

Welsh Affairs Committee

Oral evidence: The environmental and economic legacy of Wales' industrial past, HC 560

Wednesday 2 April 2025

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[Watch the meeting](#)

Members present: Ruth Jones (Chair); Ann Davies; Simon Hoare; Claire Hughes; Llinos Medi; Andrew Ranger; Steve Witherden.

Questions 1 - 65

Witnesses

I: Anthony Collins, Policy Campaigner, Coal Action Network; Haf Elgar, Director, Friends of the Earth Cymru; Kirsty Luff, Communications Officer, Friends of the Earth Cymru; Daniel Therkelsen, Campaign Manager, Coal Action Network.

II: Carl Banton, Operations Director, Mining Remediation Authority; Nick Cox, Head of Programme Delivery – Metal Mines, Mining Remediation Authority; Mary Lewis, Head of Natural Resource Management & Policy, Natural Resources Wales; Nadia De Longhi, Head of Regulation & Permitting, Natural Resources Wales.

Written evidence from witnesses:

- [Coal Action Network](#)
- [Friends of the Earth Cymru](#)
- [Mining Remediation Authority](#)
- [Natural Resources Wales](#)



Examination of witnesses

Witnesses: Anthony Collins, Haf Elgar, Kirsty Luff and Daniel Therkelsen.

Q1 Chair: Let me bring this afternoon's oral evidence session of the Welsh Affairs Select Committee to a start. My name is Ruth Jones and I am the Chair of the Committee. I want to thank all four witnesses for coming in this afternoon to speak to us on a very important topic. This is the first session in our inquiry into the environmental and economic legacy of Wales' industrial past. We are looking forward to hearing about the environmental impact of heavy industry in Wales and the challenges and opportunities that this can bring.

We have two panels of witnesses. We have the first panel in front of us this afternoon now. Before I ask you to introduce yourselves very briefly, could Members declare any interests relating to this inquiry? There are none; that is fine. Could the panel introduce themselves very briefly, please?

Anthony Collins: My name is Anthony Collins. I am from Coal Action Network. I am policy campaigner there.

Daniel Therkelsen: I am Daniel Therkelsen. I am the campaign manager at Coal Action Network.

Haf Elgar: Diolch. I am Haf Elgar, director of Friends of the Earth Cymru, Cyfeillion y Ddaear Cymru.

Kirsty Luff: I am Kirsty Luff, communications officer for Friends of the Earth Cymru.

Q2 Chair: Thank you very much. I will start by posing a question to all of you. Is there a clear understanding of the environmental legacy of the heavy industry in Wales? If there is not, why not? If there is, what is it? How does Wales compare with other parts of the UK?

Anthony Collins: This is a very large question. I cannot really speak about how it compares with the rest of the UK. I am not entirely across that, but others will be. Rather than it just being a legacy, it is an ongoing issue as well. We have mining that is ongoing. We have industries that are ongoing. The issue of coal tip safety is ongoing. All this stuff is not just a legacy. As we put in our written evidence, it is a consistent story of for-profit companies making the most of Welsh resources for private profits and leaving behind nothing but environmental issues and major problems for host communities.

Daniel Therkelsen: Speaking just in relation to coal tips and opencast coal mines, there is growing awareness of this legacy, but there needs to be more information and a greater understanding particularly in relation to opencast coal mine sites that have been under-restored. I hope we will have more of an opportunity to talk about that in more depth later.



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Haf Elgar: I can also speak only relating to Wales, as that is our area of expertise. The wider context is that Wales was a powerhouse of the industrial revolution, with the large heavy industries of coal and steel, along with slate and the other related extractive industries. That general context is well understood, and that formed much of our infrastructure and communities in Wales and it has left obvious scars on the landscape.

I am not sure about the interrelationship between the environmental, social and cultural aspects and the economics. I am glad that the Committee is looking at the issues together rather than purely looking at environmental issues in terms of biodiversity or green spaces. You are bringing all these issues together, so they can be better understood. These communities are still paying a price. This is still happening. This is sometimes seen as an issue of the 20th century and previously, but communities are still being impacted by opencast sites and coal tips that have not been restored. There is a bit more awareness of coal tips because of the tragic Aberfan disaster. That has raised the awareness of this in the Welsh public consciousness. Some action on that has finally got under way in the last couple of years.

I will leave it to Kirsty to go into the issues about contaminated land, which is much less explored and much less well known. It is a mixed picture.

Kirsty Luff: To build on what Haf is saying, we are becoming increasingly aware that contaminated land is a problem. It is in the news more and more. There are podcasts, dramas and docudramas. Some of you have probably seen the latest Netflix drama called "Toxic Town", which is about Corby and the terrible things that are happening there.

There is a growing public awareness that contaminated land is a problem. As Haf has said, we were an industrial powerhouse in the past. Our whole country is full of different kinds of sites. We have talked about coal tips and ex-coal mines, but there are also landfill sites. Some of these are leaching very dangerous chemicals such as cyanide, mustard gas and arsenic.

There will be other people talking about this, but there are also metal mines. There are over 1,000 abandoned metal mines, particularly in west Wales. They are really causing an issue, particularly with increased rainfall. On top of that, we have toxic waste dumps, where in the past companies dumped very dangerous toxic chemicals.

We have lots of different kinds of sites that could be quite contaminated, but we do not know how much of a risk they are to us. There will be some sites that are a lot more dangerous than others, but that is something we do not know.

We would like to see an inquiry to find out about the impact and extent of contaminated land in Wales and specifically how much of a threat it is to us. That is what communities really want to know. For instance, that



might involve monitoring the population that are living very close to dangerous sites, once we know what they are. There is a bit of a knowledge gap at the moment. There is a growing awareness, but there is still a knowledge gap in terms of contaminated land.

- Q3 **Simon Hoare:** This is probably directed to Ms Elgar and Mr Therkelsen in the first instance, but we have had recent UK and Welsh Government funding commitments on coal tip safety. There is a new Bill going through the Senedd as well. How confident can affected communities living near to dangerous coal tips be that they will be safe and that this is going to be a job done properly? What comfort should we, as legislators here in Westminster, have when those two announcements are married?

Haf Elgar: We are fully supportive of the Disused Mine and Quarry Tips (Wales) Bill, which is currently at stage 1 in the Senedd. We have given evidence there as well.

Communities are still very concerned and they are right to be. With the storms at the end of last year, we saw a landslide at Cwmtillery, which has meant that people have had to move out of their homes. It is still a big concern. There have been great strides in the last couple of years since the Tylorstown landslip. We are pleased to see all the authorities, including the Welsh Government, the UK Government, local authorities, the NRW and the Mining Remediation Authority working together since that slip to realise that something must be done and we cannot just wait for the next tragedy to happen.

We feel that no single organisation has the capacity or funding necessary to deal with this. That is why we are pleased that a particular authority will be set up, if this Bill is approved by the Senedd, to take an orderly approach to things and deal with the most dangerous tips and those that are the greatest risk to communities first.

- Q4 **Simon Hoare:** Just on that, are you persuaded by the timeliness of real-time monitoring? When one overlays the increased rainfall as a result of climate change on top, for example, will the triaging be reliable? My anxiety is that it is always going to be a little bit passive.

Haf Elgar: Yes, absolutely. Until the last couple of years, it has not been rigorous enough. As we understand it, that has stepped up, but we believe we need the provisions in the Senedd Bill to tighten that up, to increase the monitoring and to get a programme of works in order as well. We need to take a preventative approach. It is about not just dealing with things that are happening but putting a programme of works in place—

- Q5 **Simon Hoare:** It needs to be preventative and precautionary, effectively.

