



Cynulliad
Cenedlaethol
Cymru

National
Assembly for
Wales

Cofnod y Trafodion The Record of Proceedings

[Y Pwyllgor Deisebau](#)

[The Petitions Committee](#)

03/10/2017

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Public from the Meeting for the Remainder of the Meeting

Cofnodir y trafodion yn yr iaith y llefarwyd hwy ynddi yn y pwyllgor. Yn ogystal, cynhwysir trawsgrifiad o'r cyfieithu ar y pryd. Lle y mae cyfranwyr wedi darparu cywiriadau i'w tystiolaeth, nodir y rheini yn y trawsgrifiad.

The proceedings are reported in the language in which they were spoken in the committee. In addition, a transcription of the simultaneous interpretation is included. Where contributors have supplied corrections to their evidence, these are noted in the transcript.

Aelodau'r pwyllgor yn bresennol
Committee members in attendance

Janet Finch–Saunders Bywgraffiad Biography	Ceidwadwyr Cymreig Welsh Conservatives
Mike Hedges Bywgraffiad Biography	Llafur Labour
David J. Rowlands Bywgraffiad Biography	UKIP Cymru (Cadeirydd y Pwyllgor) UKIP Wales (Committee Chair)

Eraill yn bresennol
Others in attendance

Chris Austin	Cynrychiolwr, United Valleys Action Group Representative for United Valleys Action Group
Dr John Cox	Deisebwr, P-04-472 Gwnewch y Nodyn Cyngor Technegol Mwynau yn ddeddf Petitioner for P-04-472 Make the MTAN law
Terry Evans	Deisebwr, P-04-575 Galw i Mewn Pob Cais Cynllunio ar Gyfer Cloddio Glo Brig Petitioner for P-04-575 Call in All Opencast Mining Planning Applications

Swyddogion Cynulliad Cenedlaethol Cymru yn bresennol
National Assembly for Wales officials in attendance

Graeme Francis	Clerc Clerk
Kayleigh Imperato	Dirprwy Glerc Deputy Clerk
Lisa Salkeld	Cynghorydd Cyfreithiol Legal Adviser
Kath Thomas	Dirprwy Glerc Deputy Clerk

Dechreuodd y cyfarfod am 09:18.

The meeting began at 09:18.

Cyflwyniad, Ymddiheuriadau, Dirprwyon a Datganiadau o Fuddiant Introduction, Apologies, Substitutions and Declarations of Interest

[1] **David J. Rowlands:** Okay. Well, welcome everyone to the meeting. I'll just remind you that you're able to speak in Welsh or English and headsets are available for translation. There's no need to turn off your mobile phones but they should be put on silent. The first item on the agenda is apologies and substitutions. No apologies have been received.

Deisebau Newydd New Petitions

[2] **David J. Rowlands:** We'll move straight on to the petitions. The first petition, which is a new petition, is to 'Reconsider the closure of the Welsh Independent Living Grant and support disabled people to live independently'. This petition was submitted by Nathan Lee Davies, having collected 631 signatures. The background is that the first-consideration letter was sent to the Minister for Social Services and Public Health on 31 July, and the Minister's response was received on 21 August. There are a number of points for discussion. The Minister has stated that providing all social care services through local authorities will be fairer, particularly given that the independent living fund has been closed to new entrants since 2010, and help to ensure that all disabled people receive social care services in the same way. She states that the stakeholder advisory group, which the Minister has consulted over decisions around the former ILF, on balance, favoured the option of future support being provided by local authorities as part of their social care provision. The Government has put transitional arrangements into place to enable ILF recipients to agree support plans with their local authorities prior to the closure of the fund in 2019. The petitioner has disputed the assertion that the stakeholder group favoured the option chosen by the Minister, and has called for the results of the public consultation and the stakeholder group minutes to be published. He has also requested a copy of the equality impact assessment carried out. So, do you have any comments you'd like to make?

[3] **Janet Finch-Saunders:** I think we should be tough with the Government

on this, simply because this is probably the most vulnerable group of members in our society. It's alright saying, 'One size fits all.' It doesn't. I know in my own local authority we're already massively overspent on budget and I honestly believe if this goes, these people will lose out.

[4] **David J. Rowlands:** I think one of the concerns—

[5] **Janet Finch-Saunders:** I think the numbers that represented as well, when they came to the Senedd, you know—. I think that this would cause a lot of hardship, a lot of demoralisation. I appreciate the fact that they say there have been no new recipients. I'm concerned about those people who've received it and it's really like taking the carpet from under them. Once we go onto a 'one size fits all', sort of within a general budget, I'm afraid people like that do get left behind.

[6] **David J. Rowlands:** I think that's one of his concerns, that it's not going to be ring-fenced, the money that's going to the local authorities. Mike, do you have any comments?

[7] **Mike Hedges:** I've got two quick comments. One is that if you believe in austerity and you're going to keep on taking money out of budgets, then you can't say, 'You mustn't touch these, you mustn't touch these, you mustn't touch these.' The second point, which is perhaps much more important, is: shall we wait and see what happens in the budget this afternoon?

[8] **Janet Finch-Saunders:** The second point I agree with. We would look at that.

[9] **Mike Hedges:** Let's see what happens in the budget this afternoon. Can we make some provisions? If it's dealt with in the budget this afternoon, then we will send those results on to the petitioner. If it isn't dealt with in the budget in the afternoon, we carry out the actions outlined here.

[10] **David J. Rowlands:** Okay. The possible actions we're looking at, actually, are to write to the Minister for Social Services and Public Health to share the concerns of the petitioner and ask whether she will publish the results of the public consultation and the minutes of the stakeholder group, as requested by this. Now, I don't see any reason why she shouldn't respond to that and publish those minutes.

[11] **Janet Finch–Saunders:** On Mike's second point, I suppose what you're saying, Mike, is that you would like to see—. Obviously, they could increase the budget for social services, it doesn't necessarily mean that these individuals—. It's about this ring fencing, it's keeping that net there. When we talk about safety nets, they should be for the most vulnerable in our society. So, for me, I want to do all I can to fight to keep that safety net there for them.

[12] **David J. Rowlands:** He also makes a comment, Mike, that this has happened in England and that they are disadvantaged since that has happened in England, so unless there are specific matters put in place by the Welsh Government to cover that—

[13] **Mike Hedges:** There may be specific action. I don't know; I haven't seen what the Welsh Government are bringing in. There may well be something on the independent living grant. There are things that are talking about next year's budget when we've got to deal with it this afternoon. I think we need to have the two contingencies: one if it's dealt with and one if it isn't. That's for this or any other requests for money in next year's budget. It's unfortunate we're dealing with it this morning, not this afternoon.

[14] **Janet Finch–Saunders:** Well, if we write to the Minister, that gives us time. We're not closing it; there are still other avenues we can go down.

[15] **David J. Rowlands:** But do we write to the Minister on each of these points?

[16] **Janet Finch–Saunders:** Yes.

[17] **Mike Hedges:** I'm happy with that.

[18] **David J. Rowlands:** You're happy to do that. Right. So, the action is as put down here. The next petition is 'Don't Fill Landfill!' This was submitted by Claire Perrin, having collected 172 signatures. This, of course, is to do with the amount of waste that is put into—inappropriate items going into landfill and to try to militate against that. I think that she's more or less suggested that on each of the bins, if there are bins collected, there should be a notice on that bin telling them that anything that goes into it automatically goes into landfill.

[19] The Cabinet Secretary has welcomed the ethos of the petition, and has

described recent progress made in reducing the volume of the waste sent to landfill. In her note, she's been very specific about the quantities of landfill, et cetera, and increasing recycling rates and incineration. She outlines a behaviour change initiative currently being planned and intended to launch in 2018. In the Cabinet Secretary's view, stickers on bins may play a role in such a campaign, but will only be one aspect of the solution.

[20] So, possible actions are to await the view of the petitioners on the response from the Cabinet Secretary for Environment and Rural Affairs before deciding on future action to take in relation to the petition. Are we agreed on that?

[21] **Mike Hedges:** Yes.

