

Agenda – Climate Change, Environment, and Infrastructure Committee

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| Meeting Venue: | For further information contact: |
| Committee room 2 Senedd and video | Marc Wyn Jones |
| Conference via Zoom | Committee Clerk |
| Meeting date: 6 March 2025 | 0300 200 6565 |
| Meeting time: 09.30 | SeneddClimate@senedd.wales |

Hybrid

Private pre-meeting (09.15–09.30)

Public meeting (09.30–13.35)

1 Introductions, apologies, substitutions, and declarations of interest
(09.30)

2 Stage 1 scrutiny of the Disused Mine and Quarry Tips (Wales) Bill – Evidence session with the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs
(09.30–11.00) (Pages 1 – 28)

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

Chris Jones, Deputy Director, Mining Legacy and Reservoir Safety – Welsh Government

Madeline Rees, Lawyer – Welsh Government

Attached Documents:

Research brief – Disused Mine and Quarry Tips (Wales) Bill



Break (11.00–11.15)

3 Storm response inquiry – evidence session with utilities companies

(11.15–12.10)

(Pages 29 – 63)

Steven Joseph, Operations Director for South Wales – National Grid Electricity Distribution

Liam O’Sullivan, Director – SP Energy Networks (Manweb)

Ian Christie, Managing Director for Water, Asset Planning & Capital Delivery – Dŵr Cymru Welsh Water

Attached Documents:

Research brief – Storm response inquiry

Paper – National Grid Electricity Distribution

Paper – ScottishPower Energy Networks

Paper – Dŵr Cymru Welsh Water

Lunch break (12.10–12.40)

4 Storm response inquiry – evidence session with local authorities

(12.40–13.35)

(Pages 64 – 80)

Kevin Kinsey, Lead engineer – Blaenau Gwent County Borough Council

Ainsley Williams, Director of Place and Infrastructure – Carmarthenshire County Council

Paul Ridley, Civil Contingencies Manager – Carmarthenshire County Council

Jackie Charlton, Councillor – Powys County Council

Matt Perry, Chief Officer for Place – Powys County Council

Attached Documents:

Paper – Blaenau Gwent County Borough Council

Paper – Carmarthenshire County Council

Paper – Powys County Council

5 Papers to note (13.35)

5.1 Storm response

(Pages 81 – 89)

Attached Documents:

Response from Heledd Fychan MS to the Chair in relation to flooding in Wales

Letter from Transport for Wales to the Chair in relation to the Committee's storm response inquiry

5.2 Disused Mine and Quarry Tips (Wales) Bill

(Pages 90 – 105)

Attached Documents:

Letter from the Chair to the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs in relation to the Stage 1 scrutiny of The Disused Mine and Quarry Tip (Wales) Bill

Response from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs in relation to the Stage 1 scrutiny of The Disused Mine and Quarry Tip (Wales) Bill

Letter from the Chair of the Legislation, Justice and Constitution Committee to the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs in relation to the Disused Mine and Quarry Tips (Wales) Bill

5.3 Inter-Institutional Relations Agreement

(Page 106)

Attached Documents:

Letter from the Cabinet Secretary for Transport and North Wales to the Chair of the Legislation, Justice and Constitution Committee in relation to the Inter-Institutional Relations Agreement: Transport Inter-Ministerial Standing Committee

5.4 Ministerial scrutiny sessions

(Pages 107 – 117)

Attached Documents:

Response from the Cabinet Secretary for Transport and North Wales to the Chair following the 27 November scrutiny session

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

(Pages 118 – 120)

Attached Documents:

Letter from the Chair of the National Infrastructure Commission Wales to the Cabinet Secretary for Economy, Energy and Planning in relation to the review of the National Infrastructure Commission for Wales

5.6 Inter-ministerial Group on UK–EU Relations

(Page 121)

Attached Documents:

Letter from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs to the Chair in relation to the Interministerial Group on Net Zero, Energy and Climate Change

6 Motion under Standing Order 17.42 (vi) and (ix) to resolve to exclude the public from the remainder of this meeting

(13.35)

Private meeting (13.35–14.30)

7 Consideration of evidence received under items 3 and 4

8 Consideration of key issues arising from Stage 1 scrutiny of the Disused Mine and Quarry Tips (Wales) Bill

(Pages 122 – 152)

Attached Documents:

Paper: The Disused Mine and Quarry Tip (Wales) Bill – Key issues for consideration

9 Forward work programme

(Page 153)

Attached Documents:

Paper – Forward work programme

10 Consideration of draft report on Transport for Wales

(Pages 154 – 174)

Attached Documents:

Draft report on Transport for Wales' performance 2024–25

Document is Restricted

Document is Restricted

For further information please contact: EDPublicAffairs@nationalgrid.com

National Grid Electricity Distribution (NGED) is the Distribution Network Operator (DNO) serving South Wales, the Midlands, and the South-West of England. We serve over 20 million customers across over 550,000 KM², making NGED the largest DNO by geography in England and Wales. Between 2023 and 2028, we are investing over £8 billion, including over £3 billion on new connections and network reinforcement, enabling the net zero transition.

NGED sits at the heart of Wales's energy system, connecting millions of people and businesses to the energy they use every day. Across South and West Wales, our team of over 1,000 people, based in 10 depots, maintains 36,000 km of overhead and underground lines, which distributes 10TWh of electricity to over 2million people.

The electricity distribution network is undergoing a fundamental transformation as the nature of demand and generation decentralises, with a rapid increase in the number connections associated small scale renewables, and the electrification of heat and transport, placing greater importance on our infrastructure. Similarly, at a time when the criticality of electricity network is increasing, we are experiencing more frequent, more extreme weather, such as Storms Bert and Darragh, which will continue to damage and affect continuity of service.

These twin factors highlight the need for a change in the way policymakers and regulators think of resilience, how it is achieved in an equitable manner for consumers, and how emergency responses are resourced and public expectations can be managed in extreme weather events.

We welcome the opportunity to engage with the committee on this important subject, and have provided further information in the below.

Preparations and impact - Storm Darragh

Storm Darragh was the most severe storm to hit the NGED network in decades— with 96mph winds and two rare red weather warnings affecting our region simultaneously in South Wales and the South West on 7th December. The rest of our region was also covered by amber warnings throughout the storm period and saw extensive flooding. In total, our network saw more than 9,000. Faults is the term used to describe a malfunction on the network that can be caused by various factors, like storm-damaged cables/transformers, downed poles etc. In some of areas, we saw more than twice the number of faults experienced during Storm Arwen in November 2021.

The restoration effort was the biggest ever undertaken by our operational teams, with over 1,100 people mobilised to restore supplies. Given the duration of the storm, restoration work was hampered by land access issues, including flooding, debris and blocked roads, and also theft of our assets, like wooden poles and wire.

Our teams followed standard emergency planning protocols, working with local resilience forums across the region. Operationally, we followed our usual storm response protocol of readying our teams to make sure we could deploy as many people to the affected areas as fast as we could, when it was safe to do so in the face of the inclement weather.

Restoration and response:

Our immediate priority in the aftermath of Darragh was getting as many people, as fast as we could, back on power as conditions allowed for the welfare of our teams. We look to restore power in the first instance by automatically switching the network where we can. If we are unable to do this, we look to fix the root cause of a fault if we can quickly and safely. Should this not be possible, we will undertake a temporary repair, with a view to permanently fixing the issue when conditions allow and the network is returned to business as usual. Lastly, we will use alternative supplies, like generators, where we can. However, these are a finite resource that need to be balanced against operational needs, as we also require the generators for our teams to undertake repairs, such as working through the night.

We also requested mutual aid from other distribution network operators, as well as redirecting teams from NGED's other licence areas as they returned to business as usual after the storm. Throughout the response to Storm Darragh, we had mutual aid teams from UK Power Networks, Electricity North West and Northern Power Grid deployed to the hardest hit areas in West Wales.

Of NGED's operational areas, our South Wales Licence Area was the hardest hit. That said, we were pleased that over 95% of supplies were restored within 24 hours (although there was a small number of properties without power for six days). This was in part large part thanks to the unprecedented restoration efforts of our operational teams, but also owing to the roll out of recent innovations, and learnings from previous storms. For instance, auto switching – which automatically reroutes supplies via other parts of the network (where possible) when faults happen.

Damage to the network was caused by a wide range of factors, including flying debris, wildlife and trees hitting overhead lines and felling wooden poles. Accessing and repairing these instances can also be affected by unforeseen factors – landowners withholding or delaying consent, the sheer scale of the clear up needed to get to the fault on our network, as well as assets, like wiring and poles, being stolen before our teams are able to get to the site as happened in a few places across our Welsh network. This was particularly the case during Storm Darragh, which was the biggest storm to hit our network in decades and resulted in around twice the number of faults on the network than during Storm Arwen.

Infrastructure resilience:

Broadly speaking, the distribution network infrastructure is more resilient and was better prepared for Storm Darragh, than ahead of previous big storms, like Arwen and Eunice. Lessons were learned and action was taken to help increase the resilience of our network. A storm of the scale of Storm Darragh is, unfortunately by its nature, extreme, and was going to impact the distribution network significantly no matter how prepared or resilient the infrastructure.

Nevertheless, since Storm Arwen, we have invested around £8million in mitigating the damage caused by trees across our four licence areas. This is being achieved through a combination of undergrounding 11kV network in areas where it runs through trees and replacing cables with Aerial Bundled Cable. However, given the size of our network, this process will only have an incremental benefit as it runs over the course of its 20 year programme lifespan. The funding for this programme is delivered through our ED price controls, with only the first three years of it funded by the current ED2 settlement.

We have also invested around £13million adding more automation and technology to the 11kv network to help improve speed of restoration and the identification of the location of

faults. This automatic switching does reduce the time it takes to restore power and increase the overall resilience of the network. However, the sheer scale of damage and the volume of faults meant that, even despite the significant investments we have made, we still faced severe challenges. This programme is an 8 year initiative, with the first 3 years funded through the current ED2 price control.

As part of the Storm Arwen reopener, we did ask Ofgem for a further £15million for tree cutting, additional mobile generators, interconnectors and network mapping. However, Ofgem deemed these surplus to our needs.

We continue to invest in the health and resilience of our network, with £3.6billion in asset health and maintenance across our four licence areas, between 2023 and 2028. And we will of course enact the lessons learnt from Storm Darragh. However, without a total rewiring of the electricity distribution network, a storm of this scale, despite anyone's best efforts, is always going to have a significant detrimental impact on our infrastructure and continuity of service. This underscores the importance the response and restoration efforts and making sure they are the best they can be.

Customer Experience

Our contact centres experienced unprecedented call volumes, at peak seeing 4,000 calls every 5 seconds, leading to longer wait times than usual. Over the weekend of Storm Darragh, we had a surge in 250,000 customer contacts, while we typically handle 1million customer contacts in a year.

Digital channels were utilised to help reduce inbound call volumes and allow customers to self-serve. Our power cut map saw a 3100% increase in use through the storm, our website saw around a 750% increase in traffic, and our storm advice webpage was visited by 2.5million people over the 7-8 December weekend – the equivalent of four months traffic in two days.

Customers were directly contacted by SMS and email and were able to access support and updates through the web and all social media platforms. Vulnerable customers had a direct dial number to the contact centre and other customers were encouraged to call 105.

Customers that were affected by prolonged outages automatically received payments that they were entitled to under Ofgem's Guaranteed Standards of Performance (GSOP), and we shared a broader claims form on our website and social media channels. All cheques were sent to affected customers in the days after the storm. Meanwhile, information about GSOP and claims remains available across all customer channels. In total, we made 46,000 guaranteed standards payments – 3.5 times as many as our previous largest storm – Eunice, in 2022.

Future preparedness

Unfortunately, extreme weather is only becoming more frequent and we cannot hope that Darragh was a one off. As with every storm, there will be lessons to learn so we can prepare and respond better next time. This is still an ongoing exercise while we analyse, assess and implement changes. Emerging findings so far highlight the importance of:

1. Automation

- Automation of the network is key to efficient and effective operations and can help significantly when maintaining the network in storm.
- In Darrah, we saw significant amounts of automatic fault detection and switching taking place as the network looked to maintain reliability whilst faults occurred.

- This is an area we believe is only going to become more important, with our long-term aim of building and managing a network that can not only recognise it is ill, but that can then start to take steps to heal itself.

2. Reviewing Storm Severity

- Looking at how storm severity can be more accurately assessed and what this means in terms of how we might operationalise responses in the future.
- In Darragh, we looked to restore customers at the earliest possible opportunity, which in some cases meant carrying out work while the storm was still having an impact.
- Assessing severity and anticipated duration might lead to different decisions about where we focus resources, where we look to patch the network, and where we look to carry out an immediate permanent repair.

3. Welfare and community communications

- Darragh saw our largest welfare and community outreach of any storm in history, with 15 welfare vehicles deployed across impacted areas.
- The important role these provisions had on customers and communities were clear to see, providing a way for people to access warm food and drink, charging facilities, and information.
- Looking at how impactful these interventions were, we are looking at options to further expand our offering in this area, including dedicated storm volunteers.
- Some measures we are exploring for future storms:
 - Establishing dedicated Priority Services Register teams in the field, in addition to our charity partners' delivery.
 - Enhanced support for care homes
 - Provision of generators at community hubs, such as village halls, pubs, food/drink outlets.
 - Providing better online options for customers to reduce the volume of calls
 - Enhanced ramp up for resourcing in our customer contact centres

Ultimately, the electricity distribution network is incredibly resilient and operates at over 99% reliability – as an average, that equates to 30 minutes without power per household once every two years. We are constantly investing in the maintenance and resilience of our network, spending over £1bn every year. We have also learned from previous experience, using learnings from Storm Arwen to unlock additional investment in network resilience.

Our teams work hard to keep our network prepared, but the scale of Darragh was like nothing we have seen in decades. It was an extreme and severe weather event that, in parts of our network, caused twice the number of faults seen in Arwen. Despite this bigger impact, we were quicker to restore supplies and get customers back on - demonstrating our ongoing learning and evolution to storm response in the UK.

Climate Change, Environment and Infrastructure Committee
Call for evidence: Storm Bert & Storm Darragh
Written Evidence from SP Energy Networks

1. This response is from SP Energy Networks (SPEN), representing SP Manweb (SPM), part of the ScottishPower group. We own and operate the electricity distribution networks in Merseyside and North Wales which serve one and a half million customers.
2. We welcome the opportunity to respond to the Senedd's Climate Change, Environment and Infrastructure Committee's call for evidence into Storms Bert & Darragh.

Overview and Response

3. Storm Darragh began on 6th December with recorded windspeeds peaking at 93mph. Across the SPM area, 181,059 customers were impacted, the majority of whom were in Wales with the worst hit areas being Mid Wales, North Wales and Dee Valley.
4. Due to the intensity of the storm and the length of impact, SPEN districts operated to a strict health and safety risk assessment policy and focused on switching activities to restoring customers connections meaning that 89% were restored in the 24 hours and 95% in 48 hours.
5. In advance of the storm, SPEN proactively contacted 68,000 customers and sent 200,000 SMS and voice messages to customers in the most impacted areas. Once the storm hit, SPEN worked with Local Resilience Forums (LRF) to open rest centres across the impacted areas to provide customers with a warm space and access to showers, hot water, food and drinks. Over the course of Storm Darragh, SPEN took a total of c.77,000 calls (c.65,000 of which were for SPM), prioritising vulnerable customers who were on the Priority Services Register (PSR).
6. Many rural and hard to reach areas were impacted by Storm Darragh, and the flooding of highways, fallen trees and the fact that parts of the network were submerged in flooded fields impacted the speed of access to several areas and sites. SPEN teams worked day and night, where it was safe to do so, to restore electricity to homes on the network. Efforts focused on the homes that were without power the longest, and SPEN worked to ensure that in addition to restoring power we were also looking out for welfare of our customers by providing generators, accommodation, and access to emergency facilities. SPEN used more material in repairing the damage from Storm Darragh than in the last 5 large storms combined, including Storm Arwen.
7. On Friday 13th December, SPEN began processing compensation payments for customers. SPEN pay compensation proactively; therefore, customers do not need to claim or contact us to receive compensation they are eligible for. In total,

9,500 customers were eligible for compensation, and to date 8,000 have been paid with the remaining 1,500 being unmanned sites or requiring additional information from customers, which we are in the progress of collecting.

Preparedness and Response

8. The Customer Service team informed SPM of the Met Office weather warnings starting with a Yellow Warning on Wednesday, 4th December through to the issue of a Red Warning on Friday 6th December.
9. At On 5th December 09:00 Daily Operational Update call, the decision was made to go to strategic Level 3 at 12:00. This would enable additional resources (20 over head line teams) and ensure additional logistics were on standby and in place. As weather warnings became more severe, SPM resource requests increased. SPEN was able to deploy resources from SP Distribution in Scotland in addition to support from other DNOs including SSE and additional support from Ireland with 894 in total out assisting the restoration of the network.
10. With the 2024 pre-storm exercise complete and teams readied for the storm period, there was clear district visibility of intensifying weather condition from Wednesday 4th through to storm impact. District Emergency Action Centres (EAC) opened as pre-planned and took over full resourcing and updating stakeholders from 6am Saturday 7th December, through to storm completion at differing times based on impact. EAC's remained open and operational for 18 hours per day, with staff staying overnight to prepare for the following day.
11. SPEN was represented on LRF and Tactical Co-ordination Groups (TCG) prior to the storm. Dyfed and Powys TCG escalated to Strategic Coordination Group (SCG) on 7th December at approximately 10:00hrs due to declaration of Major Incident, this was triggered due to 132kv fault resulting in widespread loss of supply to key services. In total there were 35 hours spent in communication with LRFs in Wales both before and during the storm.
12. SPEN worked closely with council leaders, councillors, and community councillors to ensure effective communication and coordination. This included at least twice-daily communications to this collective group, totalling 12 emails. These ranged from pre-storm communications to inform communities to get ready, updates throughout the storm on restoration efforts, and a post-storm email detailing the compensation process. The content included sharing more about the challenges faced, customer support updates, and news of progress made.
13. Additionally, a single point of contact was offered, which was instrumental in identifying emergency situations reported by communities on the ground. This contact allowed us to address MP and Councillor enquiries quickly and efficiently, providing first-line responses and relaying the history and actions taken. The Welsh Government was briefed each morning. During and following the storm,

several MPs and AMs were briefed specifically on situations in their constituencies to share live information on faults or vulnerable customers.

