyth and Carmarthen (Pages 63 – 66)

4. Discussion of Minister's Oral Evidence – 10 January Meeting 10.10–10.20 (Pages 67 – 73)

5. Motion under Standing Order 17.42 to resolve to exclude the public from the meeting for the following business: (Pages 74 – 79)

Item 5.1

P-04-328 MCA Modernising Coastguard Proposals

- 5.1 P-04-328 MCA Modernising Coastguard Proposals **10.20–10.30** (Pages 80 – 95)

6. Papers to Note

- 6.1 P-03-205 Keep Abergavenny Livestock Market (Pages 96 – 97)

PET(4)-02-12 p1a

P-04-358 Re-instate Home Support for children with ASD and their families in the Caerphilly County Borough

Petition wording:

We call upon the National Assembly to urge the Welsh Government to reinstate funding to enable the continuation of Caerphilly Autistic Spectrum Service Home support, accessible by parents for children with Autistic Spectrum Disorders. If this service is not reinstated it will have a fundamental effect on vulnerable children with Autism throughout their formative and teenage years. Please prevent ASD families facing crisis.

Petition raised by: Parents Campaign for CASS

Date petition first considered by Committee: 10 January 2012

Number of signatures: 138

Supporting Information:

CASS was a pilot, funded by the WAG to combine outreach teacher/teaching assistant support services with home and communication support for children, young people and their families. Since its start in 2008 the CASS service has provided, with great success, support for children with ASD and their families not only in school environments but also in the home.

Following the end of the WAG grant, a decision was taken earlier this year to continue to fund the CASS service from Education. This resulted in the reduction of the CASS budget, a depletion of staff in the CASS team and therefore a restructuring of the service provided. Much to the disappointment of ASD families in the Caerphilly Borough, home support is now only provided if there is a significant impact on the education of the individual with ASD. Whilst we understand that education is now the priority as this is where the funding for CASS comes from, the withdrawal of home support has left ASD children and their families without valuable support at home for their children.

The home support provided by CASS has helped children with ASD and their families (who often feel alienated and confused) with short and long term strategies to develop and support their children with life's basic skills, such as eating, sleeping and dressing to much more complex behavioural issues, disciplining, helping with stressful situations, aggression and the many anxieties that both families and children with ASD face in their everyday life. The withdrawal of this service has left ASD children and their families

without support at home for their children and no alternative service provision. There is a risk that many of the families will be facing crisis without this valuable support. The CASS team are experts and their experience of working with ASD children has been noted as a best practice example in Wales. Due to parental concerns in the Caerphilly Borough a campaign entitled 'Parents Campaign for CASS' has been set up to highlight the reasons why this funding must be re-considered. The campaign now requests that the Welsh Assembly Government Health and Social Services budget be considered to re-instate this much needed 'Home Support ' as well as consider the longer term financial support for the service.

We believe that the WAG has supported the ASD agenda through its world first ASD Strategy for Wales along with the additional funding to support ASD services that was announced in February this year. Despite this, the very frontline services that families with ASD children are so dependent upon are being withdrawn in Caerphilly and best practice examples that have developed through the strategy such as CASS are being abandoned.

As desperate parents we are appealing to the Welsh Assembly Government to consider our request to secure a future for CASS and our home support service and we look forward to your response.

PET(4)-02-12 p2a

P-04-360 Penylan Not Spot Petition

Petition wording:

We the residents of Penylan ward of Cardiff Central constituency are being denied full access to the internet.

The continued failure of BT and all other telecommunication providers to invest anything in the area between Cyncoed Road and the A48 Llanederyn Interchange means that nearly 500 homes are only able to receive 20% of the minimum UK acceptable internet speed of 2 megabites. The majority of UK households receive speeds of at least 5 to 10 mbs. We call upon the Welsh Government to take action to end the Penylan Not Spot.

Petition raised by: Penylan residents

Date petition first considered by Committee: 24 January 2012

Number of signatures: 348

Agenda Item 2.3

PET(4)-02-12 p3a

P-04-361 Free bus passes for students under 25, and in full-time education

Petition wording:

Students under 25 in full time education should be entitled to a free Arriva bus pass because when you're in college and finish half a day you have to wait for the 5 o'clock bus and some students cannot afford a bus (Arriva) due to parents' low income and students not being liable to receive EMA or ALG.

Petition raised by: Students of Llandrillo College

Date petition first considered by Committee: 24 January 2012

Number of signatures: 15

PET(4)-02-12 p4a

P-03-296 Unfair Proposals on Student Loans

Petition wording

We call on the National Assembly for Wales to urge the Welsh Government to resist the Russell Group of Universities' unfair proposals to force graduates to repay student loans at a faster and steeper rate.

Petition raised by: Mr Cerith Rhys Jones

Number of signatures: 146

First considered by Committee: September 2010

Supporting information:

In a submission, dated May 2010, to the Independent Review of Higher Education Funding and Student Finance (otherwise known as 'the Browne Review', led by The Rt. Hon. The Lord Browne of Madingley), the Russell Group of Universities, a group of 20 universities throughout Great Britain which pride themselves upon excellence in research, proposed in its Executive Summary point XI, that "it [*student support system*] should be reformed through the introduction of a real rate of interest, and increased repayment rates."

Furthermore, at point 3.72.1 of its submission to the Review, the Group states that it supports "the introduction of a real rate of interest". Although CymruX realises that current interest rates can be, at best, fluctuant, our organisation is concerned at what the interest rate proposed would be. Knowing that the coalition government in London is keen to raise interest rates and taxes, CymruX is severely concerned that an interest rate would be set, that would out-price students and prospective students from disadvantaged backgrounds.

At point 3.73 of the Group's submission to the Review, it is suggested that "a revised student support system should also incorporate mechanisms to encourage up-front payments, thereby reducing the overall burden of debt on the public purse." CymruX recognises of course, that both public and private debt in Great Britain as they stand are unsustainable, but the organisation does not believe that the way to remedy the situation is through penalising students. Our organisation cannot understand why the Group may think it just to encourage students to pay for higher education up-front, when it is only a small minority of students who will be able to pay fees in this way.

Although not the main point of this petition, CymruX is also concerned that the Group proposes to remove the cap of student fees, and allow

Universities to charge their own set prices for higher education. Our organisation believes that this would allow fees to spiral, thus making higher education less accessible, and permitting Universities such as Oxford or Cambridge to charge astronomically for higher education, thus completely exempting anyone below the so-called 'middle' or 'higher' classes of society from attending them.

In recognising that times are hard, and in valuing the core socialist principles held by Plaid Cymru, CymruX does not believe that is fair or just to ask students to repay student loans at a higher rate. Our organisation reaffirms its commitment to students and to graduates, and reiterates its long-standing belief that education is a right of all people and should therefore be free.

We therefore call on the National Assembly for Wales to urge the Welsh Government to resist, to the full force of its ability and power, any plans that the Russell Group of Universities may wish to impose upon Cardiff University as stipulated in its submission to the Browne Review. CymruX believes that although education is devolved, were these plans to be put into practice even in Cardiff University, the door would be opened for other Universities in Wales to follow suit. Our organisation does not accept this as an appropriate or acceptable move in modern Wales.

We ask as well, that other parties and individuals be willing to join us in our endeavours; our organisation believes that the sheer importance of this issue supersedes party political divides, and thank all signatories for their support.

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



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref P-03-296
Ein cyf/Our ref LA/06417/11

William Powell AM

committeebusiness@Wales.gsi.gov.uk

25 November 2011

Dear William,

Thank you for your letter dated 10 November 2011 regarding petition P-03-296 concerning student loans.

I can confirm that the Welsh Government remains committed to ensuring that access to higher education should be on the basis of the individual's ability to benefit, not what they can afford to pay. Whilst higher education institutions may be able to charge tuition fees of up to £9,000 a year (from 2012/13), I am delighted that we have been able to announce additional financial support for Welsh domiciled students.

From 2012/13, full time undergraduate students ordinarily resident in Wales will continue to be eligible for subsidised loans to meet the current tuition fee level i.e. £3,465. In addition, the Welsh Government will provide a non-means tested tuition fee grant, of up to £5,535, to cover the remaining balance of the fees being charged. This grant will be payable through the Higher Education Funding Council for Wales (HEFCW) on behalf of Welsh domiciled students wherever they study in the UK.

The repayment system for the collection of student loans has been designed to be directly linked to a borrower's income and to allow borrowers to repay their loan at a rate they can afford. In summary the repayment system for new students in 2012/13 will be as follows:

- the income repayment threshold for student loans will increase from £15,000 to £21,000 - repayments are only calculated on amounts earned over the threshold (at 9% of earnings over that threshold). If earnings are lower, or if a borrower is not earning, then they are not required to make any repayments at all;
- the interest rates for student loans will be;
 - for students studying, the level of inflation plus 3%;
 - for those on incomes below £21,000, the level of inflation;
 - for those on incomes between £21,001 and £41,000, inflation plus 2%-3%;
 - for those on incomes above £41,000, inflation plus 3%.

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- the period before any outstanding loans are cancelled will increase to 30 years (from 25).

The new system will mean that borrowers repay less per month than they would have under the current system and repayments will be spread out over a longer period.

The Higher Education Funding Council for Wales (HEFCW) is responsible for approving institutions' fee plans and monitoring their compliance with such plans. In my letter to the Chair of the HEFCW on the 28 March, I emphasised my commitment to widening access and confirmed that there remains a need for the HE sector to work collectively to raise the aspirations of under-represented groups who would not otherwise consider entering higher education.

The accessibility of higher education is a key contributor to improving social mobility and to providing opportunities for people from all backgrounds to improve their contribution to society and the economy. This includes activities to widen access delivered through the Reaching Wider Partnerships, as well as developments aimed at increasing progression undertaken as part of the Welsh Government's Transformation agenda. I continue to view the promotion of HE as a fundamental aspect of HE institutions' work.

For information, I attach the fee planning guidance that my officials sent to the Higher Education Funding Council for Wales. I expect HEFCW to report to me on its performance in implementing this guidance in March 2012.

Yours sincerely


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

Guidance to HEFCW on Fee Plan Approval and Enforcement

Introduction

1. The Higher Education Act 2004 (Relevant Authority) (Designation) (Wales) Regulations 2011 designate the Higher Education Funding Council for Wales (HEFCW) as the relevant authority in relation to Wales, with the principal functions of approving and enforcing fee plans submitted by relevant institutions in Wales. This guidance is given pursuant to section 32(4) of the Higher Education Act 2004 ('the Act'), which requires the relevant authority to have regard in the performance of its functions of approving and enforcing fee plans, to any guidance given to it by the Welsh Ministers.
2. From 1 September 2012, the basic amount of tuition fee will be £4,000 and the higher amount will be £9,000. For certain courses, basic and higher amounts of £2,000 and £4,500 will apply. Clarification on which courses these lower fees will apply to is provided in **Annex A**. From 2012/13 onwards, any institution in Wales which intends to charge students more than the basic amount for any of its courses must have a fee plan approved by HEFCW.

Remit of HEFCW

3. *For Our Future* presents two key priorities for the HE sector in Wales: the delivery of social justice and supporting a buoyant economy. Further guidance on the implementation of these priorities is provided in the annual Remit Letter to the Council. This guidance should be read within the context of those priorities.
4. HEFCW will be responsible for approving institutions' fee plans and monitoring their compliance with such plans. The fee plans of those institutions which decide to charge tuition fees above the basic amount must contain provisions relating to promoting equality of opportunity and promoting HE.
5. Under an amendment¹ made to the Act, HEFCW may, where it considers it appropriate, identify good practice in relation to promoting HE and equality of access to HE, and give advice on this to publicly funded institutions².

Approval of Plans

6. HEFCW must follow the procedure laid out in regulations³ for the approval of fee plans submitted by institutions seeking to charge fees above the basic amount.⁴
7. When considering fee plans, HEFCW must have regard to institutions' freedom to determine the contents and delivery of their provision, and to determine their own

¹ See regulation 3(2) of the Higher Education Act 2004 (Relevant Authority) (Designation) (Wales) Regulations 2011 (SI 2011/658(W.96)), which inserts a new section 40A to the Higher Education Act 2004.

² Any institution receiving grants, loans or other payments from HEFCW.

³ See regulations 5 – 7 of the Student Fees (Approved Plans) (Wales) Regulations 2011 (SI 2011/884(W.128))

- admission criteria⁵. HEFCW must also have regard to the safeguarding of fair access to HE⁶.
8. Institutions should consider part-time and mature students within their overall approach to access, and HEFCW should take account of these groups when considering fee plans. All UK and EU students studying at publicly funded institutions in Wales should be taken into account, wherever they are ordinarily resident.
 9. The move to higher fees requires there to be much more robust monitoring and scrutiny of fee plans. However, in order to avoid an unnecessarily bureaucratic approach to the implementation of its new role, HEFCW should, where appropriate, build on mechanisms which are already in place for monitoring institutions' strategic plans and widening access strategies.
 10. HEFCW should assess whether an institution's fee plan is appropriate in terms of improvements in promoting HE and equality of opportunity in accessing HE. In doing so, it should consider both the progress made to date, and what more is required to meet the governing body's objectives and the sustainability of the planned actions.

