

Agenda – Climate Change, Environment, and Infrastructure Committee

Meeting Venue:

Committee room 4 Tŷ Hywel
and video Conference via Zoom

Meeting date: 22 May 2024

Meeting time: 09.30

For further information contact:

Marc Wyn Jones

Committee Clerk

0300 200 6565

SeneddClimate@senedd.wales

Hybrid

Private pre-meeting (09.15–09.30)

Public meeting (09.30–12.30)

1 Introductions, apologies, substitutions, and declarations of interest

(09.30)

2 Climate Change scrutiny with the Cabinet Secretary for Climate Change and Rural Affairs

(09.30–10.45)

(Pages 1 – 14)

Huw Irranca-Davies MS, Cabinet Secretary for Climate Change and Rural Affairs

Claire Bennett, Director of Environmental Sustainability and Climate Change – Welsh Government

Jon Oates, Head of Clean Growth – Welsh Government

Attached Documents:

Research brief – Climate Change Scrutiny



Break (10.45–11.00)

3 Restoration of opencast mining sites – evidence session 6

(11.00–12.30)

(Pages 15 – 28)

Geraint Thomas, Leader of the Council – Merthyr Tydfil County Borough Council

Ellis Cooper, Chief Executive – Merthyr Tydfil County Borough Council

Judith Jones, Director of Neighbourhood Services – Merthyr Tydfil County Borough Council

Carwyn Morris, Head of Engineering – Merthyr Tydfil County Borough Council

David Cross, Principal Planning Officer – Merthyr Tydfil County Borough Council

Geraint Morgan, Solicitor – Merthyr Tydfil County Borough Council

Attached Documents:

Research brief – Restoration of opencast mining sites

4 Papers to note (12.30)

4.1 Environment Food and Rural Affairs Interministerial Group

(Pages 29 – 30)

Attached Documents:

Letter from the Cabinet Secretary for Climate Change & Rural Affairs to the Chair in relation to the Environment Food and Rural Affairs Interministerial Group

Follow up letter from the Cabinet Secretary for Climate Change & Rural Affairs to the Chair in relation to the Environment Food and Rural Affairs Interministerial Group

4.2 Restoration of opencast mining sites

(Pages 31 – 50)

Attached Documents:

Additional evidence from The Coal Authority in relation to the inquiry on the

restoration of opencast coalmining sites

Additional evidence from United Valleys Action Group in relation to the inquiry on the restoration of opencast coalmining sites

Additional evidence from Protecting and Conserving Together (PACT) in relation to the inquiry on the restoration of opencast mining sites

Letter from Friends of the Earth Cymru to Merthyr Tydfil County Borough Council in relation to the Ffos Y Fran Land Reclamation Scheme – 19 April 2024

Response from Merthyr Tydfil County Borough Council to Friends of the Earth Cymru in relation to the Ffos Y Fran Land Reclamation Scheme – 14 May 2024

4.3 Committee remits following the recent reconfiguration of the Welsh Government Cabinet

(Pages 51 – 52)

Attached Documents:

Letter from the Chair to the Chair of the Business Committee in relation to Committee Remits following the recent reconfiguration of the Welsh Government Cabinet

4.4 Impacts of the fashion industry on the environment

(Page 53)

Attached Documents:

Letter from Faye Baugh to the Chair in relation to the impacts of the fashion industry on the environment

4.5 Inter-Institutional Relations Agreement

(Pages 54 – 55)

Attached Documents:

Letter from the Cabinet Secretary for Climate Change and Rural Affairs to the Chair in relation to the Phytosanitary Conditions (Amendment) Regulations 2024

4.6 Infrastructure (Wales) Bill

(Page 56)

Attached Documents:

Letter from the Cabinet Secretary for Housing, Local Government and Planning to the Chair in relation to the Infrastructure (Wales) Bill

4.7 Annual scrutiny of the National Infrastructure Commission for Wales (NICW)

(Pages 57 – 58)


Attached Documents:

Response from the Chair of the National Infrastructure Commission for Wales to the Committee's report – Annual scrutiny of the National Infrastructure Commission for Wales: 2023

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Document is Restricted

Huw Irranca-Davies AS/MS
Ysgrifennydd y Cabinet dros Newid Hinsawdd a Materion
Gwledig
Cabinet Secretary for Climate Change & Rural Affairs

Agenda Item 4.1


Ein cyf/Our ref: HID/PO/0132/24

Llywodraeth Cymru
Welsh Government

Sarah Murphy MS
Chair
Legislation, Justice and Constitution Committee

Llŷr Gruffydd MS
Chair
Climate Change, Environment and Infrastructure Committee

Welsh Parliament
Cardiff Bay
Cardiff
CF99 1SN

3 May 2024

Dear Sarah, Llŷr,

I am writing in accordance with the inter-institutional relations agreement, to report on the latest meeting of the Net Zero, Energy and Climate Change Inter-Ministerial Group, held on 13 March 2024. The meeting was attended by Lee Waters MS, in his former capacity as Deputy Minister for Climate Change. The meeting included a presentation from the Climate Change Committee on Carbon Budget 7, and discussions on industrial decarbonisation, and carbon capture, usage and storage (CCUS).

The meeting also was attended by Mairi McAllan MSP, Cabinet Secretary for Wellbeing Economy, Net Zero and Energy, Conor Murphy MLA, Minister for Economy, Graham Stuart MP, Minister of State for Energy Security and Net Zero.

Yours sincerely,



Huw Irranca-Davies AS/MS
Ysgrifennydd y Cabinet dros Newid Hinsawdd a Materion Gwledig
Cabinet Secretary for Climate Change & Rural Affairs

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

Bae Caerdydd • Cardiff Bay
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CF99 1SN

Gohebiaeth.Julie.James@llyw.cymru
Correspondence.Julie.James@gov.Wales

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Huw Irranca-Davies AS/MS
Ysgrifennydd y Cabinet dros Newid Hinsawdd a Materion
Gwledig
Cabinet Secretary for Climate Change & Rural Affairs



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref: HID/PO/0134/24

Sarah Murphy MS
Chair
Legislation, Justice and Constitution Committee
Welsh Parliament
Cardiff Bay
Cardiff
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8 May 2024

Dear Sarah,

In accordance with the inter-institutional relations agreement, I wish to notify you of the cancellation of the latest Environment Food and Rural Affairs Interministerial Group. The Group was due to meet on 1 May and would have been the first meeting since September 2023.

I said in my [Written Statement](#) on 29 April on the Extreme Weather Summit that I would be discussing the impact of farmers and growers in Wales at the Interministerial Group. This was just one of a number of important and time sensitive discussions we were due to have. We were also planning to discuss ongoing issues with the Windsor Framework command paper, and we intended to sign off the National Biodiversity Strategic Action Plan which will be launched later this month.

This cancellation was a disappointing lost opportunity. I have written to the Secretary of State to express my disappointment and asked that he commits to a new date at haste. I hope we will be able to rearrange the meeting quickly, and I will inform you when we have been able to do this.

I am copying this letter to Rebecca Evans MS, Cabinet Secretary for Finance, Constitution & Cabinet Office and the Chairs of the Climate Change, Environment and Infrastructure Committee and the Economy, Trade and Rural Affairs Committees.

