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For all enquiries relating to this agenda please contact Rebecca Barrett  
(Tel: 01443 864245 Email: barrerm@caerphilly.gov.uk)

**Date: 16th March 2022**

Dear Sir/Madam,

A meeting of the **Environment and Sustainability Scrutiny Committee** will be held via Microsoft Teams on **Tuesday, 22nd March, 2022 at 5.30 pm** to consider the matters contained in the following agenda. Councillors and the public wishing to speak on any item can do so by making a request to the Chair. You are also welcome to use Welsh at the meeting, both these requests require a minimum notice period of 3 working days.

This meeting will be recorded and made available to view via the Council's website, except for discussions involving confidential or exempt items. Therefore the images/audio of those individuals speaking will be publicly available to all via the recording on the Council website at [www.caerphilly.gov.uk](http://www.caerphilly.gov.uk)

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Chrissy'.

**Christina Harrhy**  
CHIEF EXECUTIVE

## AGENDA

Pages

- 1 To receive apologies for absence.
- 2 Declarations of Interest.

Councillors and Officers are reminded of their personal responsibility to declare any personal an/or prejudicial interest(s) in respect of any item of business on this agenda in accordance with the Local Government Act 2000, the Council's Constitution and the Code of Conduct for both Councillors and Officers.

A greener place Man gwyrddach



To approve and sign the following minutes: -

- 3 Environment and Sustainability Scrutiny Committee held on 8th February 2022. 1 - 6
- 4 Consideration of any matter referred to this Committee in accordance with the call-in procedure.
- 5 Environment and Sustainability Scrutiny Committee Forward Work Programme. 7 - 16
- 6 To receive and consider the following Cabinet reports\*: -
1. Review of Experimental Pedestrian and Cycle Zones Outside Schools (School Streets) – 9<sup>th</sup> February 2022;
  2. B4251 Ynysddu To Wyllie Highway Improvement - 9<sup>th</sup> February 2022;
  3. Budget Proposals For 2022/23 And Medium-Term Financial Outlook – Cabinet 23<sup>rd</sup> February 2022;
  4. Development of a Multipurpose Visitor Centre at Parc Penallta – 9<sup>th</sup> March 2022.

*\*If a member of the Scrutiny Committee wishes for any of the above Cabinet reports to be brought forward for review at the meeting please contact Rebecca Barrett, 01443 864245, by 10.00 a.m. on Monday, 21st March 2022.*

To receive and consider the following Scrutiny report: -

- 7 Coal Tip Condition Status and Inspection Regime. 17 - 24

### **Circulation:**

**Councillors** M.A. Adams, A. Collis, D.T. Davies (Chair), C. Elsbury, M. Evans, A. Gair, Mrs J. Stone, A. Hussey (Vice Chair), S. Kent, Mrs A. Leonard, B. Owen, D.W.R. Preece, J.E. Roberts, J. Scriven, J. Simmonds and T.J. Williams

And Appropriate Officers

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## ENVIRONMENT AND SUSTAINABILITY SCRUTINY COMMITTEE

MINUTES OF THE MEETING HELD VIA MICROSOFT TEAMS ON TUESDAY, 8TH  
FEBRUARY 2022 AT 5.30 P.M.

PRESENT:

Councillor D.T. Davies (Chair)  
Councillor A. Hussey (Vice-Chair)

Councillors:

M.A. Adams, A. Collis, C. Elsbury, A. Gair, S. Kent, A. Leonard, B. Owen, D.W.R. Preece

Cabinet Members:

Councillors N. George (Waste, Public Protection and Street Scene), J. Pritchard (Infrastructure and Property), A. Whitcombe (Sustainability, Planning and Fleet)

Together with:

M.S. Williams (Corporate Director – Economy and Environment), M. Lloyd (Head of Infrastructure), R. Hartshorn (Head of Public Protection, Community and Leisure Services), D. Roberts (Principal Group Accountant), C. Forbes-Thompson (Scrutiny Manager), R. Barrett (Committee Services Officer), M. Harris (Committee Services Support Officer)

### RECORDING AND VOTING ARRANGEMENTS

The Chair reminded those present that the meeting was being filmed and would be available following the meeting via the Council's website – [Click Here to View](#). Members were advised that voting on decisions would take place via Microsoft Forms.

#### 1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors M. Evans, J.E. Roberts, J. Scriven, J. Simmonds, Mrs J. Stone and T.J. Williams.

#### 2. DECLARATIONS OF INTEREST

Councillor S. Kent declared a personal interest in Agenda Item No. 8 (Review of Experimental Pedestrian and Cycle Zones outside schools) as a school governor and parent and as he had been involved in discussions in connection to the review, and remained in the meeting during consideration of the item.

### **3. MINUTES – 7TH DECEMBER 2021**

It was moved and seconded that the minutes of the meeting held on 7th December 2021 be approved as a correct record and by way of Microsoft Forms (and in noting there were 7 for, 0 against and 2 abstentions) this was agreed by the majority present.

