

Welsh Affairs Committee

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

Wednesday 11 June 2025

Ordered by the House of Commons to be published on 11 June 2025.

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Members present: Ruth Jones (Chair); David Chadwick; Ann Davies; Simon Hoare; Claire Hughes; Ben Lake; Henry Tufnell.

Questions 66 - 108

Witnesses

I: Rachael Davies, Contaminated Land Officer, Flintshire County Council; Jacqueline Mynott, Head of Infrastructure Asset Management, Rhondda Cynon Taf County Borough Council; Mark S. Williams, Executive Director – Corporate and Regeneration, Caerphilly County Borough Council; Robert Hartshorn, Director of Environment and Regulatory Services, Caerphilly County Borough Council; Nicola Pearce, Director of Environment and Regeneration, Neath Port Talbot Council.

Written evidence from witnesses:

- [Welsh Land Contamination Working Group](#)

Examination of Witnesses

Witnesses: Rachael Davies, Jacqueline Mynott, Mark S. Williams, Robert Hartshorn and Nicola Pearce.

Q66 Chair: Good morning everybody, and welcome to the second session of our inquiry into the environmental and economic legacy of Wales' industrial past. My name is Ruth Jones, and I am the Chair of the Committee. I am delighted to welcome three witnesses in person and two online this morning. It is great to have you here because, obviously, your expertise in your field will be really useful to our inquiry. Thank you for coming in or being online this morning.

We are going to continue our inquiry today from a more local perspective, and we are looking to you to give us your expertise at grassroots level. Can I first ask if any members of the Committee have any interests to declare? No? Thank you very much.

I will begin by asking our witnesses if they can introduce themselves and say what they do very briefly.

Robert Hartshorn: Thank you for your welcome. I am the director for environment and regulatory services at Caerphilly County Borough Council. I am responsible for a range of services, but your interest relates to the public protection part of my service area, in particular environmental health, where we have involvement in contaminated land issues and enforce certain aspects of the legislation.

Mark Williams: Again, thanks for your welcome. I am one of the executive directors at Caerphilly County Borough Council and a member of the corporate management team with responsibility for economy and the environment. I will be focusing on the coal tip stuff with you today.

Jacqueline Mynott: I am the head of infrastructure asset management within Rhondda Cynon Taf County Borough Council. Within my responsibility, I have the coal tip safety team, but I also manage highways infrastructure, including bridges, walls and traffic signals. So a wide-ranging remit, but obviously I am here particularly in respect of my experience in coal tip safety.

Rachael Davies: I am currently chair of the Welsh Land Contamination Working Group, but I am employed by Flintshire County Council where I lead on dealing with the regulation and remediation of land contamination.

Nicola Pearce: I am the director of environment and regeneration within Neath Port Talbot Council. I lead on a wide range of services, including planning, economic development, regeneration and the engineering service, which has responsibility for coal tip safety.

Q67 Chair: Let me start with Robert. Obviously there are two of you from Caerphilly, so we do not necessarily need you both to speak, just



HOUSE OF COMMONS

whoever is more appropriate. We are looking at the legacy of the industrialisation and now the de-industrialisation of Wales. What is the environmental legacy of the former industrial activity in Caerphilly County Borough Council?

Robert Hartshorn: It is particularly widespread. Caerphilly County Borough Council is a South Wales valleys authority so has all that legacy of industrial history, particularly coal mining. From a contaminated land perspective, we have associated industries such as a former coke works. There is also a former tar plant in one of our towns. We have a number of former landfill sites, and there is a particular closed landfill site that has gained a bit of attention that you may wish to hear about.

Chair: We will come to that later.

Robert Hartshorn: We have a range of other former heavy industrial uses. We would estimate that we have over 2,000 potentially contaminated land sites across the county borough. They range from sites where we know there are contaminants to sites where we are aware that the landform has changed from historical maps or that there was perhaps a former use some time ago, but without actually having any intrusive investigation details.

You will also be aware that we do not get any direct funding to investigate or remediate sites. There was a period of time—when the current legislation was introduced—when Welsh Government provided a certain amount of funding to local authorities, which local authorities were able to bid for, but that was phased out quite some years ago.

We will obviously respond to issues with contamination or concerns around contamination at sites, but in truth most of our activity in terms of addressing contaminated land sites or potentially contaminated land sites is through the development control process. That would involve planning, to ensure it is suitable for use, and planning conditions would deal with potential contaminants and require site investigation and certain standards to be met.

Q68 **Chair:** Jacqueline, as Robert has already said, the sites may not all be investigated; you may not be aware of everything in every site. Is that the same in RCT?

Jacqueline Mynott: Yes, I would say so. I was liaising with public protection colleagues prior to this. There are potentially over 4,000 contaminated land sites, but they have not all been investigated to consider whether they should be registered as contaminated land under the legislation. There are obviously a significant number of coal tips, and those sites can potentially also be contaminated land. A lot more investigation and management of these sites is needed, but it relates to the funding available to do so.

Q69 **Chair:** Rachael, is the situation the same in Flintshire?



HOUSE OF COMMONS

Rachael Davies: For Flintshire specifically, yes. We have quite a widespread legacy of land contamination. A lot of it is based on the interesting geology across Flintshire, but we have legacies associated with heavy industry in the past: landfilling, quarrying, coal mining and, in particular, historical lead mining activity. So there is quite a widespread legacy for Flintshire to continue to investigate. A couple of my colleagues have touched on funding, which is certainly a constraint for local authorities in progressing their statutory duty.

Speaking as chair of the Welsh Land Contamination Working Group, I know that land contamination and potential contaminated land sites affect all local authorities, so everybody has something that they will potentially need to look at and may need to push forward with the statutory responsibility imposed on them by part 2A. With metal mining and coal mining, everybody has something in common. The extent varies from authority to authority, but every local authority is affected by the potential presence of contaminated land.

Q70 **Chair:** Nicola, what is the environmental legacy in Neath Port Talbot?