Haf Elgar: It should be preventative and precautionary, yes. That would be the benefit of a new body. You mentioned funding. Of course, significant additional funding is necessary. The Welsh Government announced £34 million in additional funding recently to deal with the



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current situation for local authorities and the NRW. We are pleased that the UK Government have recognised their historical responsibility. All these steps were created prior to devolution, of course. We are pleased that there has been at least an initial payment of £25 million.

One of our calls to this Committee and the UK Government is to make sure the UK Government provide more of that funding. We think it is the responsibility of the UK Government to fund these works and make dangerous tips safe. It is a good start, but it is a bit of a drop in the ocean compared with what will be needed when the authority is set up and we really get under way.

Daniel Therkelsen: You are right to ask whether the new Bill will address the fears within those communities. I have spoken to a lot of people living in the shadow of these coal tips and there is a real fear. Sometimes it is a fear that is not based on the reports. Many of these tips do not have any stability issues associated with them. There are no safety issues with these tips. It is not all tips. There is nevertheless a fear there.

For that reason, it is really important that the Bill's assessments of these tips are made public. At the moment the Senedd is discussing whether those assessments should be made public. It is really important that they are public so they deliver that benefit of reassuring those local communities.

Q6 **Simon Hoare:** There would be no point in doing it otherwise.

Daniel Therkelsen: They say it is accessible under FOI or EIR, but accessing documents through FOI requires a very specific skillset. It can be quite hard to access documents under that power. We think it should be, as a matter of course, put on the website and made as accessible as possible to those communities to deliver those mental health benefits and to reassure people that there are no stability risks from the coal tips near them or that those stability risks are being monitored and addressed through maintenance works.

You might be aware, but the estimated cost of mental health to the UK economy is £118 billion every year. This definitely affects the mental health of people living in the shadow of those coal tips.

Q7 **Simon Hoare:** It also surely affects things such as property prices, and things such as the confidence of local businesses to invest if they are not entirely persuaded that as much as possible is being done, pro tem, to provide maximum security.

Daniel Therkelsen: Yes, absolutely.

Q8 **Simon Hoare:** My next question is to Ms Elgar and Mr Collins. Mr Collins, in answer to the Chair's question—forgive me if I have got the wrong end of the stick—you sounded slightly spiritually antipathetic towards the private sector, if I can put it that way. You have expressed concerns



about the potential for private companies to extract and sell coal waste, as part of the efforts to clean up coal tips, and to make that contribution. If sites are fully remediated and community safety is delivered, with all of the attendant benefits that the previous answers have rightly identified, why would that be a problem?

Anthony Collins: I would say that the key to this is the evidence. This is what the past shows us. I have nothing personally against the private sector. These issues have been happening continuously. Daniel wrote and we released a report a few years ago that showed, again and again, that there are consistent issues with some of these mines. A company will come along and get permission to mine an area based on commitments to remediate the land or do this, that and the other.

Q9 **Simon Hoare:** With respect, my question was about the selling of coal waste as well as extraction. It was not just on the extraction point.

Anthony Collins: The issue with the selling of coal waste is obviously a climate one. We have a huge issue with that. In the written evidence that we supplied, we came up with a figure of around 600 million tonnes of coal possibly being in the 2,500-plus coal tips around Wales. If that were to be sold and burned, that would create a huge problem climate-wise. It would release 1.6 billion tonnes of CO₂ into the atmosphere if all that coal were sold and burned. Not all that coal will be mined and not all that coal will be sold and burned, but we are in the situation that we are in in terms of climate change. We cannot afford for that coal to be sold with the threat that it will be burned.

Q10 **Simon Hoare:** Let us just tease that out for a moment, if we may. If the pressure to achieve the clean-up required an element of private sector involvement and private sector-generated funds, is that a ditch in which the whole process should die?

Anthony Collins: There are ways that tips can be remediated without waste being extracted from them for sale.

Q11 **Simon Hoare:** Can you flesh those out?

Anthony Collins: There are examples, which unfortunately I do not have to hand. I was told literally last night of one example, and I know of a couple of other examples where that has happened. Someone else on this panel might have more of an idea of those.

Q12 **Simon Hoare:** Maybe you could write to us on that issue, Mr Collins.

Anthony Collins: Yes, indeed.

Q13 **Simon Hoare:** Ms Elgar, what are your thoughts on that?

Haf Elgar: The intention of the Senedd Bill is to focus on human welfare and making the site safe, not full restoration or remediation.

Q14 **Simon Hoare:** They go hand in hand, do they not?



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Haf Elgar: Full restoration or remediation would imply taking coal from the site. A human welfare approach to making the site safe could involve reprofiling the area or drainage rather than removing the coal from the site.

We are concerned that an unintended consequence of this could be to stimulate remining and create a new coal industry in Wales. As Anthony outlined, we are not in favour of that largely because of the climate change impact. The extraction of native coal would not be consistent with Wales' climate emission targets and carbon budgets, and would significantly impact the UK's 2035 climate target and global climate leadership.

We cannot afford to start a new coal industry in Wales. It could be really significant in terms of the number of tips. Unscrupulous private actors, rather than the private sector as a whole, could try to take advantage of the situation and the fear of people and communities to try to kick off a big industry. We do not believe that is the direction that Wales should be going in, or any other country in the world, if it comes to that.

- Q15 **Simon Hoare:** Just on that point—and this is not a criticism—given the correct tightness of the regulatory environment in which companies now operate within the sector across the United Kingdom, although there may be motivations to be unscrupulous, the actual opportunity to operate in an unscrupulous way is surely now, at scale, narrowed down to the point of imperceptibility.

Haf Elgar: We might hope that is the case. That is not the evidence that we see in the communities that we work with across the coal fields in south Wales. We are still seeing applications from companies for further opencast mining at Glan Lash in Carmarthenshire.

- Q16 **Simon Hoare:** That does not make them unscrupulous, does it? They are seeking your permission. That does not make them unscrupulous.

Haf Elgar: No, I will not use the word “unscrupulous” to describe the companies that I am talking about, but they are taking advantage of the situation. In Ffos-y-Fran in Merthyr Tydfil, there is a company that mined coal for 17 years. That company was given planning permission to do so in order to remediate the site. It is now putting in a proposal not to do that and to leave the community with a massive dangerous hole and create three new coal tips. I do not know whether Daniel wanted to add to that.

Daniel Therkelsen: I would reinforce the point that mining and selling this coal would drive the very climate change that is destabilising these coal tips. This is not just a pile of coal lying on the surface; this is coal that is mixed in, up to quantities of 15% but generally lower, with colliery spoil, rocks and soil. It requires a lot of earth moving to extract this coal. A lot of that would be unnecessary, even when you are remediating that coal tip. That generates a lot of dust that would be to the detriment of



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surrounding communities, which have already suffered the original coal mining. It is not without cost to extract that coal to a purity that it could then be sold. There would be coal washing; there would be HGVs on and off the site.

In almost every regard, mining a coal tip is the same as mining a coal mine. It is not simply scooping the coal off the surface and selling it. I just want to emphasise that point there.

- Q17 **Simon Hoare:** Yes, I am sure the Committee was aware of that. Let me just ask you about local authorities, which are great receptacles of expertise and local knowledge. How do you assess their expertise and capacity to undertake coal tip remediation? Could we possibly have just one answer to that, given time? Can anybody give a definitive view?