Priority Service Register (PSR) & Vulnerability Support

14. The PSR ensures that we are fully aware of our customers specific needs and can offer extra support where its most needed.

- Customers can join the PSR if they are:
- Are over the age of 60
- Have a special communication need
- Depend on electricity for home or medical care
- Have a child under 5 years of age
- Have chronic illness
- Or just feel you need a little extra help
- Customers are also able to join if they need support for a short period of time e.g. if they are recovering from an operation, pregnant, or recently bereaved.

In Advance of the Storm

15. In the lead up to Storm Darragh, SPEN proactively looked at gaps in our PSR registrations using multi layered data models. Through our PSR strategy and outreach, we have reached 96% of eligible customers vs census data, across SPEN there are 1.3m households on our register.

16. In addition, SPEN conduct a leaflet drop every year to promote the PSR – with the last drop carried out in September 2024. The purpose of the leaflet drop is to encourage customers to update their data, as it is important for compensation purposes. It also tells customers who we are and how to contact us and provides them with advice on what to do in a power cut and emergency scenario.

17. SPEN proactively SMS customers in the areas likely to be most impacted by a storm the day before and remind them to be prepared. We have a special PSR phone line open for customers, and are available to discuss support they require before, during and after an event.

During a Power Cut

18. When customers registered for PSR call us, they are prioritised in the queue through a matching process. As part of the process, we check vulnerability on every call to update records and check for new vulnerability and specific needs. SPEN made outbound calls to customers who were medically dependent to check on their welfare. During the storm we escalated a small number of cases to the Red Cross and Local Resilience Forum (LRF) partners.

19. Hot food was provided for customers via various routes such as ordering for the customers, providing vouchers, or directing them to a food van or café. LRF partners (such as social care) collected and delivered food for customers from food van. We also provided generators for customers who were in most need. Following the storm, we continued visits to check on the most vulnerable.

Storm Bert

20. Storm Bert started to impact the licence area around 8am on Saturday 22nd November, with the most intense gusts seen between 9am and 12 noon. The highest recorded wind gust was 83mph at Capel Curig at 9am. Winds also picked up again overnight on Saturday through to Sunday, particularly between 10pm and 1am, where the maximum wind gust was measured at 76mph.
21. Flood warnings were present throughout the licence area, and a Major Incident was called in Northwich, Mid Cheshire, due to Phase 1&2 flood defences being deployed. SPEN staff attended the area and confirmed that there were no risks to SPEN assets.
22. There were no safety issues escalated to the SPM Tactical Emergency Action Centre and no Guaranteed Standard of Performance (GS2, 12 Hour) breaches during Storm Bert. The longest duration off supply was 716 mins (11hrs 56 mins).
23. Storm Bert did not result in any major impact for SPM, and this meant that we did not exceed our normal “business as usual” position during the storm event.

Resilience and Storm Arwen Lessons Learned

24. SPEN have continually invested in network resilience through our Ofgem endorsed asset strategy. Our network held up well to Storm Arwen and this was recognised by Ofgem during their site visits at the time. Our networks cover approximately 12% of the GB customer base but we were responsible for 22% of GB investment in overhead line networks in the 5 years before Arwen. This strong track record of investment meant our network experienced fewer faults - with no damage at Transmission voltages and no interruptions from damage at Extra High Voltage.
25. During Storm Arwen, despite extensive damage to vegetation (~16m trees in Scotland) affecting the overhead network and shutting off roads, we restored 96% of customers within the first 48 hours and restored 100% of customers in half the time of other impacted DNOs.
26. SPEN had the shortest average customer call wait-time despite handling the highest volume of calls - and experienced no website interruptions.
27. After the Storm Arwen, SPEN was the first DNO to complete all mandatory compensation payments (2 weeks earlier than the next best DNO) and the first to

offer additional voluntary compensation payment for those off for more than 48 hours. SPEN was the only impacted DNO not to be subject to additional penalties following Arwen.

Improvements following Storm Arwen

28. **Network:** We have continued to invest in the resilience of our overhead line infrastructure, spending a further £220m since Arwen on modernising assets (including rebuilding 680km of lines), managing vegetation, undergrounding problematic spans and completing drone and helicopter asset surveys. We have deployed 1,850 new HV automation points to enable rapid reconfiguration and restoration of the system during power cuts and have plans to invest a further £310m in building resilience into our overhead lines by 2028.
29. **Systems:** We have successfully stress-tested our telephony and online systems and updated our weather alert systems. We are delivering the £5.6m Predict4Resilience project to use AI to predict where faults could occur up-to seven days in advance to mobilise engineers and equipment to shorten power cuts. We have expanded our staff storm roles to include new activities such as standby guard to free up operational resource, expanded the use of drones for fault finding, and digitised severe weather maps with satellite climate image analysis.
30. **Collaboration:** We have strengthened partnerships with LRFs through winter preparedness briefings and exercises, and the new industry-wide Memorandum of Understanding which defines roles, responsibilities for responders during storms. We led development of best practice for welfare principles for customer care and support and have updated the DNO mutual-aid agreement (NEWSAC) to extend the types of resources that can be shared.
31. **Communication:** We have increased our pre-winter readiness communications to customers to prepare themselves and know how to contact us. This includes updating their contact details and readiness to receive compensation payments. We have expanded staff training for call-handling and customer care. We have also improved processes for estimating restoration times to give customers more accurate information on timescales to restore power.

Areas for Improvement following Storm Darragh

32. Field communication was challenging as many areas with 4G masts off were supply, Airwave devices were limited, and Sat-Phones were working intermittently throughout. This meant that contact with the Control Room was delayed and slowed restoration throughout the event due to shear volumes.
33. Falling trees and branches caused 85% - 90% of damage during Storm Darragh, this being predominantly softwood trees and forestry plantations. The importance

good forestry management and cutting is vital, particularly in softwood plantations.

34. SPEN learned that bringing innovational data driven solutions to use in storm situation provided benefits; but there are notable opportunities to scale further.

Llyr Gruffydd MS
Chair, Climate Change, Environment & Infrastructure Committee
Welsh Parliament
Cardiff Bay
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By email: seneddclimate@senedd.wales

21st February 2025

Annwyl Llyr,

Thank you for the invitation to give evidence to the Senedd's Climate Change, Environment and Infrastructure Committee on the impact of Storms Bert and Darragh. In advance of our oral evidence, we provide the following written submission and would be happy to address any further points Members may wish to raise at the evidence-gathering session on 6th of March 2025.

Over the course of two weeks in late 2024, Storm Bert and Storm Darragh hit Wales, with communities experiencing flooding, landslides, and severe wind. As a company which provides an essential service to over three million people in Wales and parts of England, we have an extensive asset base with over 27,600km of water mains, 36,600km of sewers, 834 wastewater treatment plants, 64 water treatment works and 92 reservoirs. Such periods of heavy rain and wind will inevitably impact on our operations and our focus under these conditions is ensuring we do everything we can to maintain our services to our customers while also minimising our impact on the environment. While we successfully maintained our water and wastewater services to over 99% of customers in Storm Bert and Storm Darragh, these storms did present us with some of the most extensive operational challenges that we have faced in recent times as detailed below.

While water companies cannot control the weather, we do seek to manage and mitigate the impacts of extreme weather events on customers through how we plan for and respond to those extreme weather events.

With an increase in the frequency and intensity of named storms in recent years, we have an established process for preparing for such events. This involves significant and coordinated preparedness activity across our operational and support teams which often starts in autumn and includes the creation of winter plans, a

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large-scale winter preparedness exercise across operational teams to validate these plans and weekly preparedness meetings which is presented to our Executive Team.

Weather forecasts from the Met Office are monitored closely and when the Met Office issues a weather warning, we review the level of the warning in line with the incident triggers within our Incident Response Manual, which will then necessitate the formation of either the Gold or Silver incident team to provide the appropriate level of command and control with regard preparedness, response and recovery. Such an approach is fundamental to ensure the effective implementation of incident management and business continuity strategies.

We also work closely with the Local Resilience Forums across Wales during periods of stormy weather, bringing together Local Authorities, emergency services and other agencies during challenging times.

As part of this preparation, the key activities we undertake in advance of any potential weather event includes:

- moving sites (water and waste) proactively on to standby generator
- installing of flood defences at sites which may be at risk
- Health & Safety briefings held across all teams
- checking of standby generator fleet in readiness for deployment
- ensuring full resource availability across water and waste teams (including electricians) as well as supporting services
- checking resilient communications (including Sat Phones)
- cancelling any planned work to preserve resources in readiness to respond to expected increase in reactive activity 24/7 and outside of normal shift patterns
- preparing resource plans for our contact centre to respond to any increase in contact
- confirming resource and plant availability across main supply chain and specialist contract partners
- proactively raising reports for regulatory reporting
- deploying resources to specific sites ahead of the warning to ensure quick response to any potential issues

- scaling back any planned IT updates across the weekend to ensure key IT systems remain in place
- proactively checking all dams across the supply area and plans in place to revisit to assess for any damage when safe to do so
- providing updates to key stakeholders around the level of preparedness ahead of the Storm e.g. Welsh Government
- preparing any customer communications materials that are needed in advance of an incident e.g. providing advice to customers about which organisations is responsible for different services during an emergency

Storm Bert

Despite this extensive level of level of preparation as detailed above, Storm Bert had a significant impact on our services. The weather led to extensive power outages and given that we are one of the largest energy users in Wales, power is needed to maintain our extensive network. This affected a number of our treatment works and wider networks where pumps are often used to push the water along our network, especially in more rural areas with hilly topography.

During Storm Bert, we experienced power supply interruptions to 50 of our 64 water treatment works but managed to mitigate the impact of this by ensuring that we had taken precautions by moving generators – where possible - to our sites to allow us to ensure the treatment of drinking water, and provision of services, remained uninterrupted. Some treatment works are, however, too big to be run from a generator and therefore any power supply interruptions require urgent attention to restore power and restart the treatment process (which can take many hours) before the amount of water stored in our service reservoirs run dry. In those areas where our telemetry had indicated that our assets such as pumping stations had ‘tripped’ due to power outages or power surges, we sent our operatives to investigate and restart those assets. During the storm we experienced twice the normal number of ‘alarms’ expected, with 3,458 alarms at our clean water sites to warn of issues with our assets.

The flooding caused by Storm Bert also had an impact on the quality of raw water, as heavy rainfall affects the quality of run-off into reservoirs e.g. more surface water runoff including more pollutants etc. When raw water quality deteriorates, additional processes may be required to remove these contaminants and compounds at treatment works. When this process is further impacted by power outages as experienced during Storm Bert, it compounds the challenges we faced when trying to maintain our services.

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Comprehensive preparatory work was undertaken prior to the floods to ensure that we were in the best possible position prior to the heavy rain that was forecast. Pumping stations were checked to see that they were working as designed, wastewater networks were checked to ensure they were clear from blockages and problem flooding hotspots were inspected.

A number of our wastewater assets flooded in the Taff valley including Cynon Wastewater Treatment Works and four river crossings to our sites were washed away. We worked closely with Rhondda Cynon Taff Council and Natural Resources Wales in mutual support around flooding in the Pontypridd area. We assisted a number of customers who suffered repeat flooding following Storm Dennis.

The vast majority of these incidents did not impact on the services we provided to customers and were dealt with, fixed, or worked around by colleagues working 24/7 in often dangerous conditions.

The main effect of Storm Bert on our operation was the issuing of a precautionary Boil Water Notice for the area supplied by Tynywaun Water Treatment Works. The weather gauge at Tynywaun measured the second highest rainfall in the UK on Saturday 23rd and Sunday 24th of November and the heavy rain resulted in a significant amount of flooding on site, with surface water running from the hill onto the drinking water storage tank. Our monitoring activity and temporary elevated levels of turbidity suggested that the tank may have experienced water ingress. As a result, a precautionary Boil Water Notice was issued to 12,402 properties (28,525 people) in the affected area. A Gold Command structure was established on Saturday evening and remained in place until 6 December once the boil water notice had been lifted.

This was the first major Boil Notice that we have issued in over 15 years and not a decision that was taken lightly. We have therefore conducted an extensive review of the incident at Tynywaun looking at our operational response as well as commissioning customer research of those living in the affected area, conducted by an independent research specialist company, Blue Marble. The research consisted of a survey of over 500 customers living in the affected area, focus groups and 1-2-1 interviews with stakeholders and vulnerable groups. The research concluded that 80% of customers were satisfied with how Welsh Water responded to the incident, but provided a very valuable insight into the challenges faced – especially those who identify as vulnerable but are not registered on our Priority Service Register (for example, in order to receive bottled water delivered to their properties) and also the complexities of communicating an urgent message (i.e. to boil water before using it) at scale, over a weekend – no customer will see every message, and some customers won't see any messages regardless of the channels used. We are happy to share the full report with the Committee if desired.

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This incident highlights how we need to protect our assets from the direct impacts of climate change such as flooding. While relatively rare, they have an unacceptable impact upon service and the environment. We have completed flood defence works at several key assets in recent years, such as Mayhill Water treatment Works in Monmouth in 2022 following the flooding caused by Storm Dennis. Over the next five years we will be focussing work on flood protection for ten of our assets. Five of these are at locations involved with the production of drinking water, Bryn-crug Water Treatment Work, Crai WTW, Llyswen WTW, Talybont WTW and Nantgaredig Low Lift Water Pumping Station. Work will be done at five sites that treat waste water, at Mold, Gowerton, Merlins Bridge, Flint and Hereford Eign.

Storm Darragh

Storm Darragh followed Bert with a Red weather warning for strong winds and rain falling on already wet ground. What was unprecedented, about Storm Darragh, was that it covered most of our operating area making the potential impact on our services far greater and more difficult to plan for as our resources could be needed across the entire area. Furthermore, as the storm quickly followed Storm Bert (and the incident at our Tynywaun treatment works) our teams and resources had not fully recovered before needing to respond again to a major incident.

We continued our Gold incident management into Darragh from Bert, moving seamlessly from one to the other. The preparation involved expending considerable resources across the company. Darragh had more of an impact on our operations than Bert, as this impact was across a wider geographical area, but it was largely mitigated by the preparatory work that was undertaken. Whilst Darragh created numerous problems for our operating teams, there was only a relatively small impact on our customers, and we didn't see a major incident similar to Tynywaun.

Mobile generators were deployed in advance to clean water and waste water sites with prioritisation based on the risk of loss of water supply and the number of customers served by those assets. Additional generators were also brought in through the supply chain to support further impacted sites which required a power supply.

During the storm mains power was lost to hundreds of our assets, with each requiring a response from our teams on the ground. During this period, we had more than 400 Sewage Pumping Stations or Waste Treatment Works without power. Twenty-two (out of a total of 64) of our water treatment works that supply clean water to customers, remained on standby generators following the storm due to lack of mains power availability. We lost around 200 of our water pumping stations due to loss of power, which is almost 40% of all of our pumps.

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During the storm 13,769 alarms sounded at waste water works, warning of potential problems at the sites over a period of 5 days. More than 800 of these alarms linked to power outages. At sites producing drinking water we saw four times the usual volume of alarms warning of issues with our assets. The power loss was prolonged across many parts of Wales for a period of over 4 days. Some more rural parts of west Wales saw an extended period of 6-7 days without power.

There were around 62 more prolonged interruptions to water supplies, mainly across villages in southwest Wales, as well as some small communities in mid Wales. The total number of properties affected by the interruptions was around 4,000 (out of a total of approx. 1.3 million). The loss of power and the geographical spread of these supply interruptions made it difficult for us to restore supply quickly.

The work to keep our assets online was made significantly more challenging by closed roads due to flooding or fallen trees, closed bridges due to wind, and intermittent power supplies due to the wider power recovery efforts. For example, many of our treatment works are in remote locations and when road access to Pontsticill Water Treatment Works was impacted by the storm, it took eight hours to clear the road. We have an extensive tanker fleet (one of the largest across all water companies) and these tankers were used to either feed directly into the distribution system or at Service Reservoirs to maintain water supply. The customers who did experience a loss of supply were supported by bottled water deliveries, including any customers on our Priority Services Register.

Whilst most of the focus is on our operational assets such as treatment works and pumping stations, the impact on our wider estate should not be underestimated. For example, such storms have a considerable impact on our recreational sites and visitor centres which close during such extreme weather and do not fully re-open until it is safe for customers and visitors to attend. In the Elan Valley for example, over 30,000 trees were destroyed during Storm Darragh which will impact the local environment, amenity and commercial return from forestry.

Summary

Power loss is a problem that has an impact on our ability to operate during storms. Giving priority to water companies when it comes to reconnection to the electricity grid would assist us in getting our assets back online and avoiding water supply outages and impact on our customers, businesses and vital public services.

Although work is being done on a National Power Outage Plan, there is scope also to consider more regional plans to deal with power issues. If each of the four Local Resilience Forums in Wales had regional plans in

place, this could provide a focus on power response, given loss of water supply risk which then leads to communities having no water and no power. Bringing the water and power companies closer together, and aligning their approach to restoration of power, would assist us during times when assets are offline.

Whilst the water sector has been under considerable scrutiny in recent years, one element that is often overlooked is the amount of effort that goes unseen to maintain services in sometimes very extreme and challenging conditions. The professionalism, expertise and dedication of our front-line colleagues ensures that such adverse customer impact is kept to a minimum and issues are resolved as quickly as possible. Whilst any interruption to customer supply is regrettable, often it is the manual and mundane human interventions when technology fails – such as having to make quarter turns of a valve every quarter of an hour, by hand, outdoors for many hours, throughout Storm Darragh, due to power outages preventing automatic operation – that is keeping our customers in supply. I would like to put on record my thanks to these teams across Welsh Water – and other utility and emergency services – for their incredible efforts throughout the recent storms.