Nicola Pearce: I agree with Rachael and the colleagues who spoke before her. It is quite significant. We have a proud industrial heritage in Neath Port Talbot. We have had significant heavy manufacturing undertaken within the county borough, including steel production, oil and chemical production. We had a former oil refinery on a significant area of land, which is still not remediated, despite being made available for alternative purposes for over 20 years. In our valley communities, we have the heritage of coal mining activity, which has also prevented some development from coming forward. So yes, it is a significant problem in NPT as well.

Q71 **Ann Davies:** Could I ask Jacqueline how the Tylorstown landslip in 2020 informed your current approach to managing disused coal tips?

Jacqueline Mynott: After Tylorstown, Rhondda Cynon Taf recognised that there were two different teams managing the legislative aspects of coal tip safety under the Mines and Quarries (Tips) Act 1969. So there was a team dealing with inspections and then referring any matters where it was RCT-owned tips to the corporate estates land management team. Since then, we have consolidated that into a single team and created a coal tip safety team that is just focused on tip safety. We have recruited additional resources, which has been enabled by the coal tip safety grant funding from Welsh Government, and this year there has also been funding from the UK Government via the Welsh Government.

The inspections are continuing to happen, but there is more development of processes and procedures to prioritise maintenance. With the funding, we have been able to undertake significant reactive maintenance to coal spoil tips. The funding enables us to work with privately owned or unknown ownership tips, in liaison and agreement with private owners,



and to undertake significant maintenance on Rhondda Cynon Taf-owned tips.

- Q72 **Henry Tufnell:** I want to expand on that a little in terms of public confidence, particularly in managing and remediating those disused tips, and the systems that you have in place, particularly around high-risk tips.

Jacqueline Mynott: We have a category letter system from D to A. The higher-category D tips are inspected more frequently for reasons of their composition, shape, size, the local landforms around them, and taking into account potential receptors. They might not be inherently more dangerous than another tip in the middle of nowhere, but they would be a higher category and inspected more frequently because of the location in relation to receptors.

- Q73 **Henry Tufnell:** Are you using innovative practices in respect of managing the systems?

Jacqueline Mynott: We are continuing with the walkover and on-site inspections. We have also installed remote 24/7 monitoring on two of the tips, particularly in relation to groundwater levels, rainfall and flow monitors, and that will inform the management of those tips moving forward.

- Q74 **Henry Tufnell:** Nicola, do you have anything to add?

Nicola Pearce: I know our emergency preparedness team worked with Rhondda Cynon Taf after the incident happened to develop regional plans, so there are emergency response plans in place at a regional and local level in Neath Port Talbot. We have 19 specific plans for the 19 high-risk sites that we have. If an emergency occurs, we have a plan in place that we can implement to respond to that emergency, and that has been drawn up with partners across the local resilience forums in the area.

As Jacqueline indicated, we also undertake inspections, and the frequency of those inspections will depend on the category of the tips that we have. In Neath Port Talbot, we have 13 category D tips and 28 category C tips, so there are quite a large number of high-risk tips within Neath Port Talbot that we are monitoring.

- Q75 **Henry Tufnell:** Are those strategic plans co-ordinated across regions or is it more bespoke depending on the safety risk to the public in the specific area?

Nicola Pearce: Neath Port Talbot and Rhondda Cynon Taf sit within the South Wales local resilience forum. There are a number of local authorities in that area, as well as the police, fire brigade and a number of other statutory organisations. So we have regional plans in place, and then at a local authority level, we prepare the emergency site-specific plans, and they are drawn up and consulted on with partners to ensure there are no gaps in that response. They are then signed off by all



partners when we are satisfied they are sufficient to deal with any emergency that could arise at those specific tips.

Q76 **Chair:** Mark and Jacqueline, I have a question about the success, the good news story if you like. We know about some of the issues, and you are going to tell us about the other issues, but do you have any examples in your areas of successful coal tip remediation and the benefits it can bring to local communities?

Mark Williams: Obviously, as Jacqui said, the funding that Welsh Government and, last year, the UK Government have passported through has been very helpful, but that does not cover remediation. The remediation Bill would be massive. That funding has been extremely helpful in terms of inspection regimes, monitoring and routine maintenance works. We have appointed a specialist term contractor in Caerphilly, which has been quite a revelation for us, and it is really easy to get work done. But those contractors are quite precious; there are not many of them in the market.

There has been a successful scheme at one of our neighbouring authorities, Blaenau Gwent, which I know is not here today. That was undertaken by ERI at a former colliery tip at Six Bells, which was remediated, coal was extracted, landform was altered and it is very much back to biodiversity. We currently have a similar proposal from ERI for two category D tips in our area—the highest-risk ones. We have still not received a planning application, but we anticipate one. Those are the only two that I am aware of. There has certainly not been any other remediation of coal tips in Caerphilly in the last few decades. The cost is pretty significant.

Q77 **Chair:** So there are plans, but there has been no successful remediation yet?

Mark Williams: No.

Q78 **Chair:** That is helpful. Jacqueline?

Jacqueline Mynott: With respect to Rhondda Cynon Taf historically, I am not sure. There are sites that have been remediated. We have a country park similar to Six Bells and amenity sites within former industrial sites. In the Rhondda Fach valley, we have a former railway—later a cycle route—that has now been converted into an active travel route, so that industrial legacy is being converted. That is below where the Tylorstown landslip was.

Obviously, with the funding we have been able to move on to phase four of the Tylorstown landslip remediation, where we are remediating one of the tips on that hillside. We have moved a substantial amount of the tip from that immediate hill to the rear of another coal tip, maintaining it within that local hillside, and that scheme is coming to a close this year. The funding certainly enabled that.



What I would say is there was a lot of historical reclamation of the tips in the '70s, '80s and into the '90s. Those sites are now being revisited in the context of the drainage and the engineering that was installed in the tips. A lot of those sites have regenerated; they are effectively very well vegetated and trees have grown on them. It is about reviewing those sites and revisiting the calculations and risk in relation to climate change, rain forecast and water management. That will take funding to investigate, determine and then prioritise those sites for future works.

