



Climate Cymru submission to the Climate Change, Environment and Infrastructure Committee (the Committee) has agreed to undertake a short inquiry on the Ffos-y-fran opencast coal mine and related issues, April 2024.

Climate Cymru is a movement of over 360 organisations from all sectors of society, and 15,000 individuals, calling for urgent, fair action to address the climate and nature emergencies, and mitigating key climate related risks.

We welcome the committee's interest in this subject, an issue which has dominated the lives of campaigners living near Ffos-y-fran opencast coal mine for too many years. We pay tribute to the tireless work carried out by activists such as Chris and Alyson Austin. Without their persistent campaigning, this site may not have even reached the point of closure. They now wish to rest, and to enjoy the land once blighted by open cast mining. For that to happen, we must see a safe and ethical restoration of the land, and for the views and voices of the community to be at the core of any restoration process.

Coal Action Network, Friends of the Earth Cymru, XR Cymru are all key partners of ours, and thus we wholeheartedly support the submissions to this committee.

As a network, we have campaigned on Ffos-y-Fran alongside partners, though we must stress that this, sadly, is not a one off. Other such former opencast sites across South Wales have not been fully restored, leaving residents with dangerous sites on their doorsteps, with pitiful compensation for the damage it has caused to their homes in many instances, and a lack of accountability engrained in the system to hold mining companies to account effectively.

With regards to coaling policy in general terms, Climate Cymru, through our [Warm this Winter campaign](#), has worked alongside communities and elected representatives in the Senedd to call for a Wales free from fossil fuels. Cross party MS's attended our drop in at the Senedd in 2022 to support such a call, and Hefin David MS led a [debate](#) in the Senedd in July 2023 on Warm this Winter principles, which included our coaling demands. The debate was unanimously agreed in the Senedd.

We created a UK manifesto document for all UK parties in the lead up to a UK General election, including the following on fossil fuels, which would be of interest to committee members in relation to this current inquiry-

- Funding support from the UK Government to aid in the restoration of opencast mining sites or legislation to enforce payment from mining companies, especially for opencast sites for which the UK Government gave permission.
- Remove the statutory duty of the Coal Authority "*to maintain and develop an economically viable coal industry*" and move to implement a clear ban on all

new coal mines across the UK, in accordance with climate science and the IEA's *Roadmap to Net-Zero emissions by 2050*. This will allow the Coal Authority and the industry to focus on areas that will benefit people and businesses, such as the proper restoration of coal mining sites and extraction of renewable/ geothermal heat from existing/ disused mines.

We sent a pledge document earlier this year to the Labour Leadership candidates in Wales, which included our call for a clear ban on coal mining in Wales and to fully restore all former opencast mining sites in Wales.

Scotland announced a de facto ban on coal mining in October 2022, distancing it from the UK Government's back-sliding on its coal and environmental commitments, most recently in Rishi Sunak's regressive speech. Wales should now take its place beside Scotland on the international stage as environmental leaders within the UK. Many sites have been left poorly restored or unrestored for many years, with the mining companies walking away from their restoration responsibilities. Nearby communities are left to pick up the pieces or are left to live by dangerous former coaling sites. We called on a future First Minister to find ways to ensure the land is restored, to the high standard these communities were promised.

We have recently drafted a letter to the new Cabinet Secretary for Climate Change, welcoming him to the role, and re-emphasising the points above in a bid to ensure that this matter is at the top of the political agenda.

We concur with the content of the Coal Action Network submission (CAN) when they say that the *'Welsh Government must step in and take responsibility for Ffos-y-ffran site, which has escalated to the currently filling void as a result of its refusal to take action earlier, despite the clear evidence of MTCBC's ongoing failure to control the situation.'*

We believe much of this situation could have been avoided had the findings and recommendations from the Welsh Government report on research into the failure to restore opencast coal sites in south Wales (April 2014) been implemented. This research was carried out by the Welsh Government following years of sustained campaigning by Wales against opencast mining, chaired by the former MS, and former Climate Cymru Warm this Winter campaign coordinator, Bethan Sayed.