RESOLVED that the minutes of the Environment and Sustainability Scrutiny Committee held on 7th December 2021 (minute nos. 1 – 8) be approved as a correct record.

### **4. CALL-IN PROCEDURE**

There had been no matters referred to the Scrutiny Committee in accordance with the call-in procedure.

### **5. ENVIRONMENT AND SUSTAINABILITY SCRUTINY COMMITTEE FORWARD WORK PROGRAMME**

C. Forbes-Thompson (Scrutiny Manager) presented the report, which outlined details of the Environment and Sustainability Scrutiny Committee Forward Work Programme (FWP) for the period February 2022 to March 2022.

Members were asked to consider the FWP alongside the Cabinet work programme and suggest any changes prior to publication on the Council's website. The Scrutiny Committee noted the details of reports scheduled for the forthcoming meeting on 22nd March 2022.

It was moved and seconded that the report recommendation be approved. By way of Microsoft Forms (and in noting there were 10 for, 0 against and 0 abstentions) this was unanimously agreed.

RESOLVED that the Forward Work Programme as appended to the meeting papers be published on the Council's website

### **6. CABINET REPORTS**

It was confirmed that there had been no requests for any of the Cabinet reports listed on the agenda to be brought forward for discussion at the meeting.

### **7. NOTICE OF MOTION - CROSSING PATROLS POLICY**

Councillor K. Etheridge introduced his Notice of Motion which requested a review of the School Crossing Patrols process undertaken by CCBC when a crossing patrol vacancy arises after the existing post holder has left or has retired.

Councillor Etheridge explained that this was a strategic motion, with a separate petition being prepared on the withdrawal of the school crossing patrol at Blackwood Primary School, and referred to the Policy for establishing school crossing patrol sites that was originally considered by the Education for Life Scrutiny Committee in 2014. He appreciated that the Policy was based upon national guidance and that this sets out a criteria for evaluation of a school crossing when an attendant leaves the post.

Councillor Etheridge stated that he felt that the evaluation should also include consultation with parents. He outlined that the evaluation by Officers looks at the children entering the school through the main entrance and does not include side entrances, which are often used by nursery school children and breakfast clubs. The Scrutiny Committee were informed that the recent evaluation was carried out during the pandemic, and schools have used side entrances for social distancing. In addition, there is no appeals procedure for schools regarding the evaluation. Members were asked to consider supporting a review of the policy criteria, as the aim is to protect the safety of children.

The Scrutiny Committee were advised that the policy is based on national guidelines and to differ from that would require a bespoke policy. The Council would have to consider what it required from such a policy, in the event that the motion was supported by Councillors. The current National Guidance is tried and tested and applied throughout the UK. Officers explained that although the policy was approved in 2014 the National Guidance was updated in 2016 following a national review. Therefore, the policy can change and will continue to do so when the guidance is updated.

Members were advised that the criteria for the evaluation focuses on the main crossing point and also takes into account other entrances if the main crossing point is used. The crossing point is assessed alongside the number of vehicles, speed, width of the road and walkways, as well as any data on road casualties. Importantly, if there is a change in factors, a reassessment can take place and a crossing attendant can be re-introduced if the revised assessment score justifies it. The Scrutiny Committee were also advised that a new assessment will be carried out at Blackwood Primary School once the Covid-19 restrictions have been lifted.

Reference was made to the new requirements in the Highway Code, which puts pedestrian safety at the forefront. Members asked if this would result in changes to the national guidance. Officers stated that they were not aware of any changes but would check for Members. However, Members were advised that the new 20mph zones guidance from Welsh Government, which is due to be implemented in 2023, will provide additional safety in all residential areas.

Members highlighted that there are efforts to encourage reduced car use and promote walking to school, which may lead to an increase in the number of pedestrians around schools

Following discussion, it was moved and seconded that the Notice of Motion not be supported, and by way of Microsoft Forms (and in noting there were 6 for, 3 against and 1 abstention) this was agreed by the majority present. It was therefore

RECOMMENDED to Council that the Notice of Motion not be supported.

## **REPORTS OF OFFICERS**

Consideration was given to the following reports.

### **8. REVIEW OF EXPERIMENTAL PEDESTRIAN AND CYCLE ZONES OUTSIDE SCHOOLS (SCHOOL STREETS)**

The Cabinet Member for Infrastructure and Property introduced the report, which updated the Scrutiny Committee on the effectiveness and outcomes of the experimental pedestrian and cycle zone traffic regulation orders implemented outside three primary schools, and to

seek their views on whether similar schemes should be considered for other sites within the County Borough.