Yours sincerely,

Huw Irranca-Davies AS/MS
Ysgrifennydd y Cabinet dros Newid Hinsawdd a Materion Gwledig
Cabinet Secretary for Climate Change & Rural Affairs

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

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Agenda Item 4.2

From: Clare Tasker

Sent: Thursday, May 9, 2024 11:36 AM

To: Climate Change, Environment, and Infrastructure Committee | Pwyllgor Newid Hinsawdd, yr Amgylchedd a Seilwaith <SeneddClimate@senedd.wales>

Cc: Toni Favill; Carl Banton; Cheryl Jordan

Subject: RE: 24 April 2024 - Restoration of opencast mining sites

Good morning Lukas,

Thank you for your patience, please find below information provided by our Operations and Sustainability Director, Carl Banton for the Committee. We are also happy for our response to be published as you kindly informed us on 30 April.

Following the Ffos y Fran technical meeting we said we would respond to the CCEI committee with an estimate on the volume of water within the void at the site.

At this stage the Coal Authority are only able to provide a high level estimate on the volume of water within the void at the site as we have been unable to obtain the detailed 3D excavation model required to calculate something more accurate. The water level reported at the technical meeting on 24 April was 281m AOD. Using this and the limited information we hold, we have estimated the water to be in the range of 1.4 to 1.7 million m3.

We would be happy to assess a more accurate water volume once we receive the 3D model of the excavation.

Please let me know if you have any further questions.

Best wishes,

Clare



Clare Tasker

Operations Business Manager

Website: coal.gov.uk

My pronouns: she / her / hers

How to pronounce my name
(phonetic spelling)

Clare Tasker
klair TASS-ker



Committed to being an
Inclusive Employer



From: Climate Change, Environment, and Infrastructure Committee | Pwyllgor Newid Hinsawdd, yr Amgylchedd a Seilwaith <SeneddClimate@senedd.wales>

Sent: 25 April 2024 11:28

To: Carl Banton

Cc: Climate Change, Environment, and Infrastructure Committee | Pwyllgor Newid Hinsawdd, yr Amgylchedd a Seilwaith <SeneddClimate@senedd.wales>; Lisa Pinney; Toni Favill; Rebecca Kerr

Subject: [External] 24 April 2024 - Restoration of opencast mining sites

Dear Carl,

Thank you for giving oral evidence at the Climate Change, Environment, and Infrastructure Committee's meeting on Wednesday 24 April in relation to the restoration of opencast mining sites.

I'm writing to follow up a question asked by Delyth Jewell MS during yesterday's Committee meeting in relation to the potential compulsory purchase of the land and the possibility of water drainage - you mentioned you would be able to share a note of the discussions at the technical meeting you were in afternoon.

Thank you for your support and kind regards,
Lukas

Additional evidence from United Valleys Action Group in relation to the inquiry on the restoration of opencast coalmining sites

-Merthyr Tydfil County Borough Council leaflet shared with local residents / 2003 Ffos-y-Fran land reclamation project.

**FFOS-Y-FRAN LAND RECLAMATION PROJECT
WHAT ARE THE ISSUES?**

One of the themes we have discovered, in discussions with many local customers, is that many people did not believe they were adequately informed of the facts and the issues involved. This CONTACT Special Edition aims to clearly inform you of these issues and the enclosed response slip will allow you to give us feedback.

The Project
The proposal is that Miller Argent would develop the currently derelict site at Ffos-y-Fran, situated to the northeast of the A4060, for the purpose of opencast coal extraction.

The Issues
The issues are summarised below; in response to frequently asked questions about the proposal however, if you would like to find out more details regarding this project, we have organised four public information sessions, to be held at the venues and times shown at the bottom of this page.

What will be the economic effects of the Proposal?
If the proposal does go ahead, there would be major economic benefits to the Merthyr Tydfil region. It would establish 200 new jobs actually on or related to the site and approximately 400 new jobs indirectly related to the investment. It represents around £50 million in after-tax local spending potential as well as income to MTCBC estimated at over £5 million (equalling 0.5% of annual council expenditure) thus reducing council tax pressure on customers.

How much will the reclamation cost the inhabitants of Merthyr Tydfil?
The reclamation of this large tract of derelict land would be at no public cost. The plan also includes reactivating the currently not operational, freight rail link (that would cost millions of pounds to put in place) free of public cost.

How much would Merthyr Tydfil inhabitants face paying if the project doesn't proceed?
The legal consequences appear very severe, leaving Merthyr Tydfil CBC liable to an estimated £15 million in likely costs. It could be more. That £15 million would require to be paid, and may require a special charge levied to all households averaging around £900 Band D per household.

Has there been similar land reclamation in Merthyr Tydfil before?
This scheme represents the final phase of the East Merthyr Land Reclamation Scheme. Preceding phases demonstrate benefits of this scheme: both were closer to Merthyr Tydfil than the present scheme.

If the proposal goes ahead, what would be the environmental effects?
Currently, this site is derelict, parts of which are filled with decades of rubbish, estimated at 235,000 metric tonnes of waste. This Land Reclamation project is an opportunity to protect residents from potential airborne or ground contamination removing all potentially hazardous waste, returning this derelict site into urban common ground.

What are the health concerns surrounding the proposal?
This is the final phase of 3 Land Reclamation projects. Phases

icantly closer to Merthyr Tydfil town and local communities than Ffos-y-Fran. There is no evidence of any health impact as a result of Phases I and II. The geography of Ffos-y-Fran's location means that the environmental impacts on Dowlais and surrounding communities are likely to be felt less than Phases I and II. Ongoing environmental monitoring will assess parameters that could have an impact on public health.

What about dust and noise?
During Phases I and II there were no significant levels of complaint relating to dust and noise. Ffos-y-Fran, because it is located significantly further from Dowlais and surrounding communities, is expected to have significantly less impact than might have been anticipated in Phases I and II. The Public Health department will work closely with Miller Argent to minimise impacts of dust and noise.

How would the reclamation affect the Infrastructure of the area?
Upgrading of the currently difficult 'Bogey Road' bridge is included in the plan. The project will reactivate the freight rail link, enabling direct removal of coal from the County Borough, and would also be available for all businesses to utilise. The combined improvements of road and freight rail will enable that northeast part of Merthyr Tydfil to attract new business creating opportunity for a new business hub. The business sector has expressed an early interest in these major developments.

What are the legal implications to the Ffos-y-Fran proposal?
MTCBC inherited a legal agreement in April 1993, for Ffos-y-Fran to be reclaimed as the last of 3 phases: Phases I and II have been implemented. There are no known legal liabilities (no costs) for MTCBC if this agreement is implemented. If this agreement is not implemented, legal liabilities (costs) for MTCBC are estimated at a minimum of £15.2 million. There is no known alternative other than this cost being passed on to Council Tax payers.

Why would Merthyr Tydfil CBC be liable for these costs?
Merthyr Tydfil CBC cannot choose to ignore this legal agreement. It is bound by that agreement to proceed. Merthyr Tydfil CBC would otherwise be liable for the costs of cleaning up this site. The closest guide to this cost is at least £11.5 million. In addition MTCBC faces further recovery of costs estimated at £2.7 million. Further MTCBC liabilities include costs of a failed Compulsory Purchase Order, estimated at £1.0million.

Ffos-y-Fran Information Sessions
The following sessions are being held in your community giving you further opportunity to find out the facts about the Ffos-y-Fran proposal:

Monday 3rd November - 6.00 p.m. - 8.00 p.m.
Treharris Community Centre, Perrott Street
Tuesday 4th November - 6.00 p.m. - 8.00 p.m.
Aberfan & Merthyr Vale Community Centre, Pantglas Road
Thursday 6th November - 6.00 p.m. - 8.00 p.m.
Dowlais Community Centre, Station Road
Friday 7th November - 6.00 p.m. - 8.00 p.m.
Rhydycar Leisure Centre

Any queries you may have about the proposal can be discussed at these information events or by contacting the Planning Division at Merthyr Tydfil CBC on: 01685 726283.