Haf Elgar: It is clear that no local authority has the capacity and funding necessary to deliver on this. There is some expertise. Rhondda Cynon Taf, which dealt with the Tylorstown slip, certainly has developed expertise, but that is not the case across all the impacted authorities. With austerity, there have been cuts to local government time after time, which in some cases means they have had to cut the jobs that could bring in that expertise.

- Q18 **Simon Hoare:** You would want us to warn against the slopey shoulders of the centre, either Westminster or Cardiff, passporting these duties off to local councils?

Haf Elgar: Yes, certainly. We believe it is a better approach for all the public authorities involved to work together and for this new authority that is to be set up to have that expertise and be able to supply it in different situations.

- Q19 **Ann Davies:** I am going to do a very quick follow-up before I go on to Ffos-y-Fran and Glan Lash, which is within my constituency. A figure of £600 million has been bandied about. It does not seem a lot, to me, for the number of coal tips that we have within Wales. Just very quickly, is it enough? Is that a figure that has been calculated by some formula, or is it a figure that seemed a lot at the time, but, when you dive down into it, really does not touch the surface? Perhaps I will ask Daniel before I go on to Ffos-y-Fran.

Daniel Therkelsen: We have the figure from a Member of the Senedd, who used that figure of £600 million in the Senedd. Things have probably evolved since then. We have had more clarity on the Disused Mine and Quarry Tips (Wales) Bill that is coming through the Senedd. It is likely to be an ongoing cost. That Bill ostensibly creates a monitoring regime through which tips can be monitored and maintenance works can occur. That is going to be an ongoing cost rather than something where we simply throw a lot of money at it in the beginning and then we are done forever.



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That is the right approach. We do not want to see all of the coal tips flattened. There are unique ecologies that have grown up around many of those coal tips over the last 40 or 50 years. Many of them do not pose a safety challenge if they are properly and robustly monitored and inspected.

Q20 Ann Davies: The next question is to Haf and Daniel. You seem to be having the vast majority of these questions; I am sorry. As I said, Glan Lash is within my constituency. We all know what is happening at Ffos-y-Fran. I find it very difficult that people are getting planning permissions for opencast collieries and then not doing the remediation work to put that landscape back as they should have done, despite promising to do so and despite it being a planning condition. The safeguards are there, and yet they are still not doing that work. What safety and environmental risks do those sites now pose in their current state?

Daniel Therkelsen: In the case of Ffos-y-Fran, we have very serious concerns about the safety risks associated with the new plan to downgrade massively that promised restoration. That was a restoration that Merthyr (South Wales) Ltd agreed with Merthyr Tydfil county borough council in 2015. After 15 years of mining and an extra 15 months of illegal mining after planning permission ran out, that company has reneged on that. It has submitted a new application with an 85% reduction in terms of the cost involved. Despite the fact that its most recent company accounts show that it has set aside £91.2 million to fund the original restoration, it is refusing to do so. That comes back to that point about unscrupulous behaviour that people touched on earlier.

The risks include leaving three colossal coal tips behind, which between them comprise 37,000 cubic metres of soil and colliery waste, including metals that are leaching out of that right now. That is recorded in the company's own EIA. There will be a huge body of water with a capacity of over 1 million cubic meters of mine water and an exposed coalface that rises up as a cliff face.

There will be issues with people swimming in that mine water, with it being deep and very cold. One quarry in north Wales alone has had 20 deaths since 1992. That poses a real risk. People will also leap from that cliff into the water body below. Dirt bikes will go up and down the coal tips, which will be left in situ. One of the problems that the coal mine was seeking to address was dirt bikes. They are now proposing to build a massive motocross rally on top of one of those coal tips. That should have been returned to the void. The money is there, but the company is refusing to do it. That is the kind of behaviour that we have seen such a strong pattern of.

Celtic Energy is another name that is probably known to some of the members around this table. It left four coal mines unrestored at the end of its tenancy. We do not trust these companies to deliver restoration for coal tips. It is the same companies that are involved. That is why we



think it needs to be driven by the public sector, which has the interests of the local communities at heart.

Haf Elgar: We are really concerned about all the opencast sites that have not been properly restored. East Pit and Margam Parc Slip, amongst others, are sites where the residents are really worried and are campaigning for them to be made safe.

As you said, there is another planning application in for Glan Lash. That is still a live issue. You can see from people's reactions and the responses on the council website—it is really telling—that people want that site to be restored. They want it back so that they can use it as part of nature. We are really concerned about the lorries coming and going as well as the coal that will be taken from that site.

With Ffos-y-Fran, Kirsty, I and others have been up in Merthyr in recent weeks, supporting the local community there, doing information sessions and talking to people in Merthyr town centre about the situation. There is a mix of anger and distrust of the company and the public authorities. They feel they have been let down. They feel like they have been exploited. The coal is gone; the money is gone. They are left with the situation that Daniel described: a massive void full of polluted water and a cliff edge. They are really worried about the safety of their children. Teenagers go up there in the summer. They are feeling totally let down by everyone involved.

Q21 **Ann Davies:** Water is a magnet for our teenagers in the summer, is it not? They seem to be drawn to it. We all know they should not do it, but you cannot stop them, even if you fence it off. We had one tragedy in Llandybie a few years ago. Nobody wants to go there, I can tell you.

I have one very quick question. How can we stop this? How can we stop mining within Wales? How can we introduce a ban on coal tips in Wales?

Anthony Collins: The Government announced late last year the plan to ban coal mine licensing. Within that legislation, there should be the ability to ban the act of extraction. That might mean banning the act of extraction or requiring a licence to extract coal, regardless of whether it is in a coal seam or outside a coal seam, and then using those licences as part of a licensing ban. That is the way that we see putting an end to coal mining in the UK and Wales.

Haf Elgar: I will quickly add to that. We need a belt-and-braces approach, given everything we have learned from communities and seen in practice. The Welsh Government's current coal policy is intended not to have coal mining in Wales any longer. That is their policy intention. Of course, companies are using these loopholes to try to find a way around that. We are very concerned about the potential of coal tips as well. As well as the proposal that Anthony mentioned, we believe we also need the Welsh Government to prohibit coal extraction for commercial gain.



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That could potentially be done by the Bill currently going through the Senedd around coal tips or by a separate proposal.

Despite the clear energy and coal policy in Wales, there are still loopholes that are being exploited. We need a clear ban in law in Wales as well.

Chair: I am going to make a plea for brief answers because I am conscious we have a lot to get through.

- Q22 **Simon Hoare:** I just wanted to ask where the balance falls. Mr Therkelsen, you mentioned the creation and establishment of what I would describe as accidental habitats a moment ago. When parcels of land are used and then left undisturbed, mother nature fills the vacuum. When we are talking about remediation, which can often be very significant in scale, where tension arises between accidental habitat creation and its preservation and the safety of communities, where does the balance get struck? Which issue has the whip hand?

Daniel Therkelsen: I am happy to answer that. Our perspective is that safety always comes first. The safety of communities has to be the priority. Ecology is really important. Where remediation or safety works are required to stabilise coal tips, that should be done with sensitivity to ecology, as is required by any planning application, but safety has to take priority.

- Q23 **Andrew Ranger:** I just wanted to move on to look at contaminated land in a bit more detail, if possible. Kirsty, how effective in practice is the contaminated land regime across Wales?