Members were advised that the Covid-19 pandemic brought about unprecedented changes that has affected all aspects of transport, with large reductions/changes in motorised traffic on all parts of the road network, reduced bus and train use, and high levels of home working. The Council wishes to sustain this modal shift to active travel modes and reduction in car use to support public health and promote environmental benefits. To support these changes, in 2020 Welsh Government released Local Sustainable Transport Response Funding to local authorities to implement 'pop-up' measures / low-cost solutions to reallocate road space in favour of sustainable forms of transport.

A proportion of this funding was allocated to the Council to support schemes at four selected primary schools within the borough, namely Libanus Primary School, Risca Primary School, Twyn Primary School and Aberbargoed Primary School (although Aberbargoed Primary did not proceed with the scheme due to operational changes arising from the pandemic) and the experimental orders for the remaining three schools came into effect on 1st September 2020

Members were advised that the experimental schemes appear to have been generally well received within their respective communities and most of the survey respondents felt that the schemes provide some overall benefits and that they should remain in place. Details of the scheme locations, survey responses and feedback were appended to the report. In view of the positive reception, it was recommended that the experimental schemes should be made permanent. However, Gwent Police have highlighted enforcement difficulties regarding the schemes due to lack of resources, and the Council is also unable to undertake the enforcement activity themselves. Therefore, it has been recommended that no new or additional School Street schemes be implemented due to the additional pressure that this would put on Gwent Police's resources as well as the potential criticism that the council could endure from the lack of enforcement. However, the Cabinet Member added that he would welcome discussions with Gwent Police, local councillors and school governors around what the Council can collectively do to promote these schemes.

It was noted that initial consultation with local ward members and the previous Cabinet Member took place in June 2020 where no objections were received. In July 2020, statutory consultation took place with the emergency services and statutory bodies, community and town councils and affected schools, and again, no objections were received. The report also outlined responses from local members following the introduction of the scheme, where several points on design and enforcement issues were raised. In December 2021, a summary of comments received from Public Notice and open online questionnaires were sent to local members for the Blackwood, St Martins and Risca West Wards and to the Cabinet Member for Infrastructure and Property. The report outlined two comments from local members in response to the summary send out in December 2020 and no local member has asked for any of the proposals to be withdrawn.

Members were reminded that the benefits for the local environment and safer access to schools has been a key driver in this policy. In addition, in June 2019 the Council declared a climate emergency and so it is important that the Council does everything that they possibly can to reduce carbon emissions across the county borough.

Members were therefore asked to offer their views on the experimental schemes, ahead of the report and its recommendations being presented to Cabinet for consideration.

The Scrutiny Committee discussed the report and individual Members expressed their support for the schemes and thanked Officers for the detailed report. However, Members also expressed some reservations and concerns around the enforcement of the schemes,

particularly given the lack of available police resources. One Member cited a recent example in his ward relating to one of the school sites involved in the scheme, where a child had nearly been knocked over by a reversing vehicle on double yellow lines, and he also referred to increased parking confrontations between parents. Particular reference was made to the lack of enforcement powers by the Council and the fact that only the police have powers to stop a moving vehicle. Another Member expressed concerns around pupil safety in his ward as the result of increased parking on double yellow lines. One Member asked if CCTV cameras could be installed at the scheme locations in order to enhance enforcement and apply retrospective fines in cases where the scheme is contravened in order to act as a deterrent.

Mr Marcus Lloyd (Head of Infrastructure) acknowledged the improvements that had been made to parking/traffic movement at these locations since the schemes were implemented but emphasised that the Council do not have the power to enforce unauthorised travel in relation to these schemes. He confirmed that he would undertake research into the use of CCTV cameras, and in response to further queries from Members, also confirmed that opportunities could be explored with Welsh Government around the transfer of enforcement powers from the police to the Council.

A Member also asked if ANPR technology could be used as a means of enforcing the schemes, and enquired around the associated costs. Mr Lloyd confirmed that he could look into this matter as he was aware that it is already being considered by an adjacent Council as a means of tackling anti-social behaviour in one housing estate within the county borough. It was confirmed that offences regarding moving traffic are under the jurisdiction of the police and so this was another area where the transfer of powers to the Council would have to be explored with Welsh Government.

The Cabinet Member also emphasised that he would be more than happy to meet with any of the local councillors or school governors in relation to the three schools enrolled in the schemes in order to address any issues that may arise.

Following consideration of the report and having offered their view on the Officer recommendations as set out in Sections 3.2 and 3.3 of the report, it was moved and seconded that the following recommendations be forwarded to Cabinet for approval. By way of Microsoft Forms (and in noting there were 9 for, 0 against and 0 abstentions) this was unanimously agreed.

RECOMMENDED to Cabinet that:-

- (i) The experimental traffic regulations orders (pedestrian and cycle zones, and one way traffic) at the three primary schools should be made permanent;
- (ii) No new/additional pedestrian and cycle zones should be considered for other school sites within the borough as part of a future programmes of works at this point in time.

