

Huw Irranca-Davies AS

Y Dirprwy Brif Weinidog ac Ysgrifennydd y Cabinet dros  
Newid Hinsawdd a Materion Gwledig

27 Tachwedd 2024

Annwyl Huw,

Diolch ichi am eich ymateb adeiladol i adroddiad y Pwyllgor ar "Adfer safleoedd glo brig" a'ch cyfraniad at y ddadl ar yr adroddiad ar 13 Tachwedd. Roeddwn am ysgrifennu atoch yn sgil y ddadl i godi sawl cwestiwn ar faterion na wnaethoch ymdrin â hwy yn eich ymateb, ac i dynnu eich sylw at wybodaeth ychwanegol a ddarparwyd i'r Pwyllgor mewn ymateb i'r Adroddiad.

Mae'r wybodaeth ychwanegol a ddarparwyd gan gyfranwyr wedi'i hatodi'n llawn i'r llythyr hwn. Mae'n cynnwys cyflwyniadau gan breswylwyr Margam ac Abertawe y mae datblygiadau glo brig yn effeithio arnynt. Ceir crynodeb isod o'r materion a godwyd gan y ddwy set o breswylwyr:

**Ariannu Gwaith Adfer ac Atebolrwydd:** Mae'r ddwy set o breswylwyr yn pwysleisio'r angen am gyfrifon ysgrow blynyddol ar gyfer safleoedd diwydiannol i sicrhau eu bod yn cael eu hadfer yn llawn ac i atal cwmnïau rhag osgoi rhwymedigaethau ar ôl iddynt roi'r gorau i weithredu.

**Gorfodi Cynlluniau Adfer Gwreiddiol:** Yn aml, nid yw ymrwymadau o ran gwaith adfer a gymeradwywyd yn cael eu gorfodi, gyda safleoedd fel Gorllewin Parc Slip a Phwll y Dwyrain yn cael eu gadael wedi'u hadfer yn rhannol. Mae hyn yn arwain at effeithiau amgylcheddol a chymunedol parhaus.

**Ymsuddiant a Difrod Strwythurol:** Bu achos o ddifrod difrifol i gartref oherwydd ymsuddiant ger Pwll y Dwyrain, sy'n pwysleisio'r angen i ddiogelu eiddo lleol.

**Risgiau Diogelwch Gwagleoedd sy'n Llawn Dŵr ar Safleoedd Mwyngloddio:** Mae'r ffaith bod cymaint o ddŵr heb ei reoleiddio ar hen safleoedd mwyngloddio, gan gynnwys Pwll y Dwyrain, yn peri risg o lifogydd, yn enwedig mewn ardaloedd ger ffawtlinau. Mae angen asesiadau priodol gan beirianwyr a hydrolegwyr i liniaru'r risgiau hyn.



**Pryderon o ran iechyd a'r Amgylchedd:** Mae llygredd o safleoedd glo brig, gan gynnwys deunydd gronynnol a halogiad dŵr, yn peri risgiau iechyd hirdymor. Mae angen protocolau monitro clir i fynd i'r afael â'r risgiau hyn.

Mae'r Pwyllgor hefyd wedi cael cyflwyniad gan Mr Manus Molloy, sydd am nodi ei gefnogaeth i'r datblygiad yn Ffos-y-Fran ac egluro'r agweddau cadarnhaol ar y datblygiad. Roedd Mr Molloy yn gweithio yn Ffos-y-Fran yn ystod camau un a dau ac roedd hefyd yn aelod o'r pwyllgor cyswllt lleol ar gyfer y safle. Mae'n pwysleisio bod cryn dipyn o waith adfer eisoes wedi'i gyflawni o ganlyniad i'r datblygiad. Mae Mr Molloy wedi darparu copïau caled o sawl dogfen i ategu ei safbwynt, a gall Ysgrifenyddiaeth y Pwyllgor ddarparu copïau ohonynt ar gais.

Roeddwn hefyd am fynd ar drywydd sawl mater na wnaethoch roi sylw iddynt yn eich ymateb i'r ddadl.

