

Huw Irranca-Davies MS

Deputy First Minister and Cabinet Secretary for Climate

Change and Rural Affairs

27 November 2024

Dear Huw,

Thank you for your constructive response to the Committee's report on the "Restoration of opencast mining sites" and your contribution to the debate on the report on 13 November. I wanted to write to you in light of the debate to raise several questions on issues you did not address in your response and to draw your attention to additional information provided to the Committee in response to the Report.

The additional information provided by contributors is attached in full to this letter. It includes submissions from residents of Margam and Swansea who have been affected by opencast developments. The issues raised by both sets of residents are summarised below:

Restoration Funding and Accountability: Both sets of residents stress the need for annual, escrow-funded accounts for industrial sites to ensure full restoration and prevent companies from avoiding obligations once they cease operations.

Enforcement of Original Restoration Plans: Approved restoration commitments are often not enforced, with sites like Park Slip West and East Pit left only partially restored. This leads to ongoing environmental and community impacts.

Subsidence and Structural Damage: There has been a case of severe home damage from subsidence near East Pit, emphasising the need for protections for local properties.

Water-filled Mine Voids as Safety Risks: The large, unregulated water volumes in former mine sites, including East Pit, pose flooding risks, especially in areas near fault lines. Proper assessments by engineers and hydrologists are needed to mitigate these risks.



Health and Environmental Concerns: Pollution from opencast sites, including particulate matter and water contamination, poses long-term health risks. Clear monitoring protocols are needed to address these risks.

The Committee has also received a submission from Mr Manus Molloy, who wants to indicate his support for the development at Ffos-y-Fran and to explain the positive aspects of the development. Mr Molloy worked at Ffos-y-Fran at phases one and two and was also a member of the local liaison committee for the site. He emphasises that considerable restoration has already been achieved as a result of the development. Mr Molloy has provided hard copies of several documents in support of his position, and copies can be provided by the Committee Secretariat on request.

I also wanted to follow up on several issues that you did not address in your response to the debate.

1. As I and other contributors stated in the debate, residents have expressed frustration at being continually passed from one public body to another. I recognise that you explained the lines of accountability in your response, but as I said during the debate, I do not believe this addresses the nub of the problem. If a resident believes that a public body or the site operator is not fulfilling their obligations properly, what recourse is available to them? Please include in your response information about each of the bodies involved in the process.
2. How is the Welsh Government planning to allocate the £25 million funding for coal tip safety from the UK Government?
3. The Welsh Government's White Paper on Coal Tip Safety says, "To support the coal tip safety programme, the Welsh Government has committed £44.4 million over the next three years to support local authorities carry out maintenance and remediation works on coal tips". In light of this, how satisfied are you with the sum of £25m allocated by the UK Government?
4. Can you update the Committee on discussions you have had with the UK Government about the need for further funding for coal tip safety?
5. Could you provide more detail on the Welsh Government's proposed "strategic approach to mining and industrial legacy," including specific objectives, timelines, and planned resources?
6. Will the Welsh Government commit to ensuring that proposed developments for coal tip reclamation explicitly incorporate lessons learned from sites like Ffos-y-Fran?
7. In light of the emerging proposals for coal-tip reclamation developments, what additional community benefit-sharing models will be considered if community ownership is not feasible?

8. Can you explain how the Welsh Government has considered and reviewed the need for potential changes to MTAN2 (and any other relevant guidance note or policy) in the light of emerging proposals for coal-tip reclamation developments?

In formulating your response to this letter, I would be grateful if you would consider the supplementary information provided by residents affected by opencast mining, attached in Annex A.

I should be grateful for a response as soon as possible and by 3 January at the latest.

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.