Coverage of Fee Plans

11. A fee plan must include details of the limit which the fees of each course will not exceed (subject to the £9,000 maximum). If an HE institution wishes to charge a higher level for a course than that agreed in its fee plan, it must apply for a variation of its plan (see paragraphs 35-36).
12. Institutions should not charge tuition fees above 2011/12 levels (subject to inflationary uplift) to students who started their courses before 1 September 2012. There is no protection against the charging of higher fees for gap year students.
13. Institutions which have made bursary commitments under the Welsh National Bursary scheme to students who started their first year of higher education from 2007/08 to 2010/11, or to those who were gap year students in 2011/12, will be expected to honour those commitments and include information about those arrangements in their fee plans.
14. HEFCW should work to ensure institutions' approaches to widening access and fee planning generally are aligned and complementary so that burdens on institutions are minimised.

⁵ See regulation 6(b) of the Student Fees (Approved Plans) (Wales) Regulations 2011 (SI 2011/884(W.128))

⁶ See regulation 6(a) of the Student Fees (Approved Plans) (Wales) Regulations 2011 (SI 2011/884(W.128))

Provision offered by Further Education (FE) Institutions

15. Where an FE institution receives direct funding from HEFCW for HE courses for which it wishes to charge over the basic amount, it will need its own fee plan (agreed by HEFCW) covering those courses. Where an HE course in an FE institution is funded through an HE institution, it will be for the HE institution to include the franchised course in its fee plan, if it wishes to charge above the basic amount for that course.

Collaboration

16. Fee plans should build on, and refer to, existing collaborative work, where relevant. HEFCW should recognise that access work by one institution may lead to a student applying to a different institution.

Content of Fee Plans

Promotion of equality of opportunity and the promotion of HE

17. Fee plans must set out institutions' objectives in relation to:

- the **promotion of equality of opportunity in relation to access to HE**; and
- the **promotion of HE**.

Clarification on what is considered to fall under these headings is provided at **Annex B**.

18. It will be a matter for HEFCW to determine the specific balance of individual fee plan components in the light of each institution's circumstances, taking into account:
- the scale and nature of outreach activity to be undertaken (individually or in partnership) with local schools and colleges, such as mentoring, school visits, master classes or similar;
 - the scale and nature of academic and welfare support for students;
 - the scale and nature of outreach activity to be undertaken which aims to attract mature students, including work with local communities and employers to make provision more responsive to learners' and employers' needs;
 - the scale, nature and effectiveness of activities aimed at promoting HE, for example advertising and recruitment campaigns targeted at particular under represented groups;
 - progress towards relevant benchmarks, targets and measures agreed with HEFCW (e.g. on access, retention and completion);
 - the support offered to applicants or once enrolled on courses, to students, for example additional study support, mentoring and pastoral support; and
 - the number and value of any targeted financial waivers or bursaries the institution will offer; this might include support targeted at students entering through non-traditional routes such as apprenticeships.

Levels of investment

19. The Council has a responsibility for the use of public funds in relation to grant funding, and a wider responsibility to promote institutional efficiency and sustainability. HEFCW should therefore scrutinise carefully any intention by institutions to charge fees above the basic amount across the bulk of their provision.
20. HEFCW's starting point when approving plans should be an institution's current level of investment in promoting HE and equality of opportunity, plus investment from the new income from tuition fees over £4,000. The fee plan should describe the proportions of an institution's income from tuition fees charged above the basic amount which are earmarked for measures which promote equality of opportunity and promote HE.
21. It is expected that institutions will invest a reasonable proportion of the new income received through higher fees in activities which widen access through more effective delivery of equality of opportunity and measures which promote HE. The level of ambition set out in such plans should be proportionate to how much more than the basic amount the institution intends to charge. HEFCW should expect a higher degree of targeted activity from those institutions which have the greatest distance to travel in relation to equality of opportunity and the promotion of HE. HEFCW should have regard to both of these factors when considering the level of investment proposed by institutions.
22. The outreach and promotional activities to which institutions commit themselves in their fee plans should be additional to those which they are already undertaking. That is, new income derived from higher tuitions fees should be accompanied by new investment in these areas. Institutions which are already demonstrating their commitment to equality of opportunity through a range of activities, either individually or collectively, should not be treated identically to those which have made less progress. HEFCW should acknowledge institutions' track records, and differentiate appropriately between them.
23. It is expected that HEFCW will consider specifying a minimum level of investment by institutions in the activities covered by fee plans. In addition, HEFCW should assess what proportion of the new income is being used effectively to promote equality of opportunity. HEFCW should establish challenging targets for recruitment, retention and achievement from disadvantaged groups.
24. HEFCW should satisfy itself that each fee plan sets out an institution-wide approach to the advancement of equality of opportunity. It is not expected that a fee plan will cover every under-represented group; 'under-representation' refers to groups under-represented in HE as a whole, rather than at a particular institution. Institutions should not be required to list all the qualifying courses available if the same maximum level of fees is to apply across all provision. However, institutions may choose to draw HEFCW's attention to their access arrangements for particular courses or groups of courses.
25. Institutions which generally attract a less diverse student body should be encouraged to put more money into outreach activity to raise aspirations, in

addition to bursaries and financial support. In the spirit of collaboration, much of this work may not result in recruitment directly to the institution carrying it out, and sometimes has a long lead time. Therefore, an institution's efforts on outreach will not necessarily be measured by, or reflected in, changes in its own applications. Consequently the Council may wish to have regard to input measures for this area of activity.

Information on recruitment and retention data

26. It is important to ensure that the changes in the tuition fee arrangements do not have a negative impact on institutions' broader approaches to widening access beyond activities set out in fee plans.
27. HEFCW should encourage institutions to collect and monitor a range of information on their applications as well as their admissions. This could include, for example, numbers of applications to different courses, as well as offers made and accepted. This information should also include data relating to expected completion and retention. This will provide a strategic focus for their access-related activities, and will provide valuable information on the impact of changes in tuition fees on patterns of recruitment, as well as for the relevance and demand for provision.

Inclusion of additional provisions

28. Since fee plans are institutions' documents, they may wish to include provisions which go well beyond the requirements set out in the Student Fees (Approved Plans) (Wales) Regulations 2011. If an institution decides to include provisions not required to be included (e.g. on its admissions policy), HEFCW's decision to approve or reject the plan must not be affected by those additional provisions.

Student Voice

29. HEFCW should consult the National Union of Students (NUS) Wales before setting the overall criteria for fees plans. In addition, it is expected that individual HE institutions will engage actively with their institutional student union in drawing up their fees plans. HEFCW should monitor this.

Financial Information and Support for Students

30. HEFCW should issue guidance to HE institutions on the information that they should provide to prospective students, including up-to-date information on graduate earnings based on HEFCW's proposed consultation on public information.
31. Higher fees will mean higher expectations. HEFCW should ensure that HE institutions provide effective induction for students. This should include the provision of key information, including full details of courses, initial programmes and timetables. Students should receive comprehensive information on how the new fee income contributes to their course delivery.

32. If institutions are to be successful in advancing equality of opportunity amongst under-represented groups, it is essential that those groups know about the financial support that they might receive in HE, both from the Welsh Assembly Government and individual institutions.
33. Institutions must ensure that the fees they charge are clearly set out and publicly available, and that students are told what the fees will be for the duration of their course before they enrol for the first year. HEFCW will want to be satisfied that institutions are effective in providing information to prospective students about the costs they are likely to incur over the period of their course, precisely what is covered in the fees charged and the financial support available.
34. Some institutions will be in a position to provide more generous financial support, and it is right that they should be expected to do so. The details are for the institution to decide. Institutions might want to give particular support to under-represented groups of students, for example some ethnic minorities, those with caring responsibilities, people from low participation neighbourhoods, people with a disability, or more generally people with protected characteristics. Equally, institutions might want to spend income from higher fees on pastoral care and additional study skill support to improve retention and completion. Institutions may, if they wish, use some of the income from courses for which they are charging fees above the basic amount to benefit students on courses for which they are charging the basic amount, which could include part-time students. In the light of the higher fees regime, HEFCW should consider setting minimum standards of investment in this support.

Variations to Fee Plans

35. The maximum duration of fee plans is two years. The fee plan will set out how the institution expects its fee policies to evolve over the duration of the plan. If an institution wants to make changes beyond those already noted in the plan, it will have to seek agreement from HEFCW. This will constitute a variation to the institution's plan⁷.
36. In assessing proposed changes, HEFCW should have regard to a key principle that students should know before committing to a course what fees they can expect to pay. Students should be protected against changing fee levels where the possibility of that change has not been notified to them at the time of application for the course.

Publication of Fee plans

37. Institutions must publish fee plans approved by HEFCW in a manner which makes their plans conveniently accessible to students and prospective students. HEFCW should ensure that all approved plans are published and satisfy itself that institutions have made their fee plans accessible by publishing them.

⁷ See regulation 9 of the Student Fees (Approved Plans) (Wales) Regulations 2011 (S.I. 2011 No. 884 (W.128))

Monitoring and Reviewing Progress

38. HEFCW should continue to be mindful of the need for transparency, accountability, consistency and proper targeting when considering the activities and targets outlined in institutions' fee plans. Fee plans should be focused on the delivery of ambitious targets for promoting HE and equality of access to HE. Such targets should reflect UK-wide indicators, as well as Wales-specific indicators, and should take account of targets for widening access set out in *For our Future*. Institutions must monitor their impact and progress, and demonstrate to HEFCW that they have met the objectives set out in their plans.
39. When reviewing institutions' progress against fee plans, HEFCW should focus on outcomes, not outputs. Fee plans should include a programme of defined progress each year towards the objectives which institutions have agreed with HEFCW in relation to promoting HE and equality of access to HE. They should include benchmarks, objectives and measures set by institutions themselves and agreed with HEFCW. These additional measures should take account of the individual context of the institution, using an institution's own data, but should be calculated on an agreed, consistent basis. This work will need to address practical issues around lags in the availability of some data.
40. The objectives set out in institutions' fee plans will be their own and may draw on a range of data. They will provide the basis for monitoring the impact of their work to promote HE and equality of opportunity. Where HEFCW views an institution's objectives as being so unambitious as to cast serious doubt on its commitment to promoting HE, safeguarding or improving access, the Council may refuse to approve a fee plan on that basis.
41. Performance against institutional measures and objectives is critical, but it will also be important to look at the overall trends, including across the UK. HEFCW will also want to take account of the effort that an institution has devoted to promoting HE and equality of opportunity, including a mix of longer and shorter term initiatives. HEFCW will wish to assure itself that an institution's investment takes account of advice, evaluation and research in respect of any good practice which the Council has identified.
42. It will be for HEFCW to determine the most effective monitoring arrangements. HEFCW should engage students and their representatives in this process.

Enforcement of Plans

43. It is anticipated that the majority of institutions will implement this new approach positively and will take all appropriate steps to ensure their fee plans are delivered in line with their objectives and related targets. Where HEFCW considers that an institution is not demonstrating adequate progress, it will want to investigate thoroughly the facts and background, and take action if it is satisfied there is a failure or breach in an institution's delivery of its plan. In such cases the institution will have to justify such variance to HEFCW.
44. The sanctions which are available to HEFCW are as follows:

- a notification to the governing body that on the expiry of the existing plan it will refuse to approve a new plan during a specified period (of up to one year)⁸; and
- the imposition of financial requirements on the governing body of the institution⁹.

45. Institutions will want to review their progress against their own objectives on an ongoing basis. Where progress has been less than an institution expected, it will want to identify any underlying causes and address them in seeking renewal of its plan. HEFCW should take this into account when considering requests for renewal.

Review of Decisions

46. In reaching its judgments about the adequacy of delivery of an institution's agreed plan and its commitment to promoting HE and equality of access, HEFCW should focus both on progress against challenging objectives, impact and outcomes, and on the level of planning and resource that the institution is committing to achieve them. HEFCW should also give regard to best practice across the sector nationally and internationally, and to any local issues.

Disseminating Good Practice

47. It is expected that HEFCW will continue to have an active role in identifying and advising institutions on best practice. HEFCW's overview of fee plans, together with its existing work with the sector on widening access and promotion of HE, means that it will be well placed to see what interventions to promote equality of opportunity are most successful in Wales, nationally and internationally, and to disseminate best practice.

Annual Report

48. HEFCW must provide an annual report to Welsh Ministers on the discharge of its statutory functions and other related reports as directed. The annual report should set out how HEFCW has performed its role in relation to approving and enforcing fee plans during the proceeding year. HEFCW should seek to demonstrate whether it is being effective in its aim of supporting more strategic sector wide developments relating to promoting HE and promoting equality of opportunity in relation to access to HE. The report should also contain a brief survey of fee plans, a description of the methods institutions are using to promote HE and equality of opportunity, and examples of typical practice on bursaries and financial information. In future years the annual report should also include information on the progress and outcomes achieved by institutions with approved fees plans.

⁸ See section 38 of the Higher Education Act 2004 and regulation 10(3) of the Student Fees (Approved Plans) (Wales) Regulations 2001 (S.I. 2011/ SI No. 884 (W.128))

⁹ See section 28(3) and (4) of the Higher Education Act 2004

**Basic and Higher Fee Amounts for Students on Sandwich Placements
and Study Years Abroad**

The Student Fees (Amounts) (Wales) Regulations 2011¹⁰ prescribe the basic and higher amounts which relevant institutions will be able to charge by way of tuition fees for full-time undergraduate courses commencing from academic year 2012/13 onwards. 'Relevant institutions' are those which receive grants, loans or other payments from HEFCW. Without an approved fee plan in place, fees can be charged up to the basic amount of £4,000. With a fee plan in place, approved by HEFCW, fees can be charged up to the amount stated in the fee plan for that course, subject to the limit prescribed as the higher amount of £9,000.