Mark Williams: I should have said we have two quite large ex-colliery sites—Oakdale and Bargoed—that had that very work done in the '70s and '80s. Bargoed is now a country park and Oakdale is now quite a large industrial estate. But the tip is still there in a slightly different form underneath, and as Jacqui said, water management and drainage can become an issue with climate change.

Chair: So even though those were remediated decades ago, you still have to keep checking on them and monitoring them. That is really helpful.

Q79 **Ann Davies:** There are a lot of old coal mines in west Wales as well. I have one category D in my constituency in Betws, and there are more going up the Amman Valley to David's constituency.

Jacqueline, Mark and Nicola, what are your aspirations or concerns with the Disused Mine and Quarry Tips (Wales) Bill? Do you think the proposed Disused Tips Authority for Wales is complementing your work as local authorities? The buck comes to you to sort this out, does it not?

Mark Williams: The new authority is welcome. When it was mooted and initially created, we already had a risk-based category—the A, B, C, D—system in place in Caerphilly, and the inspection regime in accordance with that. We worked with the coal authority in developing that, and the new authority has adopted that approach and worked a lot with us, so the new authority is certainly welcome. Sorry, what was the first part of your question?

Ann Davies: The first part was: what are your aspirations or concerns about the new Wales Bill? Do you think it is working and getting you to where you need to be?

Mark Williams: If you speak to my colleagues in my tips team, they are quite encouraged by it. As Jacqui alluded to, the major challenges we have are climate change—the amount of water and drainage issues that tips can throw up, which is obviously what happened with Tylorstown—the cost of remediation, and often relying on development. It does not cut it and needs some major financial intervention.

Jacqueline Mynott: Yes, the establishment of the Disused Tips Authority, legislation and increased legislative powers would be a welcome move. A centralised body would be able to prioritise the risk and funding across Wales as a whole.



HOUSE OF COMMONS

Rhondda Cynon Taf currently gets significant funding and owns a third of our tips. We are actually landowners, so we will still be responsible for those tips. Several of them are category D and C tips. We welcome it and will seek to work with the coal tip safety group. We are currently sitting on the subgroups, looking at the administrative guidance and guidance documents associated with that legislation, which centres on funding, how the funding will be distributed, and how we access it. It will be a change, so it is about managing that, and I am sure we can effectively manage the change throughout the process and as the changes develop over the next few years.

Nicola Pearce: I do not wish to repeat anything that has been said, but the big challenge we have, which will be helped by the Bill, is the availability of suitably qualified and experienced staff. We just cannot get the staff to undertake the work on behalf of the local authority; they are either not willing to work for a local authority or there are no staff available in this geographical area, full stop.

That has been a huge challenge for us to undertake our responsibilities in relation to our sites. I mentioned that 41 tips within Neath Port Talbot are in either category C or D. As a local authority, we own only seven of them, so the remainder are privately owned. But there is an expectation by the public, and to an extent by the owners of those tips, that the local authority will step in. So while the Bill will help us in monitoring, managing and getting access to those tips and perhaps putting an onus on the owners to take action, I do not think it is going to be effective until there is sufficient public money in place to enable regular monitoring and remediation work, where it is necessary.

Q80 Claire Hughes: We all know that there are significant long-term costs involved in maintaining and remediating the disused coal tips. Jacqueline and Mark, you have talked a little about what the recent Welsh Government funding has enabled you to do. Could I put the same question to Nicola? What has the most recent funding you have had from the Welsh Government enabled you to do in Neath Port Talbot?

Nicola Pearce: As an authority, we have had £14.48 million since 2020, which has allowed us to undertake a significant piece of work on one large tip, which is known as Dyffryn Rhondda Colliery Riverside Tip. That was a concern to us because of its instability. If we had had a slippage on that tip, it would potentially have extended into the river, which was immediately adjacent to the tip, and a highway. A slippage could potentially have caused flooding downstream of the tip, which could have had significant consequences for local communities and impacted the adjacent highway.

That £14.48 million scheme is still being delivered. We have phase one and phase two. Phase two is due to be completed in March 2026. By the time that scheme is completed, it will have cost us £12 million, and that is just one scheme. As I mentioned earlier, we have 617 tips within Neath Port Talbot, so that gives you an understanding of the cost of remediating



HOUSE OF COMMONS

these tips and making them safe. Compared with the scale of the problem that we have in Wales, there is quite a disparity really.

Q81 Claire Hughes: What are your thoughts on what more the UK Government could do to help address the legacy of coal mining in Wales?

Nicola Pearce: Funding is the obvious priority for us because, as I mentioned, they are very expensive to monitor, manage and remediate. It is about ensuring that we have appropriately skilled, experienced, qualified engineers to help us manage those risks because, as I indicated, it is not necessarily easy to secure those skilled people, especially since the coal mining industry has generally ceased to exist except in small, exceptional circumstances. There are no training programmes to deal with the legacy of coal mining, apart from general engineering courses. It is about ensuring that we get a skilled workforce in place so that we are able to monitor these sites effectively, and so that we have that sustainable funding stream to allow councils and other public organisations to deliver their responsibilities.

Mark Williams: There is a skills gap. The Welsh Government have recognised this, and they currently have a national initiative to try to identify and address that skills gap. They are looking to capture some data on staff recruitment, retention and so on, and they are obviously looking at programmes, whether they are with universities, graduate training programmes and so on. So that has been recognised.

Just to give you an indication, my authority has received just shy of £3 million for 2025-26. It only scratches the surface, as I said, but £2.6 million of that will be spent on a range of maintenance tasks. In Caerphilly, we have 205 tips: 89 in our ownership and 116 in private ownership. We have four category D and nine category C tips in our ownership. Inspections cost us about £50,000 a year, and then there are some other bits and pieces around capital and revenue outlay for aerial surveys and technology—we use drones—to supplement our walkover programme. So the money that has been passported through is really helpful, but it is only really useful for monitoring and routine maintenance. As I said, it will not address any remediation costs.