Submission from Janice Adamson in response to the Committee's report

1. The paragraph on Tower Colliery Opencast restoration funding seemed incorrect to me. I don't know if the committee consulted the CEO of RCT on this matter, if not, they should. I had read that he ensured the planned restoration of the site by insisting on full payment upfront each year of opencast mining of sufficient funds to pay for the agreed restoration of the mining that was to take place that year. Thus when mining ended there was £96 million available for the planned restoration which then went ahead.
2. The importance of such an annual assessment and payment of funding necessary for the restoration of such industrial sites - not only of coal mining - but also of wind turbines, solar farms and their associated infrastructure of lithium battery storage containers, electricity pylon networks etc, even of nuclear power sites if any are ever built, is of prime significance in providing for the eventual restoration of these structures that are being spread like unwanted marmalade across our scenic countryside. The profits gained from these developments need to be regulated on an annual ongoing basis by the payment into an escrow fund of sufficient monies each year to cover the cost of the eventual restoration of the site. If not, I can see that come the day, the so called 'Green Energy' companies will behave in the same way as the privatised opencast coal industry has in recent years and walk away from the expense of restoration having squeezed all the vast profits from the endeavours.
3. There seems to be an emphasis in the report on public involvement in decisions concerning restoration alternative to that initially promised and which to a large extent ensured the planning consent in the first place. The emphasis should be on ensuring and funding the restoration plans detailed so minutely in the planning application that gained the consent originally. It is a mockery to give such consent, where 'amazing', detailed restoration is promised in order to gain that consent - as for Park Slip West in 1992/93 (Public Inquiry Planning Inspector Mr Sheers) - and then after years of the local communities patiently suffering the pollution of all kinds, loss of roads, footpaths and general inconvenience, in the belief that restoration as agreed and promised will happen, to then renege on the agreement and reluctantly scrape a totally unacceptable, alternative, poorer finish. In the Park Slip Margam area we've even been robbed of two cross valley roads, ancient routes, so not only was there the inconvenience during the mining which provided the private company with huge profits while a local newsagent failed due to loss of passing trade, the environment was destroyed along with people's homes at Fforddygyfraith and the characterful Heol Fadoc Farmhouse.
4. There is a problem with restoration, as at Park Slip/Margam, when the mining operation moves along the outcrop resulting in successive applications for the next four years. Not only has restoration not happened but on overburden mounds, soil storage mounds and along watercourses, a certain amount of natural regrowth occurs and the company then cries that it cannot restore the site as planned because there are rare species living on structures, tips, that were intended as temporary storage areas, intended to be pushed back into the final void and

used in the restoration. Thus the overburden mound constructed under the NCB Opencast Executive in the 1980's during the Park Slip stage of the opencast, located to the west of Law Street is still there. Both that overburden mound and the backfill mound from the next stages, following privatisation, Park Slip West and Park Slip West Extension, and the Margam/ Park Slip 'Deep Mine' opencast still stand. The former, located in Bridgend CBC, apart from having 20 metres added to its height in 2001, has been left with no landscaping whatsoever and the backfill mound, in NPT CBC, has been slightly rounded along its outline. Bedford Road should have been reinstated in 2002 but the company was allowed to continue mining westwards without doing the necessary restoration. Someone should be answerable for allowing such contempt of consented plans.

5. Planning Officers have a great deal of power, they dictate and influence decisions by local authority planning committees. As such they are open to 'influence' by the mining or energy companies and there needs to be a second tier of control above them. Why wasn't Bedford Road reinstated and the restoration due at that time undertaken? There has been a succession of Planning Officers and mineral Planning Officers in Bridgend and Neath Port Talbot since 1996 when Bridgend CBC took over from Mid Glamorgan CC and NPT CBC took over from West Glamorgan. Martin Hooker, Tony Gore and then Jonathan Parsons - he left after the alternative 'restoration' decision somewhere around 2016. In NPT, Geoff White, Cliff Patten, Nicola Morgan Neville Morgan - minerals officer - he also left around 2016 and after all the wrangling, court cases and decisions the mineral officer from Carmarthen who was totally unfamiliar with the site then gained responsibility for the opencast mines across South Wales I believe. Before the final decision on whether or not to accept the alternative restoration plan was put to Committee in 2016(?), a site visit was organised for Bridgend Planning Committee members and those of us on the Site Liaison committee - there was a man on the bus I was on, not a Celtic Energy employee, extolling the virtues of the alternative scheme, saying how well the river area had recovered and about the protected species on the overburden mound - was that Hugh Towns? We were being faced with a virtually unrestored site, the loss of two highways - though in Planning, they always ignore that decision saying that it is up to the Highways department - even though in the planning application the planning committee consented to the full restoration which included the reinstatement of the roads. There was this man, promoting the alternative non-restoration. There is a lot of underhand behaviour which ignores both decisions made and the wishes of the public they 'serve'. I asked that the planning committee ask the Welsh Government to call it in, to ask the Welsh Government to oversee the restoration, Jonathan Parsons seemed to find that amusing - NPT CBC had drawn up plans for the restoration of the site, paid for by the Welsh Government in 2014 because the Deep Mine, which was only ever applied for because that area of land was protected from opencast mining for the sinking of a deep mine, was not sunk and the company's most recent restoration plans had included the deep mine with a much lesser amount of opencast than was eventually completed. Part of the reason there were insufficient funds to restore properly was that the first occasion following privatisation that the Local Authorities could impose an escrow fund was with the 1999 application for Margam Deep Mine plus a small amount of opencast to enable the mine to be sunk from the bottom of the void. The majority of the funds needed would come from a charge on the tonnage from the deep mine over the 25 or