[22] **David J. Rowlands:** Fine, agreed. The next petition is 'Pass Wide and Slow Wales'. The petition was submitted by Jocelle Lovell, having collected 1,755 signatures. This is with regard to the safety of horses and, of course, cars passing, particularly in the country lanes, where the petitioner has pointed out that there's been a large increase in traffic. In all fairness, the first-consideration letter was sent to the Cabinet Secretary for Economy and Infrastructure, and a response was received on 3 September. I think it's true to say that he's answered a lot of the questions raised and has pointed out that there are campaigns already in place, which are national campaigns—UK campaigns—such as the 'Dead? Or Dead Slow?' campaign, and that he feels that money is best spent if they follow those campaigns, which are national, and try to promote those.

[23] **Janet Finch-Saunders:** We want—we need—here in Wales our own model. I support the UK-wide initiative, but, quite often, when any measures need to be implemented, it's usually the Welsh—because it's devolved. But, I know of people—. This isn't just about horses; this is about the fact that I know people who have been very badly hurt, I've seen horses killed and I really think we have got a problem. Certainly, in my own constituency, a lot of the roads are what they call deregistered, so you can drive on a really quiet country lane at 60 mph. I've written in about certain roads, and they will take action on certain strips of road, but this is about building up awareness. I grew up being able to horse-ride quite safely on roads. It is a pastime. When we feed it into health and well-being, it is like any other sport, really; it keeps people healthy.

[24] Horses were on the road long before cars. As far as I'm concerned, I

do think that people have forgotten. We tend to think that there's only pedestrians, cars and cyclists, and people do forget about horses. A horse isn't like a bicycle, which is always under the control of the owner. Horses can get scared, and some of these high-rev engines, with big engines and things—. I've seen it so many times. I know, I'm educated to know that if you're driving past somebody on a horse—maybe one, usually they'll go out in pairs, or maybe there'll be three—they always keep to the side, but the number of times that drivers won't just overtake, they'll rev up.

[25] I think there needs to be an awareness, somehow, that they are an integral part of our highway. You don't really see much in the highway code or when you're learning to drive, because both my youngsters have learned to drive and have passed their tests in recent years. In terms of appreciating that it might not just be a bicycle, another car or a pedestrian, a horse does fall into a category where they are using the road, certainly in our more rural parts, so I think we should be supporting our rural communities and taking this a little bit further.

[26] **David J. Rowlands:** Okay. I should declare an interest, in that my daughter is very much a horse rider herself.

[27] **Janet Finch-Saunders:** I think there's someone in any family.

[28] **David J. Rowlands:** Mike, do you have any comments on that?

[29] **Mike Hedges:** Pardon?

09:30

[30] **David J. Rowlands:** Do you have any comments?

[31] **Mike Hedges:** I think that the advantage of a British campaign is it'll get everybody, because an awful lot of people, especially in the north, north-east and south-east of Wales, tend to look for their tv media to England rather than Wales. But, why don't we just write to the Cabinet Secretary to ask if he will consider additional support and—?

[32] **Janet Finch-Saunders:** Awareness—education in schools, leaflets, whatever.

[33] **Mike Hedges:** Something we, as a committee, have always done is

we've always gone to the body that represents horses—so, I think that's the British Horse Society in this case—and ask them their views.

[34] **David J. Rowlands:** Right, fine.

[35] **Mike Hedges:** And I would hope we would continue to do that: go and ask for independent views from the people who are the representatives. I don't know much about horses on roads. I don't travel on roads where there are very many of them, but I think that it would be helpful if we could find out what the British Horse Society thinks.

[36] **David J. Rowlands:** Okay, so the possible actions are to write to the Cabinet Secretary for Economy and Infrastructure to ask if he will consider whether additional support should be given to the British Horse Society's 'Dead? Or Dead Slow?' campaign, and write to the British Horse Society to ask for their views. Are we happy with that?

[37] **Janet Finch-Saunders:** Yes. If I may come back, Chairman, I know that, again, in recent years, you would see signs that warned you, if you were on a quiet road, that there were horses around, and they seem to have just disappeared over the years. So, then, when you write to the council and ask for one, they don't see it as a priority. So, if there was some kind of guidance from here, it might just help. If it saves one life, it's worth it.

[38] **David J. Rowlands:** So, if we do that as the possible actions, we do that in the first instance, and once we've got the replies back we can take the matter further. Are we happy with that? Fine, okay.

[39] The next petition, which is another new petition, is 'To recognize the three hundredth anniversary of Williams Pantycelyn'. This was submitted by Aled Gwyn Job, having collected 1,114 votes. It's a very interesting petition, and he gives the full background as to why we ought to be celebrating this particular person, and he's—. I think that it's true to say that we should consider, as the—. I think it's true to say that the Cabinet Secretary has more or less said that these matters are governed by the Arts Council of Wales, and it's up to them to submit funding requests if they feel it's appropriate. So, I think the possible action in this first instance is to write to the Arts Council of Wales to ask whether any events or activities have been held during 2017 to commemorate the three hundredth anniversary of the birth of William Williams; if not, what consideration was given to marking this milestone during the year; and for their views on the proposals made by the

petitioner. Are we agreed on that, or—?

[40] **Mike Hedges:** Yes.

[41] **David J. Rowlands:** Yes. Fine. So, those are the actions we'll take.

[42] The next petition is a new petition, but I think it's a matter that's been ongoing for some time, to 'Protect the Razor Clams on Llanfairfechan Beach'. This was submitted by Vanessa L. Dye, having collected 459 signatures. There's quite a background to this with regard to clam collection on Llanfairfechan, and the fact that it appears that, particularly in latter years, there's been a huge proliferation in the numbers of clams that are being collected, and it's thought that this may also be the result of commercial, rather than private, collections.

[43] So, that's basically the background and, of course, the Welsh Government does have power in this with the 12-mile limit. It does come under their remit, and we sent a letter to the Cabinet Secretary for Environment and Rural Affairs on 17 August, and a reply was received on 29 August. The points for discussion are that due to concerns raised about razor clam stocks at Llanfairfechan, the Welsh Government temporarily closed the fishery between August 2017 and 1 January 2018. The Cabinet Secretary has informed the committee that she will then consider whether the fishery should reopen or if any additional restrictions are required. The petitioner has provided background information and a press clipping, which outlines the issue and indicates that harvesting may have continued since the fishery was closed. The petition calls for research into the health of the fishery, the introduction of a closed season and additional regulations including quotas. Now, I think the truth of the matter is that although it's technically been closed, it appears that clam harvesting is still going on, so it seems to be a matter of whether it can be policed in an appropriate way. That's what seems to be apt.

[44] **Janet Finch-Saunders:** It's my constituency and it's an issue that's been going on now. It's after every spring tide and the last four years have been horrendous for the residents, actually, because they get an influx—early hours, with torches. One hundred and fifty people come from out of the area and they don't just take small amounts; they have trolleys. There have been issues about anti-social behaviour in terms of some of the behaviours of the people taking them, but, more importantly, we're concerned about those beds. We're pretty lucky in Llanfairfechan to have a bed of this size, but

they're taking them through the spawning season. I've had public meetings on this, and there's this grey area between what people consider to be 'for human consumption' or not. There have even been concerns whether there was trafficking going on in the area, given the nature or some of the ages of some of the children.

[45] The whole thing is something that definitely needs to be addressed by this Welsh Government because the local authority say they're powerless. We have had all the agencies around a table. They were all saying, 'Something needs to be done'. I've written to the Cabinet Secretary. I'm thrilled that the beds have been closed for now, but, as you say, closing beds is only as good as the enforcement, and when such large numbers come on, it is really difficult. So, we are looking for tougher legislation because, in terms of sustainability, we want those beds to be sustainable for generations to come, and at the moment they are overharvesting these beds as far as the—. You know, we have fishermen who quite often are there, and they give their evidence, and—. We need to see more protections in place for those beds.

[46] **David J. Rowlands:** Yes. I think that each person is allowed to collect 5 kg, but if you're talking about hundreds of people being on the beach—

[47] **Janet Finch-Saunders:** Oh, absolutely. They're taking thousands of kilos.

