

DMQTWB 14 - Evidence from: The Coalfields Regeneration Trust

Senedd Cymru | Welsh Parliament

Pwyllgor Newid Hinsawdd, yr Amgylchedd a Seilwaith | Climate Change, Environment, and Infrastructure Committee

Bil Tomenni Mwyngloddiau a Chwareli Nas Defnyddir (Cymru) | Disused Mine and Quarry Tips (Wales) Bill

1. What are your views on the general principles of the Bill, and is there a need for legislation to deliver the stated policy intention?

The Coalfields Regeneration Trust believe that there is a need for updated legislation to enable Welsh Government to deal with the legacy of industry waste, not covered by existing legislation.

The 1969 Mine and Quarries Act has not been applied consistently, and does not contain clear definitions of categorising tips, or assessing risk. This inconsistency, combined with a loss of industry skills, has resulted in a lack of knowledge and enforcement in this area.

Climate change, lack of skills and an inconsistent approach to management of disused tips has resulted in 360 of these tips categorised as 'serious concern' and may present a 'risk to life'. As the majority of these tips are located within the South Wales Valleys area, this issue disproportionately effects those who are already facing socio economic disadvantage as a result of the loss of industry.

The Bill will ensure a consistent approach to the management of these disused tips. However, how it will be resourced and how communities will be engaged in the restoration process remains a key concern.

2. What are your views on the Bill's provisions (set out according to Parts below), in particular are they workable and will they deliver the stated policy intention?

- Part 1 - The Disused Tips Authority for Wales (sections 1 to 5 and Schedule 1)**

The Coalfields Regeneration Trust believes that a separate independent body is required to ensure that the priorities under the new legislation are implemented, and where necessary enforced.

The inclusion of a power to distribute funding/financial assistance is important to ensure that any restoration work is able to be carried out. How this will be resourced remains a key question. If the landowner is a private individual who is now legally obliged to maintain the land at their own cost, or access finance to do this then there is a concern that people may not report issues in a timely manner – is there something which can be put in place to ensure co-operation and compliance rather than punitive financial arrangements?

As a separate body this legislation requires them to provide information and advice to Welsh Ministers. We would like this extended to Local Planning Authorities and Land Owners at no cost if possible?

- Part 2 - Assessment, registration and monitoring of disused tips (sections 6 to 32 and Schedule 2)**

Having a publicly available register of tips is a valuable tool and in our opinion there should be a requirement on land owners to report any changes, or request a new assessment. However, land owners may be reluctant if there are significant costs to doing so.

- Part 3 - Dealing with tip instability and threats to tip stability (sections 33 to 54 and Schedule 3)**

The impacts of climate change and nearby developments could have the potential to alter the stability of a tip, therefore it is imperative that land owners have the power to request a new assessment with relevant rationale.

Special consideration needs to be given where notices to carry out operations on land are issued to landowners, where there are complex ownership situations (e.g.

residential housing estates which have been constructed on coal tips where there are tip instability and threats to tip instability). The legislation does confirm that land owners can appeal a notice and in cases which affect a large number of land owners this could result in large numbers of appeals, leading to resource and capacity issues.

▪ **Part 4 - Supplementary (sections 55 to 70)**

Section 60 – is there a requirement for a minimum level of training/qualifications/skills for those responsible for risk assessments?

Section 68 – Although it is reasonable for the Authority to charge for technical/specialist services is the owner/Local Authority able to obtain their own technical/specialist reports? In practice how would this work to ensure quality and consistency? If they are not able to outsource this work how with the Authority ensure that their fees are reasonable?

▪ **Part 5 – General (sections 71 to 88)**

Sections 71-88 appear workable and provide clarity over responsibility for offences and provision of notices.

3. What are the potential barriers to the implementation of the Bill's provisions and how does the Bill take account of them?

The main barrier is around funding and resources. How will this bill be implemented if it is not properly resourced?

Another area of concern is the lack of personnel with the required knowledge, skill and expertise in this area. How will the Authority ensure that those who are responsible for monitoring, reporting and enforcement have the necessary skills and operate to a consistent standard?

We cannot rely on land owners to self-report, therefore there needs to be increased assessments – particularly if there is known development work near the impacted area, and increased assessments during periods of inclement weather – i.e. increased monitoring prior to winter period and again after a period of intense rain fall. Again this is reliant on the resources being available.

4. How appropriate are the powers in the Bill for Welsh Ministers to make subordinate legislation (as set out in Chapter 5 of Part 1 of the Explanatory Memorandum)

The powers proposed in the subordinate legislation are minor, or are to empower those impacted to appeal ensuring accountability and scrutiny by Ministers.

5. Are any unintended consequences likely to arise from the Bill?

Unintended, positive consequences could include an increase in job opportunities within a skilled sector and an opportunity to engage communities most impacted on any proposed developments – these sites will require significant investment we need to use this opportunity to ensure the community have a voice in how they are restored.

6. What are your views on the Welsh Government's assessment of the financial implications of the Bill as set out in Part 2 of the Explanatory Memorandum?

Doing nothing is not the answer – this will cost considerably more in the longer term and will impact people within some of the poorest communities in Wales – with the majority impacted within the top 10% of the WIMD (part 2, 8.8)

7. Are there any other issues that you would like to raise about the Bill and the accompanying Explanatory Memorandum or any related matters?

There is a general lack of public awareness regarding coal tip safety and associated concerns. While restoration of some of these sites may be necessary to ensure their stability, such efforts may face opposition from the local community – it's important to increase understanding as to why work is being done and how community benefit associated with the work can be maximised. This should include community engagement at the early stages. Implementing an awareness raising/educational programme alongside this legislation would be beneficial.

Many communities use coal tips as their 'green spaces,' so it is crucial for them to understand the importance of drainage and whom to contact if they observe anything concerning (or there is a risk that remediation work will not be as effective). Additionally, the impact of off-road biking and horse riding on the

drainage systems of coal tips, and the potential impact of lighting bonfires/barbeques on these sites should be included in any educational resources.

The Welsh Government/independent body must ensure that the communities most affected by coal tips are informed and engaged regarding any proposed work that may impact them. Although the bill recognises coal tips as potentially important ecosystems, there does not seem to be a clear program for mapping the ecological significance of these sites.

Furthermore, our concern remains around the lack of sufficiently skilled staff in this area to ensure a consistent and timely response across the South Wales Valleys.