From: Jan Adamson

Sent: Sunday, May 12, 2024 5:29 PM

To: Climate Change, Environment, and Infrastructure Committee | Pwyllgor Newid Hinsawdd, yr Amgylchedd a Seilwaith <SeneddClimate@senedd.wales>

Subject: Re: 09.05.2024 - Restoration of opencast mining sites

Best Practice Restoration of opencast sites

In the meeting on the 9th of May, a question was asked as to what site exemplified best practice. Chris Austin replied 'Tower Colliery Opencast Site'. I agree with him on this but would like to add the reason why this restoration could be considered best practice.

The CEO of Rhondda Cynon Taf CBC, Mr Andrew Morgan, insisted that before a spade went into the ground at the start of each year's opencast, the full amount of money needed to fund the planned restoration at the end of the year's mining be paid upfront into an escrow account. Thus at the end of coaling there was £96 million in the escrow fund to pay for the restoration needed. Restoration then went ahead as planned.

Fortunately Tower Colliery Opencast wasn't complicated by progressive opencast where towards the end of one stage of mining the company would submit plans to extend the site down valley either as an extension or under a new name. The problem with assuring restoration funds in such circumstances is that though backfilling may or may not have gone ahead during the mining process, there is always some of the site that will not have been restored as it leads into next stage of opencast. Under those circumstances I would suggest that the a review of the effect of inflation on the cost of any restoration delayed by such ongoing mining be made at the start of each year and the payment, in advance into the escrow fund be increased to equal the inflation.

At Parc Slip Margam, there was 2 years restoration needed on land mined between Law Street and Bedford Road, and a huge overburden mound resulting from previous opencast, mined as Parc Slip Extension by the NCB Opencast Executive when Parc Slip West began operating in 1995/6 following privatisation. Due to the manner of privatisation no bonds or securities were asked of SWRCC or of Celtic Energy and the private companies were exempt for 10 years from providing bonds. When the Margam Deep Mine with associated opencast was granted consent in 2000/2001, the biggest part of the escrow fund for restoration was planned to come from the 40 p/tonne over twenty years from the deep mine with only £5million being paid from the opencast. In the event the deep mine didn't happen and so there was only £5.7 million eventually available towards restoration costs. Not only that but the company hadn't revised the necessary restoration plans and eventually NPT CBC drew suitable plans funded by the Welsh Government. These plans which would have seen the void infilled , the roads restored and vegetation etc reintroduced were not used.

Janice K Adamson

Former member PACT and of Parc Slip Margam Site Liaison Committee

Restoration of opencast mining sites

Senedd Cymru | Welsh Parliament

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

Adfer safleoedd glo brig | Restoration of opencast mining sites

Tystiolaeth ychwanegol gan Protecting and Conserving Together (PACT) |
Additional evidence from Protecting and Conserving Together (PACT)

Thank you for allowing us to contribute to the input of the plenary session that we were unable to attend in person. We have tried to answer the given questions.

Overview

share a brief outline of your group's role in relation to opencast mining sites in Wales.

PACT (Protecting And Conserving Together) - the local opposition group to the continued extension down valley of opencast coal mining in this area, came into being following the application for the Margam Deep Mine with associated opencast in 1999. There had been previous strong opposition to the opencast in this area - notably against the application by the NCB Opencast Executive for Parc Slip West in 1989 and again local opposition in 1997 to the continued down valley progression of Parc Slip West Extension in 1997.

The group soon gained strength and widespread support. During our campaigns we had thousands of signatures on petitions in opposition to the extension— both the original plans and the revised, which didn't destroy the woodland (after the Woodland Trust became involved).

Many events were attended by the group, including an information stall at the country show in Margam Park, where more people came on board with our campaign.

We produced an important HIA with Dr Alison Golby of Cardiff University(2005) where focus groups were asked how they felt and what effect the opencast had on their lives. (this is still available online WHIASU

https://phwwhocc.co.uk/whiasu/wp-content/uploads/sites/3/2021/05/Community_led_HIA_Case_Study_1.pdf

We were involved in new buffer zone legislation to strengthen the distance between homes and opencast sites, helped by the growing scientific awareness of the dangers of dust and small particulates to health.

We were present at the 'Energy in Wales consultation, and spoke about Margam Opencast in Parliament. (2007) The written evidence is still online.

<https://books.google.co.uk/books?id=kOhTKh5riYAC&pg=RA1-PA33&lpg=RA1-PA33&dq=gaynor+ball/+opencast&source=bl&ots=wWmSLarUZe&sig=ACfU3U0o23qq2pKQN-qBbOJOP4zxjb8B0g&hl=en&sa=X&ved=2ahUKEwIj2NTI9v6FAxXtZkEAHSS3AYw4FBD0AXoECAQQAg#v=onepage&q=gaynor%20ball%2F%20opencast&f=false>

We also presented written and spoken evidence at the Public Inquiry and attended every day of the week plus attended every single court appeal case.

The Public Inquiry into 'the Margam Mine Extension application 2004- the original plan which depicted the removal of Hafod Heulog Woods, was withdrawn by the company and resubmitted with plans to divert around the woodland. these plans were refused and so a Public Inquiry was held into the decision in Cefn Cribwr (2009)

The associated opencast became the only part of the Deep Mine application to be fulfilled and PACT spent years fighting plans for further extension down the valley.

The Escrow fund for the restoration of the site was mainly dependent on the tonnage from the Deep Mine at 40p per tonne over the 20 years. The opencast element only had to contribute £5 million, which is why on completion of the coaling in October 2008 there was only £5 million in the Escrow account where first £28 million and then over £40 million was required to restore the site properly.

We regularly contacted the council planning departments, WG and UK Government ministers for Bridgend and Port Talbot about numerous related issues.

When, after years of hard and exhausting campaigning, the opencast was turned down by the councils and refused after one Public Inquiry and two court appeals, the long awaited restoration was eagerly awaited and was expected to

begin immediately. Instead, the owners turned off the pumps, allowing the void to fill with water, changed their name and walked away.

PACT petitioned to call in the restoration of the site. This massive petition was handed in to the WG. Then a separate petition was handed in to support the promised re-opening of the cross valley roads, which the company now said was too expensive to do.

Bedford Road should have reopened in 2002. The alternative restoration gave us gravel roads that can't be used as a public highway. The local communities and the wider area have been deprived of roads' temporarily closed' to facilitate opencast mining which gave millions of £'s in profit to a private company with very little employment locally.

Both these petitions showed the local communities desire for the original, proper , long overdue restoration.

Soon after this, all went quiet.

We realised that nothing was going to change as far as the company fulfilling their original promised enhanced restoration and no further information was coming to us.

We decided we had done all that we possibly could and that the authorities and particularly the WG should now be pushing for proper restoration.

Instead we had to settle for a disappointing outcome, an alternative, poor restoration. No restoration of any kind took place until 2018 - ten years after coaling finished

We decided it was time to disband PACT.

How the restoration that has taken place at the site differed from what was originally agreed.

The restoration is completely different to what was originally proposed.

It is a non- restoration in our eyes. Restoration should be putting right the damage to what was originally there. The only action at Margam has been to make safe the industrial hazard that opencast created, but even this is not sufficient eg. The flooded void is very dangerous as it is too deep, too cold and a magnetic attraction for misuse.

