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

**Subject:** Re: 09.05.2024 - Restoration of opencast mining sites

Best Practice Restoration of opencast sites

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

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

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

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

Janice K Adamson

Former member PACT and of Parc Slip Margam Site Liaison Committee

## Restoration of opencast mining sites

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Senedd Cymru | Welsh Parliament

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

Adfer safleoedd glo brig | Restoration of opencast mining sites

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

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

### Overview

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

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

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

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

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

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[https://phwwhocc.co.uk/whiasu/wp-content/uploads/sites/3/2021/05/Community\\_led\\_HIA\\_Case\\_Study\\_1.pdf](https://phwwhocc.co.uk/whiasu/wp-content/uploads/sites/3/2021/05/Community_led_HIA_Case_Study_1.pdf)

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

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

<https://books.google.co.uk/books?id=kOhTKh5riYAC&pg=RA1-PA33&lpg=RA1-PA33&dq=gaynor+ball/+opencast&source=bl&ots=wWmSLarUZe&sig=ACfU3U0o23qq2pKQN-qBbOJOP4zxjb8B0g&hl=en&sa=X&ved=2ahUKEwIj2NTI9v6FAxXtZkEAHSS3AYw4FBDoAXoECAQQAg#v=onepage&q=gaynor%20ball%2F%20opencast&f=false>

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

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

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

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

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

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

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

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

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

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

Soon after this, all went quiet.

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

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

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

We decided it was time to disband PACT.

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

The restoration is completely different to what was originally proposed.

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

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

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

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

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

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

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

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

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

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

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

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

#### Comments on other opencast sites where restoration is of particular concern

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

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

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

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

Further comments answering other points.

1. Once planning permission is granted, the companies:

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

i). Extend the area to be mined.

ii). Extend the timeframe.

iii). Modify or change conditions.

This is often frustrating and annoying for the local community.

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

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

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

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

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

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

### Does Legislation need changing?

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

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

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

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

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

Was it too weak to stop manipulation by the operators ?

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

The authorities need the power and backing to achieve this.

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

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

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

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

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

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

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

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

There is now a changing emphasis.

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

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

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

"Leave it in the ground."

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

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

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

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

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

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

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

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

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

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

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

No More Open cast destruction !!!

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Gaynor Ball- Former Secretary of PACT

Suzanne De Celis

Former Issues co-ordinator PACT

Former member of the Site Liaison Committee

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