[48] **David J. Rowlands:**—then the numbers are huge. A possible action is to write to the Cabinet—. Did you have anything to say on that, Mike, at all—I'm sorry?

[49] **Mike Hedges:** I think that what we've got to do it make sure that if we've closed it, it's enforced.

[50] **Janet Finch-Saunders:** But we want more than that. We want some studies on the beds so that we can determine whether—. The size of them now, there's a minimum—

[51] **David J. Rowlands:** Ten centimetres.

[52] **Janet Finch-Saunders:** Yes, and they're going on there indiscriminately and just taking anything, and there are concerns now, as with anything, that the future sustainability of those beds is at considerable risk. So, I've written personally and asked the Cabinet Secretary to undertake some research

work. We've got Bangor University a few miles down the road, and I'm sure that—. It's one of the finest marine biology universities in the country. I'm sure that a piece of work could be undertaken there, at relatively little cost, that would inform marine fisheries agencies about how severe this problem really is.

[53] **David J. Rowlands:** Okay. The action that we are asked to take is to write to the Cabinet Secretary for Environment and Rural Affairs to ask that she provides an update to the committee when the survey has been completed, and details of any further actions she intends to take to protect razor clam stocks. Are we happy with that? When it comes back to us, we'll see the response that she has and deal with it.

[54] **Janet Finch-Saunders:** Yes, thank you.

[55] **David J. Rowlands:** I agree with you. It seems to be a very, very important matter.

[56] **Mike Hedges:** Can we also ask what she knows about the allegation that harvesting has continued since the fishery was closed?

[57] **David J. Rowlands:** Yes. Fine, yes. I agree, Mike.

[58] **Mike Hedges:** Has it or hasn't it? If it has, what action has been taken?

[59] **David J. Rowlands:** Right, absolutely.

09:39

Y Wybodaeth Ddiweddaraf am Ddeisebau Blaenorol Updates to Previous Petitions

[60] **David J. Rowlands:** Now, we have two previous petitions here, and we agreed at the last committee meeting that we would group two of these petitions together. The two petitions are 'Remove the Obligation on Schools to Hold Acts of Religious Worship', and that was submitted by Rhiannon Shipton and Lily McAllister-Sutton. It was first considered on 27 June having collected 1,333 signatures. Then the second one, which seems to oppose that particular petition is 'Keeping Current Guidelines for Religious Assemblies'. It was submitted by Iraj Irfan, having collected a total of 2,231 signatures, and it was first considered on 27 June. There's quite some

extensive reading that we've had with regard to these. The current situation is that there was an Act that was brought in, I think, in 1940, which covered this matter. It's been challenged in many ways ever since, and I think that the gist of the petition that wants that reviewed is that it's no longer truly applicable in this day and age and it's not being administered in a way that they thought it might first be considered.

[61] So, the Cabinet Secretary has noted that there are strong feelings both for and against maintaining requirements for collective worship. She has asked her officials to review this subject in response to the question asked by the committee. She states that this has raised a number of complex legal and policy issues that require detailed consideration, and that she intends to provide a more substantive response later in the autumn. I think this is with regard to human rights issues that oppose the issues of having religion in the schools in this way. The committee's also received correspondence from Dr Alison Mawhinney from Bangor University and a report of an evaluation of law and policy on collective worship and religious observers in schools. This has been provided to Members separately. Would any of the committee like to make any comments on that?

[62] **Mike Hedges:** We have to wait for the Cabinet Secretary for Education to respond to us.

[63] **Janet Finch-Saunders:** Yes.

[64] **David J Rowlands:** Yes. Are you happy? Fine. So that's what we'll do: we'll await an update from the Cabinet Secretary for Education following her consideration of the issues raised by the petitions.

[65] The next petition is 'Child and Adolescent Eating Disorder Service'. This petition was submitted by Helen Missen and was first considered in July 2012, having collected 246 signatures. The committee last considered the petition on 11 July, when they considered correspondence from the Cabinet Secretary for Health, Well-being and Sport and agreed to write to the Cabinet Secretary asking him for more detailed information on how the Welsh Government intends to improve the provision for child and adolescent eating disorders. The Cabinet Secretary has outlined the funding provided for children's mental health services, including additional funding of £8 million on an annual basis. This has included money to expand crisis teams. He has also stated that child and adolescent mental health services see the treatment of eating disorders as part of their core business, and the Welsh

Government has invested in additional staff and expansion of services. He has provided figures for the number of admissions for under-18s, which comes to 98, but not for the overall number of children and adults diagnosed. The petitioner has repeated her call for increased funding for child and adolescent eating disorders, specifically targeted at early intervention. She has provided examples of two services being delivered and called for these to be extended and rolled out across Wales.

[66] **Janet Finch-Saunders:** And never before have I disagreed more with a letter from a Cabinet Secretary. I mean, just now, I'm highlighting it here—let me just give you a quote:

[67] 'As with all other services, it is the responsibility of health boards to provide health services to meet the needs of their population according to their clinical need. The vast majority of people with eating disorders who require inpatient care would be treated locally within child and adolescent or adult mental health services.'

[68] He then goes on to mention CAMHS. We haven't got a specialist. I know there's talk now—and I think they are—of putting some provision near me in the next constituency in Abergele, but I've got constituents' families who have ended up in Stafford and in other parts of Wales, and it's been very, very difficult, traumatic and actually quite disgraceful, in their ability to be able to get—. When the problem becomes highlighted, you need to get in there fast. The pressure on young women and young men now, of school age, is immense. The pressures are going to be facing us, actually, as a Government and as an Assembly, and I do think we're not doing enough. A million pounds—it's not a case of just chucking money at it. We need a strategic review on how we're dealing, in Wales, with—. As I say, as yet, I have yet to see a constituent of mine be able to access the treatment that they require here locally. CAMHS—it's a nightmare. Every single Assembly Member that I know who's ever spoken about CAMHS knows the difficulties in access, and so, for me, we've got this huge gap in the net and young people are falling through it. You've got to get in early because this is a condition that can—well, it can lead to death. The impact it has on families and other siblings in the family—it's horrendous. I've witnessed it. I've seen it with constituents.

09:45

[69] **David J. Rowlands:** Are you talking about mental health provision in

general, or are you talking about this specific—?

[70] **Janet Finch-Saunders:** This particular illness—it's a disease, it's an illness—is like no other, because obviously it's self-inflicted. It's a self-harm mechanism, and it is definitely, definitely—. The numbers: if you look at the numbers, it's scary. It is really scary.

[71] **David J. Rowlands:** Okay. So the possible actions that we're considering are—. Mike, do you have anything to say on that? I'm sorry.

[72] **Mike Hedges:** I think I'm unable to say anything at the moment; my voice is going. I think that we just need to see what we can do. I think we can just write to the Cabinet Secretary and continue this movement back and fore until we make some progress. So, I suggest we write to the Cabinet Secretary raising the problems that the petitioner has raised and talk about increasing the capacity of specialised eating disorder CAMHS and making sure that the regional specialist eating disorder team currently operating in north Wales works in other parts of Wales, so that we have consistency.

[73] **David J. Rowlands:** And await his response on that and see where we take it. Is that right?

[74] **Janet Finch-Saunders:** I want to see the Cabinet member involve himself more with this particular issue. I mean, he quotes:

[75] 'our Together for Mental Health Delivery Plan 2016–19 includes a commitment to consider the need to review the *Eating Disorders Framework*'.

[76] Then it says,

[77] 'the NICE guidance was published'

[78] —this year, and,

[79] 'we will consider the need now to review the Framework'.

[80] It says he's given £0.5 million, but what we are—. It came up last week, about the lack of data. It's all right throwing money at something. I want the Cabinet Secretary to get himself more involved in this particular issue.

[81] **David J. Rowlands:** What we could do, if we write to the Cabinet Secretary and wait for his reply—

[82] **Janet Finch-Saunders:** I think we need to challenge some of the points he's made.

[83] **David J. Rowlands:**—and we can always consider the act of calling the Cabinet Secretary in to give evidence.

[84] **Janet Finch-Saunders:** Definitely, or even some others—the people over in England, on some of their models of how they support people.