Kirsty Luff: One of the major issues, just keeping it short, is that there is not the funding there. That makes it very hard for local authorities to fulfil their duties under the contaminated land regime. We have done some research and we have found out that the contaminated land registers are not really being maintained. Some authorities do not have them. It is the same with the inspection strategies. A lot of councils do not appear to have a strategy or they are not keeping it updated. That is not because they do not want to. They just do not have the resources. They do not have the money to be able to do it. One big issue is that we need to have the funding restored so that contaminated land officers can do their job.

- Q24 **Andrew Ranger:** In your written evidence, you noted that the number of recorded sites seems suspiciously low. Is that the reason for that?

Kirsty Luff: That is it, yes. It is quite complicated. In our research, we found evidence of a lot of potentially contaminated sites, but they did not find their way on to the registers. There are a lot of reasons for this. Sometimes they are just not being inspected. This is a huge issue. There was some BBC research that confirmed what we found out: nine out of 10 toxic sites are not being inspected across England and Wales. That is just awful. That is partly the issue.



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The planning regime is being used. Under the contaminated land regime, you can either use the Environmental Protection Act part 2A or you can use the planning regime. There are problems with that as well. There is no funding in councils. It is very hard for the people who are responsible for contaminated land to get the funding they need to do their job and to scrutinise applications when they come in.

There is a big question mark here. When sites are being developed on contaminated land, are we confident that the remediation is taking place? Is the money there to ensure that it is taking place? That is what I worry about. We need more funding.

Q25 Steve Witherden: My question is also for Ms Luff. You have identified a particular concern with forever chemicals, such as PCBs, dumped in landfill sites, former quarries and old chemical plant sites. How prevalent is this problem across former industrial sites in Wales? Are we fully aware of the extent of the problem?

Kirsty Luff: As I said before, there is a huge information gap. These forever chemicals, PCBs, are still around. They have been found everywhere. They have even been found in the deepest oceans and in the Arctic. They can travel, and they do. They persist for a very long time, hence the name.

We do not know exactly how prevalent they are, but there are certain sites in the UK where these PCBs were dumped. Quite often that happened in south Wales. There is Ty Llwyd, Cefn Mawr up in Wrexham, Brofiscin and others. These are toxic waste dumps. At some of those sites, there are fears that the caps are not working effectively. There is a clay cap in Ty Llwyd, but that leaches out every so often. It actually leaches out on to a woodland. We need to find out. We do not have that information, but we definitely need to find out because these are quite dangerous chemicals.

Q26 Claire Hughes: Can I ask a quick follow-up to that, Kirsty? In terms of PCBs, as you know, there is growing awareness of them. You just talked about a data gap in terms of not knowing what is going on. How seriously are we taking the risk that these chemicals pose to communities that are living near sites such as those you just mentioned?

Kirsty Luff: We are not taking it seriously enough at all. I visited a community up in the north of Caerphilly. They are absolutely terrified. They are really scared about their soil. They will not grow vegetables in the ground. They will grow them in pots. They talk about seeing purple swirly liquid and black jelly in the woodland. People are concerned.

We do not know how right they are to be concerned—we do not know. We need the information. People are really concerned, and we need to take those concerns seriously. These are really dangerous chemicals. In the US, the companies have paid lots in compensation. It is a huge issue. We need to start taking it more seriously.



Q27 **Chair:** In terms of looking forward, thinking about the UK Government rather than the Senedd—I appreciate that the Bill is going through the Senedd at the moment—what further action could the UK Government take to safeguard the environmental legacy across Wales? Could you give us a brief sentence? What is one thing that they could do? I will start with Anthony Collins.

Anthony Collins: I am not sure, to be honest, other than giving more funding. Was the question across Wales or across the UK?

Chair: It was Wales.

Anthony Collins: Yes, I would say providing more funding. The figure of £600 million has been given before. I am not sure where that is and whether it needs updating, but, yes, it comes back to more funding.

Daniel Therkelsen: Logistically, as well as funding, we need the proper restoration of the under-restored coal mine sites that still litter the south Wales landscape. To quote one person who lives near one of those sites, “It is like the moon, like Mars. All we’re asking for is to restore it to some semblance of what it was prior.” That is David, who lives next to Margam Parc Slip. It is not just about coal tips; it is also about those virtually unrestored opencast coal mine sites.

Haf Elgar: Unfortunately, yes, it is a call for funding. It is much needed, and we feel it is the UK Government’s responsibility. I would also highlight the proposal that Anthony mentioned earlier about including re-mined coal in the forthcoming UK coal ban.

With contaminated land—I will let Kirsty go into this—it feels like we are in a very different position. It feels like the position that we were in with coal tips some years ago. We need all the authorities to work together. We need a public inquiry. That can come from all the authorities working together. It does not have to be led by UK Government. We feel it is a wider issue that would benefit from attention at UK level as well.

Kirsty Luff: Haf has just said it. We need funding, obviously, but we do not know what lies beneath our feet. We do not know how much it is affecting our health and the health of the animal kingdom. We really need to address this information gap. The UK Government could have an investigation to assess the scale and impact of contaminated land and, as part of that, the health impacts on the people who live really close to these dangerous places.

Chair: That is very helpful. Thank you to all four of you for taking the time to come before the Committee today. It is much appreciated to see you here in person. I am going to suspend the session briefly before we go to the second panel.

Examination of witnesses

Witnesses: Carl Banton, Nick Cox, Mary Lewis and Nadia De Longhi.



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Q28 Chair: Welcome back to the second panel in our first session of the inquiry into the environmental and economic legacy of Wales' industrial past. Thank you very much to the new panel. We have two people in the room and two online. I am going to ask you to introduce yourselves very briefly. Please tell us who you are and in what capacity you are here today. We will then open up the second session.

Carl Banton: I am Carl Banton. I am operations director at the Mining Remediation Authority, which is the trading name of what was the Coal Authority. We are a UK Government body sponsored by the Department for Energy Security and Net Zero. Much of the work we do in Wales is under my directorship.

Nick Cox: Good afternoon, everyone. I am Nick Cox. I am the head of programme delivery for metal mines for the Mining Remediation Authority.

Nadia De Longhi: Hello. I am Nadia De Longhi. I am head of regulation and permitting for Natural Resources Wales.

Mary Lewis: Hello. I am Mary Lewis. I am head of natural resource management policy for Natural Resources Wales—our advisory services.

Q29 Chair: That is great. Thank you very much. It is great to see you all this afternoon. Some of you have had the benefit of hearing the first panel. If I go to Mary and Nadia first, can you update us on the progress you have made on metal mine remediation across Wales? There are quite a few ongoing projects. How is it going?

Mary Lewis: I can give you a very brief summary of that. I am sure that our colleagues from the Mining Remediation Authority, with whom we work very closely, will want to contribute as well.

As you will be aware, we have been involved in delivering the metal mine programme since 2000. It is a partnership programme with the Mining Remediation Authority, which is funded by the Welsh Government. It is a significant capital programme in Wales and we are a key part of delivering it. It is a very large-scale programme. We gave significant evidence earlier last year as well to the Committee. It might be useful to refer you back to that. We gave some detailed evidence on the programme there.

In summary, the purpose of the programme is to remediate the impacts, particularly on the water environment, from the over 1,300 abandoned metal mines there are across Wales. We are focusing on the highest-priority sites where we think remediation action is needed. It is a staged programme, where we assess the site in terms of environmental, historical and other issues; we scope the work that can be done; we carry out design and testing work; and then we undertake remediation work. At the moment, we have about 25 live projects. They are all at different stages on those steps that I have just set out.