Extract from the regulations:

Prescribed basic and higher amounts

3. Subject to regulation 4, for the purpose of section 28 of the 2004 Act, the basic amount is prescribed as £4,000 and the higher amount is prescribed as £9,000.

Prescribed basic and higher amounts for specified courses

4. For the purpose of section 28 of the 2004 Act the basic amount is prescribed as £2,000 and the higher amount is prescribed as £4,500 in the following cases:

- (a) the final academic year of a course where that academic year is normally required to be completed after less than 15 weeks' attendance;
- (b) in respect of a sandwich course, an academic year—
 - (i) during which any periods of full time study are in aggregate less than 10 weeks; or
 - (ii) if in respect of that academic year and any previous academic years of the course the aggregate of any one or more periods of attendance which are not periods of full time study at the institution (disregarding intervening vacations) exceeds 30 weeks;
- (c) in respect of a course of initial training of teachers (including such a course leading to a first degree), an academic year during which any periods of full time study are in aggregate less than 10 weeks;
- (d) in respect of a course provided in conjunction with an overseas institution, an academic year—
 - (i) during which any periods of full time study at the institution in the United Kingdom are in aggregate less than 10 weeks; or
 - (ii) if in respect of that academic year and any previous academic years of the course the aggregate of any one or more periods of attendance which are not periods of full time study at the institution in the United Kingdom (disregarding intervening vacations) exceeds 30 weeks.

¹⁰ See the Student Fees (Amounts) (Wales) Regulations 2011 (S.I. 2011- No. 658 (W.96))

Supplementary Information on the Content of Fee Plans

For the purposes of this guidance, it is considered that:

- the **promotion of equality of opportunity in relation to access to HE** includes:
 - activities aimed at promoting and safeguarding fair access to HE, including identifying individuals with the greatest potential from disadvantaged backgrounds;
 - measures to attract and retain students and prospective students from under-represented groups, which may include students from less advantaged backgrounds, students with disabilities and students from minority ethnic groups;
 - measures which seek to raise educational aspirations and develop skills which prepare students for HE;
 - activities aimed at supporting and increasing student retention and completion, particularly those from low participation neighbourhoods, looked after children and care leavers;
 - activities which aim to improve students' experience of HE, particularly the experience of those from under-represented groups;
 - measures which provide effective provision of information to students before and during their courses;
 - measures which provide high quality academic and welfare support to students; and
- the **promotion of HE** includes:
 - more effective engagement with private, public or voluntary bodies and communities in Wales;
 - investments in improving the quality of learning and teaching, with reference to the quality of the student experience;
 - activities which strengthen the employability of Welsh graduates;
 - actions which promote Welsh HE more effectively internationally;
 - actions which improve delivery of sustainable HE; and
 - activities which raise awareness of the value of HE amongst potential learners.

Appeals¹¹

1. The governing body of an institution may apply for a review of a provisional decision by HEFCW to a person or panel of persons appointed by the Welsh Ministers.
2. Such an application must be made to the person or panel appointed by the Welsh Ministers in accordance with regulation 16 of the Student Fees (Approved Plans) (Wales) Regulations 2011 **within 40 calendar days** of the notification of the provisional decision; otherwise the provisional decision will become final.
3. the person or panel will consider the decision and then accept the decision or make recommendations to HEFCW that it should review its decision. If the governing body of an institution applies for a review of a provisional decision then HEFCW must reconsider its provisional decision having regard to any recommendation made as a result of the review and must issues a final decision within a reasonable time.
4. The grounds on which an application for the review of a provisional decision may be made are:
 - (a) the governing body presents a material factor for consideration to which for good reason it had not previously drawn HEFCW's attention;
 - (b) the governing body considers that HEFCW disregarded a material factor which it should have considered; or
 - (c) the governing body considers that the provisional decision is disproportionate in view of all the relevant facts which were considered by the relevant authority.

¹¹ See regulations 11 - 14 of the Student Fees (Approved Plans) (Wales) Regulations 2011 (S.I. 2011- No. 884 (W.128))

Agenda Item 3.2

PET(4)-02-12 p5a

P-04-349 Welsh-medium Provision – Caerphilly

Petition wording:

We call upon the National Assembly for Wales to urge the Minister for Education and Skills at the Welsh Assembly Government to afford urgent priority to the bid submitted by Caerphilly County Borough Council for monies to finance the badly needed additional Welsh medium secondary provision by 2013.

Petition raised by: Ben Jones

Date petition first considered by Committee: 29 November 2011

Number of signatures: Approximately 1,200

Supporting information:

Caerffili County Borough is faced with an urgent issue, according to population trends, it is estimated that the borough will an increase of approximately 700 children wanting Primary School Welsh medium places by 2016 and nearly 1000 extra children wanting Comprehensive Placements by 2020. This means that the borough needs to build at least one more primary and one more secondary school.

Caerffili County Borough Council had submitted plans under the Twenty First Century Schools Programme and like other authorities was deeply disappointed when the Minister for Education announced a delay in the programme until 2014 and a change in criteria.

Caerphilly County Borough has submitted an updated bid which gives value for money as it utilises the empty buildings at the site of the previous Saint Ilan school in Caerffili.

We need an urgent answer from the Government as the current Comprehensive School does not have sufficient space and some children will have to be turned away as soon as September 2013.

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



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref P-04-349
Ein cyf/Our ref LA/06616/11

William Powell AM
Chair Petition's committee
Ty Hywel
Cardiff Bay
Cardiff
CF99 1NA

15 December 2011

Dear William,

Thank you for your letter dated 28 November, regarding the petition P-04-349 Welsh-medium Provision – Caerphilly.

As part of the 21st Century Schools Programme all Local Authorities (LAs) were asked to submit proposals in respect of their future plans for capital investment in schools within their local area. Details on any proposed options for change including new schools, providing options for new sites, developments to existing schools refurbishment and or extensions etc, were included as part of this process.

Any decision regarding investment in schools is a matter for individual local authorities based on need and circumstance.

The Welsh Government has seen a significant reduction in its capital budget (approximately 40% over the next three years). Against this background local authorities were asked to re-view and re-submit their forward outline programme of investment against a sharper prioritisation criteria namely condition of school buildings, inefficiencies in the school estate (to include surplus places) and to meet the Welsh Government's All Age Transformation agenda.

Local authorities submitted their revised proposals on 18 November 2011. These have been assessed and I attach my written statement and supporting information made on the 5th December 2011. The statement can also be found at the link below;

<http://wales.gov.uk/about/cabinet/cabinetstatements/2011/05december21centuryschoolsprog/?lang=en>

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Leighton Andrews', with a stylized flourish at the end.

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



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE **21st Century Schools Programme**

DATE **5 December 2011**

BY **Leighton Andrews, Minister for Education and Skills**

I am pleased to announce a programme of capital investment in school buildings across Wales that will amount to £1.4 billion.

This represents the first wave of a long-term programme of investment.

Following the statement I made last July, local authorities have re-assessed their Strategic Outline Programmes and prioritised their investment proposals based on local needs and local circumstances. These priorities of investment seek to address not only the poor condition and surplus capacity in the schools estate, but also any investment requirement for additional learning needs, Welsh-medium education and faith based school provision.

The 21st Century Schools Programme is being developed as a partnership between Welsh Government, the Welsh Local Government Association, Diocesan Directors of the Voluntary Aided Sector and CollegesWales. It is through this partnership working that a programme has been agreed that will ensure that all 22 local authorities will receive Welsh Government capital support in total of £700 million over a seven year period.

This investment will build upon the £415 million of capital investment that is already being provided by the Welsh Government from the Transitional Funding programme. This programme, a precursor to 21st Century Schools, is nearing completion and will dovetail into this new programme which is currently planned to start in 2014-15. It is essential that local authorities start planning their projects now. The Welsh Government, with the support of the 21st Century Schools Programme Board, will seek to accelerate the programme and bring forward individual schools projects as and when additional capital funds become available.

Information on the allocations to local authorities is attached at Annex A. I must emphasise that these projects are at Outline Stage, which means the detail may be subject to further change as the proposals are further developed, go through the school statutory consultation process (where required) and assessed through further business case submissions. This is good practice.

I am encouraged that local authorities have signalled their commitment and intent to the development of this programme. However, I do have concerns that not all local authorities are clear in meeting the Welsh Government's policy of All Age Transformation, and some local authorities will be subject to further challenge on the cohesiveness of their programmes at the next stage of development.

By 2014-15, the Welsh Government's capital budget will be almost 50% lower in real terms than in 2009-10, so inevitably the Twenty First Century Schools Programme Board has had to prioritise within available resources.

I will continue to work with the Finance Minister on the issue of securing additional capital including the development of alternative sources of funding. Collaboration across the Welsh public sector is essential to ensure we deliver the strategic projects and programmes that will have the greatest impact on the Welsh economy both in terms of direct employment and educating our future workforce.

This announcement of nearly £1.4 billion is an important contribution to the Wales Infrastructure Investment Plan, identifying and prioritising our investment into the schools estate through the 21st Century Schools programme.

I would also like to signal my intent today to develop an investment plan for the Further Education sector that is aligned with the 21st Century Schools Programme. I have asked my officials to contact all Further Education Institutions to discuss their investment priorities.

Securing capital investment in these difficult economic times is essential, not only for better education outcomes, but also for improving the economy of our communities. My announcement today underlines the Welsh Government's absolute commitment to improving the lives of people in Wales.

Written Statement - 21st Century Statement – Outline of Local Authority Programme Proposals Annex A

Ynys Mon (Isle of Anglesey) County Council
Estimated Cost of Programme Envelope: £7,900,000
Summary of Programme: 1. Primary School Holyhead

Blaenau Gwent County Borough Council
Estimated Cost of Programme Envelope: £20,250,000
Summary of Programme: 1. Secondary Welsh Medium (South East Wales Consortia). 2. School - Abertillery area. 3. School - Tredegar area. 4. Coed y Garn, Ystruth and Roseheyworth.

Bridgend County Borough Council
Estimated Cost of Programme Envelope: £44,950,000
Summary of Programme: 1. Coety Primary. 2. Special Education Needs Provision. 3. Garw Valley South. 4. Pencoed Primary. 5. Gateway Primary. 6. Mynydd Cynffig Primary. 7. Heronsbridge Special School.

Caerphilly County Borough Council
Estimated Cost of Programme Envelope: £92,000,000
Summary of Programme: 1. Welsh Medium – St Ilan. 2. Rhymney School 3. Secondary Schools Rationalisation Programme.

Cardiff City Council
Estimated Cost of Programme Envelope £137,328,000
Summary of Programme 1. Eastern High School. 2. Grangetown Welsh-Medium Primary School. 3. Adamsdown Primary School. 4. Pontprennau English-Medium Primary School. 5. Mount Stuart Primary School phase 2. 6. Hywel Dda Primary School.

7. Baden Powell Primary School
8. Coed Glas Primary School Phase 2.
9. St Pauls CiW Primary School
10. St Patricks RC Primary School.
11. Herbert Thompson Primary School.
12. Christ the King RC Primary School.
13. Moorland Primary School.
14. Ysgol Glan Ceubal.
15. Gabalfa Primary School.
16. Michaelston Community College / Glyn Derw High School.
17. St Francis RC Primary School.
18. Ninian Park Primary School.
19. Oakfield Primary School.
20. Ysgol y Wern Phase 2.
21. Meadowlane Primary School.
22. Radnor Primary School
23. Fitzalan High School.
24. Willows High School.
25. Corpus Christ High School.

Carmarthenshire County Council

Estimated Cost of Programme Envelope £86,700,000

Summary of Programme:

- | |
|--|
| <ol style="list-style-type: none"> 1. Dyffryn Cothi (Formerly known as Cynwyl Gaeo) 2. Burry Port. 3. Llanelli Area Secondary – Llanelli Vocational Village. 4. Llanelli Area Secondary – Strade Phase 1. 5. Cwm Twyi East. 6. Carreg Hirfaen. 7. Trimsaran. 8. Seaside. 9. Llanelli Area Secondary – Coedcae Phase 1 10. Llanelli area St John Lloyd. 11. Ammanford. 12. Llandeilo. |
|--|

Ceredigion County Council

Estimated Cost of Programme Envelope £32,000,000

Summary of Programme

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| <ol style="list-style-type: none"> 1. School building Llandysul |
|--|

Conwy County Borough Council

Estimated Cost of Programme Envelope £17,950,000

Summary of Programme

- | |
|--|
| <ol style="list-style-type: none"> 1. Caerhun area. 2. Llandudno Junction area. 3. Colwyn Bay area 1. |
|--|

4. Penmaenrhos area.

Denbighshire County Council

Estimated Cost of Programme Envelope £73,400,000

Summary of Programme

1. Secondary Provision – North Denbighshire Phase 1.
2. Implementation of Prestatyn Primary Area review - Bodnant Community School.
3. Edeyrnion Primary review – Area School at Cynwyd.
4. Faith Based Secondary Provision .