A summit of campaigners, residents, Government Ministers and Officials took place in 2015, following campaigns by residents and elected members, amid promises that land would be restored and communities compensated. The outcomes of the summit were as follows-

- Improving the resilience of the minerals planning service in Wales by pooling skills and expertise;
- Engaging local authorities, industry and communities in the joint Welsh Government/ Coal Authority work to prepare best practice guidance on the calculation, accumulation and management of bonds which would seek to establish a consistent basis for negotiations across Wales;

- a focused review of MTAN2, the scope of which would include consideration of the exceptions to the buffer zone policy;
- starting a dialogue with the UK Government, particularly their stake on legacy sites (especially the portfolio sites on which there was immunity from bonding) and to feed back to a follow up event at a later date.

We would welcome any work the committee could undertake, therefore, in examining relevant outstanding outcomes from this summit, in conjunction with the research carried out in 2014.

Nonetheless, companies continued to operate, and were not sufficiently held to account. Insufficient funds were placed in escrow accounts, so that Local Authorities who were contacted on the matter continued to emphasise that they could only do so much by means of restoration. Celtic Energy Ltd evaded scrutiny by transferring ownership to a shell company in the Virgin Islands, thus deeming it almost impossible to hold those responsible to account.

Climate Cymru trusts that committee members are aware of the history of the site in Merthyr, and thus will not go into the matter in detail here. Suffice to say, the history is one whereby the mining company, Welsh Government and the Local Authority have continuously ignored concerns of residents living near the site, in terms of the detrimental health impact, the effect on infrastructure, and key environmental concerns.

Climate Cymru has supported and attended recent campaign activities organised by both CAN and Friends of the Earth Cymru in relation to Ffos-y-Fran opencast mining, in terms of calling for an end to the illegal coaling that was taking place at the site, as well as attending the protest outside Merthyr Council in lobbying Councillors to deliver on a stop notice to ensure that the illegal coaling would not continue. It is utterly astonishing that it had to take a public campaign to encourage elected members to stop the illegal coaling, even though the permission to mine coal ran out on 6 September 2022, and even after councillors at Merthyr Tydfil Council planning committee unanimously rejected the application for an extension in April 2023.

As we said at the outset, the issues in Merthyr are not exclusive to Ffos-y-Fran, sadly. We are acutely aware of examples from other parts of Wales, where communities are still suffering the consequences of failed restoration of sites.

For example, in relation to the site at Kenfig, (Margam opencast coal mine) resident and long-standing campaigner Gaynor Ball informed us in April 2024 that the *'restoration of the opencast here was effectively hardly a restoration at all. We were told the site needed £40m for the planned, agreed and proper restoration of the site, but only £5.7m materialised- not nearly enough. The promises that were made to us were broken.*

The company planted a few trees and allowed the 'lake' (the void) to fill with water- far too deep and dangerous, but a magnet for kids in the summer. The site is still very barren in places, not helped by scramblers ripping up the ground. The rough roads they put in place are already breaking up. We were promised proper roads that link across the valley. Again, Celtic Energy said they had no money to do this. We feel let

down, and our site was a catalogue of broken promises by a company who had made millions and then were allowed to walk away.'

We believe that any committee report on outcomes for Ffos-y-Fran must consider other sites in Wales. To fail to do so would be to undermine the situation in other parts of Wales, such as in Kenfig, where restoration is still required.

In relation to East Pit, resident and community Councillor Sue Jordan has provided us with information on the situation affecting her and other local residents. The failure to restore all these sites has been described by Sue Jordan as '*part of a systemic failure to safeguard valleys communities.*' She informed us that '*the situation at East Pit is dangerous. The Welsh Government has acknowledged the risks posed by coal tips across South Wales, but the equally dangerous problem of 30-40 million cubic metres of water in an un stabilised void ~150m above the valley floor is not mentioned.*'

Sue Jordan's home was seriously damaged to the extent of being an insurance write-off due to subsidence 2017-19, and compensation was paid by the mine owners' and her insurers. Sue Jordan's engineers believe that the damage was caused by works at the open cast site (blasting operations on the site etc), as predicted in the Groundsure report of 2012. They want this matter to be taken as seriously as the coal tips, as they do not wish for this to happen to any other house in an area close to a former opencast site.