1. Fel y dywedais i a chyfranwyr eraill yn ystod y ddadl, mae preswylwyr wedi mynegi rhwystredigaeth ynghylch cael eu trosglwyddo o un corff cyhoeddus i'r llall o hyd. Gwn eich bod wedi egluro'r llinellau atebolrwydd yn eich ymateb, ond fel y dywedais yn ystod y ddadl, ni chredaf fod hyn yn mynd i'r afael â chraidd y broblem. Os yw preswlydd o'r farn nad yw corff cyhoeddus neu weithredwr y safle yn cyflawni ei rwymedigaethau'n briodol, at bwy y gall droi?
2. Sut y mae Llywodraeth Cymru yn bwriadu dyrannu'r cyllid o £25 miliwn ar gyfer diogelwch tomenni glo gan Lywodraeth y DU?
3. Dywed Papur Gwyn Llywodraeth Cymru ar Ddiogelwch Tomenni Glo, "Er mwyn cefnogi'r rhaglen diogelwch tomenni glo, mae Llywodraeth Cymru wedi ymrwymo £44.4 miliwn dros y tair blynedd nesaf i helpu'r awdurdodau lleol i wneud gwaith cynnal a chadw ac adweirio ar domenni glo". Yng ngoleuni hyn, pa mor fodlon ydych chi â'r swm o £25 miliwn a ddyrannwyd gan Lywodraeth y DU?
4. A allwch roi'r wybodaeth ddiweddaraf i'r Pwyllgor ar drafodaethau a gawsoch â Llywodraeth y DU ynghylch yr angen am ragor o gyllid ar gyfer diogelwch tomenni glo?
5. A allwch roi rhagor o fanylion am fwriad Llywodraeth Cymru i ddatblygu "dull strategol... o ymdrin ag etifeddiaeth lofaol a diwydiannol Cymru", gan gynnwys amcanion penodol, amserlenni, ac adnoddau arfaethedig?
6. A wnaiff Llywodraeth Cymru ymrwymo i sicrhau bod datblygiadau arfaethedig ar gyfer adfer tomenni glo yn ymgorffori'n benodol y gwersi a ddysgwyd o safleoedd fel Ffos-y-Fran?
7. Yng ngoleuni'r cynigion sy'n dod i'r amlwg ar gyfer datblygiadau i adfer tomenni glo, pa fodolau ychwanegol ar gyfer rhannu buddion cymunedol fydd yn cael eu hystyried os nad yw perchnogaeth gymunedol yn ymarferol?



8. A allwch egluro sut y mae Llywodraeth Cymru wedi ystyried ac adolygu'r angen am newidiadau posibl i MTAN2 (ac unrhyw nodyn cyfarwyddyd neu bolisi perthnasol arall) yng ngoleuni cynigion sy'n dod i'r amlwg ar gyfer datblygiadau i adfer tomenni glo?

Wrth lunio eich ymateb i'r llythyr hwn, byddwn yn ddiolchgar pe baech yn ystyried y wybodaeth atodol a ddarparwyd gan breswylwyr y mae cloddio glo brig yn effeithio arnynt, sydd wedi'i hatodi yn Atodiad A.

Byddwn yn ddiolchgar o gael ymateb cyn gynted â phosibl, ac erbyn 3 Ionawr fan bellaf.

Yn gywir,



Llyr Gruffydd AS  
Cadeirydd, y Pwyllgor Newid Hinsawdd, yr Amgylchedd a Seilwaith

Croesewir gohebiaeth yn Gymraeg neu Saesneg | We welcome correspondence in Welsh or English.