Jacqueline Mynott: I would echo Nicola's comments with respect to funding being what the UK Government can look to do. Also with respect to the skills and getting the qualified engineers, hydrologists, drainage engineers and hydrogeologists, that will be critical to undertaking all the work that is needed.

Claire Hughes: So, to summarise, given that skills is devolved to the Welsh Government, the main ask of the UK Government is around funding for coal tip remediation.

Q82 Ben Lake: Thank you all for coming in this morning. I would like to turn to the contaminated land, specifically the way in which the contaminated land regime works from a practical point of view and how local authorities



HOUSE OF COMMONS

undertake their duties under that regime. If I could ask Mr Hartshorn first, how does the regime work in practice and what are the challenges that you face as a local authority in undertaking the duties?

Robert Hartshorn: In practice, all local authorities are required to have a contaminated land inspection strategy that sets out our approach to the inspection of potentially contaminated land. There is guidance, but local authorities will not necessarily have taken an identical approach. The inspection strategy will set out the approach to risk assessment, and that may vary slightly from one local authority to another.

I would expect that the contaminated land inspection strategies of many local authorities in Wales are due for review and renewal because, in practice, we are not resourced to proactively go out and investigate contaminated land sites. If you imagine, as you have heard from colleagues, if there are a couple of thousand contaminated or potentially contaminated land sites, we are not resourced to go out and proactively check on them. So that means that contaminated land inspection strategies are not really a living document in that sense.

Most local authorities in Wales took the opportunity to seek funding when that was available through Welsh Government. There was funding available for a certain element of site investigation, and in some cases remediation, but as we are not directly funded for that at the moment, then—as I have indicated—we are not proactively doing that. A typical site investigation would easily start at a six-figure sum just to begin looking at sites, so they are not small amounts of money.

By population, we are the fifth largest local authority in Wales. And we have a level of expertise within our local authority that is able to take, say, soil and water samples, interpret site investigation reports, inform and advise our planning colleagues on conditions, and then interpret measures that are submitted in response to that. But we are not resourced and do not have the capacity or capability to proactively go out and undertake our own investigations, so we would typically engage consultants to do that in situations where we need to do it.

There are also some issues around public perceptions. People think of brownfield sites as not as nice as greenfield sites, but brownfield is quite good; it is something that has been developed before, and we encourage people to build on it. Understandably, contaminated land sounds like something way more ominous. But a piece of land with contaminants in or on it is not contaminated land under the legislation necessarily, and communicating that there needs to be risk of significant harm and a pollutant linkage is quite challenging. Residents and communities begin to become concerned or aware of some sort of historical legacy. We have had redevelopment of a former landfill site, but there are still measures in place to protect that development. From time to time, communities ask, “Well, what am I living on or next to?” and it can be challenging to provide that reassurance.



I guess the other challenge is that there are sites that we know have a significant historical legacy, and I indicated a couple of those in my introduction. In the main, they are still as they are because they are not viable to be brought forward for redevelopment without some sort of financial intervention, and we are relying on redevelopment to address these issues. So those sites are effectively just sitting there waiting for some sort of intervention to come along.

Q83 Ben Lake: Do you encounter many challenges in assigning liability for certain sites? I represent a constituency in mid Wales where there are a lot of historical metal mines, many of which closed more than 150 years ago, but they are still a problem and have contaminated a lot of land. Do you encounter a big problem in your area of assigning who is liable for some sites?

Robert Hartshorn: Yes and no, in that there is provision within the legislation for assigning liability, as you are aware. You only really get to that point if you formally and legally designate a piece of land as contaminated under the legislation. Then you come to the question of what is going to happen next and who is liable, and there are quite complex arrangements within the legislation for assigning liability.

Regarding the former quarry—the site that we have in our county borough that has had quite a lot of attention—I know because it has been voiced to me that there is a sense within the community that there is a “polluter pays” principle, so why are we not going after the big companies that we know sent material to this site? This just illustrates the challenges around liability.

The site was bought by a predecessor local authority of Caerphilly County Borough Council for the reason that it wanted to manage the contamination issues at this site, so it bought the site with knowledge. The tipping at that site was undertaken by a company that no longer exists but received waste from a whole range of companies as far as we are aware, but the records are extremely patchy. That was in the late 1960s. So there is a historical minefield to wade through if we ever get to the point where we determine the land is contaminated.

Q84 Ben Lake: Ms Davies, it strikes me that when it comes to contaminated land, not only do local authorities have an important part to play but also Natural Resources Wales in certain circumstances. There could well be an interplay with the Mining Remediation Authority in certain contexts as well. How well is the system working between these different organisations, and specifically is each responsibility clear for the respective bodies?

Rachael Davies: The responsibilities are clear, well set out and understood. Coming back to everybody’s point, there is an issue in terms of funding. For the coal tips, land contamination and so on, everything feeds in together—even perhaps from a regeneration perspective—but funding is a genuine constraint.



There is a very good working relationship between NRW, local authorities and contaminated land officers specifically in progressing on dealing with land contamination. That relationship has been developed over time and certainly since part 2A was introduced. There are new opportunities for relationships to be developed for a more cohesive approach. Because what underpins everything, and where we can develop new relationships with the new coal tips remediation authority, is sustainable development and making sure that we are developing brownfield land where there are opportunities to bring it back into beneficial use through addressing land contamination.

The sticking point is that there is not the funding to do it. Everybody has different pots, but there is nothing that links those pots of funding opportunity together. If that were possible, we might be able to approach a few more sites more quickly, and we might be able to deal with each facet of how land contamination potentially impacts a site, by using a mechanism for everybody to work together.

In terms of part 2A, the inspection strategies, legislation and framework are there for people to do it. A colleague touched on the development side of things. Much more land is remediated and brought back into beneficial use through the planning system than through part 2A, and the development framework is certainly the preferred mechanism.

Certainly from a land contamination regulation perspective, there is a deficit in the guidance that is available. Land contamination has perhaps not been afforded the priority that other areas of public health have over time. Perhaps that is something that we could look into to enable that cohesive approach, but for things to be a little more accessible and take place more quickly than they have in the past.