[85] **David J. Rowlands:** Fine, okay. So, we'll write to the Cabinet Secretary for health to ask whether any consideration has been given to extending the services highlighted by the petitioner, namely increasing the capacity of the specialised eating disorder and CAMHS service, which was established using previous Welsh Government funding to train clinicians across Wales, and replacing the regional specialist eating disorder team, SPEED, currently operating in north Wales in other parts of the Welsh NHS—'replicating', sorry, not 'replacing'.

[86] Right. The next petition deals again with an eating disorder unit in Wales. It was submitted by Keira Marlow and was first considered by the committee in October 2013, having collected 526 signatures. The committee last considered the petition on 27 June and agreed to await the views of the petitioner on the information provided by the Cabinet Secretary for Health, Well-being and Sport before deciding whether to take further action on this petition. The committee considered the correspondence from the Cabinet Secretary in June. This stated that a review of in-patient eating was undertaken in 2015 and concluded there was no strong case for dedicated eating disorder provision at this time. He stated that in-patient general mental health services for children and young people have significant experience of treating patients with eating disorders. On the wider issue, increased funding was allocated to eating disorder services in the 2017-18 budget, and the eating disorders framework is being reviewed in response to recently updated NICE guidelines. The petitioner has noted the additional funding that's being provided and the support available through child and adolescent mental health services, but stated her belief that an adult in-patient hospital is needed. So, we have the possible actions. Did you have any comments to make with regard to that?

[87] **Janet Finch–Saunders:** Yes. Much like what I've just said, but I know Bethan Jenkins has done a lot of work as a colleague here in the Assembly. We're a devolved nation. Why is it that it's fine to send children or middle-aged people—? We should have our own eating disorder unit in Wales, and I think that's very conclusive, really. Again, it ties in very much with the other. If we're ever going to make any difference as a Government or as an Assembly, we've got to listen to these people, and I do find some of the comments in the response—it's almost like they're desensitised to what's actually happening. And I think, again, the Cabinet Secretary—it's on his watch and we're not moving forward. It is hard to access support for—. And the petitioner makes a valid comment on this one, Chairman, about the fact that if you relapse it's really difficult to get back in that system. We're talking about people not eating. It's one of the primary functions that we need to stay alive, so with each day that passes, there's every chance of people themselves—. You know, we need to be doing more. If Bethan was here, she'd be—.

[88] We have this committee and it's a vehicle, it's a mechanism with which we can hold Cabinet Secretaries to account, and we can say to the Welsh Government, 'Look, there's strength of feeling here, it's not just AMs jumping up and down and shouting about it; this is coming from the people themselves.' I love this committee, and I think to strengthen its arm, we need to be a bit more robust in our actions, and that we don't accept, sometimes, some of the responses we get. And I'm rejecting this response, on both counts, to do with eating disorders.

[89] **David J. Rowlands:** Fine. Mike, do you have anything to add?

[90] **Mike Hedges:** Well, 'What can we do?' I think is the question. We've got three options, haven't we? We can note it and just end it. We can write again to the Cabinet Secretary, or we can invite the Cabinet Secretary to come here and answer questions. Those are the three options we've got and we just need to decide which one of those we want to take.

[91] **David J. Rowlands:** Would the other recommendations that we had on the last petition cover the same sort of question—

[92] **Janet Finch–Saunders:** Well, let's ask the Cabinet Secretary to come in.

[93] **David J. Rowlands:** [*Inaudible.*]—and do we wait then for the Cabinet Secretary's response?

[94] **Mike Hedges:** Well, as we've got quite a lot of people we're going to see in the near future anyway—and Graeme will tell you how many we've got lined up—we're not going to be doing this any time soon, so we might as well get some further written evidence before we actually see the Cabinet Secretary. But I would guess that we're probably timed up until Christmas already, are we?

[95] **Mr Francis:** Yes, in terms of sessions for the committee. One of the things that I would add though is that, at the last meeting, the committee agreed to look at some petitions around mental health services and we're inviting the petitioners in for that. There may be a way, if we speak to the Cabinet Secretary on that topic, of linking this issue into that as well.

[96] **Janet Finch-Saunders:** As long as it doesn't get lost within that, because this is a particularly—

[97] **David J. Rowlands:** And would that cover both of these petitions that are in front of us at this moment?

[98] **Mr Francis:** I think if the committee wanted it to, we could look to—

[99] **Mike Hedges:** I'd be loath to do that. I think we've got specific things on specific items. I see the advantage of trying to put everything together in terms of time management, but if we think this is important enough, then we need to deal with this as an individual item, rather than an add-on.

[100] **David J. Rowlands:** Could we deal with the two of these petitions?

[101] **Mike Hedges:** Yes, they are together.

[102] **Janet Finch-Saunders:** I think the two do go together, and I think if you came to take evidence, I think that you'd be surprised by the quality of the evidence and information that you will get.

[103] **Mr Francis:** So, would you like us to try and schedule something with the Cabinet Secretary, or, in the first instance, given that we're probably looking at the new year to have a meeting slot available for that, that we write and express the views that have been expressed here today and ask for the Cabinet Secretary to respond?

[104] **Mike Hedges:** Yes. And if we're not happy with those, then we'll ask him to come along in January.

[105] **Janet Finch-Saunders:** We could champion a way forward here, with having some in-patient proper facilities for an illness that's affecting so many people, so many families.

[106] **David J. Rowlands:** Okay. The next petition is 'Unconventional Oil and Gas Planning Applications', submitted by Councillor Arfon Jones in September 2015 having collected 1,254 signatures. The committee last considered the petition on 11 July, and agreed to await further comments from the petitioner on the Cabinet Secretary's response, and write to the Cabinet Secretary for Environment and Rural Affairs asking her to update the committee once she has determined how the Welsh Government will approach the handling of existing licences and future policy. A response was received on 18 August. The petitioner has been informed that the petition was being considered, but had not responded when papers were finalised. The Cabinet Secretary has told the committee that the Welsh Government is in the process of developing evidence to inform the way forward. She stated that she would be in a position to provide the committee with an update before Christmas. So, the possible actions, unless if you have any particular comments on that—. Mike, are you happy to await—?

[107] **Mike Hedges:** Yes.

[108] **David J. Rowlands:** We'll await the update from the Cabinet Secretary for Environment and Rural Affairs before considering any further actions on the petition.

[109] The next petition is 'Trees in Towns', and was submitted by Coed Cadw Woodland Trust, having collected 2,258 signatures. We wrote to the Cabinet Secretary and she has stated that she is content that there are already sufficient measures in place for local areas to consider tree canopy cover. The Climate Change, Environment and Rural Affairs Committee recently recommended that the Welsh Government commit to 20 per cent urban tree canopy cover. The Government rejected this recommendation. So, our possible actions, unless you have any particular comments to make on that—

[110] **Mike Hedges:** Before we move on to possible actions, has the petitioner seen the Climate Change, Environment and Rural Affairs

Committee report?

[111] **Mr Francis:** Yes. I discussed it with them when—

[112] **Mike Hedges:** Okay. Thank you.

[113] **David J. Rowlands:** Okay. So, possible actions are to seek the views of the petitioner on the recent response from the Cabinet Secretary for Environment and Rural Affairs. Or, given the recent attention of another Assembly committee, and the detailed information previously provided by Natural Resources Wales about the support available to local authorities to encourage them to increase tree cover, the committee could close the petition at this point.

[114] **Mike Hedges:** Seek the views of the petitioners first to see if there's anything further they think we can do.

[115] **David J. Rowlands:** Are you happy with that, Janet?

[116] **Janet Finch-Saunders:** Yes.

[117] **David J. Rowlands:** Fine. The next petition is 'End the Exotic Pet Trade in Wales'. This was submitted by David Sedley, having collected 222 signatures. The background: the committee last considered the petition on 27 June, and agreed to await the views of the petitioner on the information provided by the Cabinet Secretary for Environment and Rural Affairs before deciding what further action to take on the petition. The petitioner has submitted further comments, which are available in the public papers. The points for discussion are: in previous correspondence, the Cabinet Secretary stated that there are no current plans to regulate the sale of exotic pets. She stated that further meetings are planned with the RSPCA over their campaign to ban the practice of keeping primates and other exotic species as pets, or updated animal welfare codes of practice. The petitioner has provided further justification for his call to ban the sale of exotic pets, and argued that a ban in Wales would enable the Welsh Government to help protect human health and contribute to the fight against species decline.

