



## **ENVIRONMENT AND SUSTAINABILITY SCRUTINY COMMITTEE**

**MINUTES OF THE MEETING HELD VIA MICROSOFT TEAMS ON TUESDAY, 22ND  
MARCH 2022 AT 5.30 P.M.**

PRESENT:

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

Councillors:

M.A. Adams, C. Elsbury, M. Evans, A. Gair, S. Kent, A. Leonard, B. Owen, D.W.R. Preece,  
T.J. Williams

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. Lloyd (Head of Infrastructure), C. Forbes-Thompson (Scrutiny Manager), R. Barrett  
(Committee Services Officer), J. Lloyd (Committee Services 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 A. Collis, J.E. Roberts, J. Scriven, J. Simmonds and Mrs J. Stone, together with M.S. Williams (Corporate Director – Economy and Environment).

#### **2. DECLARATIONS OF INTEREST**

There were no declarations of interest received at the commencement or during the course of the meeting.

### **3. MINUTES – 8TH FEBRUARY 2022**

It was moved and seconded that the minutes of the meeting held on 8th February 2022 be approved as a correct record and by way of Microsoft Forms (and in noting there were 10 for, 0 against and 0 abstentions) this was unanimously agreed.

RESOLVED that the minutes of the Environment and Sustainability Scrutiny Committee held on 8th February 2022 (minute nos. 1 – 10) 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 28th June 2022.

It was moved and seconded that the report recommendation be approved. By way of Microsoft Forms (and in noting there were 11 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.

### **REPORTS OF OFFICERS**

Consideration was given to the following report.

### **7. COAL TIP CONDITION STATUS AND INSPECTION REGIME**

The Cabinet Member for Infrastructure and Property introduced the report, which updated the Scrutiny Committee 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.

Members were advised that 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. The new inspection forms developed by Welsh Government have been adopted by the Council and the focus of inspections has now changed to identify planned and preventative maintenance works as opposed to reactive works, with a rolling programme of maintenance works now in place which utilises the Authority's term service tips maintenance contractor.

Following Storm Dennis in February 2020, Officers working collaboratively with the Coal Authority undertook a data cleanse exercise to determine the exact number of colliery spoil tips which are Local Authority (LA) owned and privately owned within Caerphilly. This exercise reduced the believed number of 249 tips down to 201. The inspection and tips maintenance moved to the Engineering Projects Group in February 2020, with 141 inspections undertaken in 2020, 95 inspections in 2021 and a further 134 inspections programmed for 2022 in accordance with the risk assessment profiles.

It was noted that currently legislation does not give local authorities the power to enter private land unless it is deemed an emergency, and the suggestion is to negotiate with owners to agree access if works are required on private tips. However, as the majority of tips within the county borough are on private land, therefore a tougher enforcement regarding private tips and a more rigorous inspection regime is generally welcomed and supported.

Members were advised that Welsh Government has appointed the Law Commission to develop new legislation on Regulating Coal Tip Safety in Wales. 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.

The Scrutiny Committee were referred to the considerable amount of work in regards to coal tip safety in recent years, with the second tranche of works undertaken during 2021/22 concentrating on major maintenance works, in particular sites at Bedwas, Pontllytyn, Aberbargoed, Abertysswg 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.

A programme of maintenance works was implemented 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, and mainly dealt with drainage maintenance and focussed on clearing blocked or overgrown drainage channels. The extra funding supported the use of inspector engineers from the Engineering Projects Group to ensure the highest level of technical specialism was in place and allowed sufficient time to be allocated to achieve the CCBC inspection programme in full. The funding also allowed progress on the backlog of maintenance works required for many of the tip sites.

In summary, the Scrutiny Committee were advised that the report demonstrates the progress that has been undertaken on the Coal Tip inspection regime to date, and also offers a further and clear movement of travel as the Council heads in the right direction ahead of further legislation expected later this year.

Marcus Lloyd (Head Of Infrastructure) added that there are currently no issues with any of the tips across the county borough, and gave assurances that the inspection regimes in place are robust and all tip sites are currently safe and secure.

A Member expressed his thanks for the comprehensive overview and sought further information and assurances around the process for accessing private sites where a tip may be in imminent danger of collapse or require remedial work. Mr Lloyd explained that although it is recognised that there are concerns around proactive inspection and access to private sites, the Council have been working closely with Welsh Government and the Coal Authority in this regard, and the Coal Authority have inspected all Category 'C' and 'D' tips in private ownership and established that there are no imminent concerns. Mr Lloyd highlighted that there is one tip requiring further investigation, but however there is no immediate danger from this site, and it is not located near to properties or any locations that would cause concern. Members were advised that the new legislation from the Law Commission will initiate this proactive inspection regime and provide a consistent approach across Wales in regards to the inspection process moving forward.

A Member enquired as to the Council's relationship with private tip owners and whether sites would invite the Council to carry out inspections if they had any concerns. Mr Lloyd confirmed that engagement with private sites has improved in recent months and there have been no major issues encountered when access is requested by the Council. He added that the Council have already been approached by one private tip owner to enquire about accessing funding to undertake maintenance works.

A Member referred to the Council's use of drones for 3D topographical surveys and asked if there is any legislation in place to permit the use of these drones to monitor tips on private land. Mr Lloyd explained that this is in the very early stages and would be a matter for the Council to seek advice on and examine in further detail to see if this technology could be utilised as part of the new legislation.

The Cabinet Member for Infrastructure and Property emphasised that the new legislation would hopefully remove the two-tier system currently in place where a private tip has less of an inspection regime than a local authority-owned site, and he was confident that progress is being made by the Council in the right direction.

A Member referred to a number of tips in his ward and asked if there was sufficient vehicular access to these rural sites in the event of an emergency, and also asked who would be responsible for maintaining this access. Mr Lloyd confirmed that this is the responsibility of the Council across local authority-owned tips and the responsibility of the site owner for private tips. However, he added that the Council have a contractor available to attend to tip emergencies and it is the same contractor that the Coal Authority utilise across South Wales, so if there is an instance where the Council needs to attend a tip area situated in a difficult location, they can be assured that the contractor has the sufficient experience and equipment available to be able to undertake this work.

Following consideration of the report, it was moved and seconded that the following recommendations be endorsed by the Scrutiny Committee and forwarded to Cabinet for approval. By way of Microsoft Forms (and in noting there were 11 for, 0 against and 0 abstentions) this was unanimously agreed.

RECOMMENDED to Cabinet that:-

- (i) The 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, be continued;
- (ii) Collaborative working with Welsh Government and the Coal Authority be continued;

- (iii) The exploration of options for addressing maintenance requirements for privately owned spoil tips be continued.

### **CHAIR'S ANNOUNCEMENT**

Before concluding the meeting, Councillor D.T. Davies (Chair) highlighted that this was the last Scrutiny Committee meeting of the current electoral term, and placed on record his thanks to Councillor A. Hussey (Vice-Chair) and Scrutiny Committee Members for their contributions and the support they had given to him as Chair. The Chair expressed particular thanks to Democratic Services staff for their invaluable support, advice, and teamwork, and also thanked all those Officers who had contributed towards to the Scrutiny Committee meetings.

The meeting closed at 5.54 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 28th June 2022.

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CHAIR