Submission from Janice Adamson in response to the Committee's report

1. The paragraph on Tower Colliery Opencast restoration funding seemed incorrect to me. I don't know if the committee consulted the CEO of RCT on this matter, if not, they should. I had read that he ensured the planned restoration of the site by insisting on full payment upfront each year of opencast mining of sufficient funds to pay for the agreed restoration of the mining that was to take place that year. Thus when mining ended there was £96 million available for the planned restoration which then went ahead.
2. The importance of such an annual assessment and payment of funding necessary for the restoration of such industrial sites - not only of coal mining - but also of wind turbines, solar farms and their associated infrastructure of lithium battery storage containers, electricity pylon networks etc, even of nuclear power sites if any are ever built, is of prime significance in providing for the eventual restoration of these structures that are being spread like unwanted marmalade across our scenic countryside. The profits gained from these developments need to be regulated on an annual ongoing basis by the payment into an escrow fund of sufficient monies each year to cover the cost of the eventual restoration of the site. If not, I can see that come the day, the so called 'Green Energy' companies will behave in the same way as the privatised opencast coal industry has in recent years and walk away from the expense of restoration having squeezed all the vast profits from the endeavours.
3. There seems to be an emphasis in the report on public involvement in decisions concerning restoration alternative to that initially promised and which to a large extent ensured the planning consent in the first place. The emphasis should be on ensuring and funding the restoration plans detailed so minutely in the planning application that gained the consent originally. It is a mockery to give such consent, where 'amazing', detailed restoration is promised in order to gain that consent - as for Park Slip West in 1992/93 ( Public Inquiry Planning Inspector Mr Sheers) - and then after years of the local communities patiently suffering the pollution of all kinds, loss of roads, footpaths and general inconvenience, in the belief that restoration as agreed and promised will happen, to then renege on the agreement and reluctantly scrape a totally unacceptable, alternative, poorer finish. In the Park Slip Margam area we've even been robbed of two cross valley roads, ancient routes, so not only was there the inconvenience during the mining which provided the private company with huge profits while a local newsagent failed due to loss of passing trade, the environment was destroyed along with people's homes at Fforddygyfraith and the characterful Heol Fadoc Farmhouse.
4. There is a problem with restoration, as at Park Slip/Margam, when the mining operation moves along the outcrop resulting in successive applications for the next four years. Not only has restoration not happened but on overburden mounds, soil storage mounds and along watercourses, a certain amount of natural regrowth occurs and the company then cries that it cannot restore the site as planned because there are rare species living on structures, tips, that were intended as temporary storage areas, intended to be pushed back into the final void and

used in the restoration. Thus the overburden mound constructed under the NCB Opencast Executive in the 1980's during the Park Slip stage of the opencast, located to the west of Law Street is still there. Both that overburden mound and the backfill mound from the next stages, following privatisation, Park Slip West and Park Slip West Extension, and the Margam/ Park Slip 'Deep Mine' opencast still stand. The former, located in Bridgend CBC, apart from having 20 metres added to its height in 2001, has been left with no landscaping whatsoever and the backfill mound, in NPT CBC, has been slightly rounded along its outline. Bedford Road should have been reinstated in 2002 but the company was allowed to continue mining westwards without doing the necessary restoration. Someone should be answerable for allowing such contempt of consented plans.

5. Planning Officers have a great deal of power, they dictate and influence decisions by local authority planning committees. As such they are open to 'influence' by the mining or energy companies and there needs to be a second tier of control above them. Why wasn't Bedford Road reinstated and the restoration due at that time undertaken? There has been a succession of Planning Officers and mineral Planning Officers in Bridgend and Neath Port Talbot since 1996 when Bridgend CBC took over from Mid Glamorgan CC and NPT CBC took over from West Glamorgan. Martin Hooker, Tony Gore and then Jonathan Parsons - he left after the alternative 'restoration' decision somewhere around 2016. In NPT, Geoff White, Cliff Patten, Nicola Morgan Neville Morgan - minerals officer - he also left around 2016 and after all the wrangling, court cases and decisions the mineral officer from Carmarthen who was totally unfamiliar with the site then gained responsibility for the opencast mines across South Wales I believe. Before the final decision on whether or not to accept the alternative restoration plan was put to Committee in 2016(?), a site visit was organised for Bridgend Planning Committee members and those of us on the Site Liaison committee - there was a man on the bus I was on, not a Celtic Energy employee, extolling the virtues of the alternative scheme, saying how well the river area had recovered and about the protected species on the overburden mound - was that Hugh Towns? We were being faced with a virtually unrestored site, the loss of two highways - though in Planning, they always ignore that decision saying that it is up to the Highways department - even though in the planning application the planning committee consented to the full restoration which included the reinstatement of the roads. There was this man, promoting the alternative non-restoration. There is a lot of underhand behaviour which ignores both decisions made and the wishes of the public they 'serve'. I asked that the planning committee ask the Welsh Government to call it in, to ask the Welsh Government to oversee the restoration, Jonathan Parsons seemed to find that amusing - NPT CBC had drawn up plans for the restoration of the site, paid for by the Welsh Government in 2014 because the Deep Mine, which was only ever applied for because that area of land was protected from opencast mining for the sinking of a deep mine, was not sunk and the company's most recent restoration plans had included the deep mine with a much lesser amount of opencast than was eventually completed. Part of the reason there were insufficient funds to restore properly was that the first occasion following privatisation that the Local Authorities could impose an escrow fund was with the 1999 application for Margam Deep Mine plus a small amount of opencast to enable the mine to be sunk from the bottom of the void. The majority of the funds needed would come from a charge on the tonnage from the deep mine over the 25 or