Flintshire County Council

Estimated Cost of Programme Envelope £64,200,000

Summary of Programme

1. Tertiary facility in Connah's Quay.
2. Community Learning Campus at Holywell.
3. High School in Connah's Quay.
4. Community Primary School in Deeside.

Gwynedd Council

Estimated Cost of Programme Envelope £36,220,000

Summary of Programme

1. Berwyn Catchment
2. Y Gader Catchment (Eastern area and Dolgellau primary).
3. Special Education Needs facility.
4. Groeslon.
5. Glan Cegin.

Merthyr Tydfil County Borough Council

Estimated Cost of Programme Envelope £17,130,000

Summary of Programme

1. Afon Taf High School.
2. Amaglamation of Ysgol Y Graig Primary and Trefechan Nursery School.
3. Pen y Dre High School

Monmouthshire County Council

Estimated Cost of Programme Envelope £79,500,000

Summary of Programme

Secondary School Programme

1. Caldicot School.
2. Monmouth Comprehensive School.
3. Chepstow Comprehensive School.
4. King Henry VIII Comprehensive School.
5. Welsh Medium Secondary Schools (South East Wales Consortia)

Primary School Programme

6. Thornwell Primary School.

7. Ysgol Gymraeg Y Ffin.
8. Raglan Voluntary controlled Primary School.
9. Castle Park Primary School.
10. Llanfair Kilgeddin Voluntary aided Primary School.
11. Llanvihangel Crucorney Primary School.
12. Goytre Primary School.

Neath Port Talbot County Borough Council

Estimated Cost of Programme Envelope £93,000,000

Summary of Programme

1. English-Medium School (Baglan area).
2. English-Medium School (Sandfields Area).
3. Welsh Medium School (Ystalyfera).
4. Faith Secondary School (Aberafan area).
5. English Medium School (Briton Ferry).
6. Welsh Medium secondary School (South of County Borough)
7. Primary School (Coed Darcy, Neath)

Newport City Council

Estimated Cost of Programme Envelope £15,000,000

Summary of Programme

1. Capacity building – Replacement of demountables at 7 Schools.
2. School Reorganisation Proposals – 4 Schools.
3. Nursery Education Provision – 12 Schools.
4. Welsh Medium Primary Provision.
5. Capacity building for pupils with Autistic Spectrum Disorder (ASD).

Pembrokeshire County Council

Estimated Cost of Programme Envelope £149,860,000

Summary of Programme

1. Pembrokeshire Learning Campus - Secondary School.
2. Pembrokeshire Learning Campus - post 16 vocational centre
3. Fenton CP School Primary Portfield special School.
4. Johnston CP School.
5. Broad Haven CP School.
6. St Aidens Voluntary Aided School
7. Hakin Community School & Hubberston VC School.
8. Tenby VC Infants School & Tenby Junior School.
9. Sir Thomas Picton School & Tasker Milward School

Powys County Council

Estimated Cost of Programme Envelope £78,180,000

Summary of Programme

1. Gwernfyed Primary Review.

2. Welsh Primary School (Severn Valley Welsh Medium).
3. John Beddoes Primary School Review.
- 4 Llanidloes / Machynlleth Primary Area Review.
5. Beacons Community Campus School.
- 6.Ysgol Bro Dyfi (Machynlleth-Pathfinder).

Rhondda Cynon Taff County Borough Council

Estimated Cost of Programme Envelope £160,000,000

Summary of Programme

1. Secondary School Reorganisation Phase 1 – Aberdare.
2. Welsh Medium Primary Provision.
3. Y Pant Comprehensive School.
4. English Medium Primary School Modernisation 1.
5. Primary Modernisation 2.
6. Abernant Primary Provision
7. Secondary Schools modernisation 2.
8. Welsh Medium Provision (Tonyrefail).
9. Primary School Modernisation Phase 3.

City & County of Swansea

Estimated Cost of Programme Envelope £51,000,000

Summary of Programme

1. Manselton Primary & Cwmbwrla Primary School.
2. Tregwyr Infants & Junior Primary School (now Gowerton).
3. YGG Lon-Las-Welsh Medium.
4. Pentrehafod Comprehensive School.
5. Portmead Primary/Blaenymaes primary.
6. Secondary Review (South West).
7. Review of Post 16 provision.
8. YG Gwyr School.
9. Welsh Medium Primary – Tregwyr Junior Site.
10. Gorseinon Infant, Nursery and Primary Schools
11. St Josephs Junior / Infants Voluntary Aided Schools.
12. Pentrepoeth Infants / Junior Graig infants (now Pentre'r Graig Primary).
- 13 Glyncollen Primary.
14. Newton Primary.

Torfaen County Borough Council

Estimated Cost of Programme Envelope £81,600,000

Summary of Programme

1. Llantarnam / Fairwater Secondary.
2. Abersychan Secondary School.
3. West Mon Secondary School.
4. Blenheim Road Primary School
5. Llantarnam Primary School.
6. Croesyceiliog Secondary School .
7. Ysgol Panteg Primary new School .
8. Garnteg/Victoria Primary School .
9. Penygarn/Pontnewynydd Primary .
10. Cwmffrwdor Primary School .

Vale of Glamorgan Council
Estimated Cost of Programme Envelope £20,959,000
Summary of Programme 1. Ysgol Nant Talwg 2. Ysgol Dewi Sant. 3. Lantwit Major Comprehensive School. 4. School Reorganisation Barry Cluster.

Wrexham County Borough Council
Estimated Cost of Programme Envelope £22,300,000
Summary of Programme 1. Hafod-y-Wern County Primary School 2. Gwenfro County Primary School 3. Penycae County Primary School. 4. Flexible learning Zone (Town Centre Secondary). 5. Gwersyllt County Primary School.

* Local Authorities to be contacted direct for specific details of projects and nature of works that are currently proposed at this stage.

*** Statutory Proposals**

The offer of funding is without prejudice to any decisions that Welsh Ministers might be under a duty to make in connection with any statutory proposals for school organisation, or decisions on other approvals that might be necessary in order for the project to proceed.

Where statutory proposals for school organisation are necessary and have not been completed, the offer of funding is conditional on the successful completion of such statutory procedures as are required.

* All Programme and Project Proposals will be subject to a further detailed assessment through HM Treasury's five Case Business Model, and subject to contract.



Llywodraeth Cymru
Welsh Government

STATEMENT BY THE WELSH GOVERNMENT

TITLE **21st Century Schools**

DATE **17 January 2012**

BY **Minister for Education and Skills**

My statement today is to provide Members with an update on progress made and our continuing commitment in line with our Programme of Government to fund high quality buildings and ICT provision through the 21st Century Schools Programme

In July last year I issued an update statement on the progress of the 21st Century Schools Programme which at the time reflected the difficult decisions that were necessary in moving the Programme forward as a result of the significant reduction in capital funding available to the Welsh Government.

However, despite the reduction in capital funding, every project which has been approved by my Department under the Transitional stage of 21st Century Schools is being delivered and will be delivered over the next two years. This programme as a precursor to 21st century Schools will dovetail into the new programme which is planned to start in financial year 2014-15.

Following my July 2011 statement, local authorities were asked to review and re-submit their forward outline programmes of investment that underpin their Strategic Outline Programmes (SOPs) against sharper prioritisation criteria, for example; rationalisation of the school estate, including reduction in surplus places, together with the cost effectiveness of delivery and alignment with All Age Transformation. In addition I also signalled the Welsh Government's intention that the maximum rate of grant support would be set at 50%.

I am pleased to say that local authorities met that challenge and have re-assessed and prioritised their investment proposals in line with published guidance and DfES officials met with every authority prior to submission of their investment programmes.

Authorities outline programmes of investment submitted, seek to address not only the poor condition and surplus capacity in the schools estate, but also any investment required for additional learning needs, Welsh medium education and faith based school provision.

The 21st Century Schools programme underlines our close working partnership with colleagues in Local Government, the Welsh Local Government Association, Diocesan Directors of the Voluntary Aided Sector and CollegesWales.

It is through this partnership working that a capital programme has been agreed that ensures all 22 local authorities will receive Welsh Government Grant support of some £700million over a seven year period commencing in 2014-15. That said it will be our intention where funds allow to bring forward individual capital projects at an earlier stage.

This investment will build upon the £415million of capital investment that is already being provided by the Welsh government from the Transitional Funding Programme.

Authorities have been given surety of a long-term capital programme and that is vitally important in the current economic climate, the investment in schools announced in December 2011 also sends a positive message to the construction industry that this Government is planning for the long term and investment in our schools will provide much needed support to the Welsh Economy.

The 21st Century Schools programme will encourage local authorities to secure community benefits such as training and apprenticeship opportunities, through the adoption of a 'Community Benefits' approach to procurement which includes equality of opportunity, local supply chain opportunities especially for smaller organisations and positive environmental impacts.

I will continue to work with the Finance Minister on the issue of securing additional capital including the development of alternative sources of funding. Collaboration across the Welsh public sector is essential to ensure we deliver the strategic projects and programmes that will have the greatest impact on the Welsh economy both in terms of direct employment and educating our future workforce.

It is important that we look to maximise our investment of the Welsh pound, by 2014-15, the Welsh Government's capital budget will be almost 50% lower in real terms than in 2009-10.

We will look to explore more effective design of school buildings to make our investment work harder and my officials are already meeting with leading

architectural organisations both within Wales and outside of the principality exploring innovative ways of delivering schools for the 21st century.

The announcement of nearly £1.4 billion is an important contribution to the Wales Infrastructure Investment Plan, identifying and prioritising our investment into the schools estate through the 21st Century Schools programme.

Finally, it is important to recognise how far we have come since the launch of 21st Century Schools in March 2010. Securing capital investment in these difficult economic times is essential, not only for better education outcomes, but also for improving the economy of our communities.

I want schools in Wales to be places that inspire our young people; places that can accommodate 21st century technology and be adapted to meet the changing needs of learners in a rapidly developing knowledge economy. Schools also need to be resources for their local communities and they need to work seamlessly and coherently with providers of education and training.

My statement today underlines the Welsh Government's absolute commitment to improving the lives of people in Wales.

check against delivery

**Embargoed until after Leighton Andrews
has delivered the statement.**

Agenda Item 3.3

PET(4)-02-12 p6a

P-03-262 Academi Heddwch Cymru / Wales Peace Institute

Petition wording

We call upon the National Assembly for Wales to investigate the potential for and practicality of Wales having a Peace Institute concerned with Peace and Human Rights, comparable with those supported by state governments in Flanders, Catalonia and elsewhere in Europe

Petition raised by: Welsh Centre for International Affairs, Cymdeithas y Cynod, Cynefin y Werin and CND Cymru

Petition first considered by Committee: November 2009

Number of signatures: 1525

Please follow the link to access full consultation response:

<http://www.senedd.assemblywales.org/mgIssueHistoryHome.aspx?lId=918>

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

Document is Restricted

PET(4)-02-12 p7a

P-04-341 Waste and Incineration

Petition wording

We call upon the National Assembly to urge the Welsh Government to review

1. Prosiect Gwyrdd, which is against WAG policy of localised facilities, and allow our councils to choose their own waste technology and waste management procurement;
2. The flawed Wales waste survey that only gave people a 2 choice option on waste disposal;
3. By 2020, make it illegal to burn recyclable waste which would promote councils to recycle.

Petition raised by: Terry Evans

Petition first considered by Committee: 15 November 2011

Number of signatures: 21 (an associated petition collected another 13,286 signatures)

Please follow the link to access full consultation response:

<http://www.senedd.assemblywales.org/mglssueHistoryHome.aspx?lId=2294>

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



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref P-04-341
Ein cyf/Our ref JG/06941/11

William Powell AM
Chair Petition's committee
Ty Hywel
Cardiff Bay
Cardiff
CF99 1NA
committeebusiness@Wales.gsi.gov.uk

2 December 2011

Dear William,

P-04-341 Waste and Incineration

Thank you for your letter dated 15 November 2011 seeking my views on the petition received regarding waste and incineration.

My views on each specific item in the petition are as follows:

Item 1: To review Prosiect Gwyrdd, which is against WAG policy of localised facilities, and allow councils to choose their own waste technology and waste management procurement.

As part of the Welsh Government's waste strategy "Towards Zero Waste", Prosiect Gwyrdd is taking forward policy for the treatment of residual waste and localised facilities. It is subject to monitoring and evaluation. Local Authorities are able to choose their own waste technologies and waste procurements

Decisions on the location of waste facilities need to bear in mind the 'proximity principal' which is part of the Waste Framework Directive. The Directive establishes the principle of 'proximity' within the context of the requirement for member states to establish an integrated and adequate network of waste disposal installations and of installations for the recovery of

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1NA

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

mixed municipal waste collected from private households, including where such collection also covers such waste from other producers, taking into account best available techniques. The Directive requires that the network shall enable waste to be disposed of, or the wastes referred to above to be recovered, in one of the nearest appropriate installations, by means of the most appropriate methods and technologies, in order to ensure a high level of protection for the environment and public health. The proximity principle also links to the Directive's requirement that the network shall be designed to enable member states to move towards the aim of self-sufficiency in waste disposal as well as in the recovery of waste referred to above, taking into account geographical circumstances or the need for specialised installations for certain types of waste. The Directive also makes it clear that each member state does not have to possess the full range of final recovery facilities within that member state. Both Technical Advice Note 21 (Waste) and the three Regional Waste Plans recognise the need for waste facilities that service the needs of regions of Wales. Decisions on the location of waste facilities rest with the Local Planning Authorities.