For example, "Planning Policy Wales" is quite clear on how land contamination should be addressed and that the development process for brownfield land is preferred, but we do not have a technical advice note on dealing with land contamination through the development process. We have guides that working groups such as the Welsh Land Contamination Working Group have prepared. We have developer guides that explain to developers what their responsibilities are and how contaminated land officers and planning officers can work together to push sites through the development process; that is certainly very useful. But what we are missing is some firm, strong guidance that we can rely on to make sure that things are being addressed and addressed appropriately.

Q85 Simon Hoare: I will try to pick up on some themes that have been raised. Rachael, picking up what you said in answer to Mr Lake, is it not a bit strange that there are these large gaps in planning guidance? Your colleagues on the panel have talked about the skills and resourcing gap. These are long-standing, well-known, high-profile historical issues. Why is it that the authorities, in the general sense of the term—whether that be Westminster, Cardiff or local government—have allowed these gaps to



HOUSE OF COMMONS

perpetuate for so long, making a bad situation far worse?

Rachael Davies: Again, that perhaps comes down to a lack of funding. Certainly, the appetite is there to address those gaps and to progress.

Q86 **Simon Hoare:** Surely it does not take funding to create a planning guidance note.

Rachael Davies: No, and that is an important point to make. The appetite is certainly there, and there are things we can do at minimal cost. Officers are willing to support the Welsh Government in producing that, so that is certainly a stepping stone towards it. But in terms of actually going out and dealing with the sites, funding is important because local authorities are perhaps discouraged from starting on those assessments.

While they should have the expertise in-house to be able to do the first step in those assessments, to go on and complete the subsequent steps—because there is no guarantee of funding from one year to the next, and the legislation imposes a duty on local authorities to complete the inspection, and then the “polluter pays” principle that we touched on comes into play in securing the remediation—perhaps local authorities are discouraged from beginning that process, as we do not know that we can complete it. We might be able to begin the assessment, but doing something about what we might find is a genuine constraint.

Q87 **Simon Hoare:** I am in charge of the quickfire round, so I will try to be quick with my questions, and it would be helpful if you can be quick with the answers as well. Everybody has referenced that there is no lack of willingness to address the issues, but that such willingness is constrained by a lack of resource, whether that is financial or personnel who are skilled in doing the jobs at hand.

Could you say just a word or two—maybe this is a question for Robert or Mark—about the sharing of resources between local authorities facing similar problems? Can you pull together resources and capacity, both financial and personnel, to scale up and improve resilience, or is it very much a local authority by local authority matter?

Mark Williams: Obviously, local knowledge of the area is important, but we have experience of sharing expertise, for example with the regime in Wales called sustainable urban drainage, which you may or may not be aware of.

Just majoring on the skills piece, obviously we had Aberfan, and since then the whole tips agenda had perhaps been a little underplayed until Tylorstown, and then all of a sudden it has been elevated with funding et cetera.

Simon Hoare: Yes, I agree.

Mark Williams: Civil engineering skills gaps are an issue not just in tip management; there are issues with drainage engineers as well. I have



sat in various meetings with the Institution of Civil Engineers to try to make the subject more sexy, and to try—

Q88 **Simon Hoare:** Were you successful?

Mark Williams: Well, it is work in progress. There has been a drive to encourage more females into engineering, and so on. So this is a complicated jigsaw.

The other thing that local authorities have been hit with is the fees or salaries that some people can demand in the private sector, particularly for drainage engineers. Drainage engineers are important for tip safety, but if we go to the private sector, we just cannot compete salary-wise. It is a complicated picture, but it is something we have to address. There is a willingness from the Welsh Government and the education establishments to address it. The civil engineering degree syllabus has probably not changed for decades, and it needs to. This was a discussion I had with the Institution of Civil Engineers and Cardiff University. Climate change, drainage, all these other things that are changing in the world require the skills of a civil engineer to change. I am sure Jacqui will probably echo those thoughts.

Q89 **Simon Hoare:** Again, going back to the intent, you referenced a strategy for driving skills coming through from the Welsh Government in this area. One always tries to travel hopefully, but being pessimistic for a moment, let us say that it does not work, either at all or to the scale that is required for the tasks in hand, and the problems do not go away. What is plan B?

Mark Williams: That is a good question, and I am not sure there is a plan B. The Mining Remediation Authority and this central focus will help in terms of national co-ordination, and it will help local authorities work both together and with that body.

Q90 **Simon Hoare:** So it will be the authority that holds the reins on that and kicks things forward?

Mark Williams: I would hope so, yes. It will be the local authorities.

Q91 **Simon Hoare:** Rachael, this may be one for you. Witnesses have said that, where land is owned by the local authority, it is quite easy, but the issue is where facilities are privately owned. Could you say a word or two on the enforcement teeth that are open? Given that these things are privately owned, what checks and assessments do you have on the robustness of their public liability insurance in order to cover negative outcomes from what they own privately? It does not seem fair that the public purse should cover privately owned liability; it would not in any other sphere of commerce, business or land ownership.

Rachael Davies: That is an interesting point. As I mentioned briefly, the part 2A legislation on dealing with land contamination imposes a statutory duty on local authorities to complete inspections. While we can



encourage people to do that work and to work with us voluntarily, it is ultimately the local authority's responsibility to complete the inspection, and only then can the enforcement teeth, as you say, come into play for the later stages in securing remediation. Again, the "polluter pays" principle applies only where we can actually find the polluter and the appropriate person for doing that. The enforcement teeth can only come in at the later stages.

- Q92 **Simon Hoare:** You may not have this figure to hand, or it may not exist at all—if you do not have it to hand and it does exist, it would be helpful if you could share it with the Committee in writing—what percentage of private owners are an extant body, are contactable and are aware of their liability, and how does that compare with the parcels of land for which there is no traceability to ownership through Land Registry or anything else?

Rachael Davies: I do not have that figure, I am sorry. I am not sure that it exists, but I am certainly happy to try to find out something, even if it is indicative.