so years it was 'expected' to operate. There was an informal statement from the company in a site liaison meeting in 2001 that the deep mine wouldn't be sunk from the void due to technical issues. Slightly more formal was the exchange of letters between Neville Morgan and Mr Gandhi, Celtic Energy planning officer in 2003 where the question was asked, when was the deep mine to be sunk as the void was going beyond the point where it could be. Due to economic and technical issues it wouldn't be going ahead. Walters became involved with Celtic Energy in 2002, the management buy out, headed by the former NCB South Wales manager, Bryan Riddlestone (?) had run the company up to that time. He would have been fully aware of the restoration needed and at what stage. He had overseen the NCB Opencast Executive restoration of Park Slip - now, 30 years later - recognised as a good restoration of an opencast site. The kind of restoration which is the least the communities here should have been given, together with the reinstatement of both Crown Road and Bedford Road as Law Street had been reinstated in the early 1990s.

6. One of the most attractive features of the non restoration at Park Slip/Margam is the flooded void. It is said to be 48 metres deep but I think it is nearer 75 metres deep, knowing that the void itself is 110 metres deep and looking at the exposed wall on the north side. I think NRW has possibly carried out a sonar measurement of the depth. The water in it is very cold and comes from seepage through the rock strata, from old mines that have been cut into at depth along the valley from Tondu, from water soaked into the infill along the several miles that the opencast has progressed from Tondu to Hafod Heulog woods, from rainwater and surface runoff. There are no natural streams into the void and a drainage channel has been cut to link it to the River Kenfig (Afon Cynffig) which lies just to the west. There have been problems with the culvert to the river getting blocked but perhaps that has helped in slowing the run off during times of heavy rainfall because the road down valley at Marlas Farm often floods now when there is heavy rainfall. This is a problem because the nearby road through Cornelly and Maudlam was removed when the M4 was constructed which means that the nearest route to Porthcawl from Kenfig Hill is to the east through South Cornelly or from the west near to Margam Park. The void is vast with sheer sides on most of its circumference so it is exceptionally dangerous where there was no danger previously. People, mainly youngsters are attracted to it during hot weather and despite some signage telling them not to swim they do, go on it with inflatables and jump in from the cliffs on the Penybryn side. People enjoy walking, running and cycling along the gravel roads, mountain bikers and small motorbike's traverse the tips and very slowly vegetation is returning in places. We can only hope, I suppose, that the vast valley floor composed mainly of ground up rock, extending for miles doesn't suffer earth movements along any of the many faults that underly it, if the tip was shaken into movement perhaps that would fill the flooded void and where and how quickly would the water go then? I believe the flooded void at East Pit is in more imminent danger and really needs to be assessed as the vast volume of water there, hangs above the population below and there has been recent movement along faults that underly it.

Janice Adamson

Local resident Kenfig Hill, former member of Park Slip Site Liaison Committee and of PACT - Protecting and Conserving Together - local group opposing the opencast development.

