

Climate Change, Environment, and Infrastructure Committee- Written evidence on Disused Mine and Quarry Tips (Wales) Bill.

INTRODUCTION

1. The Welsh Local Government Association (WLGA) is a politically led cross party organisation that seeks to give local government a strong voice at a national level. The Association represent the interests of local government and promotes local democracy in Wales. The 22 councils in Wales are all members of the WLGA and the 3 fire and rescue authorities and 3 national park authorities are associate members.
2. WLGA believes that the ideas that change people's lives, happen locally. Communities are at their best when they feel connected to their council through local democracy. By championing, facilitating, and achieving these connections, we can build a vibrant local democracy that allows communities to thrive.
3. The main aim of the Association is to promote, protect, support and develop democratic local government and the interests of councils in Wales. This means:
 - Promoting the role and prominence of councillors and council leaders
 - Ensuring maximum local discretion in legislation or statutory guidance
 - Championing and securing long-term and sustainable funding for councils
 - Promoting sector-led improvement
 - Encouraging a vibrant local democracy, promoting greater diversity
 - Supporting councils to effectively manage their workforce.

General Points and comments

4. We are supportive of the new legislation which seeks to update the Mines and Quarries (Tips) Act 1969, to more effectively manage the 2,573 coal tips and over 20,000 non-coal tips within Wales and increase public safety and control over the management of disused mines and quarry tips.

5. The new Bill proposes a range of key changes, and our evidence will be centred around some of these:

6. **Creation of a new Authority-** WLGA welcomes the consistent and coordinated approach which the new Authority would bring in supervising and managing disused mines and quarry tips. Given the number of tips in Wales and the related issues, it is important that Wales has its own body, accountable to Welsh Government. There are, though, two important aspects which will need to be addressed:
 - a. Costs associated with setting up the new authority and future running costs. Given the pressures on local government (and other public sector) budgets, it will be important to develop the new authority in a cost effective way that does not impact on funding available to councils. As part of the process for establishing the new body the potential for sharing back-office functions with existing agencies could usefully be explored.

 - b. Depleting existing local government expertise- It is expected for the new Authority to require around 80 employees with around 30% being technical, expert in the field. To avoid loss of expertise and capacity from local government it will be important that pay rates for posts in the new body are comparable to those in local government, avoiding competition and upward pressure on wages that have to be offered. Loss of staff and difficulty replacing them would create a range of issues for councils to manage council owned tips and enforce where necessary.

7. **More effectively allows local authorities to carry out tip works & recover costs from landowners-** the additional powers proposed for local authorities are welcome but, reflecting the point above they can only be exercised effectively if capacity and expertise is present. Historically and in areas other than coal tip safety (e.g. land drainage) recovering costs from landowners has been a challenge for local authorities and upfront costs linked with potential legal battles create a hurdle to a more proactive approach around enforcement. It will be important the new proposals help to find ways to mitigate this.

8. Although the majority of responsibilities will rest with the new Authority, councils, as landowners will have a duty to manage their own estate with an expected increase in revenue and capital costs. Although WG is currently providing capital funding to local authorities for the maintenance and upgrading of disused coal tips, it will be important that councils have the revenue funding to manage the new responsibilities placed on councils.

9. Public sector in Wales is working towards meeting the 2030 net zero commitments and the proposed UK Government's coal mining ban would go a long way in

supporting this and a transition to clean energy. The ban would not include re-mining coal tips and the new legislation itself is promoting coal tip remediation involving coal removal and earthworks as a solution to permanently prevent future coal tip instability. To prevent the unintended potential for the Bill to encourage an industry oriented towards 're-mining' disused coal tips under the guise of preventing future instability, work on the Bill could consider whether a provision prohibiting coal extraction for commercial gain from disused coal tips would be appropriate.

10. In addition, it would be beneficial to bring in a planning regime similar to the COMAH regulations 2015. This puts a responsibility on site owners to prepare an 'internal' plan which would identify who to call if movement is detected, the possible area that would be affected by a slip and actions to be taken by the owners in the case of an emergency. This can then be tied in with an 'external' multi-agency plan on how responding organisations would receive calls, how these would be cascaded, actions taken, evacuation routes, warning and informing of the public and welfare of those affected.
11. Tylorstown landslip also highlighted a range issues around emergency responses and how they relate to regulatory requirements. WG, NRW, Mining Remediation Authority, and WLGA have been working on a potential Memorandum of Understanding to try and find solutions, but the rigidity of the regulatory system makes it very difficult. It is worth noting that climate change is only likely to increase risks and increase impacts on disused coal tips and we need to have a regulatory system fit to meet the challenges linked with climate change.
12. Finally, it worth noting that some councils (such as RCT and Neath Port Talbot) have always been pro-active in managing disused coal tips under their ownership and have already been developing response plans in partnership with others. We would like to draw the Committee's attention to this and flag this as good practice.

FOR FURTHER INFORMATION PLEASE CONTACT

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