## **9. ECONOMY AND ENVIRONMENT 2021/22 BUDGET MONITORING REPORT (PERIOD 7)**

The Cabinet Member for Sustainability, Planning and Fleet introduced the report, which informed Members of projected revenue expenditure for the Economy and Environment Directorate for the 2021/22 financial year. The report summarised the most recent budget monitoring projections for 2021/2022 based on the latest available financial information and more detailed budget monitoring figures for each of the Service Areas within the Economy and Environment Directorate were set out in the report appendices.

Members were requested to note the contents of the report and the detailed budget monitoring pages in respect of the Infrastructure, Public Protection and Community and Leisure Service Divisions which fall under the remit of the Environment and Sustainability Scrutiny Committee.

The Scrutiny Committee considered the report and in referring to a £13k overspend on Bulky Waste, a Member asked if this was due to collection of fly-tipping or people not paying for this service. Mr Dave Roberts (Principal Group Accountant) confirmed that he would make some enquiries and circulate this information to all Members following the meeting.

Following consideration of the report, the Scrutiny Committee noted the contents of the report and the detailed budget monitoring pages in respect of the Infrastructure Services Division, Public Protection Division, and Community and Leisure Services Division.

#### **10. DIRECTORATE PERFORMANCE ASSESSMENT FOR ECONOMY AND ENVIRONMENT SERVICES - SIX MONTH UPDATE 2021/22**

The Cabinet Member for Sustainability, Planning and Fleet introduced the report, which outlined the 6-month Economy and Environment Directorate Performance Assessment (DPA) and which is part of the Council's Performance Management Framework. The DPA provides information and analysis for the 6-month period April to September 2021 and was attached at Appendix 1. The DPA forms part of the overall Council 'self-assessment' activity, and the Scrutiny Committee were invited to discuss, challenge and scrutinise the information in the DPA.

Mark S. Williams (Corporate Director – Economy and Environment) reminded Members that the performance elements applicable to Regeneration and Planning had been scrutinised by the Housing and Regeneration Scrutiny Committee at their meeting the previous week, and that Members should focus on the elements applicable to Community and Leisure Services, Infrastructure, and Public Protection.

There were no questions received for Officers, and the Scrutiny Committee noted the contents of the report and the information contained in the Directorate Performance Assessment.

The meeting closed at 6.32 p.m.

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 22nd March 2022.

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CHAIR





## ENVIRONMENT AND SUSTAINABILITY SCRUTINY COMMITTEE – 22ND MARCH 2022

**SUBJECT:** ENVIRONMENT AND SUSTAINABILITY SCRUTINY  
COMMITTEE FORWARD WORK PROGRAMME

**REPORT BY:** CORPORATE DIRECTOR FOR EDUCATION AND  
CORPORATE SERVICES

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### 1. PURPOSE OF REPORT

- 1.1 To report the Environment and Sustainability Scrutiny Committee Forward Work Programme.

### 2. SUMMARY

- 2.1 Forward Work Programmes are essential to ensure that Scrutiny Committee agendas reflect the strategic issues facing the Council and other priorities raised by Members, the public or stakeholder.

### 3. RECOMMENDATIONS

- 3.1 That Members consider any changes and agree the final forward work programme prior to publication.

### 4. REASONS FOR THE RECOMMENDATIONS

- 4.1 To improve the operation of scrutiny.

### 5. THE REPORT

- 5.1 The Environment and Sustainability Scrutiny Committee forward work programme includes all reports that were identified at the scrutiny committee meeting on Tuesday 8<sup>th</sup> February 2022. The work programme outlines the reports planned for the period to March 2022.
- 5.2 The forward Work Programme is made up of reports identified by officers and members. Members are asked to consider the work programme alongside the

cabinet work programme and suggest any changes before it is published on the council website. Scrutiny committee will review this work programme at every meeting going forward alongside any changes to the cabinet work programme or report requests.

5.3 The Environment and Sustainability Scrutiny Committee Forward Work Programme is attached at Appendix 1, which presents the current status as at 14<sup>th</sup> March 2022. The Cabinet Work Programme is attached at Appendix 2. A copy of the prioritisation flowchart is attached at appendix 3 to assist the scrutiny committee to determine what items should be added to the forward work programme.

#### 5.4 **Conclusion**

The work programme is for consideration and amendment by the scrutiny committee prior to publication on the council website.