so years it was 'expected' to operate. There was an informal statement from the company in a site liaison meeting in 2001 that the deep mine wouldn't be sunk from the void due to technical issues. Slightly more formal was the exchange of letters between Neville Morgan and Mr Gandhi, Celtic Energy planning officer in 2003 where the question was asked, when was the deep mine to be sunk as the void was going beyond the point where it could be. Due to economic and technical issues it wouldn't be going ahead. Walters became involved with Celtic Energy in 2002, the management buy out, headed by the former NCB South Wales manager, Bryan Riddlestone (?) had run the company up to that time. He would have been fully aware of the restoration needed and at what stage. He had overseen the NCB Opencast Executive restoration of Park Slip - now, 30 years later - recognised as a good restoration of an opencast site. The kind of restoration which is the least the communities here should have been given, together with the reinstatement of both Crown Road and Bedford Road as Law Street had been reinstated in the early 1990s.

6. One of the most attractive features of the non restoration at Park Slip/Margam is the flooded void. It is said to be 48 metres deep but I think it is nearer 75 metres deep, knowing that the void itself is 110 metres deep and looking at the exposed wall on the north side. I think NRW has possibly carried out a sonar measurement of the depth. The water in it is very cold and comes from seepage through the rock strata, from old mines that have been cut into at depth along the valley from Tondu, from water soaked into the infill along the several miles that the opencast has progressed from Tondu to Hafod Heulog woods, from rainwater and surface runoff. There are no natural streams into the void and a drainage channel has been cut to link it to the River Kenfig (Afon Cynffig) which lies just to the west. There have been problems with the culvert to the river getting blocked but perhaps that has helped in slowing the run off during times of heavy rainfall because the road down valley at Marlas Farm often floods now when there is heavy rainfall. This is a problem because the nearby road through Cornelly and Maudlam was removed when the M4 was constructed which means that the nearest route to Porthcawl from Kenfig Hill is to the east through South Cornelly or from the west near to Margam Park. The void is vast with sheer sides on most of its circumference so it is exceptionally dangerous where there was no danger previously. People, mainly youngsters are attracted to it during hot weather and despite some signage telling them not to swim they do, go on it with inflatables and jump in from the cliffs on the Penybryn side. People enjoy walking, running and cycling along the gravel roads, mountain bikers and small motorbike's traverse the tips and very slowly vegetation is returning in places. We can only hope, I suppose, that the vast valley floor composed mainly of ground up rock, extending for miles doesn't suffer earth movements along any of the many faults that underly it, if the tip was shaken into movement perhaps that would fill the flooded void and where and how quickly would the water go then? I believe the flooded void at East Pit is in more imminent danger and really needs to be assessed as the vast volume of water there, hangs above the population below and there has been recent movement along faults that underly it.

Janice Adamson

Local resident Kenfig Hill, former member of Park Slip Site Liaison Committee and of PACT - Protecting and Conserving Together - local group opposing the opencast development.

