

DMQTWB 05 - Evidence from: National Sheep Association

Senedd Cymru | Welsh Parliament

Pwyllgor Newid Hinsawdd, yr Amgylchedd a Seilwaith | Climate Change, Environment, and Infrastructure Committee

Bil Tomenni Mwyngloddiau a Chwareli Nas Defnyddir (Cymru) | Disused Mine and Quarry Tips (Wales) Bill

1. What are your views on the general principles of the Bill, and is there a need for legislation to deliver the stated policy intention?

The National Sheep Association is a charitable company operating as a membership body for sheep farmers and others with interests in sheep farming across the UK. We have a team dedicated to activities in Wales, as with other devolved nations.

We agree with the general principles of the Bill and would like to see its interests explicitly extend to animal health as well as human health, on the basis that contamination of grazing land can lead to high trace element levels in food animals (lead being a good and current example) that could be of potential risk not just to animal health but also to that of consumers of such animal products. We agree with the need for legislation in order to enforce the management of disused mines and tips.

2. What are your views on the Bill's provisions (set out according to Parts below), in particular are they workable and will they deliver the stated policy intention?

▪ Part 1 - The Disused Tips Authority for Wales (sections 1 to 5 and Schedule 1)

We wish to respond to this consultation particularly on the matter of the spoil tips associated with the disused metal mines, mainly but not entirely, in mid Wales. The spoil tips contain residues of the various heavy metals found in the mined ores, both those that were then of value- eg Lead and Zinc- and those that were not, eg Cadmium. Compounds of these metals leach out of the spoil tips continuously but if the surface of the tip is disturbed, then the rate of leaching can increase dramatically. This pollution is a threat to the health of farm animals, wild

life (particularly fish) and human beings. The leachate can occur at unacceptably high levels for kilometres downstream of the spoil tips. The level of potential damage varies according to which metal is present with Cadmium and Lead being the two elements of most concern. Lead in particular is leading to problems with exports of Welsh lamb into the EU with shipments particularly of lamb livers being rejected and returned adding cost, reputational, and uncertainty to Welsh businesses.

Unlike the coal spoil tips threat, this is primarily a chemical rather than a physical threat and thus the bill needs to take account of this with separate classifications and clarifications eg in sections 15, 16, 20 (3), 24, 29. Section 8, the register of spoil tips, should clearly specify which heavy metals are present in each spoil tips and at what level.

▪ **Part 2 - Assessment, registration and monitoring of disused tips (sections 6 to 32 and Schedule 2)**

Spoil of metal mines should not be disturbed except if they are to be removed. (Section 33.3)

Any removal should be done with great care and no effluent should escape. (Section 33.3)

If removal of the spoil tips is deemed desirable, then the owner of the mineral rights should be primarily responsible. (Section 33.1). The mine owners may have sold the land but they often retained the mineral rights).

▪ **Part 3 - Dealing with tip instability and threats to tip stability (sections 33 to 54 and Schedule 3)**

We would like the Bill to include stability of minerals and trace elements/chemicals that come from mining processes and not just consider physical stability.

▪ **Part 4 - Supplementary (sections 55 to 70)**

Not qualified to comment

▪ **Part 5 - General (sections 71 to 88)**

Not qualified to comment

3. What are the potential barriers to the implementation of the Bill's provisions and how does the Bill take account of them?

We see the main barrier being the identification of disused mines and tips and the historic nature of many of these. In relation to the type of metal mines we refer to the beneficiary of these metals may be unknown and several generations ago. However we still believe it to be important to be aware of these sites and for them to be managed in a manner that reduces risk of contamination. Such contamination can occur through leaching via flooding and water ways and can affect 'third party/ downstream land'.

4. How appropriate are the powers in the Bill for Welsh Ministers to make subordinate legislation (as set out in Chapter 5 of Part 1 of the Explanatory Memorandum)

No comment

5. Are any unintended consequences likely to arise from the Bill?

We would advise to guard against liability being placed on a current landowner where previous use of the site is unknown. We believe there may be potential to consider the intended WG Sustainable Farming Scheme to support farmers in identifying sites of high metal content and potentially to manage these sites in ways that avoid livestock contamination.

6. What are your views on the Welsh Government's assessment of the financial implications of the Bill as set out in Part 2 of the Explanatory Memorandum?

Not qualified to comment

7. Are there any other issues that you would like to raise about the Bill and the accompanying Explanatory Memorandum or any related matters?

No
