

SUBMITTED EVIDENCE TO CCEIC RE RECLAMATION OF COAL MINES BY EXTINCTION REBELLION (XR) CYMRU/WALES

CONTEXT:

- **Why XR Cymru have staged Actions at Ffos y Fran mine; how we worked with residents; XR activities; XR concerns about the irregularities of the original application by Merthyr (South Wales) Ltd to extending their coal extraction activities;**

Extinction Rebellion have been focussing on the closure of all fossil fuel extraction sites in Wales since 2020. We now also target insurers, who facilitate the operation of these sites. We are emphasising the deadly impact of coal extraction and the quality of life for local residents. Thus we took action alongside other campaign groups with a slow march in 2023. Prior to that we had carried out smaller actions on our own to keep the mines in the forefront of people's minds, through activities geared to generate media attention.

We had support from Coal Action Network (CAN), so we suggest referring to their submission on the history of the site and its activities.

- **What charges have been brought? What were the outcomes?**

Four people from XR Cymru were arrested and charged with aggravated trespass. This is an offence that relates to the prevention of lawful work.

Our defence was that the work being undertaken at Ffos y Fran was **not** lawful, thus we could not be considered to be committing aggravated trespass. Our assertion was on two grounds.

- Firstly, that Merthyr (South Wales) Ltd (MSWL) were in breach of planning legislation, given their application for an extension of their planning permission had been rejected.
- Secondly, we had identified contradictions between the financial claims made by MSWL in their planning application of August 2022, and those made to Companies House, which they are legally obliged to submit annually. MSWL declined to release to our solicitors the financial documentation that was requested, hence the Crown Prosecution Service dropped the charges against us.

Companies House Registration shows that MSWL (company number 04261274) last submitted their accounts on 31 December 2021. Their next accounts were due on 31 December 2022. They remained overdue as on 04 April 2024.

- **XR concerns about the on-going lack of reclamation work, particularly with reference to the dangerous nature of the site.**

Residents of Merthyr Tydfil, (in particular Chris and Alyson Austin), have put together a valuable brief on the current dangerous situation at the abandoned mine.

IMPACT OF THE UNRECLAIMED SITE

- **A local ecological disaster**

As well as the climate emergency, Extinction Rebellion focuses on the decline of biodiversity in Wales. There is significant research to suggest the degradation of local biodiversity and long-term threats to habitats. .

- **On the wellbeing of local people**

The residents are best placed to comment on well-being issues. However, we believe this site has long been a blight on the Merthyr landscape and continues to be so. Reclamation is not just about making it safe, beyond mere fencing off, but also remaking a place that enhances the locale of Merthyr Tydfil, where people enjoy recreational activities that support healthy lifestyles.

- **On the safety of its residents**

The residents have recently compiled a dossier on this aspect.

JUST TRANSITION

Ffos y Fran stopped extracting coal as a result of the Welsh Government's commendable commitment to phase out coal extraction in Wales. The Welsh Government's proposals for a Just Transition Framework to NetZero, published for consultation in December 2023 seem to be particularly relevant here. Wording from the Introduction to those proposals states "*After unjust transitions experienced by Wales in the previous century, we are proud in making Wales a world leader in the fair transition to Net Zero.*" Ffos y Fran would appear to present the Welsh Government with a perfect opportunity to demonstrate HOW they have achieved that, and how a Just Transition can be applied in practice.

There are at least two aspects of the Ffos y Fran closure relevant to Just Transition:

- The retraining of the workforce. This was supposed to be a responsibility of the owner and employer, Merthyr (South Wales) Ltd – MSWL, but is now merely another part of the undertakings which MSWL has reneged on.
- Ensuring that the reclamation work is carried out to achieve a safe and environmentally sound space. See more details from the BBC and residents as noted above

RECOMMENDATION

We would like to see Welsh Government/National Assembly funding of an independent Community Assembly in Merthyr to find the best way forward for people concerned about the short and longer term future of the site and its workers.

This should include the public bodies involved, as well as the owners and elected officials. Community Assemblies are a tried and tested way of bringing people together to hear from experts and from each other, share ideas and decide what to do locally on an important topic.

They are starting to happen around Wales, and some have been supported by Welsh Government grants as part of Wales Climate Week or Democratic Engagement. Assemblies are run using tried and tested guidelines from Trust the People. They typically need a team of 10 volunteers to plan, organise and facilitate the Assembly. A well publicised event can attract 40 - 50 people, and feedback shows that they help people to feel better informed, empowered and involved.

We would expect the findings to be reported back to this Committee to be included in the Committee recommendations to the Welsh Government on this topic.

We would also be happy to put forward a more detailed submission on the resources and processes required to make this happen in Merthyr or in other relevant locations.