## Submission from Sue Jordan in response to the Committee's report

Thank you for the invitation to the launch of the Climate Change Committee's report on the restoration of opencast sites in Wales. This represents an important, if incremental, step forward. For the first time, Welsh government acknowledges the fragmented, disparate and dysfunctional operation of the publicly funded bureaucracies involved in the approval and oversight of opencast mining, and some of the consequences for the safety of residents.

The report has some omissions, which should be considered:

### **What will change to avoid opencast mining damaging homes in future?**

When seeking evidence from the Coal Authority and the local authorities, the Committee focused on Ffos-y-Fran: neither the Coal Authority nor Neath Port Talbot Council were asked to explain the problems attributable to their negligence at East Pit and Margam.

- Why was consent granted for East Pit in 2015 when the Coal Authority's (Groundsure) Report of 2012 had indicated a 'high risk of subsidence' to adjacent houses? What provisions have been made to ensure that warnings are not overlooked elsewhere?
- When this risk materialised in 2016-7, and our house was almost destroyed (photographs in attached), was section 38 of the Coal Mining Subsidence Act 1991 not followed? Why was responsibility abrogated by the Coal Authority, the Local Authority, Welsh Government, and Natural Resources Wales? What provisions have been made to ensure that harm is not overlooked again?

Powers of enforcement are enshrined in current legislation: all public bodies failed to use them as intended. How will the risk that new legislation will eviscerate existing legislation be mitigated?

### **Urgent actions to ensure safety of residents**

*The volumes of water held in former opencast mine voids are sufficient to endanger the public should discharge or breaches occur.* The residents of the Llynfell, Twrch and Swansea valleys are owed a duty of care.

The former East pit site constitutes an unplanned reservoir of 40 million cubic metres of water, on an active earthquake fault and some 150m above the valley floor, with unstable sides and no constructed dam to retain water. In March 2024 the A4069 collapsed, severing the links between Upper and Lower Brynaman, and prolonging school transport times in crucial pre-exam weeks. We, Gwaun Cae Gurwen Community Council, and our Senedd member (Sioned Williams) requested full assessments from the Reservoirs Panel of the Institute of Chartered Engineers, hydrologists and geologists. However, in the Senedd transcript of 8.5.24, the minister (Julie James) failed to answer the question, twice (transcript below).

*Only full restoration*, as promised in the 2004 planning application, can remove dangers of serious flooding of the valleys should another earthquake occur on the site of the February 2018 earthquake (4.6 on Richter scale). The compromise of an 'acceptable level' of restoration proposed in recommendation 7 does not ensure safety in the event of the collapse of any of loose rubble walls, whether due to earth movements, lightning strikes or heavy rain. Recommendation 22 addresses only the body of water at Ffos-y-Fran: Margam and East Pit should be rendered safe too. Recommendations 23 & 26 relate only to the common at Ffos-y-Fran, ignoring the Gwaun Cae Gurwen and Penlle'rfedwen common.

The response from Jan Adamson relating to Parc slip, Margam provides an excellent account of the problems generated by mismanagement.

### **Pollution due to opencast mining or outflow from residual bodies of water**

Particulate matter (PM2.5) and polluted water are recognised health hazards to adults, children and the unborn child. There was no information as to how these are monitored and managed by the responsible agency, the Coal Authority.

### **Positive aspects of the report include:**

- Highlighting the potential hazards and likelihood of future opencast. It may be worthwhile to note (para 8) that soil recovery from opencasting takes centuries.
- Voicing expert opinion: for example, Climate Change Cymru, para 24.
- Raising concerns over funding for restoration (recommendation 16). The Westminster government's enthusiasm for opencast mining in Wales is captured in the 2004 letter from the Department of Trade & Industry, attached. The Coal Industry Act 1994 expediting privatisation predates devolution. Paragraphs 32 - 35 highlight the impotence of the local authorities. Para 68 clarifies the inabilities of the local authorities to assess the costs of restoration.
- Recommendations 17-20 are positive, but may be insufficient to effect change.

Although the recommendations of the committee warrant support, they do not compel public bodies to act. For example, 'must' might replace 'should' (4,7,9,11,14,15,18,19,26), and 'must implement' might replace 'must consider /explore' (5,13,21).