[118] So, the possible actions are that the committee could write to the RSPCA to obtain their views on the issues raised, and on any progress made through their meetings with the Welsh Government.

[119] **Mike Hedges:** That continues our policy of going out to the overarching body.

[120] **Janet Finch-Saunders:** I don't know whether to declare an interest because I'm the owner of a very exotic macaw. He's 24 years old and I've had him since he was a baby, and anyone who owns a parrot or other birds like that—. He was home-bred in Wales, but he's still considered as an exotic. I would hope—. Don't get me wrong, there's a big difference between a macaw, or a parrot—and then we are talking about some of the exotic reptiles that have to travel. Anything brought in from abroad—

10:00

[121] **David J. Rowlands:** This would also cover fish, which is a very difficult area once you start talking about exotic pets.

[122] **Janet Finch-Saunders:** I know. I think we should write to the RSPCA. There are some mechanisms that we could do to help to protect species that are actually going to be extinct before we know it. So, I'm all supportive of that.

[123] **David J. Rowlands:** Fine. Okay. The next petition is 'Strengthen the Legislative Regulatory Framework Surrounding Waste Wood Processing Facilities'. The committee last considered the petition on 11 July, and agreed to write to the Cabinet Secretary for Environment and Rural Affairs, seeking her views. We had a response from the Cabinet Secretary on 14 August. The points for discussion raised by the Cabinet Secretary's response: the Cabinet Secretary responded to the committee's previous letter to state that the further comments raised by the petitioner would be addressed to the chair of Natural Resources Wales, given their technical nature. Again, I think this is referring back to the authority on this, as Mike said earlier, to the chair of Natural Resources Wales. The possible action then is to write to Natural Resources Wales to seek their response to the issues raised in the petitioner's previous correspondence. Are we in agreement with that?

[124] **Janet Finch-Saunders:** Yes.

[125] **David J. Rowlands:** The next petition is 'Live Music Protection in Wales'. The petition was submitted by Richard Vaughan, having collected 5,383 signatures. The committee considered the petition on 23 May and agreed to request a debate on the petition. The debate was held on 12 July. I

think that it's true to say that the Welsh Government has taken on these matters and is putting it into legislation. So, the possible action is to close the petition, given the Plenary debate held in July, and note the positive response to the petition from the Welsh Government.

[126] **Janet Finch–Saunders:** Yes, close.

[127] **David J. Rowlands:** The next petition is 'Reopen Cwmcarn Forest Drive at Easter 2018'. It was submitted by the Friends of Cwmcarn Forest Drive—1,450 signatures. The committee last considered the petition on 11 July and wrote to Natural Resources Wales to ask for more details of the time frame for the study into commercial feasibility and management of the drive, and seeking their views on the petitioner's comments relating to funding for other facilities for mountain bike users. Natural Resources Wales's response was received on 4 September. The petitioner has also submitted further comments. This is quite an ongoing petition. We have the points for discussion, which are quite extensive: the forest drive was closed to enable the removal of large numbers of infected larch trees to be felled and replaced in spring 2014. Natural Resources Wales have confirmed that they are working with Caerphilly council on a feasibility study into the medium to long-term options, including the reinstatement of the drive. However, they are currently unable to give a precise commitment as to when the study will be commissioned. They have offered to update the committee within two months. NRW's current focus is on replanting trees.

[128] Now, given the fact that they are offering to update this committee within two months, I think it may well be sensible that we write to Natural Resources Wales to share the latest comments from the petitioner, and ask them to inform the committee when they are in the position to provide further information about the feasibility study into reopening the drive.

[129] **Janet Finch–Saunders:** There does seem to be some ambiguity, doesn't there, on what NRW are doing, and I share some of the frustration by Mr Southall.

[130] **David J. Rowlands:** I agree with you, but given that they've actually given us a time here, two months, and that was a month ago, so they've got another month to reply to us—

[131] **Janet Finch–Saunders:** But they have been apparently promising for the last 18 months, so—.

[132] **David J. Rowlands:** I think we may include in the letter the fact that they've got one month to reply, and that this matter has been extended over a long period of time.

[133] The next petition is 'Resurfacing of the A40 Raglan–Abergavenny Road.' This was submitted by Sara Jones. It was first considered in September 2016, having collected 22 signatures. The committee last—

[134] **Janet Finch–Saunders:** Can I just—?

[135] **David J. Rowlands:** —considered the petition on 9 September and agreed to seek a response from the petitioner on the latest information from the Cabinet Secretary for Economy and Infrastructure before determining future actions on the petition. The petitioner has now submitted further comments. The Cabinet Secretary has confirmed that there are no plans to resurface the A40 in this location because it's not life-expired. He has stated that the design of noise mitigation measures for the priority 1 section on the A40 Usk road roundabout is being carried out, with implementation anticipated in 2018–19, depending on available funding.

[136] The petitioner has queried the apparent change in the position since the answer provided by the previous Minister in 2014, which indicated a resurfacing scheme was being designed for 2015–16. The committee has previously written to the Cabinet Secretary to ask why previous commitments were not delivered but has not received a direct answer to this question. So, our actions are to write to the Cabinet Secretary for Economy and Infrastructure to ask if he can provide the petitioner and the committee with an explanation for the apparent change in position since the noise action plan 2013–18 and commitments given by his predecessor that a resurfacing scheme was being designed.

[137] **Janet Finch–Saunders:** To be honest, I can understand a lot of the frustration here. It quite clearly states that the noise action plan states that the road is a priority, and then, when you read the letter from the Cabinet Secretary: it is

[138] 'not life expired and there are currently no plans to resurface it.'

[139] Well, if it's a priority, the work needs to be done. When you've got a situation like this, you know, the community are going to have very little

confidence in the Welsh Government in particular if they keep moving the goalposts on this. It's got a tremendous amount of support politically. I mean, you've got your MP, your AM, councillors, and I'm a little bit concerned, shall we say, that there's been a positioning move on this, and I think we need to lay challenge to the Cabinet Secretary as to why that is the case.

[140] **Mike Hedges:** Yes. Ask the question.

[141] **David J. Rowlands:** Yes, just ask the question. Okay. So, we'll write to the Cabinet Secretary on that.

[142] **David J. Rowlands:** Right, the next petition is 'Give Rate Relief to Local Authorities for Leisure and Cultural Facilities'. This was submitted by Ryan Dansie, having collected 17 signatures.

[143] **Janet Finch-Saunders:** How many? What did you say then, sorry? Did I miss—? How many signatures?

[144] **David J. Rowlands:** Seventeen signatures. It goes back some time.

[145] **Mike Hedges:** It was under the old system.

[146] **Janet Finch-Saunders:** Yes, of course, yes.

[147] **David J. Rowlands:** So, the committee last considered the petition on 19 September and agreed to seek further comments from the petitioner and to consider closing the petition at the next meeting if no response was forthcoming. The clerking team contacted the petitioner but no further comments have been received so we are invited to close the petition.

[148] **Mike Hedges:** I vote to close it.

[149] **Janet Finch-Saunders:** Close.

[150] **David J. Rowlands:** Yes, close.

[151] The next petition is 'Ban Letting Agent Fees to Tenants'. This was submitted by Shelter Cymru on 14 February, having collected 328 signatures. I think it's true to say that the Welsh Government has taken measures with regard to this and it is coming through in legislation. So, we shall close that.

[152] **Janet Finch–Saunders:** Yes, close.

[153] **David J. Rowlands:** Are you content that we bring the petitioners straight in? Janet, you happy?

[154] **Janet Finch–Saunders:** Yes.

[155] **David J. Rowlands:** Fine. Okay.