- Q93 **Simon Hoare:** Thank you. That would be helpful. Robert, counter-intuitively, and that might be the polite word, the Welsh Government withdrew the contaminated land capital funding programme. How, if at all, has that affected your ability to investigate and remediate?

Robert Hartshorn: It has completely affected our abilities. We were active from 2006 to 2008. There were a couple of rounds of funding, and we undertook a number of site investigations. For the subsequent two to three years, capital funding was available for site investigations, and we actively undertook investigations then. Now, we are only responding to issues as they arise and we become aware of them, so that would be concerns raised about a particular site or a particular locality. We are effectively scrabbling around for money to do that, so we will be working within the local authority to resource that particular issue. We had some one-off funding towards the end of the last financial year for one particular site; it was very welcome and we are grateful for it, but it was made known to us towards the end of the calendar year that it needed to be spent in the final quarter of the financial year, so you can understand the challenges there.

If I may, while I have the microphone, you asked a question around the scaling up. To make a quick response from a contaminated land perspective, you have talked about cash, skills and capabilities; there is not really any cash to scale up, so there is not a lot to come together there. In terms of staffing resources, local authorities could come together, but we are talking about extremely small numbers of staff typically within local authorities that have expertise or involvement in these areas, so there is not a lot to scale up, and they are already busy dealing either with contaminated land issues on their own patch or other pollution control matters. We have something called shared regulatory services across three local authorities, Cardiff, the Vale, and Bridgend,



HOUSE OF COMMONS

which has given them the opportunity to have a specialist team that deals with these sorts of matters. They see that as a good resource.

Q94 **Simon Hoare:** So there are some initiatives, but it could be scaled up?

Robert Hartshorn: That is the example that I am aware of.

Q95 **Simon Hoare:** Rachael, is public concern high enough or where it should be with regard to concerns of leakage of toxic chemicals such as PCBs from former quarries and landfill sites, or does there need to be more public information?

Rachael Davies: The publication of inspection strategies from local authorities is helpful in letting the public know that there is an approach to be taken, and to raise awareness of potential risks associated with activities on potentially contaminated land or land that is affected by land contamination, specifically in terms of escapes of substances from landfill sites. It is not something that I have come across specifically. Metal mining is perhaps something that people are more aware of, but landfill sites are not something in my experience that people tend to raise as a concern.

Q96 **Simon Hoare:** They do not?

Rachael Davies: Not in my experience; it might be different for other local authorities. In my experience, metal mining seems to be.

Q97 **Simon Hoare:** Robert or Mark, what are local authorities doing to inform people living near potentially contaminated sites? I am thinking particularly about potential adverse risks to health or to the broader local environment, and of course about wider economic development issues, property prices and desirability.

Robert Hartshorn: We have some experience in this field. As Rachael says, contaminated land inspection strategies are published and local authorities should hold a public register of land that they determine to be contaminated, but I would say that is few and far between. Of all the sites we are talking about, a very small percentage of locations and sites across Wales would appear on a public register anywhere. It is an extremely difficult topic to communicate.

Part of the reason why your Committee is looking at this today is that chemicals are part of our society. We use them all the time. We put chemicals into our vehicles to drive around, unless they are electric. Chemicals are part of our society; we live with them, and we have a common—probably unwritten and unspoken—understanding of how we manage those risks.

When you have a former landfill site that perhaps sits close to a community and it is known that there are quite nasty chemicals within it, and then from time to time there are outbreaks of leachate from it, it is very difficult to get the right balance of how you communicate that. We do not want to cause unnecessary anxiety. We do not want to



HOUSE OF COMMONS

scaremonger. We do not want to blight properties. We do not want to do anything unnecessarily. However, we endeavour to communicate what there is, what there is not, what it is, what it is not, how those risks are being managed, and what those risks actually are. Is there a way that we can provide reassurance in terms of communicating risk, can we bring in partners?

A question was asked earlier about Natural Resources Wales. I agree, as my experience is that we work extremely well with it, and that provides the community with some level of reassurance that more than one public body is coming together. Likewise, if appropriate, we will get input from Public Health Wales as well, which is another body that is looking at this and providing some context in terms of risk and assisting with communication of those risks.

Q98 Simon Hoare: Mark, can I ask you one final question? You can probably answer on behalf of all five of you. This is not meant to sound as acerbically critical as it may come across, but if we take the backdrop that you have all been setting out—financial resources, skills resources, scale of the task and so on—is it unfair to say that if you were to paint a thumbnail sketch, the best we can hope for, unless there is a dramatic turnaround in the funding and/or the skills resource and the affordability thereof, is a benign, status quo and water-treading position with an active scaling up in response to events, rather than a more muscular, proactive approach to strategic solving? That is not a critical question.

Mark Williams: I appreciate that. With the funding that is there now—I am talking about coal tips particularly, because other contaminated land is not funded—I would not use the term “benign” perhaps, but it enables us to manage the sites that we have. It enables us to monitor them, and to undertake any remedial or emergency works to avoid problems in the future to avoid a Tylorstown or an Aberfan. What it does not do is allow the risk to be completely taken away. I am not sure we will ever get there because the bill is absolutely enormous, but the funding and the monitoring regime that we now have in Wales need to stay in place.

Simon Hoare: I am not entirely sure how quickfire I was, but I am grateful to our witnesses for their answers.

Q99 Chair: That was quite an in-depth section. Robert, it is not in my constituency, but the former Ty Llwyd quarry is an area that has allegedly been leaching PCBs and things like that. The local community are anxious about it, there has been a BBC podcast, Michael Sheen has got involved and all the rest of it. As a council, how are you dealing with it?

Robert Hartshorn: It is a site that is getting quite a lot of attention. We know that, from 1969 to 1972, Ty Llwyd quarry was filled with a range of waste—including chemical waste and PCBs—by private companies. Significantly, the Control of Pollution Act was in 1974, and it was quite a milestone in terms of pollution control legislation. It predated any kind of pollution control or waste management measures, and certainly waste



HOUSE OF COMMONS

management licensing. A lot of the history and records are not as complete as we would like them to be, but I will jump to 1990 when the former Islwyn Borough Council purchased the site and then subsequently purchased the woodland and fields below. That was quite a significant intervention, I would say, for a borough council in the 1990s. The site was monitored, boreholes were installed, and I think the local authority was pretty comfortable with how the site was being managed.