With such storms undeniably happening more frequently and with greater intensity, it is inevitable that services will be impacted by such storms in the future. We will continue to mitigate such risks through continued investment, prioritising our resilience investment on a risk-based approach, but this will have to be balanced by the affordability of such investment by our customers.

Thank you for giving this matter your consideration. We hope that this has been helpful, and we look forward to the opportunity to discuss this further in the oral evidence session in March.

Yours sincerely,

Ian Christie

Managing Director Water, Asset Planning and Capital Delivery

Agenda Item 4

Ymchwiliad byryn effaith Stormydd Bert a Darragh // 6 March 2025 // Inquiry on the impact of Storms Bert and Darragh

Blaenau Gwent County Borough Council Written Evidence

- The forecasting for Storm Bert wasn't adequate. The yellow rain warning didn't escalate above a low likelihood and medium impact, which didn't reflect the situation. As a result, preparations and response structures that would normally be established for an Amber weather warning were not in place.
- In Blaenau Gwent, there were 107 residential properties flooded to varying degrees, with a village was cut off from vehicular access for a short period. Due to deprivation, many residents lacked any or suitable property insurance. The flooding has had a detrimental impact on a few communities, resulting in anxiety and concern about future flooding incidents. In addition to the Local Authority support provided, local community groups provided buildings for assistance centres to be established, coordinated donations of furniture, and local residents helped each other with clean up where necessary. The community impact of the landslide in Cwmtillery is substantial. The residents are concerned that there will be a repeat occurrence if there is a storm, homeowners fear they will be unable to sell their homes, and those in social housing in the streets affected do not want to stay in the area.
- Alongside the response to a landslide affecting properties, the Local Authority responded to numerous widespread flooding incidents and a few minor landslide incidents during Storm Bert. Contractors were called in as necessary to make safe collapsed culverts, including one leading from a reservoir. Humanitarian assistance was provided through rest centres for evacuees, assistance centres for those who had been flooded, an emergency accommodation for those unable to return to their homes. In addition to the WG funding, financial support for those with flood / landslide damage was provided by the Local Authority, and Gwent Association of Voluntary Organisations (GAVO) was approached to coordinate the funding received through numerous 'go fund me' fundraising platforms established.
- Learning from Storm Dennis was applied to the response to Storm Bert. As in Storm Dennis, humanitarian assistance was a priority and local assistance centres were established quickly to support residents, with door-to-door visits to provide advice and guidance. Donations of furniture and white goods were coordinated by the Local Authority during Storm Dennis, with a decision made for this to be coordinated by the community during Storm Bert. A central record of properties flooded and those visited with no flood damage was held, which aided situational awareness.
- In terms of flooding the response preparation in Wales is acceptable, although aging infrastructure plus increased instances of severe weather should be considered. There is a gap around preparations for widespread power outages, the humanitarian impact of these and identification of vulnerable people affected. Preparations for incidents involving coal tips are underway.

Resilience of infrastructure:

- We have ageing infrastructure which in many instances is at the end of its design life.
- We have insufficient budget to undertake programmed condition surveys and replacement of all drainage assets.
- Our drainage infrastructure as evolved over time, so is piecemeal in nature, as not been designed to meet current standards and consequently is in many cases under capacity in terms of dealing with a major storm event.
- Many of the structures associated with our culverts are substandard and difficult to access and maintain.
- Ownership of many culverts is complicated with many passing through both public and private land which multiple responsibilities for maintenance.
- Highway drainage infrastructure in many cases is substandard due to the age of the road.
- Insufficient budget and human resources to allow full proactive maintenance of highway/land drainage assets, what budget is available is focused on high risk areas but this as proven to be insufficient.

Basically we need funding and resources to effectively manage and overhaul our assets to bring them up to condition to meet the resilience levels called for to meet climate change and the immediate, and growing storm incidents.

Evidence provided by:

Deanne Griffiths

National Advisory Service and Civil Contingencies Manager

Kevin Kinsey

Service Manager – Infrastructure Services

Climate Change, Environment, and Infrastructure Committee | Inquiry on the impact of Storms Bert and Darragh

Carmarthenshire County Council Response - 31st January 2025

Q1. Whether forecasting, warning, and alert systems were adequate.

Storm Bert –

- We picked up the weather risk internally early Wednesday using our own weather monitoring systems. Later Wednesday and into Thursday, the Met office was clarifying the details that it was going to be a storm event. The weather warning matrix detailed a low likelihood of medium impacts, but the probability and the level of impact were in it seems understated.
- Friday the Met Office warning was very much the same, but they were stating that all of Wales was in for some very heavy rain.
- The Flood forecast centre, called it a little better stating low likelihood of significant impacts.
- Upon reflection, one could argue that the actual intensity of the actual storm was inaccurately predicted for Carmarthenshire and consequently the standard mechanisms of warning and informing were not implemented on a Dyfed Powys Local Resilience Forum (DPLRF) area basis.
- However, based on a yellow storm warning, Carmarthenshire County Council increased its out of hours highways and flood response resources to reflect a yellow graded storm event. It is accepted that accurate tracking of a particular storm's path and duration is difficult and no single agency can provide a full overview of the whole situation.
- Internal council planning and resourcing meetings (focussed on highways and flood response aspects of work) were set up as we would in any yellow storm warning, but based on the forecast there was no obvious need for a DPLRF initiated Pre-Emergency Assessment Teleconference (PEAT). We would not expect to do set up such for yellow warnings, as these are now quite frequent occurrences. For the same reasons, no LRF SCG/TCGs were called.
- Clearly, not all yellow warnings are the same and there will be different levels of impacts as indicated in the matrix used for probability and impact.

Storm Darragh- The early engagement for Amber and Red warnings ensured all agencies were notified well in advance of the storm's arrival. As a result, NRW via the DPLRF convened 2 PEATS, in advance of the storm, which resulted in a pre-planned SCG and TCG on the morning of the Storm's arrival. In addition, internal council silver level preparedness meetings were held in advance of the weather that included representatives from all internal council services that were likely to be affected and impacted by the storm.

Consequently:

- This afforded an opportunity to conduct early multi agency situational awareness updates and a joint assessment of risk both internally within the Council and across the DPLRF area.
- In respect of Carmarthenshire CC, the routine convening of the Extreme Weather Group (sits midday every Friday, or as required based on weather forecasts), provides a well-

established platform for the Authority to review and enhance elements of its contingency responses.

- In addition, specific internal silver level meetings were arranged that included representatives from services from across the Council.
- The use of the DPLRF's text alert notification mechanism affords a reliable system for convening TCG's and SCG's for all partners and was put to full use throughout the duration of Storm Darragh and during its aftermath.
- The timely use of the National Mobile Text Alert system greatly assisted in focusing the public's attention, ensuring they took the storms risks to life seriously.
- The transition to a red status for Storm Darragh certainly helped to focus the scale of the response and the prior knowledge on the National Mobile Text Alert system was a very useful indicator of the seriousness/severity of what was to be expected. This allowed us to plan on a much wider set of services and allowed us to make early decisions on which services to stand down or close.

Q2. The resilience of infrastructure to storm-related impacts, including water and sewerage systems, electricity distribution infrastructure, and transport networks.

Storm Bert-

The impacts on infrastructure, utilities and transport networks were short lived for Carmarthenshire. Typical problems included incidents of collapses/damage to edges of carriageways that now require highway support works: Drains and culverts were affected and debris build up on some main river bridges caused issues, requiring specialist clearance equipment.

In terms of our assets, our flood monitoring telemetry and other data shows that flood alleviation and conveyance systems were at capacity and any more rain would have tipped us over into having to manage much more serious flooding. On the whole, our main flood mitigation assets escaped serious damage.

Storm Darragh -

- The most impacted infrastructure being the electricity supply system (National Grid), followed by the transport network. However, water and sewage systems were all impacted partly due to the impacts of loss electricity to their operating systems. Carmarthenshire was disproportionately adversely affected by the power outages, with thousands of people particularly in rural areas not having the power restored for in excess of 3 to 4 days, with significant numbers still without power into the 5th day.
- The severity, duration and direction of the wind highlighted the vulnerability of 'overland' power lines to this type of weather event; power lines were impacted as a direct result of the wind exposure or the impact by falling trees. The volume and size of trees falling on

to the carriageway also constituted a particular challenge in returning the road network to normality during and after the storm. The Highways operational teams which contained both council and privately contracted “chainsaw gangs” were constantly deployed, even during the height of the storm, only withdrawing when their dynamic risks assessments exceeded permissible risk levels. This carefully managed dynamic assessment of risks ensured the Highways teams were able to clear the main arterial networks as soon as practicable, enabling emergency and other essential services to utilise the main routes. However, clearing of the non-essential routes took several days and was in part reliant on private landowners who assisted in clearing fallen trees on the lesser used roads.

- The challenge with the scenario of reacting to events within the height of the storm was that some agencies retracted their response services whilst others continued. This is a very tricky balance of keeping our teams safe and working to allow emergency responders and essential service providers to access patients and facilities. Carmarthenshire’s response was continuously utilising dynamic risk assessments.
- Infrastructure issues included collapses/damage to edges of carriageways, consequently, highway support works are required: Debris build up on main river bridges requiring specialist clearance equipment: the volume of trees brought down by the storm had an adverse impact on the highway and transport network.

Q3. The impact on communities, and the response role of community and third sector organisations.

Storm Bert- Low impacts, although early engagement with Red Cross and 4x4 Wales Response ensured assets from these respective voluntary networks could be called upon if required.

Some communities suffered worse than others due to the path of the storm and the geographical nature of the area.

Some communities believe that some of the problems were exacerbated by agricultural practices, where growing of maize crops results in a lot of bare ground which could increase the risk of run-off and soil erosion. There was evidence in some localities that there was significant volumes of suspended soil in the flood water, which in turn was deposited on highways and drainage infrastructure and caused blockages.

Storm Darragh

- There were protracted and disproportionate impacts on communities across Carmarthenshire, largely linked to the loss of power and at times impeded access to the highway network. In communities which remained without power for extended periods, many local community groups were quick to set up community hubs to enable individuals to charge phones, receive hot drinks etc. This was supplemented by the formal ‘drop-in’, centres via Carmarthenshire County Council Leisure Centres and town council halls.

- The British Red Cross and 4x4 Response Wales local representatives were consulted prior to commencement of the storm and their local contact details distributed amongst CCC operational staff. Although this remained primarily a contingency, a single 4x4 Response Wales unit was utilised during the storm to facilitate transportation of a nurse to a rural location.

Q4. The response of public and private authorities

Storm Bert

The response from a local authority perspective was scaled up in accordance with the yellow category weather warning to address highway issues and incidents of flooding. No multi-agency meetings were stood up as the warnings remained in yellow status.

Storm Darragh

- In respect of public authorities, the County Council shouldered a significant share of the burden of responsibility; the demands across the Council services were so great it necessitated the restructuring of Council assets to ensure the most impacted departments were able to function for what became extended periods of time. This was particularly challenging for the Highways, Leisure, Social Care, Property Services, Call Centre and Home Care teams. All these departments were required to work extended hours and adopt additional responsibilities. The Property Service divisions continue to have ongoing challenges and pressures because of the backlog of works.
- Home Care staff adopted alternative working practices and extended hours in order to reach vulnerable / elderly patients. This included covering the additional significant demands generated by the National Grid's, Priority Customer Registration database.
- **Private Business / Utilities Companies'** responses were all adversely impacted either directly or indirectly because of the loss of power. National Grid power outages had the most protracted impact on Carmarthenshire. Power company representatives that attended the TCG's & SCG 's appeared to have limited information due to the scale and severity of the damage caused by the storm. Consequently, there was a lack of clarity on their recovery position, repair timelines changed constantly and didn't reflect the information provided to the public. The provision of community welfare hubs by the National Grid was slow to deploy and poorly publicised. However, the worse aspect of the utilities' response related to the Priority Customer data base which detailed the location of vulnerable customers; this aspect was severely flawed. The datasets were inaccurate, out of date, definitions of vulnerability were not compatible with NHS / social care definitions and the sheer volume of data produced thousands of names, resulting in council assets being redeployed to screen the data in order to compare with Council and health board records. This caused unnecessary delays and on several occasions and diverted operational staff away from their responsive work in order to check address which did not either exist or in one case, the customer had passed away years before.

Q5a. Whether relevant organisations have learnt lessons following previous winter storms, particularly Storm Dennis in 2020, and how these lessons inform the current approach.

- CCC internal mechanisms for early warning and informing aligned with extreme weather events has greatly improved and is a direct result of lessons learnt from previous storm events (Callum and Dennis). As a minimum, weekly meetings are held to assess potential emergencies. When appropriate, formal advanced meetings – internal silver preparedness meetings are held with representatives across key departments and divisions within the Council. The same is true for the DPLRF, which convenes a daily emergency planning officer multi agency meeting which enables professional discussions to take place, and facilitates an early escalation as required, resulting in PEAT's or TCG/SCG activations.
- CCC Highways and Flood Defence & Coastal Protection teams have implemented policies, plans and procedures over the long term and include infrastructure improvements, engagement with vulnerable communities that have resulted in the formulation of local flood protection groups in some specific areas. Similarly, social care teams have, when finances have allowed, purchased equipment which is more resilient to the effects of interruptions to power supplies, such as air mattresses which can remain inflated for extended periods. Also, a key learning from previous storms such as Callum and Dennis was the installation of power connection points in Carmarthenshire run care homes that allow mobile temporary generators to be plugged into the building's power network. Further assessment of our sheltered home schemes is being undertaken with a view to installing similar connections as funding allows.

However, lessons remain to be learnt; the communications networks were extremely vulnerable to loss of power supply and this included the Police Airwaves network following the loss of masts in specific areas of the force.

National Grid's priority customer data base was a problem as already set out – such issues were highlighted as a potential problem during the National Power Outage exercise about 2 years ago, but they remain an issue.

Also, we need to ensure consistency of response amongst responder agencies where some agencies continued to work through the storm utilising dynamic risk assessments, whilst others pulled back from responding until the storm conditions had subsided significantly. Clearly this is a difficult position and each agency must decide its position for itself. Nonetheless, this situation has the potential to create tensions amongst other responders, particularly those who rely on highway access to reach vulnerable communities and individuals.

Q5b. Using the case studies of Storms Bert and Daragh to gain an overarching view of the current storm preparation and response framework in Wales and identifying any gaps.

Current gaps and suggestions:

- We need to find a joined-up way of easily and quickly sharing data with respect to vulnerable clients amongst responder agencies that address concerns about data sharing founded on our duties under General Data Protection Regulations (GDPR). We need to clarify our respective agency positions and develop protocols that would allow data sharing to happen quickly. This would avoid protracted discussions during the response phase to a storm and delays whilst clearance to share relevant data is sought.
- Overland power cables are vulnerable to extreme weather events, the loss of power has an immediate and widespread impact on everyone in the community, with the impacts exacerbated the longer it takes to put people back on supply. Most other response related issues were resolved within 24 hrs of the storm Darragh dissipating, with most local authority services back to business as usual by the Tuesday after the storm. The exception to this was the failure of large sections of the power supply network. In addition, the confusion over the list of vulnerable clients held continued to represent a significant risk and therefore constitutes a major gap in our future preparedness.
- The nature of our road networks and associated assets means that structures, highways and drainage systems are often and frequently overwhelmed by the intensity of the storms we face. The public believe this is something we can control, but that is impossible given the intensity of storms that we experience. This needs to be better communicated.
- We need to engage with agricultural unions/representatives to better understand how we can work together to address issues of pluvial run-off from fields, even if they are sometimes perceived issues by communities. Longer term, nature based flood mitigation solutions may be appropriate.
- Carmarthenshire County Council's ability to maintain a resilient highway network able to overcome the challenges faced by what appears to be an increasing number and intensity of extreme weather events is a challenge and made more so by limited funds for repair and maintain our infrastructure.
- Often, more focussed or localised storms cause significant damage to a locality or community, yet government financial help to individual householders is not offered in the same way as when happens in larger events. This can create a feeling of inequality amongst those severely affected by localised storms. Clearly this situation presents a delicate balancing act for Government and a communication challenge for local authorities.

Ainsley Williams

Cyfarwyddwr Lle Seilwaith a Datblygu Economaidd/Director of Place Infrastructure and Economic Development



Climate Change, Environment, and Infrastructure Committee

Inquiry on the impact of Storm Bert & Darragh

Briefing paper

Background

In late November and early December of 2024, Powys and the UK were hit by two severe storms, Storm Bert (21st Nov) and Storm Darragh (7th Dec), with further heavy rain over the New Year period. These storms caused widespread disruption to services due to snow, flooding and tree fall. They also caused significant damage to the county's highway infrastructure, including landslides, structural collapse of retaining walls, culvert blockages, scouring of pavements and other extensive damage. The storms directly and indirectly impacted many of our local communities, impacting residents, businesses and visitors.

Powys is a quarter of the landmass of Wales and the sources of the Severn, Wye and Usk are located within Powys, alongside many other designated main rivers.

Recent severe weather has provided tangible evidence of the fragility of both our communities and our highway network in the wake of such storms. It has raised awareness of the financial challenges involved in maintaining an ageing and continually deteriorating highway asset, alongside the wider impacts on our communities.

Powys also works in partnership with North and Mid Wales Trunk Road Agency supporting them in managing the trunk road network across Powys.

In lead up to the two named storms, we experienced heavy rainfall in mid-October where property in Bronllys and Felinbach suffered internal flooding. To note, the UK has again been hit by yet another storm, Storm Éowyn.

A timeline of events for both Storm Bert and Darragh, provided by the Civil Contingency team, is included in Appendix A.

