

Senedd Inquiry Submission

Petition P-06-1510: Public Exposure to Hydrogen Sulphide at Hafod Landfill

Sumbitted : 21st August 2025

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Submitted to: Senedd Petitions Committee Welsh Parliament (Senedd Cymru)

Five Key Questions for the Committee

Residents remain exposed to Hydrogen Sulphide above World Health Organization (WHO) guidelines. Natural Resources Wales (NRW) and Wrexham Council have failed to close a glaring regulatory gap: NRW limits its role to permit compliance inside the site boundary, while Wrexham Council assesses off-site impacts using inappropriate occupational exposure limits (OELs). The result is that no authority is safeguarding the public under the correct WHO residential standard of 5 ppb.

The Committee must ask:

- Regulatory Gap:** Why does NRW refuse to address off-site health and nuisance impacts, claiming they are “**not a requirement of the Environmental Permit**”? Why has Wrexham Council compounded this failure by applying occupational exposure limits (OELs), designed for healthy adult workers, in a residential community, instead of adopting the WHO guideline of 5 ppb?
- Council Abdication:** Why has Wrexham Council deferred to NRW’s **narrow permit remit** rather than exercise its statutory duty under public protection law to investigate and act on off-site nuisance and health risks?
- Data Withholding:** When will NRW and Wrexham Council jointly publish the full, unredacted monitoring **datasets promised to residents**? How can the continued delay be justified when transparency is essential for independent scrutiny and public trust? Monitoring commenced on 1st March, and no data has been released from the perimeter of the Lanfill site since, and only one data set in March, which demonstrated non-compliance with WHO guidelines 23% of the time.
- Health Advisory Failures:** How do NRW and Wrexham Council respond to the statement by Kristian James of Public Health Wales — that residents should just vacate the area for “respite” when Hydrogen Sulphide levels exceed WHO guidelines, and why has there been no enforcement to eliminate the cause of these breaches?
- Status Quo Protection:** Given repeated expressions of concern by Council members, how do both NRW and Wrexham Council explain their reliance on vague technicalities that preserve the harmful status quo? Does this not create the impression that the operator is being protected rather than the public, by running with the foxes and hunting with the hounds.

1. The Regulatory Gap: Permit Compliance vs. Public Exposure

- **NRW’s position:** On 11 August 2025, NRW stated: “Hydrogen sulphide monitoring off-site is not a requirement of the Environmental Permit.” This allows the operator to claim compliance while residents are exposed to fugitive emissions.
- **Council’s position:** Wrexham Council Public Protection Officers defer to NRW’s “primacy” and assess exposure using OELs intended for occupational health, not the WHO community standard of 5 ppb (30-min average).
- **Effect:** Neither authority applies the correct benchmark. This leaves residents in a regulatory void where no public authority accepts responsibility for enforcing safe community standards.

Table: NRW’s Regulatory Principles vs. Hafod Reality

NRW Principle	Intended Purpose	Observed Reality at Hafod
Deliver outcomes	Improve well-being	Odours persist; outcomes undefined and unmet
Be intelligent	Challenge poor practice using evidence	Data shows breaches; no decisive action taken
Hold operators accountable	Enforce compliance and protect communities	NRW defers to technicalities; enforcement is absent
Use full range of tools	Apply legal and collaborative mechanisms	Permit remains intact; penalties not applied
Be flexible and clear	Adapt to conditions and communicate openly	Odour plans unchanged; responses vague and passive
Ensure transparency	Share data and decisions with the public	FOI barriers; updates infrequent and incomplete

2. Engagement or Evasion?

Claims of “community engagement” are contradicted by the following facts:

- **NRW updates:** Only four published in nine months, repeating platitudes with no new data.
- **Liaison Committee:** Described by members as a “waste of time.” Minutes are incomplete or missing. Councillor David Bithell admitted he had only “brief notes.”
- **FOI barriers:** Residents forced to constantly use FOI requests to access even partial records.
- **Complaint fatigue:** Residents openly stated they no longer report odours due to lack of feedback. NRW has refused to offer anymore updates, due to current investigations and improvement plan implementation. After 19 years of protests, they still prevaricate, and kick the can down the road.

This is not engagement — it is institutional evasion.

3. Human Rights and the Walleys Quarry Precedent

In *R (Matthew Richards) v Environment Agency and Walleys Quarry Ltd*, the High Court found that excessive Hydrogen Sulphide posed a risk to life and family life under Articles 2 and 8 of the European Convention on Human Rights.

Hafod presents an even stronger case, with nearly two decades of emissions. Residents report headaches, nausea, respiratory irritation, anxiety, and disrupted family life.

The failure of any authority to adopt WHO guidelines means that the State is failing in its positive duty to protect residents' health and well-being.

4. Rebuttal to Liaison Committee Minutes (17 June 2025)

- Declining complaints are cited as evidence of improvement, when in reality they reflect complaint fatigue.
- The 21 Dec 2023 NRW Enforcement Notice — a landmark action — is not even mentioned.
- Routine compliance works are misrepresented as improvements.
- Health concerns dismissed with “see your doctor.”
- Monitoring rollout is reactive, incomplete, and lacks independent oversight.

This is historical revisionism and institutional sanitisation, not genuine accountability.

Conclusion and Recommendations

The Hafod case demonstrates:

- A regulatory gap where NRW hides behind permit boundaries and Wrexham Council uses irrelevant OELs instead of WHO community thresholds.
- A failure of engagement, where residents face evasion, missing data, and FOI obstacles.
- A failure of regulatory principles, with NRW unable or unwilling to enforce outcomes.
- A breach of human rights, where families are left exposed for 19 years without remedy.

The Committee should:

1. Require NRW to address off-site impacts under its statutory duty of well-being.
2. Require Wrexham Council to apply the WHO 5 ppb guideline (not OELs).
3. Mandate publication of full monitoring data via a public dashboard.
4. Examine the accountability of Public Health Wales.
5. Recommend revocation of the Environmental Permit, as 19 years of fugitive emissions prove the operator cannot control this nuisance and residents cannot endure another 35 years.

Addendum to Submission – Senedd Inquiry Ref: P0-60-1510

In addition to the five questions already submitted regarding the oversight of Hafod Landfill, I wish to add the following question for consideration by the Inquiry:

Proposed Additional Question

Given that Hafod Landfill has operated since before the year 2000, when disposal of polychlorinated biphenyls (PCBs) was poorly regulated, can Natural Resources Wales, Wrexham Council, and Enovert confirm whether PCB-containing wastes were ever historically deposited at the site, and whether monitoring for persistent organic pollutants such as PCBs is included in current leachate, groundwater, soil, and air testing regimes, and if such monitoring is not undertaken, what is the justification for that omission?

Rationale for Question

- PCBs are internationally recognised as toxic, persistent organic pollutants under the Stockholm Convention, and were widely used in industrial equipment, paints, and construction materials prior to their prohibition in 2000.
- Landfill records and waste acceptance procedures prior to that date were significantly less stringent, creating the possibility that PCB-containing wastes may have entered Hafod.
- Unlike hydrogen sulphide, PCB contamination does not manifest as odour but poses serious long-term health and environmental risks through air, soil, water, and food-chain exposure pathways.
- It is therefore essential to establish:
 - Whether PCB-containing waste was historically deposited.
 - Whether NRW or the operator monitors for such pollutants.
 - If not, why this gap in oversight has been allowed to persist.