10:19

**Sesiwn Dystiolaeth am P-04-472, ‘Gwnewch y Nodyn Cyngor
Technegol Mwynau yn ddeddf’ a P-04-575, ‘Galw i Mewn Pob Cais
Cynllunio ar Gyfer Cloddio Glo Brig’
Evidence Session for P-04-472, ‘Make the MTAN law’ and P-04-575,
‘Call in All Opencast Mining Planning Applications’**

[156] **David J. Rowlands:** Good morning, gentlemen, and can I thank you for agreeing to attend, and to perhaps give us some insights into the two petitions that were placed before us, and your reasons for that and the background for that?

[157] **Mr Evans:** I don’t hear very well, so if you could speak a bit louder—

[158] **David J. Rowlands:** [*Inaudible.*] I’m sorry. Are you able to—?

[159] **Mr Evans:** Yes, it’s okay now.

[160] **David J. Rowlands:** —access through the headsets, Terry, if you want?

[161] **Mr Evans:** No, I’ve got two hearing aids, you see.

[162] **David J. Rowlands:** Ah, right. Okay.

[163] **Mr Evans:** They don’t work.

[164] **David J. Rowlands:** Right. Well, Terry, all I can say is that if you don’t hear anything I say, by all means come back to me and I will repeat that for you. Okay?

[165] So, first of all, as I say, welcome to you. There are headsets, which can be used. If you want to speak in Welsh, you can, of course, speak in Welsh. There will be simultaneous translation through the headsets if that is the case. What we'd like to do in the first instance, if you're minded and quite happy—. Can I invite each of you to give a brief outline of the reasons behind your petitions and the concerns you have over opencast coal mining in general? So, any one of you can make the first comments, if you want.

[166] **Dr Cox:** Okay. I'm John Cox. I was the lead petitioner on 'Make the MTAN law'. For me, this has been a 30-year struggle in its way. Unlike Chris and Terry, I'm not someone who is absolutely opposed to opencast. In fact, I came into it at the time that Torfaen council successfully gave planning permission, which was for a restoration scheme financed by opencast, which was inexplicably taken in by the Welsh Government with no explanation whatsoever. Since then we've had dereliction because it was in the hands of private developers who didn't do any development at all, and the place just decayed. I got interested in the subject there because I live right next to it. From the year 2000 to 2010, the Welsh Government, with Jane Davidson being the Minister responsible, undertook a consultation about setting up guidelines for opencasting. I participated in it, as did upwards of 100 organisations and people. Around about 2010, the National Assembly approved the minerals technical advice note guidelines for opencasting, which I supported, which did agree to opencasting under very specific circumstances, which seemed, to me, perfectly reasonable—one of the conditions being that you didn't do opencasting within 500m of neighbourhoods unless there were some very special circumstances, which, again, I agreed with.

[167] We then had an application at a place called Varteg Hill for opencasting, which clearly violated the MTAN guidelines, and Torfaen council rejected it. The coaling would be 200m from the community. In fact, because they needed a big bund to hide the noise and everything, the works were actually 0.5m from houses and everything. So, obviously, it had to be rejected as it violated the guidelines. The company went to appeal, and I attended the public inquiry, along with other people. I will always recall the shattering first few words of the inspector. He said, 'I'm not interested in the MTAN guidelines. Those are guidelines. I make the law here.' And he then proceeded, for the two weeks that we were in attendance, to completely ignore the MTAN guidelines, on the grounds that he knew better.

10:15

[168] **David J. Rowlands:** John, can I just say to you, I want to question you personally a little bit further on MTAN, so could we go back to the opening sally from you and I can come back to you, personally, on asking you specific questions on MTAN, if I can?

[169] **Dr Cox:** Yes. It's my statement of why we came up with the petition, saying, 'Make the MTAN guidelines law', because it seemed to me that, in effect, however many tens of thousands of pounds were spent on consultation were a complete waste of time if you then employ inspectors who don't care a damn what the Assembly has decided. Okay?

[170] **David J. Rowlands:** Okay, yes, thank you, John, for that. Terry, would you like to make some comments now, please?

[171] **Mr Evans:** My name's Terry Evans, chair of United Valleys Action Group. I also live 40m from Ffos-y-fran opencast in Merthyr Tydfil, which has been working for the last seven years. The reason that this petition was established by United Valleys Action Group is because there is an unfairness in the planning system with regard to when an application goes to the local council. If the local council approves the opencast, there is no avenue for the public to go to an appeal, unless you have a legal challenge or something like that. If it's refused by the council, the applicant—and it's a part of Nant Llesg opencast, now, next to Ffos-y-fran—can appeal, which they have done. It was refused by Caerphilly council, but it was appealed six months later. And then, when they put that appeal in, they amended their application sufficiently enough for the inspector to say, 'Hang on—I can't verify this, because you've changed things.' So, instead of it being refused the verification, they were asked to go away and get more information. Here we are now, 20 months after that—January last year—and they still haven't put that information in. Now, Nant Llesg started five or six years ago with this application and here we are now at the stage where there's possibly still another year or two left, whereas the three years it was with Caerphilly council—. I mean, it shouldn't have happened. It could've gone straight. So, why wasn't it called in?

[172] The other thing is, the legacy of opencast in Wales with regard to other sites is an embarrassment, really. Because, going back to the Margam opencast in Bridgend, first, where there's still planning permission on that for Tata to have coal, which they haven't implemented yet. Then you had Parc

Slip, which was abandoned and left with a massive hole full of water. Then you had Ystradowen, and that was called in by the Government. And then you have Selar in the Neath valley, which has been mothballed, stopped. Then you have Tower colliery, now, with opencast, and that's been mothballed, but it's going to close. You have Bryn Defaid in Aberdare, passed by the local council, but they haven't started it for two or three years now, because of the market for coal, I suppose, because the coal industry is in decline. Then you had Merthyr, Rhydyar West village—the inspectors were called in to that and it was refused. You had Ffos-y-fran, which was called in by the Government, and that was approved, and then you had the Varteg area. It's a prime example of how you'd interpret the MTAN, right? It was refused at local council. It went to a public inquiry and an inspector passed it, then it went to the Minister and he refused it.

[173] **David J. Rowlands:** Terry, I'll come in there if I can, because we're going to ask you specific questions, if we can.

[174] **Mr Evans:** Right, okay. It's back around to the embarrassment of opencast in Wales, and it is of so much national importance, coal, now, that opencast mining applications should all be looked at by the Government, no matter what. Okay?

[175] **David J. Rowlands:** Okay. We'll come back to you on that, Terry, if we may. I'm just trying to get a broad idea of your objections to—

[176] **Mr Evans:** Can I say one other thing? No, it's all right I have said it. Okay.

[177] **David J. Rowlands:** We will come back to you, specifically, on that. Chris, could you make a comment?

[178] **Mr Austin:** Yes. Good morning, all. My name's Chris Austin, and I'm a resident in Merthyr Tydfil. And, along with my wife and family, we live about 300m from the Ffos y Fran opencast coalmine, which we opposed at the start, and have been fighting ever since. I've got a short presentation here to support and possibly expand on that. What would be the best time for me to present that?

[179] **David J. Rowlands:** You will have another opportunity, Chris, in the same way—

[180] **Mr Austin:** I will have another opportunity. Really, then, I'm here as another member of the United Valleys Action Group, to support and possibly expand on Terry's argument in support of this petition. So, if I leave it at that—

[181] **David J. Rowlands:** Yes.

[182] **Mr Austin:** Right. And we'll come back to it.

[183] **David J. Rowlands:** Lovely. Okay, fine. John, if I can come back to you now, more specifically if we can, why would you consider that MTAN needs to be made mandatory? Perhaps you can expand a little bit on what you said. And could you provide an update on the key developments since you last appeared before the committee—some time ago now, in 2013, wasn't it, that you last appeared before us—and whether you consider that there have been any further examples of inconsistency in MTAN 2 applications since you last appeared before us?

[184] **Dr Cox:** Well, personally, I was very comfortable with the MTAN guidelines, because it seemed to me that it did, at the time, provide a balance between the need for coal, which existed at the time, which I don't think does now, and protecting the communities. What horrified me and shocked me was that, in fact, it proved to be totally worthless. For all the discussions, we end up with an individual who is a planning inspector who can simply say whatever he likes. And, in the report that was produced, where it was pointed out to him that he was misquoting the MTAN during the public inquiry, he overcame that in this report by simply stating, as if it was a fact, that the MTAN referred to 200m from the hole in the ground, when, in fact, the MTAN speaks of 500m from the site boundary, which was a huge difference there.