Under the Residual Municipal Waste Treatment Procurement Programme local authorities are free to choose which waste technology they wish to procure for the treatment of their residual municipal waste. The tender issued by Prosiect Gwyrdd was "technology neutral". Bids were assessed according to the National Evaluation Framework which includes criteria covering deliverability, cost, financial viability of the company, and a number of sustainability criteria. The National Evaluation Framework has been developed by the Welsh Government's Residual Municipal Waste Treatment Procurement Programme. At each stage the Prosiect Gwyrdd procurement project has been subject to rigorous monitoring and control.

The five authorities working within the Prosiect Gwyrdd Consortium are working together because it is recognised that there are clear economies of scale when procuring residual waste management options. It is important that the management of waste is as cost effective as possible given the financial pressures that we are all under.

Item 2: To review the Wales waste survey that only gave people a 2 choice option on waste disposal

The Waste Awareness Wales report was produced in August 2010 for the Welsh Government seeking public attitudes to waste. The survey as a whole gave the public several options regarding waste management.

The report was based on a detailed survey and a series of focus groups with the Welsh public. The report looked at consumer attitudes to the 4 R's: Reduce, Reuse, Recycle and Recover. The report asked a number of detailed questions on the waste hierarchy including people's views on recycling, what barriers they faced, how effective recycling information available was as well as possible methods to increase recycling.

Anaerobic digestion (AD) from food waste was discussed during the recover questions, as one of the options.

The survey sought views on incineration as a way of recovering energy from residual waste rather than landfilling it, but only as the next to last item on the waste hierarchy after waste had been reduced, reused and recycled and food waste had been separated for anaerobic digestion. The aim of this part of the survey was to gauge the public's view on incineration. The survey asked specifically for opinions on burning non-recyclable waste to produce energy.

Item 3: By 2020, make it illegal to burn recyclable waste which would promote councils to recycle.

The Welsh Government has acted to stop potentially recyclable materials from going to incineration by setting statutory targets to recycle 70% of municipal waste by 2025 and meet the interim targets before then. Wales is the only UK country to have such statutory targets.

In March 2011 the Welsh Government consulted on the Collections, Infrastructure and Markets (CIM) Sector Plan which identified the need to increase significantly the recycling of wastes produced by businesses. The CIM Sector Plan consultation document referenced a study that the Welsh Government has commissioned to consider instruments to facilitate the increased recycling of business waste, including measures such as the introduction of energy from waste bans for specific materials which can be recycled. The responses to the consultation document are being considered and the final version of the CIM Sector Plan is due to be published in spring 2012.

Yours,

A handwritten signature in black ink, appearing to read 'John', with a long horizontal stroke extending to the left.

John Griffiths AC / AM

Gweinidog yr Amgylchedd a Datblygu Cynaliadwy
Minister for Environment and Sustainable Development



William Powell AM
Chair
Petitions Committee
National Assembly for Wales

19 December 2011

Dear William

**Petitions – P-04-341 Waste and Incineration and P-04-329 Control Noise
from Wind Turbines**

Thank you for drawing the above petitions to my attention. I will circulate your letter to members of the Environment and Sustainability Committee for their information.

You will be aware that the Environment and Sustainability Committee's inquiry into energy and planning policy in Wales will include consideration of some of the areas covered by these petitions. It is our current intention to publish a report on this inquiry in the summer term. I will ensure that the Petitions Committee is provided with a copy of this report once published.

Yours sincerely

Dafydd Elis-Thomas
Cadeirydd / Chair

Bae Caerdydd
Caerdydd
CF99 1NA

Cardiff Bay
Cardiff
CF99 1NA

Terry Evans
17/1/2012

Abigail Phillip
Clerk to Petitions Committee
Welsh Assembly Petitions Committee
Welsh Assembly
Cardiff Bay
Cardiff
CF99 1NA

Re-Views to Petition Committee on Ministers response
Waste and Incineration Petition, P-04-341

My initial view to the response of the Environment Minister is that again the Minister's reply to this petition and the Incineration Petition earlier in the year, is not the Ministers response but the Minister's official's response from his waste management office, we need a bold Minister to take on the change that is required to our waste management, if he cannot or will not see the enormous resources in waste as clearly can be seen in other countries then he should move over for a Minister with drive and ambition to do the job, to allow or promote Welsh Councils to lock themselves in to contracts on Incineration of 25+ years is an act of irresponsibility, and should challenged on such a decision.

I would welcome the Minister to personally reply to the questions in my response to the Petitions committee without asking his officials, because these questions are plain and simple for the people to understand.

The Minister states that local authorities are able to choose their own waste technologies and waste procurement, then why was Caerphilly Council who was 9 months in their procurement process of choosing a MBT technology had it stopped by the Welsh Assembly and financially pressurised in to Prosiect Gwyrdd, there are numerous MBT and Autoclave plants in operation around the country, there is an new MBT plant at Avonmouth with 9 year working contracts, the offer to our Welsh Government and its officials is to go and see this plant for themselves

The incineration debate as continued and the health risks are there, information and evidence is gathering by the day, Governments have buried their heads in the sand and continue to use outdated advice from their health departments.

It is time the Minister called for expert evidence, not rely on out dated information, the Minister needs to have the courage and vision to look at the waste management in Wales and to remember this, that once asbestos, smoking and lead in petrol was deemed safe once by our health departments, the warning signs are there, why would an informed person take a risk on human health issues when clearly there are alternative safer, cheaper options available, it gives rise to the question was is really going on here?

The Minister states that the Welsh Government has acted to stop potentially recyclable material from going to incineration by setting statutory targets to recycle 70% by 2025, a Welsh Government survey states that 93% of waste is recyclable, if it became illegal to burn certain recyclable waste the 93% target would be achievable sooner, Scotland as already made it illegal to incinerate certain waste

I would urge the petition committee to hold an oral inquiry and to call expert witnesses.

Terry Evans
Chair United Valleys Action Group (UVAG)

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

Document is Restricted

Agenda Item 3.5

PET(4)-02-12 p8a

P-04-344 Freshwater East – Public Sewer

Petition wording

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

Petition raised by: Royston Thomas

Date petition first considered by Committee: 29 November 2011

Number of signatures: 106

TO:

John Griffiths, Minister for Environment and Sustainable Development
Susan Jenkins, Water Policy Branch, Sustainable Places
Rhodri Wyn Jones, Team Support, Petitions Committee
Angela Burns A.M.

FROM:

Mrs Tomlinson, Sunbeam, Freshwater East
(member of the Freshwater East Action Group)

DATE: 29th November 2011

SUBJECT: Freshwater East - Public Sewer

I write to inform you that at a meeting of Lamphey Community Council which I attended as an observer last night (28th November), a vote was passed by the council which I recorded as follows:-

"Lamphey Community Council asks the Welsh Assembly not to enforce the notice to provide a public sewer at Freshwater East and to provide further consultation with the residents and community at Freshwater East and with Freshwater East's Community Association (FESCA) and with Lamphey Community Council."

The vote was taken after noting the support of FESCA for the petition presented to the Welsh Government by the village Action Group and after noting the results of a community wide survey carried out by the FESCA. The clerk to the community council will be informing the Water Policy Branch of this decision shortly and FESCA has already written to Susan Jenkins at the Water Policy Branch with the results of the Association's survey.

This is a significant vote, bearing in mind that the Community Council set the whole process in motion when it applied to the Environment Agency in 2006/7 to arbitrate over the Section 101A (Water Act 1991) dispute which had arisen with Dwr Cymru Welsh Water.

I trust that this additional information will be taken into account in your discussions about this matter.

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



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref P-04-344
Ein cyf/Our ref JG/07029/11

William Powell AM
Chair Petition's committee
Ty Hywel
Cardiff Bay
Cardiff
CF99 1NA
committeebusiness@Wales.gsi.gov.uk

8 December 2011

Dear William,

Thank you for your letter dated 17 November about the petition you have received regarding provision of a public sewer under section 101A of the Water Industry Act 1991 (the 1991 Act) at Freshwater East.

I have set out below the background which led to a notice of intention to take enforcement action in relation to the provision of a public sewer at Freshwater East being issued.

The issues surrounding the provision of a public sewer under section 101A of the 1991 Act at Freshwater East has been ongoing for many years. In 1998 Lamphey Community Council applied to Dwr Cymru Welsh Water for provision of a public sewer under Section 101A of the 1991 Act at Freshwater East.

Section 101A of the 1991 Act provides a duty for water and sewerage undertakers to provide connection to a public sewer when the following conditions are met:

- a. that there are buildings on the premises in question;
- b. that the drains or sewers used for the drainage for domestic sewerage purposes of the premises in question do not connect with a public sewer; and
- c. that the drainage of any of the premises in question is giving, or is likely to give, rise to such adverse effects to the environment or amenity that it is appropriate to provide a public sewer.

If the water company does not agree that a duty applies then the applicant can refer the dispute to the Environment Agency. Section 101A(6) of the 1991 Act states that the Environment Agency's decision in any dispute is final, subject to any application for judicial review of that decision.

A dispute, in relation to this matter was determined by the Environment Agency in May 2007. It decided that the sewer should be provided by 31 March 2010. Dwr Cymru Welsh

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1NA

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

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

Water challenged the Environment Agency's decision and in 2009 the court ruled in favour of the Environment Agency's Determination.


As the date set by the Environment Agency's Determination has now passed and Dwr Cymru Welsh Water has not provided a public sewer at Freshwater East, it therefore appears that, under section 101A (10) of the 1991 Act, Dwr Cymru Welsh Water is in breach of its duty under section 101A (1).

Accordingly, I issued a notice on 26 October which stated that I was considering making an enforcement order under Section 18 of the 1991 Act for the purpose of securing Dwr Cymru Welsh Water's compliance with Section 101A (1). The notice was sent to several community associations in the Freshwater area, including Lamphey Community Council who made the original request. It was also published in the Pembrokeshire Western Telegraph.

To clarify, I have not yet taken a decision to enforce the provision of a public sewer at Freshwater East.

I am aware that some residents feel that the provision of information has been limited to date. I can inform you that in addition to my notice, my officials met with a number of residents from Freshwater East on 17 November to hear their concerns over the proposed sewer scheme.

Once I have made a decision on this matter I will contact you to inform you of my decision.

Youn


John Griffiths AC / AM

Gweinidog yr Amgylchedd a Datblygu Cynaliadwy
Minister for Environment and Sustainable Development



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With Compliments

Gyda Chyfarchion

Dear Abigail.

Please find enclosed Nigel Annett's response
to William Powell's letter of 1 December (+enclosures),
re: P-04-344 Freshwater East Public Sewer.
Any queries please contact Peter Jones or myself.
Kind regards Sue Price (Assistant to Nigel Annett)



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

Freshwater East

Thank you for your letter of 1 December regarding Freshwater East and the petition your Committee has received from householders regarding the provision of a new Section 101A "first time" sewer.

You ask for our views on the matter and I enclose a copy of my letter of 27 November 2009 to Jane Davidson, then Minister for Environment, Sustainability and Housing, and a copy of my more recent letter to John Griffiths, Minister for Environment and Sustainable Development, which together will provide you with a good summary of where we stand.

In summary, we are legally required - following a determination first by the Environment Agency and more recently by the Welsh Government - to provide a Section 101A "first time" sewer serving households in Freshwater East. To date we have argued strongly - but unsuccessfully - that this scheme should not go forward on the grounds that it represents poor value for money. Having lost this argument and having agreed a legal undertaking with the Welsh Government to deliver the scheme in accordance with the determination made by Environment Agency Wales, we are asking that the Welsh Government requires that the Environment Agency (or any other enforcing authority) ensures that once the scheme is delivered the households for whom the new sewer has been laid are required to connect to it so that the (albeit limited) benefits are secured. This requirement that householders do actually connect to a new Section 101A sewer installed by Dŵr Cymru has not always happened in the past and investment expenditure has been wasted as a result (as illustrated in the enclosed correspondence).

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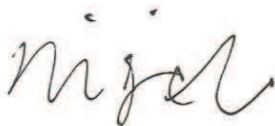
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As you know, Dwr Cymru is owned on behalf of its customers and it is essential that our limited investment programme is directed at maximising environmental and other benefits. And as my letter to John Griffiths highlights, there are plenty of areas where we do need to invest in order to make material improvements to our environment.

I do not want you or your Committee to conclude that we are "at loggerheads" with either the Environment Agency or the Welsh Government. This has been a rare dispute (addressed openly and constructively) amongst general agreement between us on what our priorities for investment should be (we share common objectives which add up to delivering the best possible outcome for Wales and for everyone who relies upon Dŵr Cymru and the public service we deliver day to day). The root cause of this difficult and intractable situation (impasse even) is the state of the current guidance that relates to Section 101A schemes the updating of which all parties agree is long overdue (I understand that this updating is in hand).

I hope this letter plus enclosures meets your requirements. If you would like any more background on what has been a long running and very tricky issue to sort out please let me know.