Forecasting and Alert Systems

Powys County Council (PCC) relies on five main sources of information to drive the Local Authority response to weather events:

- the usual Met Office weather warnings;
- the Natural Hazards Partnership updates via Hazard Manager,
- the Flood Guidance Statements issued by the Flood Forecasting Centre;
- the Met Office Advisor updates supplied for Civil Contingencies in Wales by its duty advisor; and
- The Highways winter weather forecast which is predominantly focussed on snow/ice and gritting actions in upholding our statutory duties in relation to the highways act.

These sources are augmented by the flood alerts and warnings issued by Natural Resources Wales (and Environment Agency in some cases). It is understood NRW have flood alerts on most main rivers. Powys has localised flood alerts on some critical infrastructure, such as trash screens.

Forecasting allows the local authority to prepare and put in place its internal command structures and alerts. The highways service, in a proactive approach, ensures trash screens of critical infrastructure are free of debris, and to have appropriate staff on stand-by.

There are various duty officers across the authority, including Civil Contingency officers, highway duty officers alongside other services such as housing and corporate property. Civil contingency officers are generally the first point of contact with community flood groups and interact with other Category 1 responders through the structures of the Local Resilience Forum in line with agreed processes, trigger levels and plans. The highway service and highway duty officers (out of hours) are generally the first point of contact from the general public via the helpdesk / customer services.

Whilst forecasting has improved significantly and proactive approaches adopted to help manage the impacts of flooding, especially at known points, more proactive work is required. Inevitably there will still be a need for a reactive approach across such a large geographic and varying topographic area like Powys, as many of the impacts on our communities will continue to be very localised, very intensive over short durations with little warning.

- There is an opportunity to enhance funding and invest more heavily in a proactive approach to reduce flooding at source and improve property resilience and protection. Larger scale projects such as natural flood management (NFM) within the uplands of mid-Wales to reduce the impacts of both localised (pluvial & blockage) and fluvial flooding.
- There is an opportunity to enhance funding and invest more heavily in a proactive approach to maintaining highway assets, from capacity and more regular cyclic maintenance of drainage systems.

Resilience of Infrastructure

The highway network in Powys is fragile, with most of it not constructed or designed to modern-day standards, and it is therefore susceptible to damage from exceptional weather events. It is clear that the network will face further significant risk as climate change occurs. Funding for the highway's asset is under significant pressure both in terms of revenue and capital, with a substantial backlog of works.

The highway network can be impacted in several ways by storms:

- a) Fluvial flooding can impact the highway network through flooding causing significant disruption and requiring road closures of both the strategic and local road networks.
- b) Overland flow and blockages can cause water to divert along the highway causing severe damage surfacing resulting in potholes.
- c) Landslides occur both above and below the road network, either from saturation or erosion.
- d) Structural damage, including scour to bridges and retaining walls, impact damage of debris to bridges such as cut-waters, and in worst case scenarios collapse
- e) Blockages to trash screens and culverts, both in public and private ownership can cause a surcharge of the system.
- f) Tree fall, either branches or whole trees, fall onto the highway causing disruption, but they can also fall adjacent to the highway where roots uplift and cause damage to the road.
- g) Under-capacity, many structures (bridges and culverts) and drainage systems are historic and do not meet modern-day requirements taking into account climate change, historic development or agricultural drainage of land.

Between 2020/21 and 2023/24, Welsh Government has supported Powys financially with £3.99M in its recovery from Storm Dennis and other storms. Reactive and emergency response for these two storms has cost the local authority an estimated £320,000 and it is also estimated that there is at least circa £1.1m of additional recovery works needed to repair the damage sustained to the highway network.

It should be noted that while many parts of Powys saw extreme flooding during Storm Dennis, Storm Bert and Darragh affected several other communities that have not experienced flooding previously.

There are many culvert systems that are privately owned and are not the responsibility of the local authority but the riparian owner. Many storms since Storm Dennis have suggested there is a significant gap in managing this, often historic, infrastructure, with much of it hidden and often not known about by land or property owners.

As part of PCC's response to flooding, we identify and visit all properties reporting internal flooding. Wherever possible, residents are encouraged to form community flood groups.

Both the highways and privately owned infrastructure are fragile and susceptible to the effects of climate change and exceptional weather events.

- There is an immediate need for £1.1m of funding to undertake the recovery works needed to the highway infrastructure.
- There is an opportunity for enhanced funding for highways capital to increase the resilience of the network through raising roads and improving infrastructure.

- There is an opportunity for WG to take more of a strategic lead in privately owned drainage systems and culverts; and the general responsibilities of riparian owners.

Impacts on Communities

Powys is a vast rural county supported by a network of small market towns and rural settlements dispersed across the area. Most issues that are encountered are localised, either through cloud bursts, blockages of drainage systems, fluvial flooding or tree fall. Given the uplands of Powys and its topography, flooding tends to be short lived, lasting only a couple of days.

Many properties were inundated by flooding during storm Bert and Darragh. Road diversions and temporary traffic management are still in operation at several locations on the highway network, causing disruption to local communities.

Below are case studies where proactive action has demonstrated a higher level of resilience to the impacts of exceptional weather.

Case Study – Crickhowell and Knighton

The community of Crickhowell was devastated by the flooding during Storm Dennis in 2020, with significant flooding to properties in the lower part of the town. This prompted the establishment of a local flood group and the development of a mobile pumping plan to protect the town. Pumps have been deployed on approximately three or four times each winter, generally during named storms.

The town of Knighton has been blighted by flooding from both the River Teme and the Wylcwm brook on several occasions since Storm Dennis. An active community flood group has been created, well supported by NRW and the Local Authority. The group has facilitated the installation of property-level protection in many properties, a full survey of the river by NRW that may lead to the introduction of flood defences by NRW, and a mobile pumping scheme supported by sensor gauges on the Wylcwm Brook. Despite some subsequent weather events reaching similar levels to Storm Dennis, the number of properties flooded has declined.

Dedicated mobile pumps at Crickhowell and Knighton have significantly reduced the number of properties experiencing repeat flooding, even during weather events of similar magnitude and river levels. Storm Bert providing the greatest test since Storm Dennis. This is an interim position whilst we work with Welsh Government for funding a permanent scheme. It is noted that pumps (temporary or permanent) will only provide protection for trapped accumulating floodwater and does not remove the risk of flooding from overtopping of the river itself.

During Storm Darragh, the deployment of pumps and requisite crews to Crickhowell was seriously delayed by several fallen trees on the A40. Whilst the pumps coped with the

threat of flooding during Storm Darragh, the plan could easily have been thwarted by lack of access to the town. To further complicate the situation, a loss of power to the area took the river gauges at Crickhowell offline, meaning that responders were effectively blind to the local picture.

Case Study – Ystradgynlais

The six permanent floodgates along the River Tawe around Ystradgynlais are regularly closed as a precautionary measure ahead of severe weather. This is very much welcomed by local communities. The joint activation plan between Natural Resources Wales and Powys County Council covers unexpected weather events in what is a very rapid reacting catchment.

Since the installation of the Ystradgynlais floodgates by Natural Resources Wales, residents who previously lived with the risk of fluvial flooding are now more confident that their properties are protected. Residents largely welcome the precautionary closure of the gates, and there have been no complaints of lack of access to footpaths or bridges.

Case Study - Llanelwedd

At Llanelwedd the residents' flood group were successful in securing property level protection from NRW. The recent storm has revealed issues with that protection and NRW are re-investigating.

Case study – PCC Property Flood Protection

PCC, through the Shared Prosperity Fund secured funding for bespoke property resilience and has implemented measures to 114 properties across the county.

Property Flood Resilience (PFR) encompasses a range of behaviours, actions and measures designed to help people become more resilient to flooding impacts and reduce recovery time if flooding reoccurs. PFR Resistance involves using materials and approaches to keep water out of the property.

Resistance measures include:

- Full flood doors
- Airbrick cover
- Anti-back flow valves for drains, sinks, showers
- Flood walls and barriers
- Exterior waterproof coating to bricks
- Household flood alarms

It is important to note that this has allowed PCC to help/assist communities affected by 'designated' main river source of flooding. This would not be possible under conventional grant aid programmes due to the source of floodwater. PCC can only secure grant for ordinary watercourse, surface water and groundwater sources of flooding. NRW are lead authority for 'designated' main river flooding.

There is an opportunity to expand and develop the flood group approach supported by the Flood Forum and improve self-help. Consideration should be given to how best to help and support properties at risk of flooding?

Temporary mobile pumping solutions have points of potential failure and require high labour input. It is important that permanent solutions are progressed at pace for the communities of Crickhowell and Knighton.

It is recognised that there is a funding gap, and consideration is needed to look at schemes such as Property Flood Resilience, to help support residents and businesses who have been flooded, increase their resilience.

Appendix A

Looking at the timeline for **Storm Bert**, the first indication of heavy rain and strong winds was given by the Met Office advisor on Monday 18th November. The Flood Guidance statement indicated an increased risk of flooding for both Saturday 23rd and Sunday 24th November. The first yellow warning for Storm Bert was issued at 11:04 on Wednesday 20th November and was accompanied by an update from the Met Office advisor.

This triggered the regular response from the Civil Contingencies office, ensuring that the requisite officers were aware and any relevant preparatory work was scheduled, such as the precautionary closure of floodgates in Ystradgynlais.

Further updates followed with the Flood Guidance statement being regularly updated, and communications from the Met Office being issued, including the naming of the Storm. As these later messages confirmed the anticipated impact of Storm Bert, so the preparatory work within the Authority intensified, with additional resources being identified, senior managers being notified and local flood groups being contacted. Contact with the Met Office continued into the weekend.

At 10:05 on Saturday 23rd November, NRW issued the flood alert for the River Usk in Powys. This was followed throughout the day with a number of other flood alerts for all of the major river catchments in the County, and a number of flood warnings along the Severn, the Vyrnwy and the Tawe.

There were no flood warnings issued for the Usk until the following morning, however at 14:16 on Saturday 23rd November, the Flood Incident Duty Officer for Natural Resources Wales (Usk catchment) contacted the duty Civil Contingencies Officer with a view to activating the current plan to deploy mobile pumps to Crickhowell to prevent localised flooding in the town. This plan is normally triggered following the issuance of flood warnings on the Usk. During this contact, NRW stated that they anticipated two peaks for the Usk at Crickhowell, the first being at approximately 20:00 hrs that evening, the second at approximately midday the following day.

Pumps were deployed by Powys County Council Highways and were then operated continuously until river levels fell late on the evening of Sunday 24th . The information in respect of the second peak was shared with all interested parties, including the flood groups for Crickhowell and Llangattock.

At 03:34 on Sunday 24th November, flood warnings were issued the River Usk from Brecon to Glangwrynnne and the River Usk at Brecon. Given that the pumping plan had already been activated this did not prompt further action from Powys County Council.

At 04:37 on Sunday 24th November, a new yellow warning for rain was issued for Powys and South Wales, coming into effect from 06:00 to 13:00 that same day. This is a slightly unusual time for such a warning to be issued and was not immediately picked up by the duty Civil Contingencies Officer. Had it been picked up however there would have been

no additional response provided as all flooding counter measures for the catchments had already been activated (i.e. pumps, gates and flood groups).

On the morning of Sunday 24th November, the level of the River Usk continued to rise and it was feared would at some point likely overtop the river defences. Whilst the pumping operation instigated in Crickhowell post Storm Dennis had successfully dealt with all weather events since it was introduced, it is recognised that it cannot deal with overtopping of the defences as occurred in Storm Dennis. A decision was made to request further pump capacity from Mid & West Wales Fire & Rescue to supplement the pumping operation and to prepare the area for evacuation if necessary. Flooding in Crickhowell was averted, but unfortunately several properties south of the river in Llangattock experienced serious flooding when the Onneu and Onneu Fach watercourses breached their banks, rather than by flooding from the Usk.

The timeline for **Storm Darragh** followed a similar pattern of notifications from the various agencies. The weather system seemed to come in two parts. On Wednesday 4th December, a Yellow warning was issued for wind and rain for the weekend ahead. This was accompanied by advice from the Met Office advisor. Again, this prompted the scheduling of the precautionary closure of the floodgates at Ystradgynlais.

At 02:37 on Thursday 5th December, the yellow warning was updated with a separate yellow warning issued for wind for later that afternoon. At 04:22 this was followed by a yellow warning for rain again for later that afternoon. Due to the timing of the warnings, neither was picked up until later that morning.

At 09:41 on Thursday 5th December, the yellow warning for wind was updated and an amber warning for wind issued covering coastal areas and part of Powys for Saturday 7th December.

At 10:09, the Met Office advisor issued an updated advice, which was followed by a further yellow warning for rain and notice of an increased risk of flooding was issued in the Flood Guidance statement. At 15:45, Natural Resources Wales issued a collated synopsis of anticipated flooding forecasts to partners.

From 15:53 onwards on the afternoon/evening of Thursday 5th December, a series of flood alerts for the rivers Severn, Tawe, Wye and Usk were issued with these turning to Flood Warnings for the Vyrnwy.

On the morning of Friday 6th December, the Met Office advisor joined a regular scheduled teleconference of Civil Contingencies and other Local Resilience Forum partners. The advisor warned of the imminent issue of a red warning for wind which would come into effect from 03:00 on Saturday 7th. The red warning and an updated amber warning were both issued at 09:41. At 10:50 a further amber warning for rain was issued. These increased warnings triggered multi-agency pre-emergency assessment teleconferences (PEAT) which, during the course of the response, became both Tactical and Strategic Coordinating Groups. Alongside those multi-agency meetings, a separate internal series

of Team meetings and communications ensured that the Local Authority response was appropriate managed and communicated.

On the evening of Friday 6th, flood alerts were again issued for the Tawe, the Usk, the Upper Severn and Dyfi catchments. These were followed the following morning from 05:41 onwards with a string of Flood warnings along the Severn, the Vyrnwy, Wye, and Usk. Powys sat outside of the red warning area but was nevertheless impacted severely. The impact of the wind brought down trees across the County, cutting off communities, blocking roads, damaging infrastructure and power lines. In turn the loss of power impacted communication systems including mobile telephony and police communications. Power cuts left many homes and businesses without power.

At 08:48 on Saturday 7th, the Flood warning was issued for the Usk from Brecon to Glangwrynne which initiated the activation of the Crickhowell pumps. However subsequent to that, the gauges on the River Usk at Crickhowell went offline meaning that river levels had to be observed in person. This fell to the Community Flood Group in Crickhowell. Unfortunately, access to the town was impossible due to fallen trees and it took several hours for those to be cleared sufficiently to get the pumps into place. Parts of the town were once again prepared for evacuation.

In the north of the County the River Severn overtopped its banks at Llandrinio, but this did not result in any flooding to properties. In the centre of the County the River Wye burst its banks at Builth Wells causing extensive flooding in residential properties and businesses at Llanelwedd. Flooding was again averted in Crickhowell.

Attention then turned to the issue of those affected by power cuts. Working through the Local Resilience forum the power companies were asked to share their Priority Service Registers with local authorities, as there were potentially thousands of vulnerable customers who could not be contacted. There were some difficulties with this, and reasons put forward why it could not happen including GDPR. Eventually some details were shared allowing colleagues from Powys Teaching Health Board, via their District Nurses, and Social Care, via their social workers and commissioned services, to carry out welfare checks, either in person, by phone or via authorised named carers.

On the evening of Sunday 8th December, Powys County Council established two warm spaces at its leisure centres in Welshpool and Brecon in order to provide support to those who may need it. Three persons attended the Brecon centre, none of whom were identified as needing further support. The scheme was extended to all leisure centres on Monday 9th during normal opening hours. Again, take up was very low.

Agenda Item 5.1

Heledd Fychan

Aelod o'r Senedd dros

Ganol De Cymru

—

Member of the Senedd for

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Senedd Cymru /Welsh Parliament

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Date: 16.2.2025

Dear Chair,

Thank you very much for your letter confirming that you will be undertaking an inquiry into flooding. I'm pleased to hear that this work will be taken forward, and I would be delighted to submit written evidence if that would be possible or appropriate. I also know that local residents that have been impacted by Storm Dennis and Storm Bert would be very keen to contribute and share their experiences with Members of the Senedd. If it's your intention to hold a focus group or session with those affected by flooding, I would be more than happy to put you in touch with them.

Yours sincerely,



Heledd Fychan MS



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

21 February 2025

Dear Llyr Gruffydd MS

I am writing to you in response to the Climate Change, Environment and Infrastructure Committee's invitation for Transport for Wales (TfW) to submit written evidence as part of your inquiry on the impact of Storm Bert and Storm Darragh.

Our railway in Wales faces unique challenges from the effects of climate change, of which storms Bert and Darragh at the end of 2024 were the most recent to cause major disruption to the network. Historically, parts of the network were built to connect communities alongside rivers to allow a transition of movement for people and goods from river to land. This means, the network can be very vulnerable to flooding and earth movements when faced with extreme weather.

At TfW we have a responsibility to make sure that our transport network is safe for our colleagues and customers, and that it's suitable to adapt to the future hazards our changing climate may bring. The work we're doing to transform our transport networks in Wales go beyond the benefits of new rolling stock, stations and timetables. We're transforming the network to ensure resilience, reduce disruption and to keep people moving.

Although previous extreme weather events in Wales, such as Storm Dennis in 2020, have greatly informed our planning and response, we are continually improving our knowledge and capabilities for embedding climate resilience & adaptation across the TfW Network which will allow us to better protect our assets from damage and reduce the severity of service disruption. Therefore, in this letter, I will evidence the efforts our teams made to prepare for storms Bert and Darragh, to minimise their impact on our infrastructure and the disruption caused to our customers.

Storm Preparedness and Impact

Storm Bert and Storm Darragh took place, respectively, from **Friday 22 November – Monday 25 November 2024** and **Friday 6 December – Saturday 7 December 2024**. Although the impact of the storms and the actions we took to minimise disruption on our transport network differed for both events, the approach we took to preparedness and responding to alerts from the Met Desk were in line with our standard protocols when extreme weather is forecast.