### 6. **ASSUMPTIONS**

6.1 No assumptions are necessary.

### 7. **SUMMARY OF INTEGRATED IMPACT ASSESSMENT**

7.1 As this report is for information only an Integrated Impact Assessment is not necessary.

### 8. **FINANCIAL IMPLICATIONS**

8.1 There are no specific financial implications arising as a result of this report.

### 9. **PERSONNEL IMPLICATIONS**

9.1 There are no specific personnel implications arising as a result of this report.

### 10. **CONSULTATIONS**

10.1 There are no consultation responses that have not been included in this report.

### 11. **STATUTORY POWER**

11.1 The Local Government Act 2000.

Author: Mark Jacques, Scrutiny Officer jacqu@carphilly.gov.uk

Consultees: Mark S. Williams, Corporate Director for Economy and Environment  
Robert Tranter, Head of Legal Services/ Monitoring Officer  
Lisa Lane, Head of Democratic Services and Deputy Monitoring Officer,  
Legal Services

Councillor Tudor Davies, Chair of Environment and Sustainability Scrutiny  
Committee  
Councillor Adrian Hussey Vice Chair of Environment and Sustainability  
Scrutiny Committee

Appendices:

- Appendix 1 Environment & Sustainability Scrutiny Committee Forward Work Programme
- Appendix 2 Cabinet Forward Work Programme
- Appendix 3 Forward Work Programme Prioritisation Flowchart

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Forward Work Programme - Environment & Sustainability				APPENDIX 1
Date	Title	Key Issues	Author	Cabinet Member
22/03/22 17:30	Tips Inspection and Maintenance Update		Lloyd, Marcus;	Cllr. Pritchard, James;
22/03/22 17:30	Information Item - Budget Monitoring Report (Period 9)	To inform Members of the most recent budget monitoring position for 2021/2022 for Communities Directorate Service Divisions	Roberts, David;	Cllr. Stenner, Eluned;
28/06/22 17:30	Registrars (Ceremony) Fees.		Hartshorn, Robert;	Cllr. Gordon, Colin J;
28/06/22 17:30	WBO end of year (20/21) out-turn report		Williams, Mark S;	Cllr. George, Nigel;
28/06/22 17:30	Public Protection Annual Report - reporting on enforcement activity and CCTV related matters		Hartshorn, Robert;	Cllr. Gordon, Colin J;
20/09/22 17:30				
25/10/22 17:30				
06/12/22 17:30				
07/02/23 17:30				
21/03/23 17:30				

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23/03/2022 10:30	Gender Pay Gap	For Cabinet to agree the Gender Pay Gap report which must to be published by 31st March 2022.	Donovan, Lynne;	Cllr. Gordon, Colin J;
23/03/2022 10:30	EAS Business Plan	The EAS is required to submit an annual overarching regional Business Plan on an annual basis. This report asks for members to consider the full contents of the draft EAS Business Plan as part of the regional consultation process	Cole, Keri;	Cllr. Whiting, Ross;
23/03/2022 10:30	HRA Business Plan	To update Cabinet on the latest Housing Business Plan position in advance of submitting the plan to Welsh Government by 31/3/22, which is a requirement under the terms of the Major Repairs Allowance (MRA) grant. The Housing Business Plan is a 30 year plan and will include rental increase assumptions and forecasted borrowing requirements to enable the HRA to maintain viability while meeting its core objectives.	Allen, Lesley;	Cllr. Cook, Shayne;
23/03/2022 10:30	Coal Tips Inspection and Maintenance Update.	To provide an update on the current coal tip condition status and inspection regimes that are in place for coal tips located within Caerphilly County Borough.	Lloyd, Marcus;	Cllr. Pritchard, James;
23/03/2022 10:30	Housing Support Strategy	The Housing Support Programme Strategy is being developed to outline the strategic direction of the local authority for housing related support services. This single strategic view demonstrates our plan and approach to homelessness prevention and housing support services.	Williams, Jo;	Cllr. Cook, Shayne;

06/04/2022 10:30	21st Century Schools – Band B - Phase 2: Objection Report	For Cabinet to consider the contents of 21st Century Schools objection report and give permission to proceed to the planning application stage, and the submission of the full business case to Welsh Government.	West, Andrea; Richards, Sue;	Cllr. Whiting, Ross;
06/04/2022 10:30	Corporate Complaints - 6 month update	For Cabinet to review the complaints dealt with under the Corporate Complaints policy for the period 1st April 2021 to 30th September 2021 together with outcomes and lessons learned.	Lane, Lisa;	Cllr. Stenner, Eluned;
06/04/2022 10:30	Provider Fee increases 2022/23	For Cabinet to note the Social Services Directorates proposed fee increases to independent providers for 2022/23 and note the possible financial implications in future years.	Street, Dave;	Cllr. Cook, Shayne;
06/04/2022 10:30	Proposal to increase Hackney Carriage Fare Tariffs	For Cabinet to consider a recommendation from Licensing Committee in relation to proposals from the Taxi trade for amendments to the hackney carriage fare tariff to enable the preferred proposal to be advertised in the press for a 14-day public consultation period.	Hartshorn, Rob;	Cllr. George, Nigel



**Scrutiny Committee Forward Work Programme Prioritisation**



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## ENVIRONMENT AND SUSTAINABILITY SCRUTINY COMMITTEE – 22ND MARCH 2022

**SUBJECT: COAL TIP CONDITION STATUS AND INSPECTION REGIME**

**REPORT BY: CORPORATE DIRECTOR FOR ECONOMY AND ENVIRONMENT**

### **1. PURPOSE OF REPORT**

1.1 This Report to Scrutiny Committee is provided, to give an update on the current condition status and inspection regimes that are in place for coal tips located within Caerphilly County Borough, ahead of its presentation to Cabinet.