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We are at a critical stage right now. We are undertaking a thorough critical review to understand better the impacts and benefits of all those individual schemes and prioritise them better so we can really make sure the investment from the Welsh Government over the next few years is going into the areas where we think we can have the biggest impact in terms of environmental improvements. It is a very long-term project because each individual project can take five to seven years from beginning to end. We are very much in the middle of the highest-priority sites.

Q30 Chair: Nadia De Longhi, we are talking about progress here. If they are taking five to seven years from start to finish, how far along are you in years in terms of completing these projects?

Nadia De Longhi: I know you are asking me, but I am going to refer back to Mary.

Mary Lewis: It is a really difficult question to answer, given the number of sites that there are in Wales. I am not trying to dodge the specific question. This is something that we are committed to. There needs to be a commitment from the Welsh Government, us and our colleagues in the MRA and other organisations over a significant number of years. We are still in the early stages of being able to deliver those benefits. There is no end point to the programme. It will be something that is with us for a very long time to come.

Q31 Chair: I will go to Nick Cox. England has statutory targets; Wales does not. You can measure progress against statutory targets. In Wales, how do we measure progress?

Nick Cox: We have the metal mine programme, which, as Mary flagged, was formed as a partnership four years ago. The first part of that was to identify those high-priority sites. We identified 30 sites that contribute to the failure of watercourses due to either ecological or chemical status.

We have a programme board. These sites are prioritised. Ultimately, as you suggest, you want to see actual action. When I was here back in May, I listed four or five sites that we were working on in-year in that programme. We had some blowout prevention works that were going on at Cwm Rheidol. We were doing some erosion control work at Castell, at Esgair Lle and at Nantycreiau. Ben Lake, who was here at the time, has been out and had a look at some of the work that we have delivered this year. We have works going on right now at Wemyss, which is another site. All in all, we have delivered works on the ground at five or six sites this year.

We have just got confirmation of funding for a similar programme for the next three years from the Welsh Government. That allows us some medium-term planning. We have our programme planned for this coming financial year. It means we need to be able to move those pipeline projects. As Mary highlighted, it is a five to seven-year timeframe. It is



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about moving projects through that life cycle so that each year we have projects in problem definition, solution development and the actual delivery and works on the ground.

Q32 Chair: I am still not clear how we can measure progress. You have these various pipeline projects coming through. England has a target, so you can say you have reached 50%, 20% or whatever. If we do not have a target, how can we measure?

Nick Cox: There is a monitoring element to all of this. The way that the partnership works is that the NRW does the problem definition. It measures the water quality in the watercourse both before and after, in the same way as the Environment Agency does in England. Although there may not be a target, there is still a process of being able to measure to make sure you realise the benefits. When you do the works, you can make sure you see a noticeable difference in water quality.

Carl Banton: One of the measurables that you can do is the amount of chemicals and heavy metals that are being removed by our treatment schemes and potentially the amount of water quality that has been upgraded to a different status, for example. It is measurable. It is not a specific target in Wales, as it is in England.

Chair: No, and that is the question that we have. How do you measure something that there is no target for? Thank you for explaining that.

Q33 Andrew Ranger: Nadia De Longhi and Mary Lewis, could you give me an assessment of how the state of contaminated land in Wales has changed since the NRW last published its report in 2016?

Nadia De Longhi: As you said, "The State of Contaminated Land in Wales" was published in 2016. It refers back to data from 2001 to 2013. There has not been a further commission of a similar report since. Therefore, there is no further detailed report beyond that one.

Things will have changed between now and then. In terms of improvements, land will have been remediated as development has occurred. As one of the previous witnesses said earlier, a lot of remediation happens through the planning regime. Where land is to be developed, the remediation is part of that planning control. There will be some areas that will have improved on that basis. A lot of the areas that were identified will have remained exactly the same. There could be some new areas added because of further industrial work since then. As new and modern activities tend to be better regulated and controlled, you would like to hope that it has not got any worse since that report. That report did not cover absolutely every aspect of contamination in Wales. There are areas that are still unknown.

Mary Lewis: Nadia has referred to that overarching report. There are pieces of work that we have done on focused areas of contaminated land or land that is contaminated. For example, we have done some more recent research in the last couple of years, working across our regulatory



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and advisory services, to look specifically at the risk of contamination from landfill sites that are exposed to the coast. We have recognised that as an increasing risk because of climate change leading to increased flooding, storminess and intensive rainfall incidents. At the coast, that is a particular risk.

We commissioned some research two years ago, which was published in 2023, that identified about 265 historic landfill sites on the coast that present a risk to the marine environment and marine protected areas. We are now seeking funding to look at some of the higher-risk areas, to understand the local conditions and what action collectively the various different authorities that have a role to play here might be able to take.

Although we have not yet been able to redo that full wide study that you referred to, we have been undertaking targeted research in areas where we know there is particular risk.

Q34 Andrew Ranger: On that point, is there a plan to do that full comprehensive study again? Do you have a timescale for that, or is it being looked at in a different way?

Nadia De Longhi: We have not been formally commissioned to do so. It is not something that is in our plan to do at this point. Local authorities are the lead authorities for contaminated land. It would not necessarily fall to the NRW to do that. We would have to work together with the Welsh Government and local authorities to produce that, if we were commissioned to do so.

Q35 Andrew Ranger: I have one final question. How effective is the planning system as a mechanism for dealing with these contaminated sites?

Nadia De Longhi: That is probably a matter for the planning authorities; it is probably not for us to give you a definitive answer. Where land is being remediated, there are conditions in place through the planning process to make sure that that remediation happens. Our advisory role is to support that in terms of the standards that might be required.

I would expect that those sites that are being remediated are being remediated to an appropriate standard. As I said, that is only a small proportion of the overall land that is contaminated in Wales.

Q36 Llinos Medi: I have another question for Nadia and Mary. What are the challenges in ensuring that potentially contaminated sites in Wales are investigated and remediated?

Nadia De Longhi: I will pick that up first and then Mary might want to come in. Again, the main responsibility for contaminated land sits with local authorities. They would be doing the investigations. We would get involved only if we were called to do so because there was a potential for it to become a special site under the contaminated land regime. It is really up to local authorities to do that investigation.



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As earlier witnesses said, there are funding issues around that. The local authorities have reduced the amount of work that they do on that. Should they look to do any investigations, they would consult with us in our advisory capacity to support the necessary investigations that would have to happen.

Q37 Llinos Medi: In addition to that, the funding to do this work was withdrawn from local government in 2011, if I remember, from the information that we have received. Have you seen an impact from the withdrawal of that money? You have an advisory role. Do you have the resources to fulfil that advisory role?

Mary Lewis: I will just comment on the advisory role. Yes, we do have an advisory role. That is a really important part of the function that we perform in terms of contaminated land. We have a dedicated advisory team. That team is always working at full capacity. We have had a very small uplift in resource recently from the Welsh Government, but it was small. We tend to make sure we prioritise our effort very carefully, but one of the areas that we prioritise our effort towards is our advice to planning authorities in relation to planning applications to deal with contaminated land.

Q38 Llinos Medi: Have you seen a change in the amount of contaminated land that local authorities can follow through on after the withdrawal of finance from the Welsh Government?

Mary Lewis: I do not know whether we have the answer to that specifically. We would be able to check and come back to you on the number of consultations that we have had that are related to contaminated land, because we do record information on the types of consultations that we receive and that we provide advice and guidance to. We would not know for sure, right here, the answer to that. Local planning authorities would better understand that. We could look at our figures on consultations.