[185] So, there's no recourse to it. And, in my professional career, I have taken part in various inquiries as an engineer, as an expert witness, and, in every instance, there is someone who's taking—scribes who are taking notes, as here, and they're played back. And, the next day in the public inquiry, the notes of the previous day are read out, and, if anyone objects to the accuracy—. There's no control over an inspector—he makes his own notes, which he doesn't read out to people; there are no checks and balances whatsoever. You've handed over dictatorial powers to a public inspector. Now, they may be, if they're very good, no problem, but you cannot rely upon any individual to be right all the time. And that's what this National

Assembly has done, or British law has done, is to hand over dictatorial powers to public inspectors. And I think you've got to look at that, which is the deeper question behind all of this: how on earth does the planning system work there?

[186] We had further examples of this. After I'd presented things, this committee—the previous committee—asked the Minister to come along. And the Minister said he couldn't come along because Varteg was subject to discussion at the time. And then the thing eventually fell by the ground, and the committee—your committee—decided again to ask the Minister. And he was advised—by you people, I suppose—not to turn up, because there might be an application. Now, if a Minister cannot give evidence to the Petitions Committee on the grounds that maybe there'll be an application, it means the Petitions Committee isn't allowed to talk about planning at all, because there's not a square yard in the country that might not have a planning application sometime. So, I think you've got to look in depth at the whole legal system relating to planning, and I agree with Terry absolutely. I've probably spent the equivalent of a year of my life, unpaid, working on this. And, when I'm at the public inquiry, there's a Queen's Counsel on £1,000 a day, another QC on £1,000 a day, council officers all being paid. They're making tens of thousands of pounds out of this. The public, however, are having to have a jumble sale in order to get—. The whole thing is totally biased against the community, and that is—. If you're going to come up with an MTAN, make it law, for God's sake, so all this nonsense doesn't take place. Sorry, am I getting worked up about this?

[187] **Janet Finch-Saunders:** No, I—*[Inaudible.]*

[188] **David J. Rowlands:** No, no, no. Do you have any—?

[189] **Janet Finch-Saunders:** —you're just saying what needs to be said.

[190] **David J. Rowlands:** Do you have any particular comments about the action, or inaction, of the Cabinet Secretary since the petitions were last considered—the opencast coal summit review of MTAN 2 and the energy statements? Do you have any further comments to make on that point, John?

[191] **Dr Cox:** There are a lot of statements that come out of this National Assembly that I really like as aspirations, but, until you get a bit of teeth that you can actually do about it, I don't see any point. And I've got to the age now where I'm fed up with aspirations; I just want to see reality.

[192] **David J. Rowlands:** Fine. Thank you very much for that very comprehensive answer, John. Terry, we've got some questions that we'd like to ask to you. I think Janet is going to lead with those, and then Mike will be asking questions of both petitioners and to you, Chris, at the end of that. So, Janet, could you—?

[193] **Janet Finch-Saunders:** Thank you, and welcome. Thank you for being so honest and forthright. I know we're talking about opencast mining here, but it's the same with planning inspectors on speculative planning applications that affect communities in a huge way. I was saying 'hear, hear' to everything you were saying.

[194] Tell me, though, given what you've said and everything, is there likely to be any acceptable justification for coal workings within the 500m buffer zone? You know, in planning law, you deal with everything on its merit. If you think there is any merit in the fact that there could be—.

[195] **Dr Cox:** You're asking me, here.

[196] **Janet Finch-Saunders:** Yes.

[197] **Dr Cox:** Well, I think the bigger issue now is whether or not we want to exploit coal at all, because, throughout the period 2000–2010, there was this presumption that we would need the fossil fuels and suchlike. Now, this is a different political point, but I really don't see that the case for fossil fuels is made today when we're trying to achieve—. You know, we're party, as a nation, to the Paris accord, whatever Mr Trump says. We know that there is a disaster for the environment and the world if we carry on burning fossil fuels and suchlike. So, I think the case that was made, and made to me, in 2010, doesn't exist today, with the extra knowledge we have about the dangers of burning fossil fuels.

[198] **Janet Finch-Saunders:** Thank you. And, then, why do you believe it's necessary for all opencast coal applications to be assessed by the Welsh Government?

[199] **Dr Cox:** Oh—

[200] **Janet Finch-Saunders:** Because of the powers of the planning inspector, do you think? And the fact that they—?

[201] **Dr Cox:** That wasn't my submission—

[202] **Janet Finch–Saunders:** Oh, right. Okay.

[203] **Dr Cox:** That was—.

[204] **Janet Finch–Saunders:** Chris, Terry.

[205] **Mr Evans:** The reason, I explained earlier, that all opencast—large opencast—applications should be called in is for uniformity in decision. Because, as I explained, local authorities can pass and we've got no avenue to appeal. The local authority can refuse but the applicant can appeal, so he'll get a second bite of the cherry. We don't get a second bite of the cherry. That's totally unfair.

[206] And, because of the state of the opencast industry—as Dr Cox just said, there's no need for coal any more, as well—if you've got four or five abandoned sites here, now who's going to put them right? The cost of money to put them right, who's going to do it? Whose responsibility—? Who gave permission in the first place? So, if you're coming to the Government to approve opencast, then carry the can when they go wrong.

[207] **Janet Finch–Saunders:** Yes: take responsibility for it.

[208] **Dr Cox:** I know that Chris wants to come in—

[209] **Janet Finch–Saunders:** Yes, I think Chris wants to come in.

[210] **Dr Cox:** —but could I just answer that part of it? There was a summit called with Carl Sargeant on opencasting and one of the most important contributions that was made there was from the planning officer of Rhondda Cynon Taf. He pointed out that there were, in all of Wales, all 22 local authorities, only six qualified inspectors who could actually look at opencast applications. That is a backing to what Terry is saying, in that maybe the local authorities are not the place where they should be discussed at all, given the situation.

10:30

[211] **Janet Finch–Saunders:** On that—before you respond to that then—is it

fair to say that you believe that they haven't got the knowledge or the expertise, the experience, in local authorities to be able to deal with these applications?

[212] **Dr Cox:** Absolutely.

[213] **Mr Austin:** Yes, and, very much on those lines, that's why I wanted to jump in. The technical complexity of these applications now—and always have been, I suppose—. But the resources available to the local authority are far less than available when we come to public hearings. Because we've been through this loop, through the mill, a few times, and we've seen it and we've got evidence of this. The complexities of such operations is far beyond. We find that they defer to the expert witnesses that are presented by the mining companies themselves. Obviously, thereby, we're on a hiding to nothing with that, and we have to fight on that basis.

[214] Also, to support the called-in side of things, more resources, a public platform—we get the opportunity to present our expert witnesses in the same way as other interested parties do. So, it does get a better hearing; it gets a proper hearing there. But also the Welsh Government—. This is coal, at the end of the day. It's been alluded to by John here, and events possibly are starting to overtake us, but we still have the reality of these things in our face at the moment, with the Nant Llesg extension coming—possibly now; the appeal may be on us this month. So, we still have to progress this, we still have to look at this, I'm afraid. It is still a reality. The future may hold out hope for us, but we are nowhere near that as yet. But it's coal and I'm afraid that now is a global platform issue that really needs to be done justice on a Welsh Government platform, not on a local thing. Obviously, we have local issues, but the local authority presents their case to the Welsh Government anyway when we come to this platform, so local issues will be heard, even if it came straight to the Welsh Government, and, obviously, we will present our case. So, local issues will get a platform.

[215] **Janet Finch-Saunders:** And then my final point: you genuinely believe there's capacity within the Welsh Government for them to be able to do this.