Visually it is still bare and barren in places, poorly planted and does not look anything like what was promised.

The public are being kept in the dark as far as ownership, monitoring, further enhancement of the site and aftercare.

It is now open to the public but lacks a green gym and biophilia feeling.

The Welsh government have recently been encouraging tree, hedge and wild meadow planting in order to help combat Climate Change.

Every home was given a tree to plant to create Oxygen hubs.

Farmers have been told to plant trees, hedges and wild meadow spaces etc.

These initiatives could be extended by the Welsh Government to incorporate parts of the large, barren Open Cast site at Margam and, with expert advice, for planting the appropriate native flowers, shrubs and trees in suitable locations there. This would create healthier, greener more natural biophilia inducing green spaces at the Margam site.

The Welsh Government would in this way directly help not only the local amenity at the abandoned site but use its vast, barren space to help combat climate change.

There is plenty of space on site to have many nature features deployed, that will create pleasant surroundings for the locals and help biodiversity and climate change.

The local schools could be involved with the planting as directed by the experts, plus volunteer groups or locals who use site for recreation and want to be involved, –if the Welsh Government provided the resources.

It would also be a chance to educate the schoolchildren about the dangers of the cold, deep water void.

Comments on other opencast sites where restoration is of particular concern

Legislation currently allows companies to change the areas amenity by doing revised so called restoration plans. These do not put back the sense of place, history environment- anything!

Comments on whether any monitoring of (abandoned) sites currently take place and who should undertake regular monitoring:

Celtic Energy's responsibility for the site finished in Sept 2023.

We have no idea if anyone is now monitoring or maintaining the site.

Further comments answering other points.

1. Once planning permission is granted, the companies:

A). Frequently, almost immediately, request amendments to the consent, such as:

i). Extend the area to be mined.

ii). Extend the timeframe.

iii). Modify or change conditions.

This is often frustrating and annoying for the local community.

The main Planning applications are always accompanied with restoration plans, environmental studies etc. If consent is granted, normally for a period of at least 4 years, then the local population suffers the inconvenience, noise, pollution and loss of amenities, patiently awaiting the end of mining and the promised restoration. But, we have found that the process is ongoing, the company applies for an extension or a continuation down valley - sometimes changing the sites name. Restoration does not happen.

Mineral planning Officers can resort to Enforcement notices to control or stop unwanted behaviour. I.e. Stop the mining when it exceeds ground limits or time limits. These notices are rarely used because:

a) the local authority fears high costs in possible court cases.

b) the company appeals - eventually - and enforcement notices can't be served during an appeal.

C) the company blackmails the authority by threatening bankruptcy or/and the closing of other sites it has in the LA area, abandoning sites and the loss of jobs.

The local authorities do not have the the financial resources to effectively control opencast mining. It should be controlled at government level.

Does Legislation need changing?

If Legislation as it stands and the system are not in need of improvement or additions, then obviously the improved strength and change to stop this unacceptable carry on-

(of long term extension after extension , abandoned sites, alternative so called restorations, that never restore historical sense of place, local green amenity, applying for one thing e.g deep mine but actually end up only Open Cast mining, no restoration etc etc)-need to come from enabling / obliging the authorities responsible to use the existing legislation with greater commitment and effectiveness .

The W.G. owe it to the communities living next to coal, to once and for all accept that abandoned unrestored sites in Wales are nothing for them to be proud of under their watch.

There is evidence of Operators manipulating the system as it stands and having the power and financial backing to be in a " Win win " situation that is detrimental to the environment and community next to their sites.

Using Margam as an example .. something drastic has gone wrong with the system.

Was it too weak to stop manipulation by the operators ?

Enforcement notices should be set in stone and obligatory not optional and should be served instantly to encourage a start to restoration in spite of any appeals.

The authorities need the power and backing to achieve this.

The delaying tactic of constant appeals and limbo situation of restoration on hold indefinitely is frustrating and demoralizing for residents local to the site.

A planning process consent area in the system that has been frustrating and unhelpful to provide fair outcomes is the " each application decided on its individual merit " scenario.

This has proved (in relation to Margam) to enable a greedy rogue operator to abandon one site / sell it off and not restore whilst at the same time still carrying on working gaining finance at other sites, applying for extensions etc .

(This happened at Margam whilst the same company worked at East Pit/Gwaun Cae Gurwen and other sites)

There should be rules in place to blacklist these operators and stop them continuing this manipulation of a system. Their assets could be seized to restore the abandoned site, and licenses at other sites could be withdrawn and extensions refused based on bad practice elsewhere.

The Coal Authority should be informed by the Welsh Government that they need to clearly understand that, in Wales, the abandoned industrial open cast flooded voids are a cheap avoidance tactic, an unacceptable legacy of bad mining practice and these voids are not even worthy of the terminology of "alternative restorations" and are certainly not acceptable, enhancing local features, not only because of the dangers they create but also because of the historical network of local countryside tracks, flora and fauna they obliterate.

The Welsh government can see for themselves the ugly scars and dereliction of the environment caused by unrestored mining sites.

It is up to them to commit to preventing further corporate abuse of what can only be seen as an inadequately functioning system that has not properly protected the communities and environment, their green space local amenity, historical sense of place, from being exploited and left abandoned with meagre, sad, so called alternative if any restorations.

There is now a changing emphasis.

Climate Change and targets are at the forefront of policy decision making..

In Wales planning system there is now a " Presumption against "coal mining .

Wales must demonstrate the political will to move away from coal and

"Leave it in the ground."

Sustainable developments that meet the needs of the people in ways that are socially, environmentally and economically acceptable are vital.

Wales has produced the Future Generations Act .The Welsh Government need to ensure that it is incorporated into ongoing decisions and plans, plus in any new legislations.

There is no longer a Welsh national need for coal as Aberthaw has gone and Tata Coke ovens are phasing out.

People living next to coal and particularly TIPS need to be reassured of them not having to fight further Open cast exploitation.

It is not without reason that one may be concerned now about the worry that Open Cast Operators may start up using "Tip reclamation" as the new excuse to gain access to Open Cast mining.

We have seen this practice at Margam with Open Cast being allowed on the back of a Deep mine promise, (which in reality lead to multiple Open cast extensions, years of disruption dust, noise and loss of local amenity, which has not been properly put back).

We have also seen it with Open Cast being allowed on the back of so called Land reclamations.(Merthyr) but the reality is more money for the Operators and a long term loss of amenity leading to abandonment.

We need the Welsh Government to sort this out once and for all and properly engage and act in order to protect the local amenity, health and wellbeing , environment, historical sense of place, by strengthening any caveats in the system that have allowed corporate greed to run roughshod over everyone else.

Open cast mining should not be allowed in Wales by our Welsh Government any longer.

It has proved to be a case of the only benefits reach the operators.. whilst for the local communities it is an example of corporate companies digging up peoples' local amenity and causing future trouble environmentally by never restoring after years of dust, noise, particulates and cut off roads etc.

It has been an ongoing environmental and health and wellbeing vandalism and the well documented ,widespread manipulation and unacceptable practices are harmful to the environment and health and wellbeing of Wales .."

No More Open cast destruction !!!