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In instances where named storms, with the potential to cause substantial impact, are forecast, it's operational procedure for TfW representatives to attend regular Extreme Weather Action Teleconferences (EWATs). EWATs are hosted by the infrastructure manager, either Amey Infrastructure Wales (AIW) for the CVL network or Network Rail for the wider Wales & Border network, and are an opportunity to control preparations and resilience in advance of adverse weather events. Information from the Met Desk and the overall Met Office forecasts are shared to inform decision making regarding precautionary measures.

In both instances, our colleagues began attending dedicated EWATs around 72 hours before the storms hit the network. From the EWATs, it was identified that Storm Bert was categorised as extreme, with up to 70mm of rain forecast across the CVL Network, and that a red weather warning had been issued for Storm Darragh with predicted winds as high as 80mph in areas where our lines were highest and most exposed, such as the Northwest coast. In addition to the EWATs, we also attended wider civil contingency calls, where local resilience forums were instigated, in order to supplement local knowledge and share our operational planning with stakeholders. The information collated in these meetings and the EWATs enabled us to begin planning our response in collaboration with industry partners, including Network Rail, to ensure our colleagues and customers were informed and, most importantly, safe if travelling on our network during these periods.

Storm Bert

In the case of Storm Bert, TfW made the decision to stop services on both the Conwy Valley and the Heart of Wales lines on Saturday 23 November and Sunday 24 November, before the storm hit the network. Although we recognise the disruption that closing these lines can cause for passengers, in instances such as this, our aim is to balance the running of services with our key priority of ensuring the safety of our colleagues, customers and the transport network. Some areas of Wales, including North Wales, were forecast up to 80mm of rainfall and strong winds in excess of 60mph, and we acted upon this information accordingly.

Unfortunately, the rail network across the UK experienced severe impacts due to Storm Bert, with torrential conditions effecting lines across Wales. Despite our precautionary measures, widespread rainfall caused disruption to several of the lines including the Marches line, the Ebbw Vale line (between Llanhilleth and Ebbw Vale) and parts of the CVL network north of Radyr. Many areas along these routes were submerged under flood water which meant we were unable to run services until the water had receded and the necessary safety checks to reopen the lines were in place (including route proving, temporary speed restriction checks and asset inspections). Both TfW and Network Rail colleagues worked incredibly hard to get the rail network in Wales and the Borders back up and running, however, the impact of Storm Bert on our infrastructure meant that services on these lines were subject to cancellations and delays into the following week whilst this large-scale effort took place.



Although rail services and infrastructure were impacted across Wales and the Borders, our owned assets on the CVL network were particularly affected by the storm. For example, flooding in areas such as Aberdare and Mountain Ash, in Rhondda Cynon Taf, meant that large amounts of debris remained on the tracks after the water receded which delayed the full reopening of the CVL lines north of Radyr whilst clean-up was underway. The high and fast flowing waters of the River Taff caused debris to become wedged against and under the bridge deck of the Pentyrch Viaduct, south of Taff's Well, which caused damage to the handrail of the structure. Due to this, we implemented a precautionary 5mph speed restriction over the bridge until the large trees were removed and a detailed examination of the structure confirmed damaged sustained did not affect the overall structural capacity of the bridge.

Despite not foreseeing the extent to which the infrastructure of the CVL would be affected by Storm Bert, lessons learnt from this event and the data we were able to collate will contribute to improving our knowledge and capability to embed climate resilience & adaptation across our assets. For example, in order to complement our process of forecasting, warning and alerts in instances of extreme weather events, TfW have installed several weather stations to better understand weather patterns across the CVL network. The unique geography of the South Wales Valleys contributes to the existence of micro-climates, and so the different locations of these stations allow for a more effective response during extreme weather.

Our weather stations monitor local weather patterns including rainfall, wind gusts, humidity and heat. The data gathered from our weather monitoring stations helps us to develop our understanding of how and where extreme weather events may manifest across our network in the future. As such, we will develop appropriate resilience & adaptation measures to reduce the impacts on safety and operational performance of our assets and services. Hence, the data collected at these weather stations during storms, such as storm Bert, is used to determine the weather patterns that are likely to cause the most disruption to services on the CVL so that appropriate precautionary measures can be put in place.

As we improve our understanding, we can better protect our assets from damage and reduce the severity, frequency and duration of service disruption that extreme weather may cause. Although our teams worked incredibly hard during the aftermath of Storm Bert, this evidence base will further enable our Asset Management team to make swifter, more informed decisions with respect to protecting and maintaining our safety critical assets.

Storm Darragh

In the case of Storm Darragh, we made the advance decision to suspend all services on lines west of Carmarthen from 9.00pm on Friday 6 December following forecasts of strong winds of up to 90mph and extremely heavy rain. We also altered routes and cancelled specific services where appropriate. Further precautionary measures for Saturday 7 December, informed by Met Desk intelligence and in line with the 'danger to life' warning issued by the UK Government, included:

- A blanket 50mph speed restriction on all lines
- All day suspension of TfW services on the Conwy Valley line, Chester-Liverpool Lime Street and Hearth of Wales line



- Suspension of services from Llandudno Junction-Holyhead, Machynlleth-Aberystwyth/Pwllheli and Carmarthen – Pembroke Dock/Milford Haven/Fishguard Harbour until 11.30am
- Reduced services on the Marches line.

However, despite our preparation for the impacts of Storm Darragh and our close collaboration with Network Rail, the situation evolved and we implemented additional reactionary measures in order to further ensure the safety of our colleagues, customers and the network. Hence, overnight on Friday 6 December, the decision was then taken to suspend TfW services across the whole of South Wales until the routes could be proved and deemed clear for services to run the next morning.

Over the course of the two days, the extremely high winds and rainfall across the network caused power supply faults, fallen trees on the line and flooding. This resulted in widespread disruption to the network and the effects were, once again, felt into the following week as damage was assessed and necessary repair works were undertaken. As conditions eased, the priority for both TfW and Network Rail on Sunday 8 and Monday 9 December was to route prove and to open all routes as quickly and as safely as possible. By the Monday morning, we'd reinstated the majority of our services on the South Wales Mainline, east of Swansea, on the Vale of Glamorgan and CVL lines.

There were several service affecting incidents on our owned infrastructure on the CVL including fallen trees on the Overhead Line Equipment (OLEs) and debris on the track. As was also the case during Storm Bert, our Asset Management team kept our owned infrastructure assets, over or adjacent to large watercourses (including bridges, culverts, earthworks, track etc.), under close examination. This was to ensure that the impact of water levels and debris accumulation was minimised as much as possible. During both storms, we deployed on site watchmen and remote condition monitoring devices to continually assess the effects of flooding on our infrastructure. This data and lessons learned will be used alongside data captured by our weather stations to inform our infrastructure resilience plans and future investment for the CVL.

An additional challenge faced by TfW colleagues during Storm Darragh was caused by the emergency alert issued by the UK Government which cautioned a red weather warning and advised people in Wales and the Borders to 'stay indoors if you can' and 'not to drive' in the conditions. Understandably, this had an impact on our staffing levels on Saturday 7 December which increased pressure on operations. However, the majority of colleagues safely made their way into work and only a few stations were operating with reduced staffing. Although in our preparation for Storm Darragh internal calls were held with colleagues to provide assurance and updates on services, we have since reviewed our Adverse Weather Procedure with a specific focus on internal messaging for colleagues on travelling to work safely but also the importance of providing a critical service in these events.



Impact on Customers and Communities

Customer Communication

Another of our key priorities during extreme weather events such as storms Bert and Darragh is that we clearly communicate service disruption and travel advice to our customers. For both the storms, we worked closely with colleagues in Network Rail and issued joint statements to ensure that our messaging was aligned and consistent across our platforms. We also engaged with other Train Operating Companies (TOCs), including Great Western Railway (GWR) and those across the borders, so that all operators are informed on ticket easements, ticket acceptance and Rail Replacement Services (RRS).

As well as sharing regular updates with local and regional media, we informed customers of service changes through our established channels that we know are consistently used by customers to find out information. This included:

- Displaying a yellow Disruption Banner on the TfW website and an icon on the TfW app.
- Sharing real time updates on our Journey Check website.
- Sharing real time updates under the 'Live Information' section on the TfW app.
- Updating Customer Information Screens at stations in real time and displaying service bulletins on screen where possible.
- Delivering station announcements, both automatic at unstaffed stations and automatic and manual announcements at staffed stations.
- Pinning graphics and statements simplifying the service changes on our social media pages, as well as sharing details with customers and linking posts to journey planners.
- Issuing updates to key stakeholders and community groups to let them know as soon as operationally confirmed so that they can inform their communities.
- Delivering frontline communications via station colleagues and conductor announcements regarding any journey amendments.

Our messaging was mirrored on the National Rail Enquiries website and app with a red Disruption Banner and real time updates on their Online Journey Planner.

During both events, the main goal for our customer communications was to publish alternative travel advice as soon as changes to services were confirmed. For example, during Storm Bert we issued a 'check before you travel' message so that customers were aware of possible changes to their journeys and to allow for extra time to travel due to flood damage in key routes. As the picture changed, our control team were able to update our messaging digitally on our key channels in real time. During Storm Darragh we issued a notice advising customers that they cannot travel with us on all lines except for Treherbert, Merthyr and Aberdare lines as soon as we deemed it necessary, and the rail/road conditions meant we couldn't run services on Sunday 7 December. In instances such as this, we do our best to help customers complete a journey as far as safely possible and advise them ahead of time that a storm is forecast and to expect disruption. If customers still chose to travel, we react to the situation as it progresses and when it becomes unsafe to operate services, we advise these customers that they cannot continue to travel with us.



In total, we issued 49 social media posts on our @tfwrail account on X (formerly known as Twitter) relating to warnings of line closures and disruption caused by Storm Bert, and 31 social media posts on X during Storm Darragh. For both storms, we saw a spike in customer contact with the majority of social media queries coming through WhatsApp and X, with 294 incoming messages during Storm Bert and 617 incoming messages during Storm Darragh. Further to this, our Customer Relations team estimate that we received approximately 700 cases from customers during Storm Bert and 600 cases from customers relating to Storm Darragh, which were primarily refund and delay claims due to performance impact caused by the disruption. A summary of both storms' performance impact figures can be seen in the tables below:

| Storm Bert Performance Impact (22– 25 November 2024) | |
|---|-------|
| Incident Count | 87 |
| Delay Minutes | 1,756 |
| Full Cancellations | 4 |
| Part Cancellations | 11 |
| Pre-Cancellations | 113 |

| Storm Darragh Performance Impact (6– 9 December) | |
|---|-------|
| Incident Count | 103 |
| Delay Minutes | 3,724 |
| Full Cancellations | 824 |
| Part Cancellations | 115 |
| Pre-Cancellations | 120 |

Impacts on Community Groups

As well as aiming to minimise the impact on our customers, we also feel it's important to support our communities and neighbours in the face of the devastation caused by extreme weather events such as storms Bert and Darragh. In particular, during the excess rainfall and flooding during Storm Bert, we felt it was integral to help those around us to recover from the impact.

Our Llys Cadwyn office is located in Pontypridd town centre, which was one of the worst affected areas in South Wales during Storm Bert. Many properties and businesses were impacted by flooding from the River Taff, as well as Ynysangharad War Memorial Park which is situated directly across the river from our office building. As part of the clean-up effort following the devastation, a number of TfW colleagues volunteered to help clean up the Pontypridd Lido and Bowling Club.

Our volunteers also assisted the clean-up of both Pontypridd Town Council's Meadow Street Community Garden and Woodland, in Treforest, and Cynon Valley Organics, in the Cynon Valley, two community groups we'd previously supported through our Community Impact funding to improve their sites. As well as the organisation of volunteers, we also provided both groups with some additional impact funding to replace lost plants and supplies.



At Tfw, we feel strongly about doing the right thing and supporting the communities we're a part of to flourish. Hence, we actively sought and created opportunities to help those around us to recover from the devastating impact of the storms.

Climate Change Resilience & Adaptation

In order to increase our response to climate risks, we've developed a comprehensive [Climate Adaptation and Resilience Plan](#) (CARP) to provide strategic direction and governance with the aim to ensure that climate resilience is embedded into new assets, maintenance programmes and decision-making processes. The CARP, published in 2023, is informed by and draws evidence from a range of sources, including Welsh policy and legislation such as the Environment (Wales) Act 2015 and the Well-being of Future Generations (Wales) Act 2015.

Since publishing our CARP in 2023, we've begun delivering against our commitments to climate adaptation. For example, we conduct site specific climate change risk assessments for our key assets, routes and facilities to account for the effects of climate change. These findings are used to implement mitigating measures to ensure we maintain a high standard of safety and service for our customers and key stakeholders. Measures include but are not limited to:

- Proactive maintenance schedules and condition monitoring
- Planning for adverse weather and implementing necessary control measures
- Appointing contractors to attend affected sites to conduct emergency maintenance and repairs on any sites and Tfw assets that are affected by floods and storms, for example.

In particular, we've embedded our lessons learned from the impact of previous storms, including Storm Dennis in 2020, into our approach to climate change resilience & adaptation. We review the impacts of extreme weather events on our services, assets and network to consider any opportunities for reducing the scale of impacts when similar events reoccur. This includes co-ordinating our approach to weather resilience with local authorities (and other risk management authorities) to ensure their emergency planning procedures accurately reflect any risks to communities and other third parties within shared land boundaries.

The damage and disruption caused by Storm Dennis had highlighted the need to prepare for low probability-high consequence events in a changing climate. Since then, we have implemented a number of features into our weather resilience strategy based on lessons we've learned. These include installing more weather monitoring systems on CVL assets (such as rain gauges), improving our trackside drainage to reduce the risk of surface water flooding on and near our tracks, as well as monitoring the condition of assets. We also account for adverse weather events in our transport planning and endeavour to reduce the recovery time after an incident.



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We also use learnings from these adverse weather events to build our working knowledge of how physical climate risks impact our railway network. This informs our approach to climate change risk assessments and transport scheduling for our assets and services on key routes. It's key we focus our efforts on ensuring we are aptly prepared should similar events reoccur, and our approach includes proactive asset maintenance, emergency planning procedures, and shared contingency plans with key stakeholders. As well as this, we are building a strong evidence base to steer longer term investment strategy towards more robust climate resilience & adaptation measures throughout our network.

I hope this letter finds you and the Committee well and the evidence I've provided supports your inquiry into the impact of Storm Bert and Storm Darragh in Wales. If you'd like me to further expand on any points raised or you have any questions, please get in touch.

Kind regards,

James Price
Prif Weithredwr / Chief Executive

—
**Climate Change, Environment,
and Infrastructure Committee**

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Huw Irranca-Davies MS

Deputy First Minister and Cabinet Secretary for
Climate Change and Rural Affairs

3 February 2025

Dear Huw,

Stage 1 scrutiny of The Disused Mine and Quarry Tip (Wales) Bill

Thank you for your recent letter with further information in relation to The Disused Mine and Quarry Tips (Wales) Bill.

The Committee will shortly conclude its evidence gathering on the Bill. While we appreciate you will be giving evidence to us in March, there are several key matters that we would like you to address ahead of your appearance to help facilitate scrutiny.

Threats to the environment

The new regime proposed by the Bill focuses on preventing threats to human welfare that could arise as a result of the instability of disused tips.

1. Why does the new regime not extend to threats to the environment that could arise as a result of the instability of disused tips?

Threats caused by the risk of pollution, combustion and flooding

The Law Commission's report recommended that the risk classification of disused tips should have regard to the risk of instability of a tip and the consequences of a stability failure. It also recommended that the risk the tip presents of pollution, combustion or flooding should be taken into account in the risk classification.

Under the regime proposed by the Bill, disused tips will only be categorised according to the extent to which they threaten human welfare by reason of their instability. The Authority's assessment of risk will consider only those hazards which relate to tip instability, not risks which are independent of the potential for tip instability.

2. Can you explain why you have chosen to deviate from the Law Commission's recommendation that the new regime should take account of the risk disused tips present of pollution, combustion or flooding?

Application of the new regime to disused non-coal tips

The White Paper for the Bill says:

"we intend in the future to look to extending the scope of the proposed new regime to all disused spoil tips, where it is appropriate. To assist in delivering this aim, we will seek to obtain a baseline of the extent of non-coal tips across Wales and will work with partners to develop an approach, which can collate the relevant information (ownership, status) on these tips in a timely manner."

It sought views on the proposal for "The new regulatory framework to apply to **all disused coal tips but with the potential to incorporate non-coal tips through gradual phasing in** as evidence of numbers, locations and ownership is obtained".

Under the Bill, the new regime applies to both disused coal tips and non-coal tips. The Explanatory Memorandum (EM) says:

"The Authority will focus first on disused coal tips...Once most of the disused coal tips have been assessed and, where warranted, added to the full regime, it will consider disused non-coal tips".

According to the EM:

"it is estimated there are over 20,000 disused non-coal tips. Given that the Authority's main objective is to ensure that disused tips do not threaten human welfare by reason of their instability (under section 2 of the Bill), it is more likely to be concerned about the sorts of hazards presented by disused coal tips, than the sorts of hazards presented by disused non-coal tips."

It estimates that the Authority will start to consider disused non-coal tips in 2032-33.

3. Can you outline your rationale for including disused non-coal tips in the Bill and provide the evidence base that supports the need to apply the new regime to these tips?
4. Can you clarify whether and how the Bill provides for the 'phasing in' of disused non-coal tips into the new regime over time and as appropriate?

5. What engagement have you had with the quarrying and extractive industry (outside of the White Paper consultation) to inform the Bill's development?

Disused tip safety and environmental and planning legislation

The Law Commission report states that the Mines and Quarries (Tips) Act 1969 "is not designed to interact with modern environmental protection. It prioritises public safety, while environmental legislation imposes requirements that can obstruct remediation and clean-up works". It made several recommendations in relation to this, including that the Welsh Government consider "the desirability of providing...an exemption from any requirement to seek advance consent under planning or environmental legislation".