Nigel Annett

Managing Director



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Jane Davidson
Minister for Environment
Sustainability and Housing
National Assembly for Wales
Cardiff Bay
CARDIFF
CF99 1NA

Dyddiad/Date: 27 November 2009

Ymholiadau/Enquiries: 01443 452193

Ein Cyf/Our Ref: Strategy/DEB/

Eich Cyf/Your Ref:

Dear Jane

**S101A Water Industry Act 1991
Freshwater East Judicial Review**

I write with regard to the judicial review of the Environment Agency's decision that we should provide a public sewer at Freshwater East further to the provisions of section 101A Water Industry Act 1991.

Section 101A requires sewerage undertakers to provide a public sewer for domestic premises where environmental or amenity problems are considered to arise, or to be likely to arise because of existing private arrangements for dealing with sewage, and where provision of a new public sewer is, in all the circumstances, the appropriate solution.

As I am sure you are aware, the judgment declared earlier this year supported in law maintenance of the Agency's decision taken at the time. A consequence of this judgment is a requirement for us to provide a sewer. Under section 101A a failure to provide a sewer is enforceable by the Welsh Assembly Government under the Water Industry Act 1991, section 18.

However we do not believe that, in the light of more recent information coming to light after the Agency's decision in May 2007, it would be in the best interests of our customers at large, or the environment, to expend the monies otherwise required for the reasons that I set out in this letter. In our view, the economic and environmental dis-benefits far outweigh the minimal, if any, benefit from providing the sewer. In fact, as is set out below, providing the sewer in light of the most recent information itself causes environmental and public amenity disadvantages. I write accordingly to request that the Welsh Assembly Government does not enforce the duty to provide the sewer.

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For completeness of this letter, I first set out the background to this particular S101A case. I apologise if this is all familiar to you already.

Background

The S101A duty for Freshwater East has been assessed on three occasions. Acting on our behalf, Faber Maunsell first considered the position and reported their conclusions by letter in May 2000, when it was decided that the duty did not apply.

We agreed to have this decision reviewed on request of the original applicant, Lamphey Community Council. Faber Maunsell took into account new evidence that had then been brought to our attention at that time. The conclusion of that review was that the duty should apply. The findings were issued in a report dated February 2005.

However, at that time, our S101A assessment process did not take into account environmental cost-benefit considerations or specifically the willingness of property owners of those properties identified as polluting or likely to pollute, to connect to any new sewer, were one to be installed.

We were of the view that these were very important considerations that should be the subject of a s101A assessment process. We were concerned that any final decision as to provision of a public sewer should take due account of these considerations and felt that because these considerations had not been taken into account previously, our prior decisions on Freshwater East might be flawed as a matter of law, and in any event, substantively.

Because of these concerns, later in 2005 we decided to suspend works on a number of S101A schemes that were to have been undertaken in AMP4, while we reviewed the decisions made in respect of each scheme. This review involved 8 schemes including Freshwater East. In each case we wrote to the applicants involved on 4 October 2005 and informed them of our concerns and of our intentions. Throughout the review we kept all applicants informed in writing.

By February 2007 we had carried out an evaluation of each case and reached the decision that 7 of the 8 cases, including Freshwater East, had not been properly considered. We therefore decided that all such applications should be completely re-assessed. We wrote to the relevant applicants on 23 February 2007 withdrawing our earlier decisions that the areas qualified under S101A, and informed them that we would re-assess all 7 cases.

The re-assessment for Freshwater East was completed and the applicant informed in a letter dated 3 July 2009. The re-assessment, now properly taking into account environmental cost-benefit and the willingness to connect issues, concluded that:

- The number of polluting properties, including properties that do not cause pollution now but may be considered as likely to pollute in the future, had reduced substantially since the 2005 assessment –

from 81 down to 39. This was predominantly because a fault with the private drainage arrangements of an apartment block had been rectified by the owners of the building.

- The financial cost of providing a public sewer would be £2.6m
- If a public sewer were to be provided and the owners of all 39 properties chose to connect, the net value of the improvement to the environment and amenity when expressed in monetary terms would be around £240,000, only 9% of the cost of the scheme and therefore not representing value for money for our customers.
- Enquiries made of the 39 property owners as part of the re-assessment had indicated that only 3 were willing to make connections from their properties. This would erode the already low value of the improvement generated from £240,000 to £17,800, or less than 1% of the cost of the scheme.
- The NPV or whole life cost of solving the problems by the provision of cesspools at each property was now less than that of providing a public sewer, because of the reduction in the number of properties involved since the 2005 assessment. From a simple economic perspective therefore, a private solution would be the least costly.

The applicants for the Freshwater East sewer had been notified of our decision to review all the applications in our October 2005 letter. However in December 2006 they informed the Environment Agency that they were in dispute with us because we had not given a date by which we would provide a sewer following our February 2005 decision that the duty applied, effectively disregarding our plans for the review. The Agency processed the dispute with similar disregard for our review and determined that a date for provision of the sewer. We did not accept the Environment Agency's actions and this led to our application for judicial review of the Agency's decision in respect of Freshwater East.

The Judicial Review judgment has clarified a number of issues to do with the S101A provisions. Most relevant here are that environmental cost-benefit and the level of willingness amongst property owners to connect to any new sewer are both relevant considerations.

However, the Judge concluded that these aspects had been previously considered in our case in a different guise, and thus not in the manner or to the extent that we now believe should apply. As a result, the Judge was unable to hold that the Agency 2007 decision was not, on the basis of the material to which the Court was permitted to have regard, legally flawed so as to allow the court to issue a quashing order. The court did not have regard to the 2009 re-assessment in coming to its decision. We of course accept the Court's decision on the law.

Whilst, therefore, we failed to obtain a quashing order on this particular matter, we succeeded in establishing that we cannot be precluded in all circumstances from reviewing a decision under S101A. Withdrawal or revocation of a decision can be effective even if not sanctioned by the Environment Agency.

The Court also recognised the legality of taking into account willingness to connect and also the legitimacy of applying environmental cost benefit analysis as set out in the Green Book - this position had always been consistently opposed by the Agency

Why we consider it inappropriate to provide a sewer under S101A

We are firmly of the view that a sewer should not be provided at Freshwater East under S101A because, further to the points made above:

- At £2.6m, the cost of the sewer would be more than 10 times greater than the maximum potential value of the improvements to the environmental and amenity benefit that could be generated – that is assuming that all 39 properties were to connect to a new public sewer.
- Enquiries made of all 39 property owners once our re-assessment report of June 2009 had been issued to the applicants found that only 5 would connect their property to a new sewer, 3 may connect and 23 would not. 8 owners failed to respond. This low level of interest in making connections reflects experience we have gained following construction of S101A schemes during AMP3. *
- The low level of connection would itself mean that the new public sewer would not be an effective solution either as to use of financial and natural resources or more broadly at Freshwater East.
- Provision of a new sewer which is under-utilised can generate additional operational problems such as blockages and odour, leading to increased operational costs, an unsatisfactory service for customers and adverse experience for the public.
- We do not have power to require owners to make their properties connect to a public sewer if one were to be provided, nor do we have powers to prosecute for pollution. These powers rest with Local Authorities and with the Environment Agency. All are reluctant to use their respective powers to compel connection where such power is available to them.
- The 2009 re-assessment has found that overall a public sewer would cost more than a private solution. In any event, it has now been shown on a simple approach not to be a cost effective solution.
- The final conclusions of our 2009 re-assessment were not available in time for the judicial review and were not taken into account by the court.

* This is in part because of the high cost of making a connection⁴ – typically £3-8,000.

The Welsh Assembly Government has discretion as to recourse to its enforcement powers under section 18. Given the disbenefits of provision of a public sewer, we respectfully request the Welsh Assembly Government to exercise its discretion so as to refrain from using the enforcement powers under section 18 of the Act in relation to s101A as regards Freshwater East.

There are other provisions within the Act which would enable the property owners or the local authority to secure a public sewer for the area in a cost effective and environmentally beneficial manner, and we would be happy to offer assistance and advice on this.

Discretion in the use of enforcement powers.

Given the importance of the matters in issue, we have sought Counsel's Opinion as to the discretion of the Welsh Assembly Government regarding use of the Section 18 enforcement powers. That Opinion advised us that it does possess such discretion. I enclose a copy of the Opinion (dated 16 October 2009) for your reference, together with copies of related documents to which it refers.

While not detracting from the benefit of studying the Opinion as a whole, may I draw your particular attention to paragraph 21, the scenarios explored, and in relation to these, paragraphs 41, 59, and 60.

Once you have had an opportunity to consider this request, we would be pleased to discuss the matter in more detail with you or your officials. It may be helpful at that stage if we were to present plans of the private and public options considered, the comments provided by the property owners in response to the enquiries mentioned, which illustrate their views on whether a sewer should be provided for their area, as well as any other information that you would find helpful.

Yours sincerely

Nigel

Nigel Annett
Managing Director

*I have copied this letter plus
enclosures to Chel Miles*

Encl
Opinion
Key sections of the Water Industry Act 1991
Judgement
"the OFWAT case": *R v [OFWAT] ex parte Lancashire CC and Others [1998]*



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John Griffiths AC/AM
Minister for Environment and Sustainable Development
Welsh Government
Cardiff Bay
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4 November 2011

Dear John

First time sewerage, S101A Water Industry Act 1991

Thank you for your letter of 26 October regarding the provision of first time sewerage at Freshwater East. We will of course comply with your direction and I will shortly let you have a draft Section 19 undertaking under which we will carry out the necessary steps to comply with our duty to provide first time sewerage at Freshwater East in accordance the determination made by Environment Agency Wales.

The Freshwater East scheme will cost around £3.0 million and will represent very poor value for money indeed. When we last surveyed the 39 properties that will be expected to connect to the new sewer, only 5 said that they were willing to make a connection; 23 said they would not connect, 3 were undecided and we were unable to get a response from the remaining 8. This is hardly surprising as the cost of connecting to the new sewer at Freshwater East will be in the range £2-16,000 per household.

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This indicated poor take-up at Freshwater East echoes our experience elsewhere. Over the last 10 years we have spent some £10 million of our customers' money on 20 S101A schemes. In many instances, the take-up has been low and as a result the environmental benefits have not been delivered. Not only does low take-up limit the environmental benefit but it also creates operational problems for us such as blockages and odour because flows in the new sewer are less than the designed capacity. So, for example, at Titley in Herefordshire none of the 10 properties have connected to the new S101A sewer and as a result we are having to tanker sewage away from the site. Similarly, at a first time sewerage scheme at St Briavels not one of the four properties has connected. At East Williamston only 7 of the 34 properties have connected to a scheme delivered in 2007 at a cost of £1.2 million.

When household incomes in Wales are being squeezed hard - as a result of rising energy bills, high RPI and falling real incomes, as well as changes to benefits - it is all the more important that we spend our customers' money carefully and deliver as much as possible from what is a fixed capital budget, and I know that this is your priority too.

At today's Board meeting, we decided that we would reprioritise our investment spend over the remainder of this AMP5 regulatory period to find £8 million to bring forward ten high value schemes in the Llanelli and Gowerton catchments to remove rainwater from our sewer system to reduce the risk of flooding and cut the number of spills following storms. We must ensure therefore that the S101A scheme which will now go ahead at Freshwater East delivers environmental and other benefits that compare with what the £3 million would deliver if invested on making improvements to our sewerage system elsewhere.

Can I therefore ask that, alongside our Section 19 undertaking, you secure from Environment Agency Wales a binding commitment that they will ensure that all polluting properties do in fact connect to the new sewer once it is constructed. It will be embarrassing, to the say the least, if we spend £3 million at Freshwater East and only 5 of the 39 properties chose to connect, especially when that £3 million could achieve a great deal at places like the Loughor Estuary.

There are another four S101A schemes with an estimated cost of some £2 million that have been determined by Environment Agency Wales which we will now progress during the course of AMP5 and I would like you to secure from Environment Agency Wales a similar binding commitment that they will ensure that polluting properties connect, once the new sewer is commissioned. Better still, would be a requirement that Environment Agency Wales revisits all the S101A schemes that we have delivered over the last 10 years and uses its powers to require those polluting properties that did not connect to do so.

I met with Claire Bennett and Chris Mills last week to review our progress on tackling the problems caused by the very high volumes of rainwater draining into our sewer system in the Llanelli and Gowerton catchments and I told both that I would be writing to you about Freshwater East in these terms.

Incidentally, I am very encouraged by the work we have done on the Loughor Estuary and what we now plan to do; taking rainwater out of sewerage systems is the way forward (NB climate change and dealing with the likelihood of more frequent intense storms is one of our biggest challenges) and our plans for Llanelli and Gowerton will become a reference site for what the future holds. I think you would be interested in seeing the results of the modeling and other work we have done to date and our immediate plans which are underway following today's Board meeting; let me know if you would like me to arrange a briefing.

Yours ever

Nigel

Nigel Annett
Managing Director

PET(4)-02-12 p9a

P-04-345 Rail and Bus Links between Aberystwyth and Carmarthen

Petition wording:

We call upon the National Assembly of Wales to urge the Welsh Government to restore and/or improve rail and bus links between Carmarthen in the county of Carmarthenshire and Aberystwyth in the county of Ceredigion.