Gaynor Ball- Former Secretary of PACT

Suzanne De Celis

Former Issues co-ordinator PACT

Former member of the Site Liaison Committee

Janice K Adamson

PACT

Former member of the Site Liaison Committee

FAO Judith Jones
Chief Officer Planning, Engineering and Estates
Planning and Neighbourhood Services
Merthyr Tydfil County Borough Council
Civic Centre
Castle St
Merthyr Tydfil
CF47 8AN

Copied to:

David Cross – Principal Planning Officer, MTCBC

By email only:

[REDACTED]

cc:

[REDACTED]

19th April 2024

Dear Ms. Jones,

Re: Ffos Y Fran Land Reclamation Scheme, East of A4060 Slip Road, Merthyr Tydfil, Wales

1. We write to both amplify the voice of the local community – to ensure that their valid concerns are being heard and acted upon by yourselves, and to ensure that the enforcement of extant conditions linked to the mine remains a priority for Merthyr Tydfil County Borough Council; especially in the context of the recent flooding of the mining void, to the north west of the site.

MATTER A) FOI/EIR E-Mail exchange between Natural Resources Wales (NRW) and MTCBC 2013/14)

2. We have been informed of the escalating situation with flooding of the mining void by local residents, as well as on-going dialogue with the Coal Action Network (CAN). CAN has also shared EIR/FOI attained email correspondence between yourselves and Natural Resources Wales (NRW) including discussion on the possible leaching of poor-quality coal seams into the void water (and possibly into wider water network); its limited potential to be classed as a 'large raised reservoir' under the Reservoirs Act 1975 – as well as other issues (see **Appendix A**).
3. Fundamentally, the correspondence (as seen) raises new concerns for us, many of which MTCBC is, no doubt, exploring with your legal, environmental health (and other relevant) departments to find solutions linked to your statutory responsibilities. While we understand the principal duty in resolving/ mitigating these issues also lies with the operator, it remains that MTCBC does have statutory powers at its disposal (including planning enforcement, EHO etc). We trust MTCBC will use them to force both a more equitable interim (and more urgent)

resolution to risks posed by the filling of the void – to satisfy valid local concerns - and to steer the operator towards a sustainable and final restoration outcome.

4. It's also evident from the email exchange that you continue to hold "weekly meetings" with Merthyr (South Wales) Limited (MSW). Despite this, we find it slightly troubling that in the council's response to NRW in February of this year, the operator's mix of ambivalence and dis-interest in the fate of the void is clearly inferred, but equally no suitable remedy is proposed by your representative to challenge and curb such poor operator behaviour. This suggests an unhealthy power imbalance between MSW and yourselves, and we'd recommend its redefining being needed if the restoration of the site is to include any of the original community benefits intended:

'...The undertaker is yet to provide us with the information on their plans for the void, or any survey information so we have not been able to provide specific advice and guidance. We continue to request a range of information from the operator to aid in understanding on a range of hydrogeological-related aspects but like other parties, are continually finding that the information is not forthcoming.'

5. Despite the above impasse, further separate correspondence between MTCBC and local Merthyr resident Mr Chris Austin and MTCBC's Mr David Cross (14th March 2014) shows some progress eventually being made with the operator, but at the same time, **raises further key questions we would like MTCBC to respond to as a matter of urgency:**

- **In response to what MSW is doing to mitigate the range of risks of the void flooding:**

'..MSW are currently in the process of appointing hydrogeologists, hydrologists and water quality consultants to assist in the assessment of the water body within the void and the wider restoration of the mine. This will form part of the on-going discussions between MSW and the Council, as well as other regulatory bodies.' (Mr Cross)

Q1: Noted, but can we know has been appointed, when will their report(s) be published and what will it/they address? Will this include land stability? leaching? flood risk?

Q2: Should MTCBC not be requiring that an interim report on the current risks posed by the void filling with water (re issues raised above) is needed more urgently? While a separate report linked to the forthcoming restoration of the site will be forthcoming from MSW, the above wording sounds like the two will be conjoined, leading to further delay. An interim report is needed much more urgently to alleviate the warranted concerns of local residents. We would appreciate more specific timeframes on this ASAP.

- **In response to the council's view on the perceived risks associated with the void (flooding/instability, leaching of water supplies etc):**

*'The Council are very much alive to the concern you have raised regarding the rising water levels within the mining void, which is no longer being pumped out by Merthyr South Wales Ltd (MSW). This issue has been under constant review by the Council and MSW are actively monitoring the water levels. **At present the Council is satisfied that the water body is well contained within the mining void and it does not currently present a significant concern.** The water levels would have to rise considerably higher before there would be any concern with the water over topping the land around the void....'* (Mr Cross)

Q3: Quite clearly, if no such investigation and report analysis has yet been produced by MSW as to the risks, and presumably the council hasn't undertaken its own impartial analysis - we would like to know to what evidence MTCBC is basing its position? If you are simply awaiting findings from MSW - and we assume you don't have the in-house capacity yourselves - then what robust professional evidence points to these conclusions? If such findings exist, please can you forward us a copy and any associated risk assessments (including the date they were completed), via email urgently.

On the other hand, if no such objective evidence exists, we obviously question the validity of Mr Cross' conclusions in the first instance and ask MTCBC to immediately commission its own report into land stability, leaching and flood risk AND lean more heavily on MSW to issue its own interim findings ASAP - especially due to the unknown nature of risk(s) being posed to the environment, local communities (and possibly), wider public health).

- **In response to future restoration plans:**

'...MSW has informed the Council that a planning application for a revised restoration scheme is scheduled to be submitted in late Autumn 2024. The revised restoration scheme is likely to include the retention of the water body within the mining void with the surrounding land being appropriately re-profiled'.

Q4: We view the submission of a further variation application under the current circumstances - essentially where MSW has initiated a form of 'fait accompli' in allowing the void to flood to then seek to revise its restoration scheme around what is an alien landscape feature - as highly inappropriate; especially compared to the original restoration scheme and wider community benefits that were originally envisaged - although this is less surprising considering MSW's previous behaviour. Is MTCBC pushing back on this approach at all? or has it given up any prospect of a non-water body theme in the re-submission of such plans?

Q5: Such dates seem vague. If the mining operations had finished on time (i.e. 6th September 2022) we would surely have had such detail by now. As MSW did not finish mining till over a year past this date, surely the council is well within its rights to ask for a revised restoration scheme to be submitted ASAP

MATTER B) Request to see other documentation associated with extant planning conditions:

6. Despite mining having - more or less - ceased, and with the pumps turned off last year by the operators, our view is that the site red line remains under the constraints of planning conditions from 2011 (Appeal Ref: APP/U6925/A/10/2129921) i.e. the meaning of "the duration of the development". Those conditions most relevant to the flooding of the void are given below, together with '**Actions**' (where we would be obliged if you could send us relevant planning documents and details via email):
7. Condition 44 - Groundwater monitoring and protection:

'Once the development hereby permitted starts the groundwater monitoring scheme (GMS) approved by the Local Planning Authority in accordance with condition 44 of permission APP 152-07-014 shall continue for the duration of the development'.

(Reason: "to prevent water pollution into the environment".)

Action: Friends of the Earth would welcome a copy of the Ground Water Monitoring scheme from yourselves, especially as no copy is on the website. We note the condition wording states that the GWMS shall “continue for the duration of the development” and does not differentiate between periods of cessation of mining and restoration in this context.

8. Condition 42 – Environmental Management Plan: This mentions the need for an environmental management plan (EMP) to be agreed and signed off by the LPA before commencement of development, and the EMP to be implemented as such.

Action: Again, please send us a copy via email at your earliest convenience.

9. Condition 51: Site Restoration.

Action: Please send us a copy of the restoration plan at your earliest convenience.