Nadia De Longhi: Just to add to that, as I say, we know about those sites that are actively being looked at for redevelopment. They are the ones that we would be consulted on because they are going through the planning system. We would not have information on other contaminated land sites within Wales that are not being remediated. Local authorities clearly have seen an impact on their ability to do investigations and any further work because of the lack of funding.

Q39 Claire Hughes: I have a question for Mr Banton to begin with and then I will go to Nadia De Longhi. As we heard in the last panel, there are concerns across Wales about the issue of toxic chemicals being dumped. There are some concerns that that has perhaps happened in former quarries, such as Ty Llwyd. How much of a priority is that for your organisation?

Carl Banton: It is not something that we cover. Contaminated land is not within our remit. The planning regime primarily covers coal mining-



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related and opencast sites. From a deep mine point of view, there are no issues regarding material being dumped in underground coal mines. I cannot really answer the question.

Nadia De Longhi: As I said, the prime responsibility around managing contaminated land is with the local authorities. We work with local authorities in an advisory capacity. Unless it is deemed to be a special site under the part 2A contaminated land regime, it would not be our direct accountability. We work with local authorities when they ask for advice to support them on necessary standards and the suitability of remediation works that they might be proposing.

Q40 **Claire Hughes:** As far as you are aware, is much of that testing work going on around these kinds of sites that the NRW is involved in?

Nadia De Longhi: As we said in answer to the last question, we have seen a reduction since the removal of funding. Pure remediation for the sake of remediation has slowed down a lot. Where we see remediation, it is generally where it is part of an ongoing development and part of the planning controls.

Q41 **Claire Hughes:** If there was not a specific planning application, that testing would more than likely not be happening unless a local authority had taken it upon themselves to do it.

Nadia De Longhi: Yes. That is the situation. I am not talking about a specific case, but, yes, that is generally how it is.

Q42 **Chair:** Just following on from that, we heard from the previous panel that a lot of areas in Wales probably have not been scoped out or marked out in terms of being potentially dangerous or contaminated land. We know that local authorities are strapped for cash, so they may not be minded to do it. You do not do it if you do not have an order to do it. Would you say there is a hole between these two things?

Nadia De Longhi: There is scope for some review around the contaminated land legislation to see whether there are gaps that need to be plugged. I am also aware that there is quite a lot of citizen science going on to identify potential areas of contamination and so on. There is scope for that to be more formalised to plug those gaps.

Mary Lewis: I would just add that a big part of our role in the NRW is advisory and evidence gathering. That is why I referred a little earlier to the research that we have done on the potential risk of historical landfill sites on the coast. Sometimes we can step in and undertake that kind of general research to understand the level of risk and give us a better evidence base, which we can then share with all the different organisations to help us potentially identify where we need to act. There are times when we can play that role as an evidence gatherer and adviser as well.

Q43 **Steve Witherden:** I would like to question Mr Banton and Ms De Longhi.



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I will start with Mr Banton. With recent funding commitments to address coal tips and with the Disused Mine and Quarry Tips (Wales) Bill passing through the Senedd, how confident are you that the problem of coal tip safety will be resolved?

Carl Banton: For the past four years, since the Tylorstown slide, we have been working in partnership with the Welsh Government to do on-the-ground inspections for them. We have done over 2,500 inspections now and we continue to do those. In that time, the Welsh Government have committed £45 million over the last three years to get sites into a better condition. In this next year alone, £34 million is being committed, of which £25 million has come from the UK Government.

Looking forward, it is very much about getting the coal tips into a condition that is suitable, taking into account some of the climate change impacts as well. One of the main things with coal tips is around drainage. It is making sure that drainage infrastructure is good and the water can get off the tips. We are continuing to undertake inspections to make sure coal tips remain safe.

The answer to your question is that you can never say that a coal tip is 100% safe. There are things that can impact coal tips, but they are in a much better condition now than they have been previously because of the money that has been committed and the new regime that is going to be put in place through the Bill that is going through the Senedd at the moment.

Nadia De Longhi: As the NRW, we do not have a direct regulatory role around the safety of coal tips. In terms of the land in our care, we are responsible for over 150 tips. We take our responsibilities very seriously. We have categorised those by risk. We have a programme of inspection, maintenance and remediation activity planned for those tips that are on land in our care. We are confident that we have a programme that suitably protects the communities that might be nearby.

Q44 **Steve Witherden:** Following on from that, how long will it take for communities living near dangerous coal tips to be certain of their safety? In my own constituency, we have the Bersham Colliery spoil tip near Rhostyllen, which was the last coal mine in north Wales to close. That was one that was originally designated as safe. It took the work of a local councillor, Mark Pritchard, to get that designation overturned. I will go to Ms De Longhi first this time.

Nadia De Longhi: I cannot really give you a clear timetable. We have categorised the sites in our care in the appropriate categories. There are 11 that are in the highest risk category. We are testing our methodologies for those works now. I would have to come back to you with a bit more detail about our actual programme.

Carl Banton: The coal tips have been categorised, as you are aware. They are inspected. That regime of inspection is based on their



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categorisation. Not all coal tips have been inspected. For example, we are just starting a programme of inspecting the category As. There are 1,200 of those to look at over the next couple of years. The others are inspected on a more frequent basis.

From that inspection process, we make recommendations to local authorities and they then undertake the work. They can bid into the Welsh Government for grants to be able to undertake that work. It is an ongoing process. More research is required as the new Bill comes into place as regards assessing risks on site and making sure they continue to be safe.

Overlaying that is the work that we are now doing to look at climate change. As I mentioned, drainage, the impact of increased rainfall and things such as that have to be taken into consideration. That is going to be an ongoing programme. As part of that, community reassurance is something that the new supervisory body in Wales will need to undertake.

Q45 Steve Witherden: Finally, do local authorities have the capacity and the expertise to address coal tip safety?

Carl Banton: We have increased the size of our team. We have been fortunate to be able to attract people, but it has not been easy. I know local authorities have also suffered in trying to attract this kind of expertise. It is a dwindling expertise. Working with the Welsh Government, we are looking at implementing some kind of apprenticeship or skills training programme over the next few years so we can grow the next generation of tip inspectors and people who will be specialists in this area. We are thinking about how we can work with universities to get qualified people to come into this area. We want to get people within Wales qualified for these areas. That is a piece of work that we are currently looking at for the future.

As it stands at the minute, we offer a cost-recovery service to the Welsh Government on our inspection regime. I would hope to continue that with the supervisory body. That could cover it over that period until we have more expertise that is going to be coming through.

Q46 Steve Witherden: Ms De Longhi, is there enough expertise in local authorities to address coal tip safety?

Nadia De Longhi: I cannot comment specifically on local authorities, but in general terms we are seeing skill shortages across geoscience. That is going to affect developers, regulators and remediators equally. We need to address the early careers pipeline in this area. Apprenticeships were just mentioned. That is one potential solution, but we also need in-house programmes and general collaboration across the public sector in particular to make sure we are getting a pipeline of suitably skilled people coming into what is going to be a growth area.

Q47 Llinos Medi: Just to follow up on the categories, when I read the



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evidence I saw that the highest risk category is category D. I was not sure how communities would read that. If you read that you had a category D site near you, you might think it was low risk. How is that communicated? I was just thinking about house searches within those areas, if people were to get a search back that said that. Are we equipping the people in those communities to make the right decisions?

Carl Banton: The categorisation is a hangover from something in the past. The new tips Bill is going to change that categorisation around. It is going to be 1, 2, 3 and 4. The highest one will be category 1. That is the proposal.