In response to the above, the Welsh Government commissioned Birmingham University to undertake a project to provide "an overview of where there are potential conflicts between tip safety and environmental legislation".

6. Can you explain how the Bill addresses the potential conflicts between disused tip safety and environmental and planning legislation? In particular, how does it reconcile the need for the Authority to carry out operations **immediately** to ensure tip stability with the need to comply with environmental and planning legislation?

Role of the Authority as an emergency responder

7. In 2023, the Mining Remediation Authority (formerly the Coal Authority) became a category two responder under the Civil Contingencies Act 2004. What consideration have you given to including the Authority (established under the Bill) as a category two responder under the Act?

Role of the Authority following a tip failure

8. Can you clarify what role the Authority will have in the aftermath of a tip failure and how the Bill provides for this?

The Committee has received evidence that, following the landslip at a disused coal tip in Tylorstown, in the process of undertaking urgent clean-up work to ensure public safety, (including the removal of trees and waste material) local authority officers were cautioned for failing to obtain the necessary environmental permits.

9. While the above matter falls outside the scope of Bill, can you explain whether and how you intend to resolve existing tensions between public safety operations in the aftermath of a tip failure and compliance with environmental legislation?

Preventing threats to tip safety

The White Paper sought views on whether there are types of activities on disused tips which may need to either be banned or controlled through consents and permits. The activities were categorised

as: trespassing and vandalism; actions with the potential to change the condition or performance of a tip (e.g. have a potentially de-stabilising action); and land use changes.

10. Why have you chosen not to make provision in the Bill for banning or controlling activities on disused tips with the aim of preventing threats to their stability?
11. Can you outline any plans you have (outside of the Bill) to ban or control certain activities on disused tips, including timeframes?
12. What consideration have you given to including the Authority as a statutory consultee for planning applications on or in the vicinity of a disused tip?

I should be grateful if you would provide a response no later than 17 February 2025.

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.

Huw Irranca-Davies AS/MS
Y Dirprwy Brif Weinidog ac Ysgrifennydd y Cabinet dros
Newid Hinsawdd a Materion Gwledig
Deputy First Minister and Cabinet Secretary for Climate
Change and Rural Affairs



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref: PO/HIDCC/0044/25

Llŷr Gruffydd MS
Chair
Climate Change, Environment and Infrastructure Committee
Welsh Parliament
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17 February 2025

Dear Llŷr,

Thank you for your letter of 3 February. Please see below, my responses to the questions in that letter.

1. Why does the new regime not extend to threats to the environment that could arise as a result of the instability of disused tips?

2. Can you explain why you have chosen to deviate from the Law Commission's recommendation that the new regime should take account of the risk disused tips present of pollution, combustion or flooding?

The Welsh Government carefully considered the Law Commission's recommendations and the responses received to the White Paper. Recognising that resources are limited, and wanting to ensure that any new regime is deliverable and succeeds, it was necessary to design a more focused regime – one which concentrates on tip instability which could cause a threat to human welfare.

As I confirmed in my evidence to the Committee in December, the definition of “threat to human welfare” encompasses wider structural issues such as infrastructure and energy. In this same way, I believe that the new regime will take account of wider threats to the stability of a tip such as those caused by pollution, combustion and flooding. These are factors that will be considered as part of the monitoring and management processes, where they are relevant to instability.

I have been clear in my evidence to date, that the legislation has been designed to work alongside existing environmental legislation and systems that are in place to deal with wider environmental threats. Of course that includes regulations, rules and processes that are already in place for pollution, combustion and flooding that would be outside of the scope of this Bill.

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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.

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.

The Authority will have to consider environmental issues, such as biodiversity, and work with Natural Resources Wales (NRW) and other statutory partners to comply with environmental legislation and reflect and support wider Welsh Government priorities such as protection of the environment. This will be reflected in guidance that will be issued by Welsh Government.

The Bill contains provisions that facilitate this co-operative approach. For example, the wide ranging power in section 3 of the Bill enables the Authority to provide information, assistance and advice to partners about any matter relating to a disused tip or disused tips in general. Part 4 of the Bill contains provisions relating to information sharing that require the Authority and relevant public authorities (which is defined as NRW, Welsh Ministers, local authorities, a National Park Authority for a National Park in Wales, the Mining and Remediation Authority¹ and the Fire and Rescue Authority for an area in Wales) to share information relevant to the exercise of their respective functions.

I acknowledge that there are some wider industrial legacies that need to be addressed in the longer term, however I do not think this focused Bill is the right vehicle for tackling these strategic issues, and I am keen to deal with these issues as part of a wider discussion about our industrial legacy with the UK Government.

3. Can you outline your rationale for including disused non-coal tips in the Bill and provide the evidence base that supports the need to apply the new regime to these tips?

I think it is important that we learn the lessons from the past and that we prepare for all eventualities in the future.

I am extremely concerned that we do not have a reliable evidence base from which to make decisions about disused non-coal tips. I worry that we are in the same position with disused non-coal tips, as we found ourselves with coal tips following events at Tylorstown in 2020. That is why we started mapping disused coal tips, and that is one of the reasons why we are introducing new legislation. At the current time, we do not know how many disused non-coal tips there are, where such tips are located or the full extent of the risks posed by those tips. Nor do we have a single body that is responsible for managing and mitigating those risks. Whilst disused non-coal tips, in the main, pose less of a threat than disused coal tips, there will undoubtedly be disused non-coal tips where there is the potential for severe consequences if such tips are not appropriately monitored and managed.

Therefore, I think it is sensible and proportionate to be proactive, so that we can locate, evaluate, understand and monitor these tips when the time is right and resources allow. This approach was endorsed during the consultation on the White Paper, when the majority of respondents supported the inclusion of disused non-coal tips within the scope of the Bill.

I am keen to make sure that we have a body responsible for dealing with all disused tips in Wales, otherwise there would be a void of oversight and regulation which would have the potential to lead to uncertainty and delay should there be an emergency in the future on a disused non-coal tip.

¹ The Mining and Remediation Authority is still referred to as the Coal Authority on the face of the Bill as the legal name for the organisation has not yet changed.

4. Can you clarify whether and how the Bill provides for the ‘phasing in’ of disused non-coal tips into the new regime over time and as appropriate?

The Bill places responsibility on the Authority for monitoring the stability and threats to stability of all disused tips in the register. As a first step to determining whether a disused tip should be entered on the register, the Bill requires the Authority to carry out a preliminary assessment of all disused tips in Wales – whether they be coal or non-coal disused tips. Section 13 requires the Authority to prepare a programme setting out its proposed approach to, and proposed timetable for, doing this. The programme must be sent to the Welsh Ministers for approval and the programme must be published. It does not make any provisions for the phasing in of responsibilities.

However, The Explanatory Memorandum and the Regulatory Impact Assessment are clear (and guidance will confirm) that it is important that the Authority prioritises disused coal tips initially, as they are likely to pose a greater threat to human welfare. The assumption at this stage is that work on non-coal tips will start after 6 years (so around 2033), although it is important to note that the Authority will have the flexibility to prioritise any disused tip should it become aware of a risk relating to instability or threat to human welfare.

We estimate that the six-year timescale will give the Authority time to properly assess and monitor all disused coal tips and to set up substantive systems to ensure they are managed effectively.

5. What engagement have you had with the quarrying and extractive industry (outside of the White Paper consultation) to inform the Bill’s development?

My officials have not engaged directly with the quarrying and extractive industry since the White Paper consultation. However, we are aware of contributions they made to the Law Commission consultation as well as responses received to the White Paper and these have been considered during the development of the Bill.

My officials will also be in touch with stakeholders during the passage of the Bill through the Senedd as we look to develop more detailed guidance and documentation in the lead up to Royal Assent and the formation of the Authority. I can confirm that this will include representatives of the quarrying and extractive industry.

It will be important for the Authority to take a collaborative and considered approach when working with the quarrying and extractive industries, as they will need to work together to implement the requirements of the new regime, for example, to develop management plans in respect of high-risk sites.

6. Can you explain how the Bill addresses the potential conflicts between disused tip safety and environmental and planning legislation? In particular, how does it reconcile the need for the Authority to carry out operations immediately to ensure tip stability with the need to comply with environmental and planning legislation?

The Bill has been designed to work alongside existing laws and regulations, including planning and environmental legislation. I do not think that it is sensible for this Bill to include specific environmental provisions which could, given the complexity and breadth of existing environmental legislation, disapply legislation that has been put in place for specific purposes, especially when we are facing the threat posed by climate change.

The powers in the Bill allow the Authority to act proactively. Management plans for all category 1 and 2 disused tips will contain contingency plans in respect of what might happen in an emergency. They will be tailored to the specific site and will identify and reflect particular risks, for example management plans could identify one off operations to remove or reduce threats to the stability of a tip, such as re-directing watercourses. They would also set out an emergency preparedness plan for actions needed should, for example, a tip located near a highway slip and obstruct the highway. Management plans will be developed with NRW and local authorities so that planning and environmental requirements in other legislation are taken into account before any emergency action is undertaken.

The plans would be specific to a particular disused tip. Work on this has already started and the Welsh Government's Coal Tip Safety Collaborative Working Group is developing a joint protocol which will set out how partner organisations (such as local authorities, NRW and the Authority) will respond to an incident on a disused tip.

As part of this work, NRW has developed a Site Specific Coal Tip Contingency Plans: Environmental Considerations (Guidance Note) that relates to contingency planning with the aim of minimising environmental impacts from incidents at coal tips.

Therefore, I can assure Committee that work is underway to ensure that in the event of an incident at a disused tip that requires emergency work, human welfare will be protected but works will also be cognisant of relevant environmental and planning legislation to manage any potential conflicts.

It should also be remembered that in the event of a serious incident on a disused tip, the existing provisions of the Civil Contingencies Act 2004 would also come into play. As set out below, the intention is for the Authority to be a Category 2 Responder for the purposes of that Act. This will be done by Order in advance of the Authority being established in April 2027.

7. In 2023, the Mining Remediation Authority (formerly the Coal Authority) became a category two responder under the Civil Contingencies Act 2004. What consideration have you given to including the Authority (established under the Bill) as a category two responder under the Act?

I can confirm that the intention is for the Authority to be a Category 2 responder for the purposes of the Civil Contingencies Act 2004. Pursuant to section 13(2A) of that Act, Welsh Ministers have the power to amend Part 5 of Schedule 1 to the Act to add the Authority, as a devolved Welsh authority (within the meaning of s.157A of the Government of Wales Act 2006) to the list of Category 2 responders.

Such an Order must be made by Statutory Instrument, and will be subject to the affirmative procedure. Section 14B(2) of the Act provides that the Welsh Ministers must consult a Minister of the Crown before making such an Order.

8. Can you clarify what role the Authority will have in the aftermath of a tip failure and how the Bill provides for this?

As stated above, the intention is that the Authority will be a Category 2 responder under the Civil Contingencies Act. The Authority will be added to Part 5 of Schedule 1 of that Act by Order made by the Welsh Ministers.

Should there be an incident involving a disused tip the Authority will work with partners including local authorities, NRW, the relevant Fire and Rescue Authority etc to ensure communities are protected.

In addition, as set out above, management plans will set out contingency arrangements should there be an incident involving a disused tip. Management plans will set out how the respective partner agencies, including the Authority, will respond to particular scenarios that may arise in respect of a particular tip, and their respective roles in dealing with any incident.

9. While the above matter falls outside the scope of Bill, can you explain whether and how you intend to resolve existing tensions between public safety operations in the aftermath of a tip failure and compliance with environmental legislation?

In line with my response to question 6 above, the Bill has been designed to work within the existing regulatory system, including environmental legislation. Management plans will contain contingency plans to support partner agencies in working through any tensions that may arise in emergency situations between the need to protect human welfare and environmental considerations.

Further, as set out above, the Welsh Government's Coal Tip Safety Collaborative Working Group is developing a joint protocol which will set out how partner organisations (such as local authorities, NRW and the Authority) will respond to an incident on a disused tip. Again, this will include advance planning for instances where it is foreseen there is potential for tension between works required for public safety and environmental legislation.

10. Why have you chosen not to make provision in the Bill for banning or controlling activities on disused tips with the aim of preventing threats to their stability?

11. Can you outline any plans you have (outside of the Bill) to ban or control certain activities on disused tips, including timeframes?

I can confirm that we considered this issue in some depth and the White Paper sought views on the types of activities on tips which stakeholders consider may require to be banned or require consent.

The Bill does not give the Authority powers to ban or control certain activities on disused tips for the following reasons (similar issues were raised by respondents to the White Paper consultation):

- there are a range of powers - under the planning and health and safety legislation - already available for local authorities, the Health and Safety Executive and NRW to act in certain circumstances. Given that we are encouraging a collaborative approach it is important that we make sure that there is no cross over or confusion in responsibilities in these areas;
- the Bill will allow the Authority or the land owner to take action or seek a contribution from anyone whose conduct (or failure to do something that they might reasonably have done), in the opinion of the court, has caused or contributed to the need for operations on land. This will act as an additional deterrent to engaging in conduct that is detrimental to the stability of a disused tip;
- any system of issuing stop notices would be technical and would mean a significant amount of additional administration and bureaucracy as well as confusion. The use of stop notices could also cause delay, were such a notice to be challenged.

12. What consideration have you given to including the Authority as a statutory consultee for planning applications on or in the vicinity of a disused tip?

We are currently considering whether the Authority should become a statutory consultee or be statutorily notified of planning applications, where an application is in respect of land on or in the vicinity of land on which there is a disused tip. At this stage my preference is to ensure that the Authority has similar powers to the Mining Remediation Authority.

There is an additional point I wish to raise, unrelated to the questions posed in your letter of 3 February. At the stakeholder evidence session on 5 February there was an exchange relating to the process for preliminary assessments, which the Authority is required to carry out by virtue of section 13 of the Bill. Please see paragraphs 174 to 186 of the transcript. I want to provide clarity on that process. As set out in paragraph 49 of the Explanatory Notes to the Bill, it is anticipated that a preliminary assessment “will take the form of a desktop survey that will look at matters such as the height and volume of a disused tip, its proximity to sensitive receptors (such as housing, infrastructure etc), any information about the tip’s history that may be relevant to its stability and existing inspection or structural reports”.

By the time the Authority is operational in April 2027, we expect that the Mining Remediation Authority will have completed its physical inspections of all disused coal tips in Wales. The reports from those inspections will be available to the Authority when it carries out the preliminary assessments, as required by section 13. It is not envisaged that a further physical inspection of disused tips will be conducted at preliminary assessment stage, although the Authority will be able to do this if it is considered appropriate. A physical inspection of the tip is considered necessary at the full assessment stage. A full assessment is conducted if, based on a preliminary assessment, it appears to the Authority that the criteria for registration of the tip may be met. The criteria for registration are set out in section 7 of the Bill. I am of the view this approach strikes the appropriate balance and is proportionate.

If you have any further questions, please let me know.

Yours sincerely,



Huw Irranca-Davies AS/MS

Y Dirprwy Brif Weinidog ac Ysgrifennydd y Cabinet dros Newid Hinsawdd
a Materion Gwledig

Pack Page 99

Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs

Huw Irranca-Davies MS

Deputy First Minister and Cabinet Secretary for Climate Change and
Rural Affairs

14 February 2025

Dear Huw,

Disused Mine and Quarry Tips (Wales) Bill

Thank you for attending the Legislation, Justice and Constitution Committee meeting on 10 February 2025 to discuss the Disused Mine and Quarry Tips (Wales) Bill.

At the close of the meeting, I said that the Committee would write to you with further questions that we were not able to reach during the meeting. The questions are enclosed in the Annex. During the meeting, you also offered to provide copies of draft guidance, to assist the Committee's scrutiny of the Bill.

We would be grateful to receive a response, and copies of the draft guidance, by 5 March 2025.

I am copying this letter to the Chair of the Climate Change, Environment, and Infrastructure Committee.

Yours sincerely,



Mike Hedges

Chair

Annex

Question 1: There are a number of provisions within the Bill which require the consent of the Secretary of State under Schedule 7B to the *Government of Wales Act 2006*. In a letter to the Llywydd dated 8 November 2024, the First Minister stated that engagement with the UK Government to seek Secretary of State consent for the provisions had begun. Can you provide an update as to when consent is expected to be received?

Question 2: The Explanatory Memorandum accompanying the Bill does not discuss human rights, although there is mention of human rights within the RIA. What account have you taken of human rights in preparing the Bill?

Question 3: What was the outcome of any assessments undertaken in relation to the human rights impacts of the Bill? What steps have you taken to limit the interference with human rights by the Bill?

Question 4: Please can you explain if the outcome of the justice impact assessment resulted in a change of approach in relation to the Bill and if so, what that change was?

Question 5: You have acknowledged that the Bill changes elements of your 2022 White Paper for reasons of flexibility, proportionality and reasonableness. Why did you not therefore consult on a draft Bill given the importance of the subject matter?

Question 6: What are the differences between the Bill as described in the White Paper and the Bill as introduced, and as part of that information can you identify every occasion where the White Paper suggested the use of primary or secondary legislation but guidance is to be used instead?

Question 7: The White Paper proposals focused on disused coal tips, but it suggested that the government would look to develop a framework, which can apply equally to both coal and non-coal tips, enabling the phasing in of other spoil tips into the new regime over time (paragraph 1.44).

- (i) Has the application of the Bill to non-coal tips led to a greater reliance on guidance to deliver its objectives rather than subordinate legislation? (For example, in relation to management plans – see paragraph 6.12 of the White Paper).
- (ii) If that is not considered to be the case, how has the decision to extend the Bill to include disused non-coal tips impacted on the level of detail included in the Bill, the powers to make regulations and the use of guidance?

Question 8: What is the relationship between the definition of “threat to human welfare” in section 82, and the Authority’s main objective in section 2(1) to ensure that disused tips do not threaten human welfare?