There is also a water void at East Pit, as in Merthyr and Kenfig, and residents are concerned as to the dangers to anyone falling into the void. They informed us that the rate of rise of the lake - c40mm/day - is rather more than the average rainfall, and it is almost inevitable that water is entering the void from elsewhere. This highlights their call for analysis by independent, qualified, indemnified engineers.

Specific requests in relation to East Pit include the following, as communicated to us from residents-

1. full disclosure of the geotechnical reports plus full reports of the hydrology of the area
2. Detailed computer modelling of the new hydrology of this area, to identify risks so that actions can be taken to prevent them becoming reality. Programs such as Fluent may be appropriate.
3. A report was issued by James Associates in 2015. Residents wish to know which recommendations of this report have been delivered, and which remain outstanding.
4. A report on the East Pit void by a member of the Reservoirs panel of the ICE.

Neath Port Talbot (NPT) Local Planning Authority should be monitoring the rising levels of water in the abandoned void, and keeping everyone informed. Residents have seen no information to date.

We would be more than happy to share contacts of residents in both Margam and East Pit with Committee members should you wish to engage with them directly, and hear first-hand their experiences in this regard. Again, any recommendations made by the committee must, in our mind, reflect the needs and concerns of people affected by the lack of restoration in their respective areas.

In relation to outcomes, we list our main asks below for the committee. A representative from Climate Cymru will be part of the panel giving oral evidence on the 24th of April to your committee, but should you require more information, please do not hesitate to contact us.

We would also wish to inform you that as a network we have regular partner meetings where we discuss our cross-cutting work, joint initiatives and campaigns. Should any MS wish to attend and speak with the network or visit one of our partner organisations, we would be more than willing to facilitate this.

Main asks of the Committee-

1. Lobby the UK Government to fund support to aid in the restoration of opencast mining sites or legislation to enforce payment from mining companies, especially for opencast sites for which the UK Government gave permission.
2. Lobby the UK Government to remove the statutory duty of the Coal Authority *“to maintain and develop an economically viable coal industry”* and move to implement a clear ban on all new coal mines across the UK, in accordance with climate science and the IEA’s *Roadmap to Net-Zero emissions by 2050*. This will allow the Coal Authority and the industry to focus on areas that will benefit people and businesses, such as the proper restoration of coal mining sites and extraction of renewable/ geothermal heat from existing/ disused mines.
3. For the committee to examine any relevant outstanding outcomes from the findings and recommendations from the Welsh Government report on Research into the failure to restore opencast coal sites in south Wales (April 2014) and the Welsh Government Opencast coal summit 2015.
4. For the committee to call on the Welsh Government to step in and take responsibility for the Ffos-y-fran site, and explore ways in which to restore East Pit and Kenfig Hill and any other former sites in Wales.
5. For the committee to write to the Welsh Government calling on the new Climate Change Cabinet Secretary to include the restoration of former open cast coal mines as part of the new coal tip safety legislation. For the committee to seek its own legal advice on the viability of including the restoration of former open cast mine sites should the Welsh Government refuse this addition to the legislation, and explore possible amendments to said legislation.
6. Calls on the Committee to draft a separate piece of legislation on the restoration of former opencast coal mining sites should the Welsh Government reject attempts to include it in the new Coal Tip Safety legislation.
7. For the committee to ask the Welsh Government to set up a Citizens Assembly of residents and campaigners of former opencast coaling sites to engage them on next steps in relation to ideas for the funding of restoration. It is important to include the voices of those most affected by the matter in any solution.

Again, we welcome your interest and work in this area, and look forward to engaging with the committee in the future.