Supporting information:

They may be in adjoining counties, but the train ride from Carmarthen to Aberystwyth is a marathon that takes more than six hours. The Manchester and Milford Railway line, which linked Carmarthen and Aberystwyth, came to Tregaron in 1866 from a southerly direction. It served as a 'regular' route between the towns of Carmarthen and Aberystwyth and linked South Wales to North Wales, a link which sadly no longer exists in such a straightforward route, since Lord Beeching's report on reshaping British Railways resulted in many line closures in the 1960s. Today, with the growth of Aberystwyth and Lampeter as some of Britain's most prestigious universities, along with the beauty of many seaside towns, such as Aberaeron, Welsh residents are calling for this train route to be re-established. It would make travel for commuters easier, quicker and safer as a railway connecting main western towns could reduce traffic and accidents on rural roads, statistically the most dangerous.

Petition raised by: Craig Owen Lewis

Date petition first considered by Committee: 29 November 2011

Number of signatures: 555

Please follow the link to access full consultation response

<http://www.senedd.assemblywales.org/mglIssueHistoryHome.aspx?lId=2429>

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



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref P-04-345
Ein cyf/Our ref CS/07188/11

William Powell AM
Chair Petition's committee
Ty Hywel
Cardiff Bay
Cardiff
CF99 1NA

25 December 2011

committeebusiness@Wales.gsi.gov.uk

I am replying to your letter of 28 November to John Griffiths AM, Minister for Environment and Sustainable Development, on behalf of the Petitions Committee, as the subject matter is part of my portfolio. I note that the Committee has collected a 556 signature petition calling on the Welsh Government to restore and/or improve rail and bus links between Carmarthen and Aberystwyth.

The Welsh Government committed to prioritise the interventions of the existing National Transport Plan (NTP). This has now been completed and published (7 December). The prioritisation of the NTP has brought forward investment that will make the transport system in Wales work better to help tackle poverty, increase well-being and assist economic growth.

The NTP prioritisation process has focused solely on rescheduling the delivery of the existing interventions within the Plan, rather than making significant amendments. The interventions in the 2010 Plan were assessed using statements drawn from my strategic objectives and the Government's vision for transport.

Prioritisation has redistributed the available budget for transport to give priority to interventions with the best fit to my priorities and our Programme for Government. We had a commitment to prioritise the objectives in the Plan to ensure existing transport funding is used effectively and that future investment decisions are made against our overarching strategic priorities, at a time of growing public finance constraint.

The prioritisation process was not intended to add new schemes to the 2010 Plan. As the NTP did not include any plans to reopen the former railway between Carmarthen and Aberystwyth, I have no plans to consider this scheme in the foreseeable future. The Welsh Government and Network Rail previously looked at the footprint of the former railway line and concluded that it would be an expensive project to bring the infrastructure back into use as most of the line no longer exists, and some of the land has been subject to development. At the time, we did not estimate a cost although it is likely to be very large.

There is already a good local bus service between Carmarthen and Aberystwyth, with thirteen return journeys per day between these locations as well as very good connections with other local bus services and the Bwcabus network.

The prioritisation of the NTP includes plans to deliver improvements to bus services and the introduction of Quality Bus Partnerships where appropriate. The Welsh Government is working with its delivery partners, Carmarthenshire County Council and Ceredigion shire County Council, to improve the quality of the local bus network between Carmarthen and Aberystwyth and we are currently consulting with the bus operators on the introduction of a Quality Bus Partnership on this corridor. I will be able to update the Committee on the outcome of this when the consultation closes.

In summary, I believe that there are good bus links between Carmarthen and Aberystwyth and that the cost of reintroducing rail links would be prohibitively expensive in these times of financial constraint.



Carl Sargeant AC / AM

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

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

Document is Restricted

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

Document is Restricted

Agenda Item 5

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

Document is Restricted

Agenda Item 5.1

PET(4)-02-12 p10a

P-04-328 MCA Modernising Coastguard Proposals

Petition wording

We the undersigned call upon the National Assembly for Wales to urge the Welsh Government to conduct independent risk impact assessments on the safety of coastal tourists, of the closure of MRCC Milford Haven, MRCC Holyhead, and the downgrading of MRCC Swansea to 'daylight hours

Petition raised by: Graham Warlow

Petition first submitted: July 2011

Number of signatures: 293

Supporting information:

On December 16th 2010, the UK Coalition Government launched the Maritime & Coastguard Agency (MCA) Consultation on Modernising Coastguard for the 21st Century. The consultation process was originally due to end on March 24th 2011, though this was later extended to May 5th 2011.

Within Wales, the MCA proposal is to shut down the Maritime Rescue Coordination Centres (MRCC) at Milford Haven & Holyhead, and to downgrade Swansea to operate during 'daylight hours' only. (I am assuming that Swansea would be required to cover the whole of the Wales coastline during the daytime, though this detail was not provided within the MCA Consultation).

During the night time, HM Coastguard Rescue Coordination services would be centralised to a Maritime Operations Centre (MOC) at Southampton or Portsmouth.

Serious concerns arose throughout the UK that the closure of MRCC's will also result in a loss of valuable & vital local knowledge, and the impact this would have on response to an emergency situation. Considerable concern also arose concerning the lack of Risk Assessments presented with the Consultation.

The 'compendium' of Risk Assessments were eventually published by the MCA, but these appear to be loaded in support of the MCA proposals, and also some elements were written subsequent to the Transport Select Committee requesting publication of the documents. (Risk Assessments available)

Many local campaigns throughout the UK were formed along with many petitions. In Milford Haven, a local paper & online petition was started which eventually acquired in excess of 20,000 signatures opposing the MCA Modernisation Proposals. This petition was delivered to Downing Street, along with a 15,000 Signature National Online Petition, on Tuesday 29th June 2011.

So great were the concerns of so many, the Transport Select Committee launched a full Inquiry into the MCA proposals for Modernising the Coastguard, Emergency Towing Vessels (ETV), and the Maritime Incident Response Group (MIRG).

The Save Milford Haven Coastguard Campaign submitted a formal response to the Transport Select Committee and was subsequently invited to Westminster for one member of the Campaign to offer evidence at the final Oral Evidence Meeting on May 24th 2011. (Campaign Response available)

The subsequent Transport Select Committee Report on the Coastguard Modernisation was highly critical of the MCA Consultation Process. It states;

“By failing to involve serving coastguard officers, unions, volunteers, stakeholders or the devolved administrations in the drafting of the current proposals for the future of the Coastguard, and by failing to publish a risk assessment of the current plans or an impact assessment of the previous round of closures until prompted, the MCA management has badly miscalculated. It has mishandled the consultation and made it appear opaque rather than clear and open-minded. It has appeared arrogant, and reluctant to open itself to proper scrutiny in the process. The atmosphere of disquiet and suspicion generated by this consultation process is of the MCA's own making.”

Many debates have taken place in Westminster on the Coastguard Modernisation proposals, as well as a Short Debate at The Senedd. All of these debates have met with cross-party support in opposition to the proposals.

The MCA also conducted a series of public meetings throughout the UK which met with fierce public opposition and many ending with unanimous votes of no confidence in the proposals. (Transcripts available)

On May 19th 2011, the Secretary of State for Transport Mr Phillip Hammond MP announced that the Government were “*looking again*” at the MCA proposals, fuelling speculation that a reprieve for some Coastguard Rescue Centres may be possible.

The MCA have tasked an 'Independent Review Team' to analyse approx. 1700 responses to the proposals, and is shortly to issue its own report.

The Government have stated that it will make an announcement of 'Alternative Proposals' before the Houses of Parliament rises on July 19th. We await that announcement.

In the meantime, the National Assembly of Wales E-petition was started to urge the Wales Government to conduct its own independent Risk Assessments on Coastal Tourism associated with the closure of MRCC Milford Haven, MRCC Holyhead & the downgrading of MRCC Swansea to 'daylight hours' only.

Rhodri

We understood that the decision to close the Milford Haven station had been overturned and therefore a response was no longer needed.

Irrespective of this it would be very difficult to provide a response without extensive consultation with tourism businesses such as activity providers and boat trip operators.

Unfortunately, this isn't something we can do in the short term due to work commitments.

Alan Turner
Pembrokeshire County Council,
Tourism Department

Further to your recent letter to Swansea Tourist Information regarding the MCA's – Modernising Coastguard Proposals and passed to me to comment. I would like to refer you to the motion that was approved in Council on the 4th August 2011, which outlines the City & County of Swansea's position in relation to the proposals

Council 4 August 2011. Two notices of motion were on the agenda.

73. **NOTICE OF MOTION BY COUNCILLORS A C COLBURN, M H JONES, J B HAGUE, R D LEWIS, D P TUCKER, P R HOOD-WILLIAMS, C M R W D THOMAS AND M SMITH**

This Council believes that the decision to close Swansea Maritime Rescue Co-ordination Centre is short sighted and fundamentally flawed as the decision is being taken on the grounds of the availability of public sector jobs in the area and not for safety reasons.

Council agrees to ask The Leader and Chief Executive to write to Transport Secretary Rt Hon Philip Hammond MP to ask him to reconsider his proposal to close the Rescue Co-ordination Centre (Mumbles Coastguard Tutt Head). This is in light of the overwhelming evidence to support keeping open the Centre for the clear safety benefits for all professional and recreational users of this busy waterway.

Councillor M C Child proposed an amendment. The amendment was seconded by Councillor D Phillips. The amended Notice of motion reads as follows:

This Council believes that the decision of the Conservative led Government to close Swansea Maritime Rescue Co-ordination Centre is short sighted and fundamentally flawed as the decision is driven solely by the Westminster Government's desire to cut costs too quickly and too deeply, and not for safety reasons.

Council agrees to ask The Leader and Chief Executive to write to Transport Secretary Rt Hon Philip Hammond MP to ask him to reconsider his proposal to close the Rescue Co-ordination Centre (Mumbles Coastguard Tutt Head). This is in light of the overwhelming evidence to support keeping open the Centre for the clear safety benefits for all professional and recreational users of the Bristol Channel.

We also agree to the Council formally submitting an objection in the current consultation process".

On being put the amendment was lost.

Councillor D Phillips proposed an amendment. The amendment was seconded by Councillor M C Child. The amended Notice of motion reads as follows:

"This Council believes that the decision to close Swansea Maritime Rescue Co-ordination Centre is short sighted and fundamentally flawed as the decision is being

taken on the grounds of the availability of public sector jobs in the area and not for safety reasons.

Council agrees to ask The Leader and Chief Executive to write to Transport Secretary Rt Hon Philip Hammond MP to ask him to reconsider his proposal to close the Rescue Co-ordination Centre (Mumbles Coastguard Tutt Head). This is in light of the overwhelming evidence to support keeping open the Centre for the clear safety benefits for all professional and recreational users of this busy waterway.

We also agree to the Council formally submitting an objection in the current consultation process via:-

http://www.dft.gov.uk/mca/mcga07-home/shipsandcargoes/consultations/mcga-currentconsultations/consultation_proposals2011.htm

<http://feedback.mcga.gov.uk/v.asp?i=38227kwyqi>

RESOLVED that the amended Notice of Motion be approved.

CHAIR OF COUNCIL

Regards

Steve Hopkins
Marketing Services and Tourism Manager
Culture and Tourism
City & County of Swansea

Dear Rhodri

Thank you for the invitation from the Petitions Committee Chair to respond to the above issue. We note the Chair's request for feedback as soon as possible. The following is a joint holding response from Capital Region Tourism and the South East Wales Tourism Forum, chaired by Mandy Davies. If either organisation has more to add, as and when there is an opportunity to further discuss the issue, I will let you know.

Capital Region Tourism is the regional tourism partnership serving South East Wales, with responsibilities and resources devolved from Visit Wales to deliver the tourism strategy for the region. All SE Wales local authorities (including 5 on the coast) together with industry representatives elected from across the region serve on CRT's board of management. CRT is the lead body for tourism in the region.

The South East Wales Tourism Forum is the umbrella body for all local tourism associations and other industry groups active in the region and acts as a conduit for communication with the Wales Tourism Alliance, government and other stakeholders.

We note with concern the proposal to close the Swansea coastguard station which currently provides cover along the South Wales coast. Tourism is more important to the economy of Wales than any other part of the UK and a high quality visitor experience is predicated on providing a safe and accessible environment. We understand that Swansea coastguard station dealt with 2074 incidents in 2010 alone and is the second busiest station in the UK in respect of inshore search and rescue activities. This is particularly important for coastal tourism where the majority of activity is on or near the shoreline and where detailed local knowledge of coastal waters and topography is vital if and when visitors get into trouble. The decision to reduce coverage seems particularly counter-intuitive when Wales is currently: seeking an increase in Cruise calls; making significant investments in centres of excellence for watersports, including Swansea Bay; increasing the number of sailing berths and moorings in places such as Porthcawl; improving the quality of beach management and bathing waters (Green Seas) and opening the All-Wales Coast Path in 2012 - all in a region which enjoys the second highest tidal range in the world.

We are not sure whether tourism interests have been formally consulted - certainly this is the first time we have been contacted on the subject - and trust that the Maritime and Coastguard Agency will rethink its proposals regarding Wales

Thank you again for giving us the opportunity to comment. We would be pleased to expand on any of the points raised if required

Peter

Peter Cole
Regional Strategy Director

NATIONAL PARKS WALES
Britain's breathing spaces

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

21 November 2011

Dear Mr Powell

P-03-328 Maritime and Coastguard Agency's Modernising Coastguard Proposals

Thank you for your correspondence dated the 9th November on behalf of the Petitions Committee of the National Assembly for Wales, and your invitation to National Parks Wales to present views concerning the above petition. National Parks Wales is a partnership of the three Welsh National Park Authorities (NPAs).