[216] **Mr Austin:** Better capacity. Obviously, your capacity is better known to you than it is to us. But, from experience, we've seen better capacity for it to be dealt with at this level than it was at—. I've got an example, if you'd like to hear it. I'm sorry, it's a bit pat, but we had a problem with the Nant Llesg extension, a water problem. It's a watershed where they're going to be

digging and there are very flooded tunnels as well. The hydrology and hydrogeology was extremely complex—very, very complex. I'm quite a technical person and I do the technical responses for our group and I was struggling desperately. We were going to universities, trying to find experts who could look at this for us, and they were doing the scrutiny of the application I sent: 'This is too much for us to take on; we'd have to do this full time.' I took this back to the local authority representative in planning and I said, 'How on earth are you going to deal with this hydrology/hydrogeology problem? We are struggling desperately with this. It's a fraught, dangerous, risky process and highly, highly technical.' And they said, 'Oh, it's okay, we're already on it; our drains department is working on it', and my heart sank. I'll leave it at that.

[217] **Janet Finch-Saunders:** I'll hand over to Mike.

[218] **Mike Hedges:** I have a question for John: has anybody given you any reason why they don't want MTAN to be put into law?

[219] **Dr Cox:** No. They say, 'It's not the way we do things.'

[220] **Mike Hedges:** I have a lower opinion of inspectors than Janet does. I've seen inspectors make horrendous decisions, not in opencast but a whole range of other areas, and their lack of local knowledge and their ignorance of the situation can quite often lead to disasters. So, I would never have inspectors—. So, if it was up to me, there would not be inspectors; you would have a choice of either being accepted by the local authority or going to judicial review. It would be averaged out for both sides, but it isn't up to me. So, that was the first question. The second one is, we also know that when they do opencast, they don't have to put sufficient money upfront for restoration. I'm going to ask you a question on that. Would life be a lot easier if, before they started making a hole in the ground, they'd already set up a fund for restoration, which avoids the fact that sometimes companies go bankrupt or go out of business at the end of taking the coal out?

[221] **Mr Evans:** We've got a fear in Merthyr Tydfil of Ffos-y-fran. The company doing the opencast, Miller Argent South Wales Ltd, was formed by a company called Miller and a company called Argent, multinational companies who gave a guarantee for a £15 million bond to put it back if things went wrong. It's been proven since then that that is grossly undervalued because the Welsh Government themselves have done a survey a couple of years ago on restoration and they estimated that in the worst scenario, Ffos-y-fran

would need £50 million to put back. Anyway, the fear we've got is that Miller and Argent have sold the company to a company called Gwent financials limited.

[222] **Mr Austin:** Gwent Investments.

[223] **Mr Evans:** Gwent Investments Ltd, sorry, who've got no money at all. They actually borrowed the money to buy the company off Argent. Now, this is the company that's running Ffos-y-fran. Our fear would be that Gwent financials limited has got a background of bankruptcies to their favour. I think Miller and Argent have done a runner in the light of the coal scenario in the world and they don't want to be involved in it anymore. They want to keep their hands clean like a good company, whereas Gwent financials don't really care. As long as they make a bit of money, 'We're alright.' So, our fear now is that there are four years of coal left in Ffos-y-fran and it's the same company that's applied for opencast at Nant Llesg. If Nant Llesg is refused, there's a possibility that the company may not be viable anymore at Ffos-y-fran. So, that is the fear we've got in Merthyr Tydfil at the moment, that we could lose it and be left with a massive hole, the same as the other five sites that I told you about here.

[224] **Mr Austin:** A legal precedent has already been sent with the Margam/Parc Slip issue. All these have done is jump on the bandwagon with that. They've got precedent enough.

[225] **Dr Cox:** The responsibility rests still with the authority that grants permission. Now, again at that coal summit, the speaker from Rhondda Cynon Taf described how they'd gone through one application, in which they had in fact extracted the full sum of money, which was paid over to them in advance to make sure that if the company did a runner, then Rhondda Cynon Taf had the money available to deal with all restitution. The legal remedy exists. The problem is that it's not being applied and because you have relatively ignorant people in charge of these things all around the country, including, I fear, inside this building, they're not applying the legal remedies that do exist to ensure that all the money is paid upfront in the event of danger. That's the reason we've got potential destitution all around south Wales, because this hasn't been done though it could have been done.

[226] **David J. Rowlands:** Of course, it's not possible in retrospect with regard to Ffos-y-fran. It's too late for that.

[227] **Dr Cox:** It's too late.

[228] **David J. Rowlands:** Absolutely.

[229] **Mike Hedges:** Just one last question on this. We've got sites where local authorities refuse permission, but the planning inspector gives permission, for whatever reason. Are you saying that the local authority becomes responsible for putting right a decision it didn't make and was made by somebody else? Surely, the responsibility should rest with the planning inspector, either personally or via whoever appointed him.

[230] **Mr Austin:** Do you mind if I answer that? I think the issue will always rest with the Welsh Government. We're talking about opencast schemes here that, as I say, the minimum to put back would be £50 million and more, anyway. It would bankrupt any local authority—maybe not Cardiff. Well, no, it would break everybody. So, ultimately, when we're left with a restoration problem, it is a Welsh Government problem anyway, which adds strength, I think, to our argument that it should be dealt with on its platform, not on a local authority platform.

[231] **David J. Rowlands:** Thank you very much, gentlemen. Could we just ask, very briefly, if you could describe what changes you would hope to see to the aspects of 'Planning Policy Wales' that could deal with coal, in particular? Do you have any specific requests?

[232] **Mr Evans:** All opencast applications, large applications, should be called in by the Government and the Government be responsible for them.

[233] **David J. Rowlands:** Fine.

[234] **Mr Austin:** Obviously we don't want opencast at all, but if we have to talk about the fact that they're still alive and they may happen, our issues have been that the protection that's been put in place for us has not been, how can I say, policed in any way whatsoever and not been enforced. We have section 106 agreements in planning—they are things that have been thrashed out between planning and the company—that have to be put in place that haven't been implemented from day one. We have transgressions that we report on a daily basis—and I mean daily—when we're having issues that are never dealt with by the local authority and they abrogate responsibility to the mining company themselves and say, 'They are self-regulating' and, 'Deal with the company.' We have nobody to support us. If

anything has to change, I would say that there has to be a mandatory local authority responsibility for these schemes, not the opportunity to hand over responsibility to mining companies themselves, who obviously have their own interests at heart, not ours.

[235] **David J. Rowlands:** Okay, and John.

[236] **Dr Cox:** I would say no applications should be accepted unless there is a deposit equivalent to the full restitution costs.

[237] **David J. Rowlands:** Yes, absolutely. Thank you. Well, thank you very much, gentlemen, for coming in. I think we've found it very helpful in our inquiry into this, and you've all given full and very frank explanations about your positions with regard to this, so I thank you for that.

[238] **Dr Cox:** I'm good at the frank bit. [*Laughter.*]

[239] **Mr Evans:** Thank you very much.

[240] **David J. Rowlands:** Thank you, gentlemen. Thank you, Terry.

[241] **Mr Evans:** And I hope that this committee will recommend that the petition be debated in the Plenary, because it's of national importance, this issue is, now—national importance—and it should go to the Plenary. Thank you very much.

[242] **Janet Finch–Saunders:** Thank you.

[243] **David J. Rowlands:** Thank you very much.

10:43

**Cynnig o dan Reol Sefydlog 17.42(ix) i Benderfynu Gwahardd y
Cyhoedd o Weddill y Cyfarfod**

**Motion under Standing Order 17.42(ix) to Resolve to Exclude the
Public from the Meeting for the Remainder of the Meeting**

Cynnig:

Motion:

bod y pwyllgor yn penderfynu that the committee resolves to

*gwahardd y cyhoedd o weddill y exclude the public from the
cyfarfod yn unol â Rheol Sefydlog remainder of the meeting in
17.42(ix). accordance with Standing Order
17.42(ix).*

*Cynigiwyd y cynnig.
Motion moved.*

[244] **David J. Rowlands:** I propose, in accordance with Standing Order 17.42(ix), that the committee resolves to meet in private for the remainder of this meeting. Are the Members content? Fine.

*Derbyniwyd y cynnig.
Motion agreed.*

*Daeth rhan gyhoeddus y cyfarfod i ben am 10:44.
The public part of the meeting ended at 10:44.*