

Welsh Assembly Government  
Petitions Committee

Cardiff Against the Incinerator  
21 Northlands  
Rumney  
Cardiff  
CF3 3AQ  
4<sup>th</sup> May 2012

Dear Sir

I write on behalf of Cardiff Against the Incinerator Committee.

As you are aware, the Ombudsman for Wales has completed his investigation into Cardiff County Council's flawed planning consultation exercise in Cardiff Bay.

The Ombudsman for Wales has found that "the proposed development consultation exercise fell short of what could reasonably be expected of it, which amounted to maladministration on the part of the Council", "however a number of individuals, given where they lived (Galleon Way), suffered an injustice through not being adequately consulted" and "Who were denied the opportunity to make representations about the proposed development, as a result of the shortcoming in the Council's consultation exercise."

It is obvious that this maladministration ruling applies to hundreds of residents residing at the Galleon Way apartment complex and the thousands of residents, employees and businesses in Cardiff Bay, who have all suffered an injustice, due to Cardiff County Council policy of failing to put up or post planning information notices, concerning the planning application for the proposed Viridor incinerator in Cardiff Bay.

Cardiff Council consultation on the Viridor planning application in the Splott and Tremorfa area, consisted of 17 notices by letter in the Ocean Way industrial area, 6 fixed notices in residential areas of Splott.

We call on the Petitions Committee, to forward this maladministration charge against Cardiff County Council, to the Welsh Assembly Government, requesting that their legal department investigate "why" Cardiff County Council, deliberately failed to carry out their legal obligation, to consult on this planning issue. The residents in Cardiff Bay live nearest to the proposed incinerator site. We also request that a public enquiry be set up to thoroughly investigate the consultation maladministration in Cardiff Bay, carried out by Cardiff Council, and the flawed consultation carried out by Prosiect Gwyrdd and the Environment Agency Wales.

The ombudsman for Wales proven case of maladministration and the other charges of flawed consultation, as attached, show that the Cardiff Council has used discredited methods in their drive to force through planning consent for the Viridor incinerator in Cardiff Bay. Using the most effective method at their disposal and restricting local opposition by keeping the residents, employees and businesses out of the planning consultation loop in Cardiff Bay.

The planning committee on 9<sup>th</sup> June 2010 resolved to grant planning permission, subject to conditions and a 106 agreement.

Rodney Berman the Council leader was present at the planning committee meeting, when the Council's head of planning officer stated, "It would be suicidal not to grant planning consent." to Viridor plc. This statement is tantamount to giving instruction to the planning committee and is totally out of order.

The officers and the planning committee chairman had a duty to inform the planning committee that it would be inappropriate to grant merchant planning permission at this time, due to the fact that Cardiff Council, as lead Council in the Prosiect Gwyrdd Consortium, were already in the process of selecting the incinerator company with the most efficient incinerator and the best financial bid, the winning company to be presented with the contract to burn all the residual waste from the five Consortium Councils. Cardiff County Council through Prosiect Gwyrdd, is still carrying out this selection process today. This should have been discussed in Committee and seriously compromises the decision.

The 106 agreement was completed and planning permission issued on 29<sup>th</sup> June 2010. The council decided against going to press prior to the re submission of the planning application, thereby once again denying democratic consultation and scrutiny by the citizens of Cardiff.

We believe that the planning permission issued to Viridor should not be allowed to stand due to undue pressure being put on the planning committee, by officers and the failure of officers to fully brief the planning committee on the Prosiect Gwyrdd work in hand issue. Cardiff Council has failed to carry out due process with regard to planning consultation in Cardiff Bay, this has led to a proven charge of maladministration where the residents, employees and businesses have been substantially and likely deliberately misled.

We request that this flawed Viridor planning consent be thrown out by John Griffiths Environment Minister, Welsh Assembly Government.

Yours faithfully  David Prosser (CATI Media secretary)

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Dear Sir

I write to highlight another case of flawed consultation in Cardiff Bay that requires investigation by the Environment Minister

On March 14<sup>th</sup> 2011 Prosiect Gwyrdd (PG) held a drop in meeting at County Hall Cardiff bay. The purpose of the meeting was to give Cardiff Bay residents the opportunity to put their questions on incineration and recycling to the PG partnership staff Unfortunately PG failed to put up notices or posters in any areas of Cardiff Bay to notify residents of this important drop in meeting.

Prosiect Gwyrdd even failed to put up notices in the Galleon Way high rise apartment complex next door to the County Hall Meeting !!  
(PG) failed to conform with their own guide lines and operate a professional information and consultation exercise.

Prosiect Gwyrdd is the partnership of five councils set up to select the incineration company with the winning bid, to construct an incinerator in south East Wales. The nominated company will receive the WAG part funded contract to burn the residual waste from the five South East Wales Local Authorities. The lead council is Cardiff County Council

Prosiect Gwyrdd's correspondence states that their "communications campaign is a mandatory condition of the Welsh Assembly Government funding agreement." This is because, communication, engaging and informing local communities and other key stakeholders, represents best practice for all major infrastructure projects".

PG literature also states "the partnership will be running drop- in information sessions, close to the areas where sites have been identified, so that residents have the opportunity to put their questions to PG officers".

PG also state that they will put up notices close to the sites to inform local people of the drop in meeting. The Environment Minister should investigate why Prosiect Gwyrdd failed to put up drop- in meeting notices anywhere in Cardiff Bay about the meeting on 14<sup>th</sup> March 2011. This must be considered as another case of flawed consultation in Cardiff Bay.

Yours faithfully  David Prosser, Media secretary (CATI)

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**Dear Sir**

**I write to highlight yet another case of flawed consultation in Cardiff Bay, this time it concerns the Environment agency Wales.**

**The Environment Agency Wales held a drop-in meeting at the Novotel Hotel on the 6<sup>th</sup> July 2009, this to discuss incineration issues in Cardiff Bay, they failed to properly notify residents and businesses South of County Hall or employees living or working close (around 500 metres) to the proposed incineration site. They also failed to notify the manager or businesses in the Red Dragon entertainment complex, or any businesses and employees at the Mermaid Quay, restaurant and shopping quarter. This is yet another case of totally flawed consultation in Cardiff Bay. This requires investigation by the Environment Minister.**

**The Environment Agency Wales (EAW), have an obligation under the Local Democracy, Economic Development and Construction Act 2009. The Act states in section 23, - Duty of public Authorities to seek involvement with interested persons, section (7) states, "interested persons "means a person who is likely to be affected by or interested in the function. The EAW has failed to conform with the Act. There are thousands of people likely to be interested or affected in Cardiff Bay who were not allowed consultation involvement.**

**The Petitions Committee should question the EAW on this flawed consultation policy in Cardiff Bay.**

**Yours Faithfully**



**David Prosser**

**Media Secretary (CATI)**