We do not have a position concerning the *Maritime and Coastguard Agency's Modernising Coastguard Proposals*. The development of one would not be regarded as a sound use of our resources, especially in the current climate, since one-third of the partnership is not coastal. It is the responsibility of individual NPAs to respond to local proposals in detail. However, we wish to utilise this opportunity to make two relatively brief observations. The first concerns the value of local knowledge and the second concerns the new marine planning system.

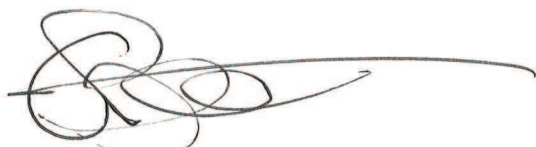
The value placed upon local knowledge in a continually changing, potentially hazardous environment, as found along Wales' coast cannot be underestimated. Safety within the more hazardous environments within National Parks relies on local knowledge whether it is through a mountain rescue team or lifeboat station. An understanding of local conditions, people and places, often gained from direct, personal, experience is a valuable asset. As coastal tourism in Wales is expected to increase, drawn by the coastal path and away from the "honeypot" areas such as the Pembrokeshire Coast Path, local knowledge beyond these areas will continue to be relied upon when co-ordinated action is required.

Our second observation concerns the marine planning system. What effect would the closure of the MRCC have upon the proposed marine planning system in Wales? We would not expect the Committee to answer this observation, but it may be a line of inquiry worth pursuing if it has not already been followed.



Should you wish to further discuss the two above observations please contact me via the contact details on the front page.

Yours sincerely



Greg Pycroft
Policy Officer



Good morning Rhodri

With regard to the **P-04-328 MCA Modernising Coastguard Proposals**
Pembrokeshire Tourism would like to forward their views on this issue:-

Milford Haven produces 25% of UK's petrol & diesel requirements and 30% of the UK's gas requirements can now be processed by the LNG terminals it is now Energy Capital of UK, but part of the Haven is, nonetheless, a SAC this reveals the conflict of environment vs industry this conflict is heightened by the critical significance of tourism to the local economy.

To ensure risks emanating out of this conflict are minimised, an on the spot Coastguard service is equally critical the memories of Sea Empress, when the conflict showed itself, are still raw.

Therefore removing the Coastguards would have a detrimental effect on the area

We now have a new Chief Executive in post called Chris Hogarth contact details being [xxxxxx](#) or xxxxxx can you please update your records

Kind regards
Liz



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

**Pembrokeshire Coast
National Park
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Llanion Park, Pembroke Dock
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Croesawn ohebiaeth
yn Gymraeg a Saesneg

We welcome correspondence
in English and Welsh

Our Ref : TJ/mm

30 November 2011

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

Dear William,

P-04-328 Maritime and Coastguard Agency's Modernising Coastguard Proposals

Thank you for your letter dated 9th November 2011 regarding the above petition. The Pembrokeshire Coast National Park Authority previously submitted evidence when the MRCC proposed the closure of its Milford Haven Station. This Authority feels that it can only truly comment in terms of the situation in Pembrokeshire and the impact that closing the station at Milford Haven would have had. However, we consider that some of our comments have a relevance in terms of issues relating to the decision to close the Swansea Station and therefore present the following as evidence for consideration by the National Assembly for Wales Petitions Committee. We assume that a number of the issues highlighted for Pembrokeshire, would equally apply to the Swansea area, with activities being undertaken in areas such as the Gower, closely resembling those taking place in Pembrokeshire. In addition, we feel that the level of coastal and industrial maritime activity occurring in West Wales make a strong case for retaining the Swansea Station, in addition to the Milford Haven Station.

The tourism product in Pembrokeshire and indeed in much of West Wales is founded on the experiences provided from visiting the coast and inshore waters of the County. Despite the current economic climate there are a number of factors working together to increase the numbers of people, both visitors and local people, using the coast for recreational purposes and this use has inevitable safety implications. For visitors, the provision of an acceptable balance between experience, risk and safety is one of the 'givens' of a holiday in the UK and security and safety may in fact be important in deciding to holiday in Wales.



Factors that may increase the importance of the Coastguard Service in Pembrokeshire include;

- The current emphasis on coastal access stemming from Government Policy and specifically linked to the development and promotion of the Wales Coast Path. While Pembrokeshire has had its own Coast Path for many years, we may expect to see an overall increase in Coast Path use as part of the promotion of the Wales Coast Path. Coastguards become involved in apparently routine incidents of broken ankles on the Coast Path because their local knowledge (Including knowledge of access points and landowners) and 4 wheel drive vehicles allow them to reach places where the Ambulance service is unable to provide support. The Park Authority works closely with the MCA and follows up on reports of accidents on the Coast Path to look for ways to maintain the path in a safe condition.
- The Marine Leisure Industry is at present suffering the same static trading conditions as experienced in most other sectors, but leading specialist economists anticipate a start to recovery from 2012 onwards (source: Marine Leisure Conference, 2010, Dun Laoghaire). In the last seven years the number of moorings on the Milford Haven Waterway has increased from 1020 to 1160. There is a waiting list for berths at Neyland Marina and looking to the future we may expect a significant increase in inshore water use from new marinas proposed at Fishguard (450 berths) and Pembroke Dock (250).
- The promotion of Wales as both an activity holiday destination and an area for wildlife watching. Both of these are key themes of ongoing Visit Wales initiatives and both are likely to see increases in activities on the cliffs and inshore waters.
- The South West Wales Recreation Audit <http://www.walesactivitymapping.org.uk/> shows the level of use for a wide variety of activities around the coast of Pembrokeshire. The number of new uses in recent years includes coasteering, kite surfing, parascending and sit-on top canoeing. The last of these in particular is showing a significant increase with 89% of used sites recording an increase in the last 5 years. This is an area where the NPA believes that joint work with MCA to produce information about opportunities for safe use, may be worth pursuing.
- Specifically we have seen increases in adventure activity companies in the area (There are 32 registered with the Pembrokeshire Outdoor Charter Group) and in marine sightseeing companies.

Coastguards are regularly involved with canoe, climbing and coasteering rescues and if we want to promote these activities for their economic and health benefits we need to be able to maintain a balance of safety and risk. In terms of a preventative and educational role the Coastguard in Milford Haven host an annual cliff climbing group which has for many years considered climbing safety on what are some of the finest sea-cliff climbing venues in Europe. Coastguards have been involved with both the Marine Code and Outdoor Charter groups and

with a personal watercraft monitoring initiative managed by Pembrokeshire Coastal Forum.

In terms of bigger shipping and tourism the Coastguard also has a significant role. With two regular ferries into Pembrokeshire and an increasing number of cruise ships stopping in Fishguard and Milford to send their passengers ashore, the provision of safe navigation information and a quick response in the event of an emergency is critical for the reputation of the area. Likewise, with something like one third of the UK energy imports coming into Milford Haven, the importance of managing shipping cannot be overstated. In the event of a major oil spill as experienced in this area in 1996, having senior Coastguard staff based locally with high levels of local knowledge is essential for the coordination of a quick response to limit damage and to coordinate clear up any of resulting spillage. Once again a clean and safe coast is a basic foundation for the type of tourism that South West Wales depends upon. Having a fully staffed and locally coordinated Coastguard presence is a key element in the package of services.

Yours Sincerely



Tegryn Jones
Chief Executive



Department for
Transport

**From Mike Penning MP, Parliamentary
Under Secretary of State**

Great Minster House
33 Horseferry Road
London SW1P 4DR

Tel: 020 7944 3084
Fax: 020 7944 4521
E-Mail: mike.penning@dft.gsi.gov.uk

Web site: www.dft.gov.uk

Our Ref: MC/22684
Your Ref: P-03-328

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

14 DEC 2011

Dear Mr Powell

Thank you for your letter of 9 November containing the petition that the Petitions Committee of the National Assembly for Wales is considering, regarding the modernisation of Her Majesty's Coastguard.

The petition makes references to proposals that were part of the first consultation that ran from the 16 December 2010 to 5 May 2011. The Maritime and Coastguard Agency (MCA) published a suite of risk documents for these proposals and these are available on the MCA's website at:

www.dft.gov.uk/mca/mcga07-home/shipsandcargoes/consultations/mcga-consultationsarchive/hm_coastguard_proposals_for_modernisation_consultation_2010/consultation-risk.htm

On 14 July we issued revised proposals for consultation. I announced on 22 November that we will now go ahead with the arrangements that were set out in these proposals. The second consultation closed on 6 October and an independent review team, with the engagement of the PCS Union, reviewed the anonymised responses. That review showed that no new compelling operational or other arguments were submitted.

I can assure you that moving to the new nationally-networked system will mean that any incident can be handled by Coastguards located at the Maritime Operations Centre (MOC) and at any of the other coastguard centres. The waters in areas around Wales will be covered in the same way as any area around the UK coast.

We also announced on 22 November that the new MOC will be housed in a currently vacant, state of the art control centre at Kites Croft in Fareham (Hampshire). The building's existing facilities, purpose built for a Civil Contingencies Act, Category 1 Emergency Response control room function, means that the MOC can be established quickly, allowing for an extensive programme of tests and trials to prove and refine the new concept of operations for maritime rescue coordination. The choice of Fareham also makes best use of the Government's existing estate and minimises upfront costs, offering best value for money.

The coastguard centre in Dover will act as the back-up to the MOC, and the smaller centre at London will continue unchanged. There will also be coastguard centres at Aberdeen, Falmouth, Milford Haven, Holyhead, Belfast, Stornoway, Humber and on Shetland. The MOC and all coastguard centres, including Holyhead and Milford Haven, will be operating 24 hours a day.

In addition, the MCA will maintain a strong community coastguard presence around the Welsh coast with its volunteer Coastguard Rescue Teams and new Coastal Operational Hubs; in Wales these will be in Swansea and Cardigan Bay.

Kind Regards
WLP

MIKE PENNING

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



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref p-04-328
Ein cyf/Our ref CS/07071/11

William Powell AM
Committee.business@wales.gov.uk

December 2011

Thank you for your letter dated 9 November 2011 to Edwina Hart. It has been passed to me to respond to as responsibility for Coastguards fall to my portfolio.

I am very disappointed with the UK Governments announcement on the 22 November 2011 to close Swansea coastguard station.

The First Minister has made it very clear and has presented a strong case throughout the consultation process to keep all three coastguard stations in Wales open. By closing Swansea it has the potential to leave our coastline exposed. In our response to the second consultation we proposed that no consideration should be given to the closure of the MRCCs in Wales without the MCA first conducting Risk & Security Impact Assessments, specific to Wales. Such assessment should incorporate the cumulative effects of closures, alongside the withdrawal of Emergency Towing Vessel's and the ongoing uncertainty over the provision of Search and Rescue (SAR) helicopters and SAR capability. I am not aware that the UK Government have undertaken such an assessment prior to making this announcement.

As the Committee will be aware coastguards are a non-devolved matter and the Welsh Government is unable to carry out such assessments, I trust the Committee will understand this.

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

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1NA

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

English Enquiry Line 0845 010 3300
Llinell Ymholiadau Cymraeg 0845 010 4400
Correspondence.edwina.Hart@Wales.gsi.gov.uk

Printed on 100% recycled paper

Agenda Item 6.1

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



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref
Ein cyf/Our ref CS/

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

January 2012

Abergavenny Improvement Acts 1854-71

I wrote to you in November acknowledging receipt of copy evidence received by your Committee in relation to Abergavenny Livestock Market.

Today, I have issued a Written Statement to the National Assembly explaining my decision to repeal the Abergavenny Improvement Acts, a copy of which I enclose. I carefully considered the evidence forwarded to me by the Petitions Committee, and understand the strength and sincerity of feeling expressed by those people who do not wish the existing livestock market to close. I have not included within the consultation responses received, the approximate 5,000 petition letters forwarded to your Committee in 2009, but I have taken account the sentiment of that petition during my consideration of the matter.

I received a very high number of responses to my consultation, many of which oppose repeal of the Acts on the grounds that the current market should not close, or that the proposed development of the site should not proceed. The retention of the Acts is perceived as a means of preventing these things from happening, but such planning considerations are properly for the democratically elected local Council, not me. Furthermore, it is a misconception that the retention of the Acts prevents the development of the existing market site.

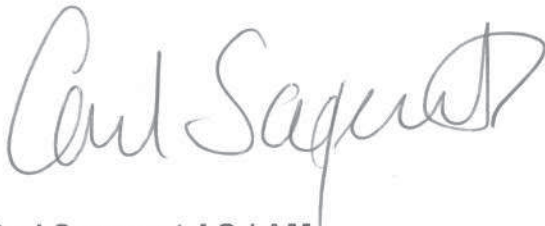
Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1NA

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

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

Printed on 100% recycled paper

I wish to thank you and your Committee colleagues for keeping me informed of the responses you have received concerning Abergavenny's livestock market. I expect shortly to place before the National Assembly an Order repealing the Acts, and that the Order will come into force one month after it is made. The enabling powers in the Local Government (Wales) Act 1994 provide that this order will be subject to the negative procedure in the Assembly.

A handwritten signature in dark ink, reading 'Carl Sargeant'. The signature is fluid and cursive, with a large 'C' and a stylized 'S'.

Carl Sargeant AC / AM

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