Question 9: Section 2(1) of the Bill sets out the Authority’s main objective. What are the Authority’s other objectives, and why aren’t they on the face of the Bill?

Question 10: Sections 12 to 19 concern assessments of the stability of a tip. The way assessments will be carried out is to be determined in guidance issued by the Welsh Ministers.



Why is there no detail about how assessments are to be carried out on the face of the Bill? Why did you not consider including a power for that information to be set out in regulations?

Question 11: The Law Commission recommended a right of appeal against an entry in the tip register on the grounds that there is no tip situated on the land. Rather than an appeals process, section 20 of the Bill enables the tip owner (and other persons) to make representations on the proposal to register a tip, which section 21 requires the Authority to have regard to when deciding whether to register it. To what extent do you consider that this approach captures the intent of the Law Commission's recommendation?

Question 12: Sections 20, 22 and 29 contain Henry VIII powers. Why are they subject to the negative procedure?

Question 13: Section 24 concerns the categories of tips. The White Paper (paragraph 7.7) says:

"We believe to provide clarity on roles and responsibilities, the legislation should clearly state who is responsible for which category of tip, providing parties with sufficient knowledge in advance of what responsibilities they will be required to meet."

Why have you not followed what the White Paper proposed?

Question 14: The Welsh Government's [letter](#) to the Law Commission in March 2023 said that the Authority will be under a duty to make arrangements for management plans to be prepared for Category 1 and 2 tips. However, the EM states (paragraph 3.73) that:

"Whilst the Bill does not require the production of management plans, these will be important to the application of the regime."

While management plans were discussed during the evidence session, it would be helpful if you could please explain what caused this position to change?

Question 15: If the preparation of management plans is only an expectation in guidance, does that mean some Category 1 and 2 tips could feasibly not have management plans and therefore undermine the effectiveness of the legislation?

Question 16: The White Paper proposed a range of enforcement powers and associated offences, and a range of civil sanctions like fixed monetary penalties, compliance notices, stop notices etc. These haven't been included in the Bill. The EM states (paragraph 4.30) during the course of policy development it was determined "their inclusion would make the regime overly bureaucratic and unwieldy".

Why would enforcement matters being placed on the face of the Bill be overly bureaucratic and unwieldy and is there a risk that this gap could reduce public confidence in the regime?

Question 17: Why is there no civil sanctions regime on the face of the Bill?

Question 18: Sections 33 and 34 enable property to be disposed of by the Authority and disused tip owners, including by sale. Why do you consider that this provision is necessary and could you provide details of what could be sold under this power?

Question 19: Given the amount of detail that will be left to guidance, why wasn't a duty placed on the Welsh Ministers to produce and update guidance and why are you relying on the executive ministerial functions in section 58A of the *Government of Wales Act 2006*? How is that consistent with the Welsh Government's accessibility agenda?

Question 20: Section 72 prevents proceedings being brought in respect of an offence in the Bill, or regulations made under it, other than by the Authority or with the consent of the Director of Public Prosecutions. Why is this provision necessary?

Question 21: Why do you consider that the Henry VIII power in section 73 is required?

Question 22: What is the purpose of section 79 of the Bill, which makes specific provision in respect of Church of England land?

Question 23: Section 80 enables the Welsh Ministers to make regulations which modify the application of this Act in relation to land in which the Authority has an estate or interest. Why is this power necessary?

Question 24: Specific reference is made to the Crown including the Senedd Commission in section 84(7) of the Bill. Why is this provision needed?

Question 25: Paragraph 3(g) of Schedule 1 to the Bill enables the Welsh Ministers to specify in regulations office holders, members and members of staff of bodies who are to be disqualified from being a non-executive member of the Authority. Why was this provision not included on the face of the Bill to provide clarity given that other disqualified persons are listed in paragraph 3(a) to (f)?

Question 26: Paragraph 19(1) of Schedule 1 includes a Henry VIII power to amend the planning period for the Authority. Why do you consider this power to be necessary?

Question 27: How will cross border tips be dealt with under the Bill?

Question 28: In your view, will further legislation be required in the near future in other areas of the law to accommodate the provision made by the Bill? For example, changes to planning or environmental legislation to assist with the implementation of the Bill?

Question 29: What would the timescales be for the preparation and introduction of the proposed legislation referred to in question 28?

Question 30: Section 87 provides that some provisions of the Bill will come into force on 1 April 2027. Why will there be such a delay between Royal Assent and the relevant provisions coming into force?



Question 31: Is there a risk that delay in commencement of the provisions of the Bill may carry a risk that the protections offered by the Bill provisions are delayed or not fully brought into force by a future Welsh Government?

Question 32: Should the Bill be passed and enacted, when do you envisage all provisions of the Bill and the accompanying subordinate legislation and guidance being fully in force?

Agenda Item 5.3

Ysgrifennydd y Cabinet dros Drafnidiaeth a Gogledd Cymru
Cabinet Secretary for Transport and North Wales



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref KS/PO/71/2025

Mike Hedges MS
Chair
Legislation, Justice and Constitution Committee
Senedd Cymru

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18 February 2025

Dear Mike

Inter-Institutional Relations Agreement: Transport Inter-Ministerial Standing Committee

I am writing in accordance with the inter-institutional relations agreement to notify you of the next meeting of the Transport Inter-Ministerial Standing Committee, which will take place on 5th March 2025.

I will be chairing the meeting, and I anticipate the discussion will focus on Ports Resilience, Motoring Tax Reform and E-Scooters.

I have copied this letter to the Chair of Climate Change, Environment, and Infrastructure Committee.

I will provide an update after the meeting.

Yours sincerely

Ken Skates AS/MS

Ysgrifennydd y Cabinet dros Drafnidiaeth a Gogledd Cymru
Cabinet Secretary for Transport and North Wales

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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.

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 KS/PO/81/2025

Llywodraeth Cymru
Welsh Government

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

19 February 2025

Dear Llyr

Thank you for your letter of 13 December regarding the issues raised during the scrutiny session. Please see below responses to the questions from the committee.

Freight

- **Could you update us on progress in developing the Wales National Freight and Logistics Plan, including when it will be published and what it will contain given the National Transport Delivery Plan commits to develop this by 2024.**

The Welsh Government made a commitment as set out in Llwybr Newydd, the Wales Transport Strategy (WTS), to develop a new Freight and Logistics Plan for Wales by the end of 2024. I understand there may be some disappointment that the plan has not been published by now. However, we have had to focus on other transport priorities.

We recognise that the industry faces more immediate challenges, but we must be more realistic about what we are able to achieve between now and the end of this government term. I am keen to address those challenges with deliverable outcomes that are industry driven.

My priority is to commit to action which is realistically deliverable by the end of this government term and then set a pathway for any new incoming government to refresh the plan in 2026, with five further years of deliverables.

We continue to work with the UK Government to ensure the sector is given the support it needs to continue delivering for the whole of the UK. We have also been working towards developing a Freight and Logistics Plan for Wales, with preliminary work now complete. The key priorities have been discussed through joint working and consultation with stakeholders such as The Rail Freight Group, Road Haulage Association and Logistics UK.

To achieve this, we will set up a Welsh Logistics Delivery Group, whose remit will be to collaborate on these practical solutions and provide oversight of our combined actions over the next few years.

Despite all the advances in technology, it is people that underpin this industry. Skills are essential, for now and for the future, so we must have clear career pathways where a career in freight and logistics is an attractive option for school and college leavers. We need to work together to attract more people into the industry, boost retention rates and expand training opportunities.

There are significant gaps in the evidence and statistics available for freight and logistics in Wales. We need more in-depth industry data analysis. There is a clear need to undertake the mapping of current roadside facilities and frequently used HGV parking locations in Wales, so we are looking at what we can do in this area.

We will work with local authorities to discuss integrating future freight and logistics infrastructure needs into local development plans and regional transport plans.

Recognising the uncertainty in the industry about decarbonisation of fleets and how to effectively adopt electric and hydrogen powered vehicles, we are working with industry to find a way forward and addressing barriers to uptake through the Wales Commercial Vehicle Decarbonisation Programme led by Zemo Partnership. Lastly, in an area where many of the levers for action are reserved to UK Government, we will work together with our new partners in Westminster to deliver improvements to freight and logistics in Wales and ensure an integrated approach with the rest of the UK.

I will provide a written statement to the Senedd listing our key deliverable actions for the next two years in due course.

- **Could you outline how you collaborate with the Cabinet Secretary for Economy, Energy and Planning on the areas where your portfolios intersect, including freight?**

The members of the Welsh Government collaborate through Cabinet discussions, and outside of this we have regular bilateral meetings to discuss and collaborate on portfolio responsibilities that intersect.

The most active current example is the Cabinet Secretary for Economy, Energy and Planning is supporting me, with the establishment of a Welsh Government-led multistakeholder taskforce to develop a new strategy for the future of the Port of Holyhead. The task force will include participation from Minister Lawless from the Irish Government so that we can ensure that the port will meet the future needs of both nations. The taskforce will also consider the resilience of sea connectivity between Wales and Ireland more generally, so that these critical transport links can better withstand the challenges we expect from climate-driven changes in severe weather patterns and other hazards and threats. The taskforce will of course link in with our broader work on a Welsh Ports and Maritime Strategy for Wales.

This shorter-term priority work will help shape the scope of the wider Ports and Maritime Strategy for Wales and determine the budget required to deliver the Strategy.

The new logistics and freight plan for Wales, will be developed alongside the Ports and Maritime Strategy for Wales, given the significant interdependencies between the sectors, the supply chain challenges currently being experienced worldwide and the potential opportunities for more sustainable logistics models.

Another example of collaboration is Freight and Logistics, Maritime Ports and Cardiff Airport Transport connectivity needs are considered as part of the Regional Transport Plans that the Corporate Joint Committees are preparing now and offer a forum within which Government can look at any connectivity issues or opportunities. The Cabinet Secretary for Economy, Energy and Planning's Freeports Policy officials work collaboratively with Transport officials when assessing the business cases for the Celtic Freeport in Neath Port Talbot and Pembrokeshire and the Ynys Mon / Anglesey Freeport to ensure passengers and freight connectivity needs are considered as part of the development of those Freeports.

Rail Reform

1. Can you provide details of the discussions you and our officials are having with your counterparts to ensure that Welsh Government priorities are adequately reflected in the Bill?

The UK Government has committed to give the Welsh Ministers a statutory role in governing, managing, planning, and developing the rail network in Wales and we will work in partnership to shape how this can lead to better outcomes for passengers.

I have had productive discussions with the UK Rail Minister, Lord Hendy, and the Secretary of State for Transport, Heidi Alexander MP, concerning our key priorities for Rail Reform. These talks have encompassed the establishment of an empowered Wales and Borders business unit within Great British Railways that would deliver accountability to the Welsh Ministers for rail infrastructure alongside a greater role in the specification and operation of rail services to and from Wales.

My officials are in regular dialogue with UK Government officials to ensure our priorities are understood, respected and are being used to shape the delivery of rail reform. The formal consultation setting out the proposed legislative measures that will form part of a new Railways Bill is expected to be published soon.

2. How do you envisage GBR, a body exercising functions in relation to reserved matters, will be accountable to Welsh Ministers in a meaningful way? For example, do you anticipate the Bill devolving significant executive powers to the Welsh Ministers alone, or shared with the Secretary of State?

We are seeking to secure a fundamental reform of Wales' rail operating model. We have outlined our priorities for Rail Reform to the UK Government, including the need for accountability to Wales for the management and enhancement of railway infrastructure, and a greater role for the Welsh Ministers in rail services to and from Wales.

An empowered Wales and Borders Business Unit within Great British Railways that is accountable to both Welsh and UK Ministers, would be a significant change from the status quo. We recognise the need for collaborative working given the cross-border nature of services, journeys and the infrastructure that connects Wales. Full devolution alongside a fair funding settlement remains our long-term objective. We view devolution as a process, not an event, and see the current reform programme as a significant moment to enable a greater role for the Welsh Ministers over both rail services and infrastructure.

3. Can you provide further detail on your suggestion that Senedd members will be able to scrutinise the Wales and Borders business unit?

We want to enable the Senedd to have greater powers than at present to scrutinise and hold to account the bodies that will deliver rail services and manage the rail infrastructure in Wales. My officials are discussing with the UK Government the role of the Welsh Ministers, and of Senedd committees, in providing scrutiny under possible partnership models.

4. Could you provide further information and detail on the treatment of funding for the Core Valleys Lines under the Barnett formula, including:

- **How this is managed currently under the transfer of ownership agreement.**

- **The matters that remain to be clarified in the light of the letter from the Cabinet Secretary for Finance and Welsh Language to the Chancellor of the Exchequer.**
- **The total funding currently received annually, and the amount you estimate is due following further agreement.**

There was a transitional period after the transfer of the Core Valleys Lines (CVL) in 2020. For the years 2020-21 to 2023-24, an amount for Operations Maintenance and Renewal was transferred to the Welsh Government by the Department for Transport on an annual basis, averaging around £13m a year. There was also a one-off transfer of £141m capital to cover enhancements in 2020-21.

During the transitional period, Transport for Wales produced a full report on CVL Operations and Maintenance costs. The Office for Road and Rail provided an assessment of this report for the Welsh and UK Governments, and as a result a baseline transfer of £39m was added to the Welsh Government's budget in 2024-25, roughly half resource and half capital.

Enhancements funding and Barnett formula treatment of the CVL are being discussed as part of the UK Government's ongoing spending review.

5. What assurances have you received from the UK Government about creating a dedicated enhancement fund for Wales?

I have exchanged letters with the Secretaries of State for Wales and Transport in which the UK Government has recognised that Wales have been underfunded for rail infrastructure improvements by previous Governments. As has been agreed in the exchange of these letters, we will now work together on the initial priorities identified by the Wales Rail Board, the interventions recommended by the North Wales Transport Commission and the South East Wales Transport Commission. These will be focus that will inform discussions with the UK Treasury ahead of the Spring Spending Review. Both Government's agree on the need for a sustainable pot of rail infrastructure funding for Wales.

6. How do you anticipate accountability for this fund be shared between Welsh and UK Ministers to ensure effective delivery of Welsh rail priorities?

Following the exchange of letters with UK Government, my officials will be working with their Department for Transport counterparts to reform the Wales Rail Board to deliver future enhancements and ensure joint oversight.

7. Could you:

- **Set out the calculations underpinning the figure of £350 million, which the Welsh Government has said would be due up to the current financial year.**
- **Provide the Welsh Government's view, with calculations, of total consequential funding which would be due on the total project spend, based on current estimates now that phase 2 has been cancelled.**

I understand that the Cabinet Secretary for Finance and Welsh Language has written to you separately regarding this matter.

8. Could you explain what steps you are taking to ensure Welsh priorities are adequately reflected in UK ministerial decision-making processes, particularly in cases where objectives between the Welsh and UK Governments may differ?

Our priorities for Wales are always at the forefront of my discussions with UK Government. By working in collaboration, we are developing a pipeline of priorities that is more joined up and more strategic.

The UK Government has committed to give the Welsh Ministers a statutory role in governing, managing, planning, and developing the rail network in Wales. We are also seeking statutory duties for GBR to give due regard to our policies and strategies. We are aligned that greater investment in rail infrastructure in Wales is needed to drive economic growth across Wales.

9. Could you provide further information on the composition, operation, and role of the Wales Rail Board, particularly in light of your comments about the Green Book and its interaction with the objectives of the UK and Welsh Governments?

The Wales Rail Board is a joint Welsh and UK Government board which is attended by senior officials and includes both governments' delivery bodies, Transport for Wales and Network Rail. The board meets quarterly and was constituted following a recommendation from the Welsh Affairs Committee.

The Board has developed a pipeline of rail infrastructure enhancements. This list is informed by industry experts and supports the priorities of both governments. It is a robust plan for future rail infrastructure enhancements in and has strengthened our case for funding. Following the recent exchange of letters, we will now be working with the Department for Transport to reform the Wales Rail Board to oversee the delivery of enhancements.

The Green Book is an important consideration and source of guidance when developing and assessing enhancement proposals. The Department for Transport's (DfT) Transport Appraisal Guidance (TAG) has been developed based on the principles outlined in the Green Book, and Welsh Transport Appraisal Guidance (WelTAG) has since been implemented specifically to support projects and programmes here in Wales. This builds on TAG but has been tailored to ensure that the specific needs and priorities of Wales are represented.

10. What actions are the Welsh Government taking to address the growing risks of climate change to the transport network, including rail?

The impact from climate change is putting more pressure on valuable railway infrastructure assets in Wales. The recent storms caused significant damage to the railway, including the landslip near Gobowen and flooding on the Conwy Valley Line.

There are a number of locations on the Conwy Valley Line where the ballast has been washed away underneath the track. It is vital that Network Rail have the funding they need to improve the resilience of the rail network in Wales and to protect and maintain their infrastructure.

We know that the previous UK Government failed to invest in improving the railway network in Wales. Instead, they delivered a managed decline with a real terms' reduction in funding for Network Rail for operations, maintenance and renewals. I am working closely with the UK Government to secure increased investment in rail in Wales. This includes the real partnership working to improve infrastructure assets. We are also taking steps as part of our over £1bn transformation of the Core Valley Lines to best ensure our infrastructure is high performing and can withstand the challenges that climate change is bringing.

Rail Services and Performance

11. Could you provide an update on the proposed Milford Haven to Paddington Service?

We are aware of proposals for some Great Western Railway services to be extended from Carmarthen to serve Milford Haven. We recognise the additional connectivity these service extensions could deliver, whilst also being mindful of the potential impact to passenger revenue on Transport for Wales services. We have asked Transport for Wales to consider these impacts to enable the Department for Transport to take an informed decision on whether they would wish or be able to fund these proposed service extensions.

Transport for Wales introduced improvements to West Wales services at the December 2024 timetable changes by introducing 2 additional services to Milford Haven. This means that there are now 13 daily services to the town, with many of these operated by our brand-new Class 197 trains. The increase in frequency gives passengers more options to connect at Carmarthen, Swansea or Cardiff for the longer distance service towards London Paddington.