Later on, through the 2000s and certainly in the last five or six years or so, we have had instances of leachate breakouts. Those were associated with long periods of rain in wintertime, not every year but possibly once or twice a year. It was a quarry so a clay cap was put on it, but again that was quite some years ago. The management of surface water is a challenge for us and has been a focus of the work that we have done at the site, but due to a combination of rainwater and groundwater rising, the quarry fills up with water and leachate breaks out.

We have done quite significant works to try to manage water on the site, and hundreds of thousands of pounds have been spent. When there have been leachate breakouts, we see that on the land that was compulsorily purchased as a buffer. Obviously, when or if the leachate breakouts occur, they are occurring in periods where there is extremely high rainfall. If you see our valleys in periods of heavy rain, they are like rivers cascading down the valley sides. So that and the knowledge of the history of the site has raised a level of anxiety within the community. Whether it is quite as has been reflected by some things that have been said and some amplification that has occurred, I am not quite sure. I am not dismissing that there are concerns; we have tried to work with the local ward members, and in particular we have put out newsletters to the community to explain what is happening at the site and what we are doing.

You specifically mentioned PCBs. At the valley floor, there is the River Sirhowy, but neither we nor Natural Resources Wales have detected PCBs off-site—as we would call it—or in the river. As soon as you start talking about PCBs and forever chemicals, understandably that causes concern within the community, but we endeavour to provide reassurance.

This will effectively be the third time that a contaminated land assessment has been undertaken to consider whether the land is contaminated as per the definition within the legislation. We have draft findings of that latest assessment, and the draft findings are that it is not. We have not quite finalised that piece of work because, in response to the draft report, Natural Resources Wales set out a number of additional works that we could do in terms of site investigation that they said would provide greater assurance, and it is that work that the Welsh Government have assisted us with, with further funding in the last quarter of the last financial year, so that is all being written up and incorporated into the draft report. But we continue to communicate that activity and continue to manage the site.



HOUSE OF COMMONS

We have further plans for managing surface water on that particular site. Natural Resources Wales have indicated that they think we need to go through a discharge consent process because we have taken steps to manage the surface water; as leachate breakout occurs, we have taken physical steps to try to manage where that goes within our land ownership. Natural Resources Wales now have a view that we may need water discharge consent, so we have initiated that process. I do not know what the outcome of that will be, but it may mean that there needs to be some water treatment-type process linked to the site. There will probably be fairly significant costs associated with that, and ongoing costs, but obviously we will do whatever we need to do to comply with those requirements.

Chair: Thank you for such a comprehensive answer, and obviously the local residents will be looking at the report with interest, I am sure.

Q100 David Chadwick: Nicola, the Coal Action Network reported that restoration plans for East Pit and Margam opencast mines were put in place for less money than the operators originally agreed. I have the statistics in front of me. East Pit was originally to cost £115 million but only cost £22.4 million; Margam was originally supposed to cost £58 million but only £5.7 million has been spent. Has this compromised the safety of those sites?

Nicola Pearce: Those sites were particularly difficult for us to manage because, as you may be aware, the owner of the sites transferred the liability to a company registered offshore, so it was very difficult for us to enforce their restoration. When we managed to secure a dialogue with the owner, it was quite clear that the value of restoration in relation to the original restoration schemes exceeded the amount of money that was in the escrow accounts that were set up to ensure the restoration of those sites. That dates back to privatisation in the 1990s.

When British Coal was privatised back in the '90s, provision was not made to ensure those sites were restored in relation to the works that had been undertaken up to that date, so escrow accounts were established for any further coaling after privatisation. The amount of money that was set aside in those accounts would not cover the consequences of mining post-privatisation, as well as the consequences of mining that took place prior to privatisation; there simply was not enough money there.

As an authority in relation to the two sites that you referred to, we were in a position whereby we had to work with the landowners to try to identify an alternative restoration scheme. They quite clearly indicated to us that they would not undertake the original restoration scheme because it was unaffordable. So we had to work with them to identify an alternative restoration scheme that ensured that the safety of the communities surrounding those sites was protected, and that is what we did.



HOUSE OF COMMONS

We secured alternative schemes, which means that the void areas remain, albeit much smaller than they were when mining ceased on site, but it means that the overburden and surcharge mounds are still above ground, as opposed to being placed back in the void area. However, the void areas were designed to ensure that the side walls and the high walls were protected, and the overburden mounds were engineered to ensure that they complied with engineering standards and did not pose a safety problem to local communities. So that was the position we were in. The alternative restoration schemes were different from what was initially envisaged by the communities, but they were designed to ensure that safety was paramount for the communities living in those areas.

Q101 David Chadwick: What people living there really want to know is whether that site is safe. In your opinion, is East Pit safe?

Nicola Pearce: In my opinion, based on the information we have at the moment, there is no evidence to suggest otherwise.

Q102 David Chadwick: Given that it sits on an active geological fault line, is perched above several villages and has now been filled with possibly millions of tonnes of water, what safety assessments have been carried out to evaluate the risk of land movement, wall failure or flooding, and what ongoing monitoring is in place to protect nearby communities including Cwmllynfell, Tairgwaith, and Gwaun-Cae-Gurwen?

Nicola Pearce: In terms of the original design of the restoration scheme, the buttresses were designed and constructed within the void area to ensure that they met current engineering standards. The safety factor was an issue, so the design was calculated to ensure that there was an appropriate factor of safety in relation to the buttress. The Cwmllynfell fault, which I think you are referring to, lies within the site but beyond the void area; it is not under the overburden mound or the surcharge mound, it is to the west of the void area, so there is no material perched on the fault line. Notwithstanding that, we have inclinometers within that general area, which will identify whether there is any movement in that area. If there was, there would be a response, but to date, there has been no cause for concern to the residents within that area.

