

DMQTWB 20 - Evidence from: Buglife

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?

N/A

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)

N/A

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

N/A

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

N/A

▪ Part 4 - Supplementary (sections 55 to 70)

N/A

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

N/A

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

N/A

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)

N/A

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

N/A

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?

N/A

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

Buglife welcomes the acknowledgement of disused tips in Wales as sites of high biodiversity significance, especially with regards to invertebrates. As detailed in the memorandum, disused tips typically support a mix of habitats which co-exist as a complex mosaic, and it is these habitat mosaics combined with their nutrient-poor soils and variations in topography, hydrology and pH that are responsible for the rich biodiversity on them. It has become clear from recent research by Amgueddfa Cymru, Buglife, Colliery Spoil Biodiversity Initiative, Coal Spoil Fungi and other partners that many disused tips in Wales (including category C and D tips) are significant in a local, regional, national (and sometimes international)

context for their biodiversity. It is important, therefore, that the Disused Tips Authority for Wales – who will have powers to carry out operations to stabilise or prevent a disused tip from becoming unstable – must be properly advised on appropriate management and maintenance plans that will conserve each site’s biodiversity. Buglife recognises that safety concerns are of paramount importance, but it should also be possible, through clear guidance provided by the Welsh Assembly, to maintain these biodiverse sites which have a vital part to play in nature recovery in Wales. This is essential given the current nature crisis in Wales, and to comply with legislation such as the Environment (Wales) Act 2016 and Well-being of Future Generations (Wales) Act 2015 and local policies such as Local Nature Recovery Action Plans. Consultation and information sharing between the Authority and relevant stakeholders involved with nature conservation on disused tips – such as Local Authority Ecologists, Natural Resources Wales, Environmental NGOs (such as Buglife, The Wildlife Trusts, Butterfly Conservation, Amphibian and Reptile Conservation, etc.), and local naturalists and community groups – will help to ensure that the Authority, when exercising its powers, maintains and enhances biodiversity to promote healthy functioning ecosystems for the benefit of nature and communities.

Further concerning the biodiversity of disused tips, paragraph 8.146 of the memorandum mentions tree planting as a way to reduce CO₂ and as a means of habitat enhancement. Buglife are concerned that proposals to plant trees on disused tips would prove largely detrimental to existing biodiversity on these sites, which is dependent upon open habitat mosaics of bare ground, semi-natural grassland, heathland, scrub and wetlands. Tree planting should be avoided where possible and instead, enhancement measures should focus on encouraging the forementioned habitat mosaics by diversifying ground conditions (e.g. clearing areas of dense scrub to create open ground). Buglife would welcome the opportunity to advise on this.

As stated in point 3.21 of the memorandum “Unofficial recreational use, such as the use of motorcycles and bicycles - for example off road vehicles cutting up and down the berms creating scour and rutting that changes and exacerbates the local surface scour”, Buglife would highlight the need for awareness around how tip management/maintenance works on disused tips (e.g. drainage works, ditch clearance) can create access points for off-road motorcycles and 4x4 vehicles. For instance, this has proven an issue at Cwm Tips near Beddau (one of our project sites) where management works by Rhondda Cynon Taf Council has created access points (by the removal of vegetation that was a previous barrier to access, and the movement of other barriers such as concrete blocks) to enable an influx of off-road vehicles to the site. It is clear, therefore, that management/maintenance works on disused tips need to consider the impact on

access; opening access for more frequent unofficial recreation use would be counter-productive to current efforts to stabilise disused tips.