10. Condition 59: Environmental Liaison Officer: states: ‘Once the development hereby permitted starts the site operator shall continue to employ an environmental liaison officer approved in writing by the Local Planning Authority who shall oversee all soil stripping/storage, the restoration scheme, habitat re-creation and landscaping works, as required by condition 59’

(Reason: To ensure that the site is reclaimed in an acceptable manner and to a condition capable of beneficial afteruse, in the interests of the protection of residential and visual amenity, and for general public benefit.)

Action: We would welcome details of the assigned environmental liaison officer for the site, and any email exchanges between the council and that party, particularly linked to the void, as well as on site restoration more generally. The reasoning for the condition is indicative of why we are requesting this detail, also”. (N.B We can also seek copies these emails via EIR/FOI request separately, if needed).

11. Overall, we await answers to both **Matter A** and our requests in **Matter B** (above) at your earliest convenience, so we can undertake a full review of the information.
12. We appreciate your cooperation in advance and look forward to your response shortly.

Yours sincerely,

[REDACTED]
Senior Planner
[REDACTED]

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Website: friendsoftheearth.uk

Judith Jones BA (Hons), BTP, MRTPI
Cyfarwyddwr Gwasanaethau Cymdogaeth
Director of Neighbourhood Services

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www.merthyr.gov.uk

Croesawn alwadau yn y Gymraeg

We welcome calls in Welsh



Cyngor Bwrdeistref Sirol
MERTHYR TUDFUL
MERTHYR TYDFIL
County Borough Council

f.a.o. [REDACTED]
Friends of the Earth
(Via email: [REDACTED])

Dyddiad/Date: 14th May 2024

Ein Cyf / Our ref:
Eich Cyf / Your ref:

Gofynnwch am / Please ask for: David Cross
Llinell Uniongyrchol / Direct Line: [REDACTED]
e-bost / e-mail: [REDACTED]

Dear [REDACTED]

RE: Request for further information regarding Ffos Y Fran Land Reclamation Scheme

I write in response to your email of 19th April 2024, which seeks further information on the current situation of the Ffos Y Fran mine. Your letter sets out a series of questions under 'Matter A' and a request for a copy of documents relating to ground water monitoring, environmental management and restoration, as set out under 'Matter B'. A copy of these documents were recently sent to you, as such this response is focused on the points raised under 'Matter A', which are addressed in turn below:

Q1: Noted, but can we know who has been appointed, when will their report(s) be published and what will it/they address? Will this include land stability? leaching? flood risk?

Merthyr South Wales Ltd (MSW) has appointed Richard Moorehead & Laing Ltd (RML) as their lead consultants who are currently preparing a revised restoration plan for the site. They are also involved in the co-ordination of appropriate assessments by suitably qualified persons. Groundwater Science (Hydrogeologists) have been providing information to MSW, which includes assessments on the potential water levels within the mine. Additionally, samples of the water in the void have been assessed by MSW and has recently been shared with NRW (Natural Resources Wales). In relation to potential flood risks and leaching, this is something that has been raised with NRW and to date they have not expressed any concerns.

A report has been prepared by MSW in relation to the stability of the site, although this has not been made publicly available by MSW. This would also be a matter for The Coal Authority who have also undertaken site inspections and have not raised any significant concerns that require immediate attention.

Any reports submitted with the planning application for a revised restoration plan would be published on the Council's website as part of the appropriate consultation/publicity exercises.

Q2: Should MTCBC not be requiring that an interim report on the current risks posed by the void filling with water (re issues raised above) is needed more urgently? While a separate report linked to the forthcoming restoration of the site will be forthcoming from MSW, the above wording sounds like the two will be conjoined, leading to further delay. An interim report is needed much more urgently to alleviate the warranted concerns of local residents. We would appreciate more specific timeframes on this ASAP.

Although MSW have not provided the Council with an interim report on the risks associated with the water body in the void of the mine, this does not mean the concerns and risks are not being carefully considered.

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The water levels within the void are being monitored closely by MSW with regular reports being provided to the Council's engineers to consider. Discussions have also taken place with NRW regarding the concerns of the rising water levels and any potential requirements under the Reservoir Act.

The bottom on the void is at a level of approximately 264m AOD and based on the Groundwater Science assessments the water within the void was anticipated to rebound to its natural (pre-mining operation) level of approximately 281m AOD. The highest historical recorded water level within the site is understood to be 284m AOD. On the 12th April 2024 the water levels in the void peaked at 281.100 AOD. Since the 15th April 2024 the water level has started to recede and on the 26th April 2024 it was recorded at 280.635m AOD. This provides some indication that the ground water has re-established itself to its normal level, which will continue to be monitored. It should be noted that the presence of water is to be expected and is quite normal, although it is more obvious given that the void remains exposed.

It should be noted that the water quality has been regularly monitored by NRW at various discharge locations around the site. To date, NRW has not indicated that there are any significant concerns. The water quality was regularly monitored throughout the mining operations, which did not give rise to any significant concerns. Additionally, the water in the void is no different to that which was previously being pumped out when the mining operations were taking place, which would have also been monitored at the time. As such, there appears to be no immediate concerns relating to water quality at present.

Q3: Quite clearly, if no such investigation and report analysis has yet been produced by MSW as to the risks, and presumably the council hasn't undertaken its own impartial analysis - we would like to know to what evidence MTCBC is basing its position? If you are simply awaiting findings from MSW - and we assume you don't have the in-house capacity yourselves – then what robust professional evidence points to these conclusions? If such findings exist, please can you forward us a copy and any associated risk assessments (including the date they were completed), via email urgently.

On the other hand, if no such objective evidence exists, we obviously question the validity of Mr Cross' conclusions in the first instance and ask MTCBC to immediately commission its own report into land stability, leaching and flood risk AND lean more heavily on MSW to issue its own interim findings ASAP - especially due to the unknown nature of risk(s) being posed to the environment, local communities (and possibly), wider public health).

As noted above, the water level within the void has been continually monitored since the mining operations ceased on site, which appears to coincide with the assessment carried out by Groundwater Science. An up-to-date topographical survey of the site has been provided by MSW, which indicates the water level within the void would need to rise to approximately 339m AOD before it would potentially topple over the sides of the void. As such it would need to rise approximately 59m above the current water level and given that it would be spread across a much larger surface area, the volume of water would have to far exceed what is currently in the void. At present, the void is considered to be able to suitably hold the ground water and does not present a significant flood risk. The Council's Engineers have also commissioned consultants to review any potential flood risks to the existing watercourses within the surrounding area.

Additionally, there have been a number regimes put in place to monitor the water quality throughout the course of the development within and around the site, which to date has not raised any significant concerns. Advice has also been sought from NRW who are responsible for environmental permitting/monitoring and no significant concerns in relation to water quality has been raised that would suggest that there is an imminent risk that needs to be addressed. Based off the historical data that has been collected over the years, there is no reason at present to believe that the water quality has significantly changed.

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Q4: We view the submission of a further variation application under the current circumstances - essentially where MSW has initiated a form of 'fait accompli' in allowing the void to flood to then seek to revise its restoration scheme around what is an alien landscape feature - as highly inappropriate; especially compared to the original restoration scheme and wider community benefits that were originally envisaged - although this is less surprising considering MSW's previous behaviour. Is MTCBC pushing back on this approach at all? has it given up any prospect of a non-water body theme in the re-submission of such plans?