Submission from Sue Jordan in response to the Committee's report

Thank you for the invitation to the launch of the Climate Change Committee's report on the restoration of opencast sites in Wales. This represents an important, if incremental, step forward. For the first time, Welsh government acknowledges the fragmented, disparate and dysfunctional operation of the publicly funded bureaucracies involved in the approval and oversight of opencast mining, and some of the consequences for the safety of residents.

The report has some omissions, which should be considered:

What will change to avoid opencast mining damaging homes in future?

When seeking evidence from the Coal Authority and the local authorities, the Committee focused on Ffos-y-Fran: neither the Coal Authority nor Neath Port Talbot Council were asked to explain the problems attributable to their negligence at East Pit and Margam.

- Why was consent granted for East Pit in 2015 when the Coal Authority's (Groundsure) Report of 2012 had indicated a 'high risk of subsidence' to adjacent houses? What provisions have been made to ensure that warnings are not overlooked elsewhere?
- When this risk materialised in 2016-7, and our house was almost destroyed (photographs in attached), was section 38 of the Coal Mining Subsidence Act 1991 not followed? Why was responsibility abrogated by the Coal Authority, the Local Authority, Welsh Government, and Natural Resources Wales? What provisions have been made to ensure that harm is not overlooked again?

Powers of enforcement are enshrined in current legislation: all public bodies failed to use them as intended. How will the risk that new legislation will eviscerate existing legislation be mitigated?

Urgent actions to ensure safety of residents

The volumes of water held in former opencast mine voids are sufficient to endanger the public should discharge or breaches occur. The residents of the Llynfell, Twrch and Swansea valleys are owed a duty of care.

The former East pit site constitutes an unplanned reservoir of 40 million cubic metres of water, on an active earthquake fault and some 150m above the valley floor, with unstable sides and no constructed dam to retain water. In March 2024 the A4069 collapsed, severing the links between Upper and Lower Brynaman, and prolonging school transport times in crucial pre-exam weeks. We, Gwaun Cae Gurwen Community Council, and our Senedd member (Sioned Williams) requested full assessments from the Reservoirs Panel of the Institute of Chartered Engineers, hydrologists and geologists. However, in the Senedd transcript of 8.5.24, the minister (Julie James) failed to answer the question, twice (transcript below).

Only full restoration, as promised in the 2004 planning application, can remove dangers of serious flooding of the valleys should another earthquake occur on the site of the February 2018 earthquake (4.6 on Richter scale). The compromise of an 'acceptable level' of restoration proposed in recommendation 7 does not ensure safety in the event of the collapse of any of loose rubble walls, whether due to earth movements, lightning strikes or heavy rain. Recommendation 22 addresses only the body of water at Ffos-y-Fran: Margam and East Pit should be rendered safe too. Recommendations 23 & 26 relate only to the common at Ffos-y-Fran, ignoring the Gwaun Cae Gurwen and Penlle'rfedwen common.

The response from Jan Adamson relating to Parc slip, Margam provides an excellent account of the problems generated by mismanagement.

Pollution due to opencast mining or outflow from residual bodies of water

Particulate matter (PM2.5) and polluted water are recognised health hazards to adults, children and the unborn child. There was no information as to how these are monitored and managed by the responsible agency, the Coal Authority.

Positive aspects of the report include:

- Highlighting the potential hazards and likelihood of future opencast. It may be worthwhile to note (para 8) that soil recovery from opencasting takes centuries.
- Voicing expert opinion: for example, Climate Change Cymru, para 24.
- Raising concerns over funding for restoration (recommendation 16). The Westminster government's enthusiasm for opencast mining in Wales is captured in the 2004 letter from the Department of Trade & Industry, attached. The Coal Industry Act 1994 expediting privatisation predates devolution. Paragraphs 32 - 35 highlight the impotence of the local authorities. Para 68 clarifies the inabilities of the local authorities to assess the costs of restoration.
- Recommendations 17-20 are positive, but may be insufficient to effect change.

Although the recommendations of the committee warrant support, they do not compel public bodies to act. For example, 'must' might replace 'should' (4,7,9,11,14,15,18,19,26), and 'must implement' might replace 'must consider /explore' (5,13,21).