### **2. SUMMARY**

- 2.1 The report summarises the backdrop to the current Welsh Government drive to set up a robust risk-based management system for tip inspection and tip maintenance for all tip assets in Wales and to understand the legacy posed by the tip sites in private ownership.
- 2.2 Following storm Dennis officers working collaboratively with the Coal Authority undertook a data cleanse exercise to determine the exact number of colliery spoil tips both Local Authority (LA) owned and privately owned within Caerphilly. This exercise reduced the believed number of 249 tips down to 201.
- 2.3 Caerphilly has developed its own robust tip inspection policy and procedures which are risk based and have been in place since April 2013. Tips are classified 'A' to 'D', low to high risk, and inspections undertaken at intervals of 24 months, 12 months, 6 months and monthly respectively based on the risk assessment.
- 2.4 Since storm Dennis in February 2020 inspection and tips maintenance moved to Engineering Projects Group, and 141 inspections were undertaken in 2020, 95 inspections in 2021 and 134 are programmed for 2022 in accordance with the risk assessment profiles.
- 2.5 A term service contractor, Jim Davies Civil Engineering Limited was appointed in 2020 to undertake all tips maintenance works with the authority. In 2021/22 just over £1M was spent on tips maintenance within the borough.
- 2.6 Welsh Government have engaged the services of the Coal Authority to undertake

inspections of all privately owned category 'C' & 'D' tips (highest risk rating). The first round of those inspections was undertaken in the period April to August 2021, the second round of inspections started in October 2021 and is currently ongoing.

- 2.7 The inspections have identified maintenance work requirements at 20 of the sites inspected as well as further monitoring at 13 sites. Only one site was identified with evidence of large-scale movement, this was the subject of a further joint inspection. Further monitoring and some investigation work has been recommended for this site, however, it should be noted that there are no imminent issues of concern.
- 2.8 Welsh Government has indicated that funding is available to undertake works to tips, with LAs taking the lead. Currently legislation does not give LAs power to enter private land, the suggestion is to negotiate with owners to agree access if works are required on private tips.
- 2.9 Welsh Government has appointed the Law Commissioner to develop new legislation on Regulating Coal Tip Safety in Wales, consultation finished in September 2021 with recommendations anticipated early 2022. Recommendations are likely to include the setting up of a new supervisory board responsible for the registration of all tips, their classification and agreeing tip management plans. This will provide a consistent approach to tips inspection and maintenance across Wales.

### **3. RECOMMENDATIONS**

Scrutiny is asked to consider the content of this report and endorse the following recommendations, ahead of these being presented to Cabinet:

- 3.1 The continued use of Caerphilly's policy and procedures for managing tip inspections and maintenance programme which was originally supported by the Regeneration and Environment Scrutiny Committee on 2-4-2013.
- 3.2 Continued collaborative working with Welsh Government and the Coal Authority.
- 3.3 Continued exploration of options for addressing maintenance requirements for privately owned spoil tips.

### **4. REASONS FOR THE RECOMMENDATIONS**

- 4.1 To ensure the continued safety of all local authority and privately owned spoil tips within the Caerphilly County Borough area.

### **5. THE REPORT**

- 5.1 The dramatic failure of a spoil tip in Tylorstown, Rhondda Cynon Taf, triggered by Storm Dennis in early 2020 prompted Welsh Government (WG) to review all tip assets both publicly and privately owned along with the policies in place to manage coal tips. To take the reviews forward WG appointed the Coal Authority to undertake a technical audit and the Law Commission a legislation review.
- 5.2 Working collaboratively with local authorities the first aspect addressed was to determine the actual number of colliery spoil tips within each authority. Historically, local authorities had included a number of sites which fell outside of the coal tips

definition such as sandstone quarries and disused refuse sites, the results of the exercise were to reduce the overall number recorded in Caerphilly from 249 to 201.