Road safety and pavement parking

12. Could you provide the Committee with a timeline for publishing the new road safety strategy?

This year I intend to work with our partners to agree a Memorandum of Understanding (MoU) that will provide a cohesive framework to coordinate focus on key areas such as, but not limited to, motorcyclist safety, rural roads, young and older drivers, e-mobility and impaired driving. It will align with the UK Government's emerging strategy adopting the globally recognised Safe System approach, founded on the ethical principle that it is never acceptable for people to be seriously injured or killed on the road network.

A National Road Safety Board will be set up to manage the MoU and will be made up of key partners. The Board will provide oversight, coordinate stakeholder efforts, monitor progress and ensure the agreed road safety objectives are met.

13. In your note, could you also clarify whether you believe it would be appropriate for the UK Government to legislate on pavement parking for Wales, as suggested, given this would limit the opportunity for Senedd scrutiny and, in any event, would not address the underlying issue of local authority capacity.

To take forward the preferred option, non-devolved secondary legislation must be amended to allow local authorities to enforce against 'Unnecessary obstruction of the pavement' as there needs to be a splitting of the 'pavement' from 'road' in regulation 103 of the Road Vehicles (Construction and Use) Regulations 1986 - which makes unnecessary obstruction of the road an offence. Only then can the Welsh Ministers add "Unnecessary obstruction of the pavement" to the list of contraventions subject to civil enforcement in schedule 7, paragraph 4(2) of the Traffic Management Act 2004 (TMA), using the powers under paragraph 5 of that schedule.

As the Road Vehicles (Construction and Use) Regulations is non-devolved secondary legislation, it cannot be amended by the Welsh Ministers, so the Secretary of State will have to make this amendment for Wales. The amendment could apply to England and Wales if the UK Government chose to make the same amendment to the TMA in relation to England.

Road building and unadopted roads

14. To better understand the role of road building in meeting the Welsh Government's targets, we would welcome data or evidence from projects like the Newtown bypass or others, explicitly demonstrating how they have contributed to a reduction in private car use on the network as a whole, as opposed to specific sections.

I enclose a copy of the Newtown Bypass Post Opening Project Evaluation (POPE) Report – One Year After Opening. This report identifies the extent to which the expected outcomes of the scheme have materialised. Section 5.9 Effects on all Travellers: Pedestrians, Cyclists, Equestrians and Vehicle Traveller (Pages 51 to 55) identifies that the implementation of the Scheme has resulted in reduced in traffic along the existing A483 / A489 with strategic traffic using the bypass. This has had a beneficial effect on the residents of Newtown by reducing severance and improving road safety. In addition, it has given Powys County Council the opportunity to develop and deliver Active Travel schemes in Newtown, which has encouraged walking and cycling throughout the town and further reduce private car usage.

Several examples of the schemes implemented and in progress through WG funding are identified in the POPE (page 54 & 55). See also links below:

[Work to begin on the next phase of the Treowen Active Travel Route - Powys County Council](#) (January 2025)

[Funding secured for future active travel improvements in Newtown - All About Newtown](#) (July 2022)

[Active Travel Improvements For Newtown | Road Safety Wales](#) (January 2021)

One of the key objectives of the Newtown Bypass was to remove through traffic and rat running on local roads such as Heol Treowen and Plantation Lane. With this achieved through construction of the bypass, safety for local residents, and in particular school children attending the Treowen and Cedewain Schools has significantly improved. In addition, this has also facilitated excellent opportunities for active travel schemes to be implemented allowing residents, including parents and children, the option of walking and cycling to school rather than using their private cars.

Similarly, as part of the A55 Abergwyngregyn to Tai'r Meibion Improvements, a 3.6km long active travel route was constructed between Junction 12 and 13 and improvements to 800 metres of multiuser path alongside the A55 to encourage and make it easier and safer to walk and cycle. This has resulted in a significant increase (approximately tenfold) in walkers and cyclist using this route (see comparison figures pre and post construction in Appendix A) demonstrating its success in attracting and giving choices for people to use sustainable forms of transport rather than their private cars.

15. Could you clarify whether the target of a 10% reduction in car miles per person by 2030, as set out in the 2021 Net Zero Plan, remains Welsh Government policy and how the Welsh Government is pursuing this target?

The 10% reduction in car miles per person remains our policy reflecting the priorities set out in Llwybr Newydd and the role that transport demand plays in transport decarbonisation. Cars and taxis accounted for 23.0bn km in 2023, an increase compared to 2022, but still below the pre-pandemic (2019) levels of 24.0bn km. We are pursuing this target by investing in public transport and active travel schemes, providing an attractive alternative to travelling by car. We are also supporting those who want to work remotely through investment in digital

connectivity. Average car km per person was 7,269 in 2023, compared with 7,585 in 2019, a 4% reduction.

16. Can you provide further details on how you intend to support Welsh local authorities in dealing with this matter? Can you also provide an update on the extent to which this issue is linked to broader issues, such as unadopted drains and other adoption of other community assets?

For existing roads, the 2024/25 unadopted road schemes are progressing well. The total programme this year amounts to £982k. This included funding to Powys, Pembrokeshire, Merthyr, Denbighshire, Ceredigion, Caerphilly, Rhondda Cynon Taf, Gwynedd and Carmarthen. It is proposed to provide similar funding for 2025/26 to local authorities across Wales. To increase the number of new build estate roads that are adopted, a set of Common Standards and a Good practice Guide has been signed up to across Wales by all local authorities, the Federation of Master Builders and Home Builders Federation.

Any adoption would need to include highway drainage and this or may not require sustainable drainage systems (SuDS), depending on the existing status and condition of the road and the interpretation of the situation by the SuDS Approval Body (SAB), in conjunction with their colleagues in the Council Highway section.

Wales uniquely has statutory SuDS legislation. The requirement for SAB approval is triggered by certain criteria such as the area and type of run-off within a site to be developed and each Welsh unitary authority has a SAB. SAB approval is similar to, but independent of, planning approval and is sometimes required even if planning is not.

This legislation 'climate proofs' new developments in Wales and also reduces pollution loading from highways, a problem increasingly recognised by research establishments and the highways industry.

Active Travel

17. What measures are being introduced to ensure the needs of disabled people are fully considered in the planning and design of active travel infrastructure?

Creating safer streets for all is a key priority in the planning and design of walking, wheeling and cycling infrastructure.

Our Active Travel Act Guidance already aims to deliver inclusive and accessible design and sets out the requirement for engagement and consideration of people with protected characteristics. The TfW design team is starting work to review the Active Travel Act Guidance and update it, with an even stronger emphasis on inclusive design, to ensure the guidance continues to reflect current best practice, legislation and the latest technology. We will ensure practitioners and leaders are kept abreast of the changes and the dissemination of this forms part of the scope of our training programme "Academi Teithio Llesol". As part of their remit, the Hub team will facilitate sharing of innovation and best practice across all local authorities and delivery partners to improve the function, safety, accessibility, quality, and value of all interventions.

As part of the Academi programme, TfW held a training day in November 2024 for local authority officers with specific workshops on design (highlighting inclusive design) and engagement (including engaging those with or groups representing users with protected characteristics). At the event the RNIB delivered a presentation to the local authority officers and offering a virtual reality experience to aid their understanding of the challenges faced by

people with visual impairments. The Academi programme will continue to provide training to local authorities throughout the next year.

The inclusive Active Travel sub-group of the Active Travel Board resumed its work and met in its new form for the first time on the 12th November 2024. The group includes a range of stakeholders who represent disabled people. The group will continue to assist the Board in supporting the effective implementation of the Active Travel (Wales) Act (2013), the Wales Transport Strategy (2021) and ensuring the requirements of the Equality Act (2010) are met.

Schemes receiving Welsh Government funding need to provide evidence that they have involved relevant stakeholders in the development of their schemes. The [application guidance](#) for the Active Travel Fund makes it clear that engagement with users and groups with protected characteristics must be included in the development of projects, which includes the needs of disabled people.

To ensure duties undertaken in line with the Active Travel Act comply with those of the Equality Act (2010), Equality Impact Assessments (EQIAs) must be carried out on all schemes funded through the Active Travel Fund and the Safe Routes in Communities Grant. Any predicted negative equalities impacts should be mitigated. Under the Equality Act (2010), public sector authorities also have a duty to make reasonable adjustments to the built environment to ensure the design of new infrastructure is accessible to all. The requirement for inclusive design applies to both pedestrians and cyclists.

There is a mandatory requirement in the Active Travel Fund 2025-26 guidance and the Safe Routes in Communities programme guidance for EQIAs to be supplied as part of the application process. Mandatory requirements are also in place for monitoring and evaluation of schemes as well as engagement plans and scheme specific engagement, and appraisers will be able to automatically discount schemes from consideration if sufficient evidence is not provided, including engagement with groups with protected characteristics.

TfW have also undertaken a pilot project to review a sample of Active Travel Fund projects with the aim of identifying any common access and inclusion issues that can be shared with local authorities to inform scheme designs. The high-level outputs from that project have been shared with local authorities, highlighting key themes arising for different types of infrastructure and how they impact on groups with protected characteristics. Further work on lessons learnt will inform future approaches. Scheme specific feedback was also provided to those local authorities who submitted schemes for review, so they could take account of it in developing their proposals.

18. How is the Welsh Government addressing the safety concerns associated with high powered e-bikes on active travel routes?

The safety concerns associated with illegal high-powered e-bikes with no speed limitations, on active travel routes, are real and valid, especially for our most vulnerable users. However, it's important to differentiate between legal pedal-assist electric bikes and illegal high-powered electric bikes.

The use of illegal high-powered e-bikes is a law enforcement issue. Ensuring compliance with legal standards and addressing the misuse of these vehicles on active travel routes falls under the jurisdiction of the police. I am planning to discuss this matter in a meeting with the police to understand the scale of the issue and agree actions.

Legal, pedal-assist electric bikes, which are limited to a speed of 15.5mph, can be used safely on cycle and shared-use paths and can be a vital tool for promoting inclusive cycling, offering physical, social, and well-being benefits to a diverse group of riders.

E-bikes make cycling accessible to older people, disabled people, people with long-term health conditions and those recovering from injuries. For individuals with mobility issues, e-bikes provide a sense of freedom and independence, making cycling more accessible. The benefits of e-bikes to people's lives can be seen through the important work of inclusive cycle organisations such as Pedal Power in Cardiff, BikeAbility in Swansea, or Beics Antur in Caernarfon.

Legislation

19. Can you update the Committee on the development of the draft Bill and provide a timeline for the consultation on it? Can you also provide an update on the progress of non-legislative reforms in relation to this sector?

The First Minister will announce the forward programme of legislation for the final year of this Senedd before the summer recess. Officials continue to work with stakeholders on the development of standards and a training package for the taxi and PHV sector. These are likely to be made available for voluntary use early in 2026 prior to being made mandatory at a later stage.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Ken', is enclosed in a thin black rectangular border.

Ken Skates AS/MS

Ysgrifennydd y Cabinet dros Drafnidiaeth a Gogledd Cymru
Cabinet Secretary for Transport and North Wales

Appendix A: Comparison of walking and cycling count data pre and post construction of the A55 Abergwyngregyn to Tai'r Meibion Improvements

| A55 Aber to Tai'r Meibion Improvements: 24-hour two-way Walking & Cycling count data comparison | | | | | | | | | | | | |
|--|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| Date/Section | Jan-22 | Feb-22 | Mar-22 | Apr-22 | May-22 | Jun-22 | Jul-22 | Aug-22 | Sep-22 | Oct-22 | Nov-22 | Dec-22 |
| Roman Road NCR 5 through Crymlyn. | 268 | 184 | 447 | 514 | 782 | 815 | 909 | 800 | 550 | 339 | 226 | 134 |
| Date/Section | Jan-24 | Feb-24 | Mar-24 | Apr-24 | May-24 | Jun-24 | Jul-24 | Aug-24 | Sep-24 | Oct-24 | Nov-24 | Dec-24 |
| New Non Motorised User Route | 1884 | 2359 | 2841 | 3018 | 4406 | 6967 | 4287 | 4489 | 3074 | 2857 | 2340 | 4794 |
| Increase between 2022 & 2024 | 1616 | 2175 | 2394 | 2504 | 3624 | 6152 | 3378 | 3689 | 2524 | 2518 | 2114 | 4660 |

Ein cyf/Our ref: NICW/25/Review

Rebecca Evans MS
Cabinet Secretary for Economy, Energy and Planning
Correspondence.Rebecca.Evans@gov.wales

24 February 2025

Dear Rebecca,

We write in response to the recent review of the National Infrastructure Commission for Wales (NICW).

We were pleased to take part in the process and to read the views of the independent assessors. We also appreciate the responses to the external stakeholder questionnaire where the majority of those questioned scored NICW highly in terms of our remit, work programme and ways of working.

We agree with the observations made about NICW and have started work on an action plan, supported by the Secretariat, to ensure that the recommendations are implemented.

Strategy, Performance Reporting and Lessons Learnt

These three observations relate to NICW's strategic direction and its ability to monitor progress and make continual improvements. As the current Commission has less than a year to run, we feel that our experiences over the last three years can be used to inform the direction of the next Commission following the Senedd elections in May 2026.

We have started to procure research to help us conduct a short form Infrastructure Assessment for Wales. The results of this research will be published next spring. We believe this will not only aid NICW in thinking about its future work programme, but also support the Welsh Government in considering whether any changes are needed for our remit.

We are also discussing how our legacy can be used to support work over the next 18 months, and the best ways that our learning can be used to support future Commissioners.

Risk Management, Board Papers and Terms of Reference

These observations were all very helpful for improving the governance arrangements around NICW. We have implemented them in full for our February meeting.

Commission Status (including funding)

The review report states there is likely to be limited value in recommending significant changes to NICW's status as a non-statutory body, as the Commission is delivering its outputs in accordance with the remit letter.

NICW currently operates in a very flexible way whilst still being a transparent organisation which engages with its stakeholders and fulfils its remit set out by the Welsh Government. We see no reason to change NICW into a statutory body.

NICW recently received early assurances of funding for 2025/26 which means that we can begin planning our projects in good time. We request that this good practice is continued in future years to enable NICW to plan and procure work in a timely manner.

Commission Remit and Objectives

The review report concludes that the remit appears to be focussed appropriately which supports the delivery of agreed objectives.

We agree that the remit has been tailored in such a way that NICW has clear tasks to undertake on behalf of the Welsh Government, but also that it may explore complementary aspects of infrastructure.

In this term, NICW has been able to explore the issues of skills, and to implement futures thinking in our work. These are both important aspects of infrastructure that would not be possible to consider in a very tightly focused sectoral approach.

Our recent work on transport futures has given us the opportunity to work with stakeholders from across the transport sector using a very long-time horizon. We also used a futures thinking approach in our report on reducing the impact of flooding in Wales for 2050. The flexibility of our approach ensures that we can take advantage of different ways of tools or ways of thinking with immediate effect, and to the benefit of our recommendations on infrastructure.

Commissioner Term of Appointment

The review sees the merit in having Commissioners staying on for two terms but is generally inconclusive with regards to the length of these terms, given the variability elsewhere.

We see the merit in having a 'rolling succession' of Commissioners where some experience stays within NICW after a set of Commissioners depart. For example, we have one Commissioner at present who was a member of the previous Commission. The move to a 4-year election cycle from the next Senedd term makes it reasonable to suggest moving to a 4 years + 4 years term of office for Commissioners, supported by enhanced performance management arrangements.

Timeframes for Welsh Government Responses to Commission Reports

The review report is inconclusive on the best timeframe for a response from the Welsh Government on NICW reports. It suggests that deadlines be agreed between the relevant Welsh Government teams beforehand.

We consider that responding in a timely manner is as important as the appetite for the Welsh Government for challenge from our recommendations. Mandating a shorter or longer timeframe for response would be secondary to ensuring a perception across Welsh Government that our contributions are helpful and an important part of a process intended to support delivery of good quality, resilient infrastructure in Wales.

National Infrastructure Assessment

We are about to commence work on a short form National Infrastructure Assessment for Wales which should assist in shaping the NICW remit for the next Senedd term. This initial work may help ascertain whether a 'full' assessment, as stated in the original NICW mandate, is required; or whether smaller targeted pieces of work are a more flexible and responsive way to meet the need.

Thank you again for involving NICW in this review. We would be glad to meet with you to update you on our work programme or to provide any further detail on our response to the evaluation. We look forward to receiving your formal response to the review and the future of NICW in due course.

Yours sincerely,



Dr David Clubb
Cadeirydd/Chair



Dr Jenifer Baxter
Dirprwy Gadeirydd/Deputy Chair

cc. Chair of Climate Change, Economy and Infrastructure Committee

Huw Irranca-Davies AS/MS
Y Dirprwy Brif Weinidog ac Ysgrifennydd y Cabinet dros
Newid Hinsawdd a Materion Gwledig
Deputy First Minister and Cabinet Secretary for Climate
Change and Rural Affairs

Ein cyf/Our ref: PO/HID/PO/0093/25

Mike Hedges MS
Chair
Legislation, Justice and Constitution Committee

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

27 February 2025

Dear Mike, Llŷr,

I am writing in accordance with the Inter-Institutional Relations Agreement to notify you of a meeting of the Interministerial Group on Net Zero, Energy and Climate Change, which will take place on the 6 March 2025 in Belfast. I anticipate the discussion will focus on biomethane, community energy and the UK Emissions Trading Scheme.

I will provide an update to you after the meeting.

Yours sincerely,



Huw Irranca-Davies AS/MS
Y Dirprwy Brif Weinidog ac Ysgrifennydd y Cabinet dros Newid Hinsawdd
a Materion Gwledig
Deputy First Minister and Cabinet Secretary for Climate Change and 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.

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.

Agenda Item 8

By virtue of paragraph(s) vi of Standing Order 17.42

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Agenda Item 10

By virtue of paragraph(s) vi of Standing Order 17.42

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