On the point about the community, there is information put on the Welsh Government website that puts that information out there presently, but I cannot comment on the Welsh Government's proposals for how they are going to share that information a little bit more widely. It is something that I know they are looking at.

Q48 **Simon Hoare:** I have two quick-fire questions, if I may, for the four of you. There are targets in England and not in Wales, as we heard earlier. Why? We might start with Ms Lewis, who is boasting the finest collection of Ordnance Survey Landranger maps that I have ever seen. That must be the national collection.

Mary Lewis: It is hard to blur your background out on a Zoom call, I am afraid, but thank you. We have a lot of different environmental targets. You are right that we do not have targets in this area, but there are related targets. For example, we have targets under the water framework directive, and conservation objectives under the habitats regulations and so on. There is a whole range of different regulations from the environmental perspective, which is the NRW's work area, where we are driven to reach various targets in terms of environmental standards.

In terms of the remediation work that we are looking at on contaminated sites, those are the targets that are driving our work, even if they are not necessarily the targets for the amount of sites that might have works undertaken at them, if that makes sense. I absolutely take the point that we do not have the same targets as we have in England, but we have a very strong raft of environmental targets, which are driving the work that we do.

Nadia De Longhi: I am not sure I can really add anything. Your question was about targets for coal tip safety specifically. The MRA is probably better placed to answer that.

Simon Hoare: Maybe we will go to Mr Cox on that.

Nick Cox: This is specifically about metal mines, but essentially it comes down to policy. With DEFRA, there is a statutory target. Do I think that a target would be useful and measurable for the Welsh programme? Yes. Does it necessarily need to be a statutory target or a legally binding target? That is up for discussion. It is a policy discussion.



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- Q49 **Simon Hoare:** We heard from the first panel this afternoon—this rang an alarm bell in my head—about the attitude towards the safety surveys that are undertaken. If the community is interested in them, they jolly well have to go and make an FOI request, dig around and find out. I just wondered what your observations were on that. When these safety reports are undertaken, they will clearly be of enormous public interest, certainly as far as the local community is concerned. They will affect house prices, business confidence to invest and the triaging of approach and so on.

In this day and age, when the general consensus is that sunlight is the best cure for everything and transparency is fantastically important, is it right that people should have to go through the process of lodging an FOI request and all the attendant complications that has? I mean as a matter of principle, I suppose, rather than practically.

Carl Banton: I am happy to answer from our point of view. The work that we undertake is for the Welsh Government. We are commissioned by the Welsh Government and we provide our reports to the Welsh Government. When we are asked through FOI, we make our reports available.

There is potential that some of the coal tip boundaries, for example, are in private ownership. There have been some issues around GDPR and things such as that previously, which I know the Welsh Government have been looking into. From our point of view, it is more a question of how the Welsh Government would make that information available more widely.

- Q50 **Simon Hoare:** You would have a presumption of public accessibility.

Carl Banton: If we are asked for the information, we release it, yes.

- Q51 **Simon Hoare:** Mr Cox, do you have anything to add?

Nick Cox: From a metal mines perspective, we would work to ensure that the community benefits from all our work. At the point we are asked to deliver something, there will be an initial piece of stakeholder engagement with the community in that design stage. At that point, we would be clear and transparent around whatever the risks are and whatever we were proposing as a remediation measure.

- Q52 **Simon Hoare:** Ms De Longhi, do you have a view on sunlight and transparency?

Nadia De Longhi: We would support reports and information being accessible and available, but I do not believe there is a duty for it to be on a public register at this point in time. It is not automatically out there. It would be subject to somebody asking for it as it stands.

- Q53 **Simon Hoare:** Should it be out there for all interested parties to be able to see rather than requiring people to go rootling around to find it?



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Nadia De Longhi: I do not see any reason why it should not be, but that is not the way it is currently.

Q54 **Simon Hoare:** I appreciate that. I was thinking of recommendations that this Committee might want to make in its report, casting forward. Thank you for your answers on that.

This next question may be to Mr Banton to start with. What have you identified as the barriers for preventing opencast mines, such as the one at Merthyr, from being fully restored? Let us set aside money as a probable answer.

Carl Banton: Primarily, opencast mining is covered by the planning regime. Back in 2014-15, the Welsh Government identified the need to recognise opencast sites and look at what could be done about opencast sites. There was a report that we prepared around the reclamation of opencast sites. At the time, we spoke to several local authorities in Wales and offered our services to them.

When I say it is a planning matter, part of the restoration of a site is covered by a bond that is built up by the company paying into the local authority. What has happened at Ffos-y-Fran is the bond is insufficient to cover the restoration of the site. That is the matter that is ongoing at the moment. There have been other sites where the bond has been sufficient or the company has fulfilled their restoration proposals. You mentioned Glan Lash earlier, which is going through the planning regime now. There is a bond in place if the site does not get planning permission to be restored, I understand.

I can speak about it from the Mining Remediation Authority's point of view. We license the coal mining operations, but we do not have a responsibility to ensure there is a sufficient restoration bond. That is part of the planning regime.

Q55 **Simon Hoare:** Let me just pause there on the bond point, which I take. It is almost held in an escrow account, if one will. My understanding was that it might be that the sum held is fortuitously equal to or less than the cost of remediation, in which case everybody is very happy. Was it ever necessarily seen, de facto, that the amount that the bond had accumulated to would be it as far as the operator's contribution was concerned? Was it more to give peace of mind to the body holding the funds that, in the potential situation of a company going into liquidation or defaulting on its obligations, at least there was some cash to kick-start the remediation process?

My understanding—please correct me if I am wrong—is that it was never intended that there would always be sufficient money in the bond to do the job, and if there was not, somebody just shrugs their shoulders.

Carl Banton: There are two elements to that question. The first one is that on an opencast site there is supposed to be an ongoing restoration



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plan. The tip material should eventually go back in. It should be an ongoing process.

At Ffos-y-Fran, they have effectively worked to the end of their planning approval and not done any of the restoration, which they should have been doing as they went along. You are then into a situation where, yes, you have a bond and a company that is still on site, but they are saying that they have insufficient funds to restore the site to how they should restore it. They have put in a new application for that site as regards restoration, which is with the local authority now.

Q56 Simon Hoare: Whose collar gets felt for not monitoring an agreed programme of contemporaneous remediation as one moves from phase 1 to phase 2?

Carl Banton: That is part of the planning regime. The local authority should be monitoring that and ensuring the company is undertaking the work as per their conditions. At that site, we identified that they were mining outside of their licence area, and we took enforcement action to remediate that and stop that. What we are responsible for we took action on.

Q57 Simon Hoare: Over what time span was this professional negligence—one can only describe it as such—taking place?

Carl Banton: I cannot speak to our local authority, but they mined for a year beyond their planning consent. Currently, we are working with the local authority in Merthyr Tydfil, the Government and other agencies to think about what can be done at that site to try to work on the problem.

Q58 Simon Hoare: Could I ask you, Mr Banton, and indeed you, Ms De Longhi, for a word or two on your assessment of how dangerous opencast mines that have not been restored fully are?

Carl Banton: Some of the sites that have not been fully restored have had works done on them with whatever money was available for the bond. Some of those sites are safe. As regards Ffos-y-Fran, the company is still onsite and has responsibility for safety at that site. Therefore, there is still security on the site 24/7, and it is fenced. If the site then goes into liquidation, it is a matter for the local authority and other agencies such as yourselves to think about what can potentially be done.