- 5.3 Prior to the recent events of 2020, Caerphilly had recognised the importance of having a robust tip inspection and management procedure in place and in 2013 developed a risk-based management approach for tip inspections. The approach developed uses a risk rating system which considered a number of criteria and characteristics of a tip and the influence these factors have on tip stability or risk posed to user and public alike.
- 5.4 The risk matrix used produced a numerical risk rating which was aligned to a tip classification, categorising the tips from 'A' to 'D'. The 'A' to 'D' reference indicates risk, with 'A' & 'B' being low risk tips and 'C' & 'D' high risk tips, a further category of 'R' is used which identifies a site as reclaimed. The categorisation is then linked to inspection frequency which follows a 24, 12, 6 or month cycle for risk rating 'A' to 'D'.
- 5.5 The Coal Authority were consulted during the development of this procedure and provided their endorsement, commenting that the approach adopted by Caerphilly was robust and represented best practice. It is worth noting that the categorisation now adopted by the Coal Authority and WG for the ongoing tip review is based on the Caerphilly system with just some minor revisions.
- 5.6 The number of tips and the respective categorisation known to be present within the Caerphilly area following the most recent review are:

Categories	LA Tips	CCBC Inspection Frequency	Private Tips	Coal Authority Inspection Frequency
A (Lowest Risk)	49	24 months	30	Not inspected
B	29	12 months	34	Not inspected
C	9	6 months	35	6 months
D Highest Risk)	4	Monthly	3	6 months
R (Reclaimed)	1	Not inspected	7	Not inspected
Total	92		109	

**Note: Private tips have only been inspected at the frequency shown over the last 12 months, at the time of compiling this report it is not known if this inspection frequency will be maintained. The current process where the Coal Authority undertake these private tips inspections has been instructed by Welsh Government.**

- 5.7 Since the introduction of the tips management procedure in 2013 inspection and maintenance has been undertaken by Caerphilly's Highway Operations Group, with these inspections being undertaken by Highway Inspectors who had received appropriate training. Following the event of 2020 this responsibility was moved to Engineering Projects Group managed by one of the groups Principal Engineers and two inspectors, to ensure the highest level of technical specialism was in place.
- 5.8 Immediately following the Storm Dennis event all Caerphilly CBC owned tips were inspected. No serious areas of concern were identified at that time just general maintenance issues to be addressed in due course. Since the spring of 2020

inspections have been taken forward in accordance with Caerphilly established programme. In 2020 a total of 141 tip inspections were undertaken and 95 inspections were undertaken in 2021 on the category 'A', 'B', 'C' and 'D' tips. The inspections programmed for 2022 number 134; this work is currently ongoing.

- 5.9 Up until the events of storm Dennis, identified maintenance works were being undertaken by Caerphilly's in house contractors and while this had been sufficient at the time the greater emphasis now being placed on preventative maintenance along with available grant funding both increased the volume of works required and the complexity which has taken it beyond the resource availability of the in-house provider. A decision was therefore made to engage the services of a more specialist contractor to provide general, reactive, and emergency maintenance provision. In August 2020 a 5-year term service contract was awarded to Jim Davies Civil Engineering Ltd who incidentally are also the Coal Authority's maintenance contractor for spoil tips in South Wales.
- 5.10 A programme of maintenance works was put in place for the financial year 2020/21 and 2021/22 using grant funding made available by Welsh Government. The first tranche of works undertaken in this 2020/21 period focussed on quick wins so mainly dealt with drainage maintenance and focussed on clearing blocked or overgrown drainage channels.
- 5.11 The second tranche of works undertaken during 2021/22 concentrated on major maintenance works, in particular sites at Bedwas, Pontlottyn, Aberbargoed, Abertyswg and Penallta. The site at Bedwas required the largest investment where the quarry pond was dredged, and the hillside drainage re-established through the construction of a series of new channels and carrier pipes. In total the predicted spend on tips maintenance for the 2021/22 financial year is just over £1M.
- 5.12 For Caerphilly owned tips there is a well-established system of inspections which allied with the term service maintenance contract allows for the continued development and implementation of a tips focussed maintenance programme. The programme for 2022/23 is currently being developed and will form the basis for grant bids going forward.
- 5.13 Under the direction of the Welsh Government the Coal Authority implemented an inspection programme focussed on category 'C' and 'D' tips in private ownership. The first round of these inspections was undertaken between April and August 2021 during which a total of 52 tip sites were inspected out of 109 known to be present within Caerphilly. The remaining 57 sites are either category 'A', 'B' and 'R' sites and have not been inspected. The first round of inspection lead to a downgrading of 14 of the category 'C' tips to 'A' or 'B'
- 5.14 The second round of Coal Authority inspections commenced in October 2021 and is currently ongoing. During this round of inspections only 38 sites will be inspected the remaining 71 sites are not programmed for inspection. To date these inspections have identified maintenance work requirements on 20 sites and further monitoring on 13 sites. In respect to maintenance this relates to the cleansing of drainage channels and intake structures and some repair to washout and scour damage. In relation to monitoring this has identified features that although not problematic at present could at some future date lead to a maintenance intervention.
- 5.15 Of the 52 tip sites inspected only one site was identified where there was evidence of possible large-scale instability. The site in question was Tip 105, Windsor Mountain Ropeway, which is a category 'D' tip. This site was the subject of a joint inspection

attended by officers from both the Coal Authority and Caerphilly CBC. At the time of the inspections a visible back scar was observed across the south-eastern face of the tip with a noticeable drop in level within the slip area. Elements of drainage maintenance were also noted.