Pumps were initially utilised by MSW to remove the water from the bottom of the void to assist with the mining operations. Since these operations ceased, certainly in the lower parts of the void, the water has progressively returned to its natural level. The Council did highlight the concern that without the pumps remaining in place, the water levels could reach a point where it might be difficult to backfill. Some effort was made by MSW to start backfilling material at the bottom of the void with the intention of building up the ground to a point above the predicted final water levels. However, this was later postponed due to the sustained period of inclement weather during the winter period, which subsequently made it difficult/unsafe to continue backfilling. It was indicated by MSW that to reinstate the pumps would come at a significant cost given the water level at the time.

It is anticipated that the ground water within the void would likely be seasonal and the levels are expected to fluctuate throughout the year. As such, some consideration was given to MSW's suggestion that it may be appropriate to initiate pumping water out of the void again when the water level starts to recede within the spring/summer period.

Whilst the restoration of the mine is the responsibility of MSW, the Council is also mindful that the restoration fund that has been secured within an Escrow is limited and would not likely cover the full cost of implementing the approved restoration strategy. This is a significant concern particularly in the event that the mine is abandoned. Accordingly, the Council is taking a cautious approach to ensure the most appropriate outcome for the restoration of the site can be achieved in the public interest, mindful of the limited powers it has available.

Q5: Such dates seem vague. If the mining operations had finished on time (i.e. 6th September 2022) we would surely have had such detail by now. As MSW did not finish mining till over a year past this date, surely the council is well within its rights to ask for a revised restoration scheme to be submitted ASAP

Given the viability concerns to implement the approved restoration strategy, the Council has encouraged MSW to submit a planning application for a revised restoration scheme at the earliest opportunity. I am unable to provide a more accurate date of when the application will be submitted, as this may be subject to change. It is necessary for MSW to prepare the relevant documents and assessments to be submitted to ensure the environmental impacts are carefully considered. As highlighted above RML have been appointed as the lead consultants who are currently preparing the future submission.

Yours sincerely



**JUDITH JONES
DIRECTOR OF NEIGHBOURHOOD SERVICES**

PP

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Elin Jones MS

Llywydd

Chair of the Business Committee

10 May 2024

Dear Llywydd,

Committee Remits following the recent reconfiguration of the Welsh Government Cabinet

I am writing to request that the Business Committee consider the remits of policy committees following the appointment of the First Minister and subsequent reconfiguration of cabinet portfolios.

You will be aware that the recent changes to ministerial roles resulted in a significant redistribution of responsibilities, particularly those of the former Minister for Climate Change. The Climate Change, Environment and Infrastructure Committee's remit now covers the portfolios of four cabinet secretaries, encompassing diverse and substantial policy areas, as follows:

Cabinet Secretary for Economy, Energy & Welsh Language

- Energy policy, including renewable energy
- Circular economy
- Ports policy, including freeports
- Oversight of Cardiff Airport
- Digital connectivity infrastructure

Cabinet Secretary for Climate Change & Rural Affairs

- All matters relating to climate change and the environment.

Cabinet Secretary for North Wales and Transport

- Rail services through the Wales and Borders franchise
- Bus services
- Active travel
- Roads policies

- Transport for Wales

Cabinet Secretary for Housing, Local Government & Planning

- Planning, including Future Wales: The National Plan 2040
- National Infrastructure Commission
- Coal tip safety
- National Parks

I do not believe it is realistic to expect the CCEI Committee to scrutinise such a wide range of portfolios effectively. I am concerned that certain significant areas of Welsh Government policy will likely go without scrutiny because of the challenges presented by the changes to cabinet portfolios. Scrutiny of the Welsh Government's draft budget, in particular, is likely to prove difficult, especially considering the time constraints under which committees already operate.

I would be grateful, therefore, if the Business Committee would consider a reconfiguration of committee remits to streamline the number of Cabinet Secretaries the CCEI Committee is required to scrutinise. This could include the transfer of planning and related matters, as set out above, to the Local Government and Housing (LGH) Committee. This could also include transferring the matters that fall within the portfolio of the Cabinet Secretary for Economy, Energy & Welsh Language to the Economy, Trade and Rural Affairs (ETRA) Committee.

These changes would decrease the number of Cabinet Secretaries requiring scrutiny by the CCEI Committee from four to two. However, they would not affect the number of Cabinet Secretaries requiring scrutiny by the ETRA or LGH committees.

Of course, given the overlapping nature of Senedd policy committee remits, I recognise that changes to the CCEI Committee's remit would not prevent the Committee from looking at a matter through the lens of the environment or climate change. However, these changes would mean that the CCEI Committee would not be the Committee with primary responsibility for scrutiny in that policy area.

I recognise the Business Committee will wish to consult other committees as part of this process and would be happy to discuss any issues with the Committee.

Yours sincerely,



Llyr Gruffydd MS,
Chair, Climate Change, Environment and Infrastructure Committee

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

13th of March 2024

Climate Change, Environment, and Infrastructure Committee
Welsh Parliament,
Cardiff Bay,
Cardiff,
CF99 1SN

Dear Esteemed Members of the Climate Change, Environment, and Infrastructure Committee,

I write to you today not just as a concerned constituent, but as a passionate advocate for the well-being of our planet and the preservation of our communities. The urgency of our environmental crisis demands immediate action, particularly when it comes to addressing the detrimental impacts of the fashion industry on our environment.

The fashion industry stands as a significant contributor to pollution, resource depletion, and waste generation, casting a shadow over the sustainability of our planet. Yet, amidst these challenges, there exists a beacon of hope, a path towards a more sustainable future through actionable solutions. A key one in my opinion is a circular economy which includes the following.

Circular fashion principles offer a multifaceted approach to addressing the environmental challenges posed by the fashion industry. By prioritising the concepts of reduce, reuse, and recycle, circularity endeavours to revolutionise the way we perceive and interact with clothing. This paradigm shift emphasises the importance of extending the lifespan of garments through various means, including repair, upcycling, and sharing economies. By instilling a culture of conscious consumption, circular fashion principles encourage consumers to reconsider their purchasing habits and opt for pre-owned or second-hand items whenever possible. This not only diverts clothing from landfills but also reduces the demand for new production, thereby curbing the extraction of raw materials and minimising the associated environmental footprint. Moreover, initiatives like clothing swaps, where individuals exchange items they no longer need, foster community engagement and promote the idea of collaborative consumption. Similarly, thrift stores and online platforms dedicated to pre-owned fashion provide avenues for individuals to access high-quality clothing at affordable prices while simultaneously diverting textiles from the waste stream. By embracing circular fashion principles, we not only mitigate the ecological strain imposed by fast fashion but also foster a more sustainable and resilient industry. Through collective action and a commitment to circularity, we can pave the way for a future where fashion serves as a force for positive environmental change.

However, it is imperative to acknowledge the challenges and complexities inherent in these solutions, ranging from accessibility and affordability to scalability. Overcoming these hurdles necessitates a comprehensive and adaptable approach that considers diverse perspectives and stakeholder interests. As stewards of our environment and representatives of our communities, I implore the Climate Change, Environment, and Infrastructure Committee to champion policies that promote sustainability within the fashion industry, prioritising environmental preservation above all else. By rallying behind initiatives that address the multifaceted challenges we face, we can pave the way towards a more sustainable and equitable future for generations to come. Some simple ideas to initiate include implementing tax incentives for companies that adopt circular business models, establishing partnerships between fashion brands and recycling facilities to ensure the proper disposal and repurposing of textile waste, subsidising the cost of eco-friendly materials to encourage their use in garment production, and launching public awareness campaigns to educate consumers about the benefits of circular fashion and responsible consumption habits. These measures, along with broader policy initiatives, can lay the foundation for a thriving circular fashion economy that not only minimises environmental impact but also fosters innovation, economic growth, and social responsibility within the industry.