Q103 David Chadwick: I have one further question on this point. The Welsh Government's 2016 guidance defines restoration as returning land to a natural form, including the replacement of subsoil and topsoil to support plant growth, yet East Pit remains a large water-filled void surrounded by overburden. Given the council's position that restoration is complete, how does the current condition meet that definition, and has that been verified through any independent assessment?

Nicola Pearce: As I indicated earlier, the amended restoration scheme was designed to ensure that the safety of local communities was maintained and safeguarded. We also tried to ensure that the site was as natural looking as possible and had appropriate drainage in place to ensure that the after use of the site was sustainable. It does not comply



HOUSE OF COMMONS

with that very tight definition, but it reflects the circumstances we were in at that time. We took the scheme through a very complicated planning application process, and we were in consultation with the Welsh Government all the way through. They requested the report of the planning officer at that time, and that was provided to them and enabled them to consider whether they wanted to call in the application for consideration by Welsh Ministers. After detailed consideration, they confirmed to the local authority that they did not feel it necessary in the national interest to call in that planning application as they felt that the issues that needed to be considered had been appropriately considered by the local authority.

As part of that process, we engaged with independent geotechnical and hydrological experts. We were also liaising with the coal authority and with NRW all the way through the process to ensure that the scheme did not cause a problem because of the material that remained above ground, and to ensure that we had mitigation measures in place to allow the natural flow of water from the void area into nearby watercourses. There are channels built into the design to ensure that water from the void moves into the surrounding watercourses safely, and that was undertaken in consultation with appropriate statutory consultees at the time.

Chair: Thank you very much for another very comprehensive answer. The final question is from Henry Tufnell.

Q104 **Henry Tufnell:** In January 2024 we had a report from the Auditor General for Wales, which said, "Councils are not always taking an ambitious, interventionist approach to tackle long-standing barriers." This is in respect of regenerating brownfield sites, so former industrial sites. Mark, do you accept that finding in the report?

Mark Williams: No, not completely. We have the example of quite a nasty former tar plant site in Caerphilly town, which has been lying dormant since probably the early or mid '80s. It is very expensive to remediate and will probably require public sector intervention to bring it forward for remediation. We are currently working on that with our colleagues in the Welsh Government and with a registered social landlord, so we are looking at these things. I am guessing that comment was made at a point in time, but it will not necessarily ring true for ever.

Q105 **Henry Tufnell:** If we talk about mine water and geothermal heat, for example, as an innovative technology that can be used as a result of these opportunities; in England, it is already in commercial use at Lanchester and production is going ahead in Seaham. But that is not the case in Wales. There are test schemes in Bridgend and there is Thermal Earth in Ammanford, but in terms of referencing the report's finding, do you think that is an opportunity that is being missed by councils at the moment?



HOUSE OF COMMONS

Mark Williams: Quite possibly. The world is changing; most local authorities now have decarbonisation strategies and action plans where they will be looking at these options. We certainly have one. There are a load of actions falling out of that, so again that is probably a comment at a point in time but not necessarily true as of today.

Q106 **Henry Tufnell:** You have referenced the recreational spaces in Caerphilly. I was wondering what other opportunities you saw as a council in respect of brownfield sites and the regeneration aspect.

Mark Williams: We are just going through the process of our second replacement local development plan, which is very focused on brownfield as opposed to developing greenfield sites. That being said, with the demand for housing that is required, there will ultimately be some development on greenfield as well. We are very much focused on brownfield and on more heavily contaminated sites like the tar plant at Caerphilly.

Q107 **Henry Tufnell:** Nicola, do you accept the finding of the report in January 2024?

Nicola Pearce: No. I am in a similar position to Mark; I do not accept that. They are very complicated sites to deal with. We have a significant number of former industrial sites in Neath Port Talbot. We have a site, for example, known as the Harbourside site, which forms part of a larger area of land that we are currently developing into an innovation district using funding from the UK Government via our city growth deal and via the Tata transition fund. We are currently using that funding, together with the funding we have as a local authority and private sector funding, to develop that innovation district and to secure R&D and innovation activity on that site associated with the decarbonisation of the steel and metals industry.

However, the site is heavily constrained, and that is probably what prevents people from coming forward with brownfield plans so readily. For example, to date it has cost us just shy of £340,000 per acre just to deal with remediation of the soil and ground water. We also have to put in flood mitigation measures because it is an area which is at risk of flooding. As part of the design, we have to ensure that we are safeguarding and enhancing biodiversity. All those measures come on top of the general construction costs of delivering a project, and we have to intervene in those instances as a local authority, using the funding streams open to us, because the private sector will just not invest.

I suppose the innovative use of different funding streams is the only way that we can bring this brownfield land back into beneficial use because the return on investment is just not there for private sector investors. We have general market failure in Wales in terms of economic investment; it is very difficult without public sector funding to support a private sector investment to deliver development in Wales because of that market failure.



Q108 **Henry Tufnell:** You have named a lot of the barriers in respect of brownfield regeneration and repurposing these sites. It is set out in the report that councillors used to be able to do that, but there is a lack of learning from elsewhere to overcome those barriers. I wonder whether you accept that need for an innovative approach, notwithstanding what you have just set out in respect of market failure.

Nicola Pearce: I am not necessarily sure what innovative approaches Audit Wales was referring to. I know it wanted us to set up a register of brownfield land and identify the obstacles for every brownfield site within the county borough; well, we do not own those sites, so we cannot go in and undertake site investigation works on every brownfield site in our county borough without the permission of the landowner. To get the permission of the landowner would be very difficult.

So I would question Audit Wales in terms of what innovative measures it is expecting us to do over and above what we are already trying to do to address market failure and bring these sites back into beneficial use.

Chair: Thank you very much. I thank all five witnesses before us today. This has been really helpful to expand our knowledge of the issues facing contaminated land across Wales, and it will take the evidence further forward in our inquiry. So thank you very much Robert Hartshorn, Mark Williams, Jacqueline Mynott, Rachael Davies and Nicola Pearce for joining us today. I now bring the session to a close.