- 5.16 There were no imminent issues of concern relating to stability at this site, but it is a site which would benefit from a ground investigation to determine the cause of the observed movement. In this respect letters have been sent out to the three landowners of the site to open a dialogue in relation to agreeing an approach to deal with these concerns and ensure that at a minimum that safety inspections in accordance with Caerphilly's policy and procedures are implemented.
- 5.17 In terms of maintenance works on private tips Welsh Government has indicated that there is funding available to undertake these works. WG have stated that local authorities (LAs) should lead on this and engage with private owners to reach agreement with them to allow maintenance works to proceed. Current legislation does not give LAs the power to enter onto these private sites and undertake routine maintenance works as identified, it is only in a case where an imminent danger exists that LAs have a right to enter onto these sites.
- 5.18 Caerphilly CBC will write to individual tip owners to secure right of access and enter into an agreement to undertake any works highlighted by the Coal Authority inspections. Several neighbouring authorities have also adopted this approach and it has been suggested that best practice should be established and shared, leading to a common approach.
- 5.19 Welsh Government has appointed the Law Commission to look at new legislation on 'Regulating Coal Tip Safety in Wales', initial consultation ran on this up to September 2021 with a final report containing recommendations for new legislation expected early 2022. The timeline for implementation of this new legislation is not known at this time. The new legislation outlined in the consultation document seeks to put in place a regulatory framework that would achieve two main goals:
- Consistency of approach
  - Prevention of harm through a proactive rather than reactive action
- 5.20 The new legislation would only apply to disused tips and in its stated desire to achieve consistency it talks of setting up a single supervisory body consisting of a panel of Engineers with the requisite qualifications and experience relating to coal tip safety.
- 5.21 This new supervisory body would be responsible for holding and maintaining a register of all tip sites in Wales and agreeing tip classification. It would also be instrumental in agreeing and developing tip management plans for each site. There is a suggestion in the consultation document that the responsibility for higher designated tips 'C' and 'D' should sit within the new body in terms of inspection and maintenance works and that for lower risk tips 'A' and 'B' to remain within LAs. In addition to inspection and maintenance there is a further suggestion relating to reclamation of tip sites which talks of setting up a centre of excellence to take such projects forward.
- 5.22 While the outcome of this consultation is awaited there is a strong suggestion that the broad outline set out above will form the basis of the new regulatory framework.

## **5.23 Conclusion**

- 5.24 The current Caerphilly adopted tips management procedures, provide a robust, well-established framework for managing the risks associated with disused colliery spoil tips. The procedures are risk based and clearly set out the process for categorising tip inspection frequency and maintenance. Caerphilly management procedures are acknowledged as best practice and currently align with those adopted by the Coal Authority.

## **6. ASSUMPTIONS**

- 6.1 Caerphilly will continue to manage its disused spoil tips in line with its own adopted management procedures until such time that new legislation is introduced which supersedes current procedures.

## **7. SUMMARY OF INTEGRATED IMPACT ASSESSMENT**

- 7.1 The continued management of spoil tips risk is in line with Caerphilly's adopted tips management procedures and as such does not require an IIA

## **8. FINANCIAL IMPLICATIONS**

- 8.1 Currently Welsh Government has made funding available for inspection and maintenance work for both LA and private tips, this has been in place since 2020 and there is a suggestion that this will continue into the 2022/23 financial year, beyond 2022/23 there is uncertainty as to the availability of this funding.
- 8.2 Caerphilly currently has its own capital and revenue budget of £246k and £55,630 respectively allocated to tips maintenance. While use of these budgets have been offset by Welsh Government funding over the financial year 2020/21 and 2021/22 and probably 2022/23, there is no guarantee that central funding would be forthcoming in future years. As such future funding levels will be determined against the risk-based inspection regime in place and the identified works required.

## **9. PERSONNEL IMPLICATIONS**

- 9.1 While Caerphilly CBC currently manage our own tips there is limited expertise in this field of work nationally. Discussions are ongoing with WG and the CA to establish specific training modules related to tip maintenance to establish and maintain the highest level of technical skill.

The work currently being undertaken by the Law Commission on behalf of Welsh Government, to review the Coal Tips legislation, is anticipated to be able to provide recommendations in the summer. The outcomes of this work could propose a different management structure/process to maintain the national tips portfolio in the future.



## **10. CONSULTATIONS**

- 10.1 All consultation responses have been considered and incorporated into the report where relevant.

## **11. STATUTORY POWER**

- 11.1 The Mines and Quarries (Tips) Act 1969 Part II details the duties for the inspection and management of disused soil tips. Currently the authority is responsible for its own tips in terms of inspection and maintenance. In relation to private tips there is no such provision other than action relating to an emergency situation.

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