Thank you for your unwavering dedication to this critical cause. I eagerly await your support and decisive action on behalf of our community and the planet we call home.

Yours Sincerely,
Faye Baugh

Pack Page 53



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref: MA/HIDCC/05086.24

Llŷr Gruffydd MS
Chair
Climate Change, Environment, and Infrastructure Committee
Welsh Parliament
Cardiff Bay
Cardiff
CF99 1SN

10 May 2024

Dear Llŷr,

Further to my letter to you of 24 April. I wish to inform the Committee I have given my consent to the Minister of State to lay the Phytosanitary Conditions (Amendment) Regulations 2024 in relation to Wales. I have laid a Written Statement which can be found [here](#).

The Regulations intersect with devolved policy and will apply to Wales. The Regulations extend to England, Scotland and Wales. The Statutory Instrument (SI) is subject to the negative procedure and was laid before Parliament on 9 May 2023 with a commencement date of 31 May 2024 for urgent measures and 9 November 2024 for non-urgent measures.

Although the Welsh Government's general principle is that the law relating to devolved matters should be made and amended in Wales, on this occasion, it was considered appropriate for the Regulations to be laid by UK Government. The Regulations relate to a devolved area, however, they impact on imports of plant and plant products GB-wide. Many of the changes in the Regulations relate to the importation of plants and plant products. Most of these goods which enter Wales come through English ports and would be subject to their importation legislation. Introducing separate regulations in Wales and England may cause additional burden on the Animal and Plant Health Agency (APHA), business, traders and growers. Regulating on a GB-wide basis ensures a coherent and consistent statute book with the regulations being accessible in a single instrument with no risk of legislative divergence in Great Britain. Additionally, doing Wales-only Regulations for some provisions within this SI would likely have implications for notifying the World Trade Organisation (WTO) of the changes.

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

Gohebiaeth.Huw.Irranca-Davies@llyw.cymru
Correspondence.Huw.Irranca-Davies@gov.wales

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

I have written similarly to Sarah Murphy MS, the Chair of the Legislation, Justice and Constitution Committee (LJCC).

Yours sincerely,

A handwritten signature in black ink, consisting of several fluid, overlapping strokes that form a stylized representation of the name 'Huw Irranca Davies'.

Huw Irranca Davies AS/MS

Ysgrifennydd y Cabinet dros Newid Hinsawdd a Materion Gwledig
Cabinet Secretary for Climate Change and Rural Affairs

Agenda Item 4.6

Ysgrifennydd y Cabinet dros Lywodraeth Leol, Tai a Chynllunio
Cabinet Secretary for Housing, Local Government and Planning



Llywodraeth Cymru
Welsh Government

Our ref: MA/JJ/0894/24

Sarah Murphy MS and Llyr Gruffydd MS
Chairs
Legislation, Justice and Constitution Committee / Climate
Change, Environment, and Infrastructure Committee
Senedd Cymru
Cardiff Bay
Cardiff
CF99 1SN

14 May 2024

Dear Sarah and Llyr,

As Chairs of the Legislation, Justice and Constitution Committee and the Climate Change, Environment and Infrastructure Committee, I would like to draw your attention to a written statement I have recently published in relation to the Infrastructure (Wales) Bill.

The statement sets out details regarding two consultation papers which have recently been issued relating to pre-application consultation requirements and the charging of fees.

A link to the written statement can be found here: [Written Statement: Infrastructure \(Wales\) Bill – Publication of consultation documents \(14 May 2024\) | GOV.WALES](#)

Yours sincerely

Julie James AS/MS

Ysgrifennydd y Cabinet dros Lywodraeth Leol, Tai a Chynllunio
Cabinet Secretary for Housing, Local Government and Planning

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

Gohebiaeth.Julie.James@llyw.cymru
Correspondence.Julie.James@gov.Wales

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.



Ein cyf/Our ref: NICW/24/DCJB/CCEIR

Llyr Gruffydd MS,
Chair, Climate Change, Environment and Infrastructure Committee
SeneddClimate@senedd.wales

15th May 2024

Dear Llyr

Thank you for your letter of the 15 April 2024 enclosing a copy of the Climate Change, Environment, and Infrastructure Committee's report; "Annual report on the National Infrastructure Commission for Wales 2023". It was a pleasure to meet with yourself and the rest of the committee in January to discuss our work at the Commission.

We will address each of the recommendations for NICW in your report in turn.

Recommendation 4.

The Commission should commit to ensuring that the requirement for Commissioners to remove themselves from discussions or decisions where a conflict of interest, or a perceived conflict of interest might arise is being met consistently. It should also commit to ensuring that appropriate arrangements are in place to monitor compliance with the requirement.

Response

The Commission has taken significant steps in recent months to increase its transparency about conflicts or perceived conflicts of interest. This includes updating its online register on both the Welsh Government and NICW websites.

The NICW website (nationalinfrastructurecommission.wales) includes each Commissioner's declared interests on their personal biography pages. At each meeting, new conflicts of interest are recorded in the meeting notes, which are published online on approval.

Commissioners are asked to identify any perceived conflicts on the agenda for all meetings and are asked to withdraw from the meeting for items which carry a risk of perception of conflict of interest. This is recorded in the minutes of the meeting.

Cadeirydd / Chair
Ddirprwy Gadeirydd / Deputy Chair

Comisiynwyr / Commissioners

David Clubb
Jenifer Baxter

Helen Armstrong, Stephen Brooks
Aleena Khan, Eluned Parrott
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Recommendation 7.

The Commission should consider whether and how drainage and water storage could be incorporated into the research phase of its work on climate resilience and existential risk. It should report back to the Committee on the outcome in response to our report.

Response: The issues of strategic water storage and drainage have been explored in the Commission's research on flooding, particularly in relation to catchment management planning. Scoping for our Year 3 work on climate change impacts will focus on how infrastructure providers across the sector are communicating the longer term issues to communities and how their infrastructure will be affected in the future. This will undoubtedly include water and flood organisations. The Committee may wish to note that the UK National Infrastructure Commission carried out a potentially relevant study in 2022 entitled [Reducing the risk of surface water](#).

Recommendation 8.

The Commission should:

- *clarify whether and how it is engaging the UK Climate Change Committee (UK CCC) with its work, in particular its year three project on climate resilience and existential risk, and*
- *seek UK CCC representation on its Project Advisory on climate resilience and existential risk.*

Response: NICW met with the UK Climate Change Committee (UKCCC) in January to discuss our workstreams and potential collaboration on projects. We have also recently written to the Chair of the UKCCC to request a meeting with her to discuss our forthcoming plans for our Year 3 project and, in particular, how we can share data and thinking on climate change communications.

The governance arrangements for this project are yet to be finalised and may not necessarily lead to the formation of a Project Advisory Group. However, we will continue to engage with the UKCCC in our work and will seek their input at all relevant points as this work progresses.

Finally, we note in the Committee's recommendations to the Welsh Government that the review of NICW, mandated to occur in 2024, features prominently. We would like to reassure the committee and the Welsh Government that we are ready to engage and co-operate with this process to ensure that NICW continues to fulfil its remit to the best of its ability and provides value for money as well as timely and high quality advice to Welsh Ministers in the years to come.

We look forward to continuing to engage with you in the future.

Yours sincerely,



Dr David Clubb
Cadeirydd/Chair



Dr Jenifer Baxter
Dirprwy Gadeirydd/Deputy Chair