Nadia De Longhi: From a safety point of view, that would not fall into our area of expertise. From an environmental point of view, if sites are not restored properly, there are always risks around the leaching of chemicals, for example, and things just being uncontrolled, with run-off. It might even just be silt run-off, but silt run-off into local rivers can cause devastating impacts on habitats and spawning grounds, for example. It is those kinds of risks that we would be concerned about going forward if the restoration plans were not enacted.

Q59 Simon Hoare: Let me direct my final question to Ms Lewis, if I may. It is



my whip hand question. I do not know if you heard the first panel. If you did not, let me just regurgitate it slightly. Very often, where industrial processes have taken place, accidental habitats have been created as magnets and harbours for biodiversity and so on. We heard from an earlier witness that, in that balancing act between environmental protections and public safety, it was the public safety issue that trumped all other concerns. That does not mean that one was rapacious in one's approach. Is that one that the NRW takes as well?

Mary Lewis: Certainly, public safety is always going to be a priority. We are very well aware that there are always going to be choices and options around the remediation works that might be undertaken at any particular site.

Particularly with the NRW's remit, both as a conservation adviser and an environmental regulator, we are in a very good position to understand and bring together that consideration and that balancing of the fact that, while we have these niche, specialists plant communities in some of the metal mine areas or spoil tips, we need to conserve biodiversity, which we are losing at a very rapid rate globally. It is about the need to conserve biodiversity and to take action at those sites and then trying to find a way to conserve those special communities, but public safety will always be the most important concern.

Q60 **Andrew Ranger:** We would like to just take a look at growth and the green transition in this context. Mary Lewis, can you let us know how the remediation of former industrial sites will improve the environmental and economic outlook of nearby communities?

Mary Lewis: There are lots of opportunities there. For example, the metal mine programme is looking at all sorts of opportunities to do more than just remove the environmental harm that threatens watercourses. There is the opportunity, for example, of restoring historic heritage, which will be of a lot of interest locally in terms of their own past cultural heritage. There is the opportunity for access and recreation, where it is safe to do so, in the general area. There are also big opportunities for conserving or restoring natural habitats, which will help us in terms of addressing the nature emergency.

There are lots of opportunities. We are trying to look at those a lot more as part of the metal mine programme now, such as widening our partnerships and working with other organisations and funding sources so that we can deliver multiple benefits at those sites as well.

In fact, there is a further benefit in terms of particularly the metal mine programme, for example, around the green growth agenda. We are using some of these sites to help develop and test really new and innovative technologies to manage the materials coming out of these sites, to try to find greener ways of treating them, to reduce energy consumption, and to reduce the amount of chemicals that we are bringing on to site to do the remediation work.



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There are some sites in Wales, such as Cwm Rheidol, to the east of Aberystwyth, where we have done a lot of testing of new technologies in terms of vertical flow ponds. Some of those new technologies are now being used in other sites, so that is another aspect of that green growth agenda, where the work that we do can identify new and more sustainable technologies as well.

Andrew Ranger: That is fascinating. Thank you very much.

- Q61 **Ann Davies:** I have a company in my constituency, Thermal Earth, which uses water from a disused mine to heat its HQ in Capel Hendre. The technology is there. The opportunities are vast. Why are we not using this method to heat our homes along the whole of the deep mine coalfield? The whole Amman valley area—Ammanford, Garnant, Glanamman and Brynaman—is rife with deep mines underneath most homes. Why are we not developing this technology further?

Carl Banton: As you point out, the scheme that we have put in place at Lindsay last month is working well, with 4.5 kW of power coming from it. The Welsh Government funded us to develop mine heat maps across all of Wales, which we have done, and they are available for developers to look at. Some 18% of all the homes in Wales have the potential to be heated via this technology. We are not directly funded to be able to do that. We have been working with other agencies to try to get some of that funding. It has probably not been as easy in Wales as it is in England and Scotland to get some of that funding moving.

It has primarily been about timing this year, so we are looking at trying to expand that and to work with local authorities and with Welsh Government to try to promote some of this and get some schemes up and running within Wales. We are working, for example, with Caerphilly, Flintshire, Blaenau Gwent, Rhondda Cynon Taf and local area energy plants to try to get this moving, but it is an area that we want to try to expand and make happen.

- Q62 **Ann Davies:** You mentioned 18% there. That is a phenomenal number of homes that could be heated by this.

Carl Banton: Those are where there is the opportunity.

Ann Davies: Yes, potentially.

Carl Banton: Yes. We have a 6 MW scheme up in the north-east that is working very effectively. The technology is there, but it is about getting some private funding in to be able to do it.

- Q63 **Ann Davies:** Is the funding the barrier? The technology is there.

Carl Banton: Yes, the technology is there. Do not get me wrong: it is not going to be so easy to retrofit it into existing homes and new developments. A prime example of where it would work very well is in new schools, or areas where you have large spaces that you can heat.



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That is probably the easiest way of doing it, but it is something that we should really try to push.

Q64 Claire Hughes: My question is for Mr Banton and Mr Cox. Critical minerals and precious metals are on everyone's agenda at the minute. What scope is there for recovering metals and other materials from mine waste or other industrial sites in Wales?

Carl Banton: I will talk about the coal side and then pass on to Nick for the metal mines. Through the work that we have done, we have not identified a lot of what you would call rare earth minerals within our coalmines. There may be some in different areas of the continent, but we have not identified anything from that point of view.

One of the things that we produce is a waste called ochre, which is, basically, iron hydroxide, and we are getting some traction now in using that in anaerobic digestion plants, for example. If we can find a market for that, it would be great, because it is repurposing waste, and we would like to do that in Wales.

Colleagues talked earlier about repurposing coal tips and things such as that. We have to be very careful in that area, and each one has to be done on a case-by-case basis. There are big concerns around safety, because a lot of the coal tips sit above communities, as we know. If you start digging into and destabilising the coal tips, I have some concerns about that. That does not mean to say that, where there is a potential use—for example, in aggregates industries and things such as that—there is not the potential to repurpose or re-profile a coal tip. We just have to be careful about how we do it.

There is nothing wide-scale at this moment in time for that material. At Tylorstown, where there was a slip, they just moved the tip to a different place. If you are going to start trying to move all of these coal tips, where are you going to put them? All you are doing is, effectively, moving waste around, so we just have to be very careful.

Nick Cox: In that whole monitoring process, you are obviously doing a chemical analysis of the water and so forth. Certainly at sites in England—in areas of Cornwall and Weardale—for lithium in particular we have seen an uptick in exploration as a result of the critical minerals policy. In terms of Wales, we are really just the delivery mechanism for that, so that may be more for the NRW to comment on in terms of what those opportunities look like.

Q65 Claire Hughes: Could I ask Mary or Nadia to come in on that, if you have anything to add on the potential for metals recovery?

Nadia De Longhi: From a regulatory point of view, I am not sure, off the top of my head, what the necessary regulatory regime would be to control that. We would want to make sure that we are not just creating future problems by doing these things in a way that then causes further pollution, so that would be something that we would be very mindful of.



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Carl Banton: There is potentially some work being undertaken in Anglesey. We do not have the evidence on that, but we can provide it if we need to.

Claire Hughes: That would be great. Diolch. Thank you.

Chair: Thank you very much. Before I bring this session to a close, can I thank all four of you very much for attending this afternoon? It has been a fascinating session and I am looking forward to developing these themes. If you said that you would write in with some more evidence, it would be really helpful if you could do that, please. On behalf of the Welsh Affairs Committee, thank you very much, all four of you.