

DMQTWB 17 - Evidence from: Public Health Wales

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?

In summary, we agree with the general principles of the Bill, including the need for legislation to deliver the stated policy.

We agree that existing provision is now outdated and there is a need to address the risks in a consistent and structured manner.

Our comments are in line with those made previously on the White Paper and while they do not necessarily directly need to be considered in the specific wording of the Bill, we believe that it is important that the wording is considered in relation to our comments and that further developments are mindful of these.

We believe that it is important to be mindful that human welfare is greater than the direct risks, stated as “threat to life” associated with movement of an unstable tip. It is important to recognise that there may be unintended consequences of the Bill in that people become more aware of the presence of tips in their communities and that this then has psychological and then physical health effects.

It is stated that the Bill will help to “safeguard communities and protect critical infrastructure”. To do this in a way that fully protects physical and mental health, and recognises that health harms extend beyond threat to life, requires more detailed assessment of risks than has been carried out so far.

Given the geographical spread of these tips, there is also the potential for there to be a much greater burden on health and health services in some Health Board areas. This needs to be considered in terms of the funding available for remediation.

We also believe that there is a need to take greater account of the potential for a range of effects on tip stability of a changing climate; heavy rain is mentioned, but drought and wildfire are also likely to pose a significant risk to tip stability.

To ensure that these consequences are accounted for we recommend that:-

1) The Disused Tips Authority has representation from Public Health and Health Boards in Wales.

2) Assessment, registration and monitoring needs to be carried out with reference to population demographics, health profiles and in the context of population inequalities and the changing climate. It should also consider the infrastructure context and risks to disruption to this; this may also affect physical and mental health.

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 support the establishment of The Disused Tips Authority for Wales.

We agree that the agencies listed should be represented on the Authority. However, given the implications for public health, health and health services we believe that representation should be extended to Public Health Wales and the Health Boards in Wales, at least, and possibly also to the NHS Executive.

We also suggest that the Authority should acknowledge that the threat to human welfare is not limited to risk to life, but that there are also much wider mental and physical health implications.

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

We welcome the move to assessment, registration and monitoring of disused tips.

However, we are concerned that considering only "risk of instability" will fail to properly assess the risks from a tip. A tip at very high risk of instability in a very remote area is actually of very low concern in terms of human health and

inequalities perspective. A tip at low risk, but close to a densely populated community, with a high proportion of vulnerable people, with significant mental and physical health concerns and in a very deprived area is a much greater human welfare concern.

We suggest that “instability” is considered in the context not just of the structure and geography of the tip itself, but also the population nearby and the infrastructure that could potentially be affected. We would encourage consideration of population demographics, health profiles, population inequalities, the changing climate in terms of wildfires and drought, as well as rainfall, and the infrastructure context and risks to disruption to this; this may also affect physical and mental health.

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

Nothing further to add – please see earlier comments

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

Nothing further to add – please see earlier comments

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

Nothing further to add – please see earlier comments

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

Nothing further to add – please see earlier comments

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)

Nothing further to add – please see earlier comments

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

We have a number of concerns in this context.

As noted, the history of coal tips in Wales is a sad one and this is part of the reason for our concerns in relation to the potential for wider mental and physical health harms associated with them.

- 1) By considering instability only in terms of the risk to life there is the potential to fail to assess the wider risks to mental and physical health of the presence of the tip and risks to infrastructure.
- 2) Linked to this, the publication of a register may place the owners themselves at risk from people concerned about the existence of a tip or the way it is being managed. Even if owners are not directly named, with local knowledge it may be possible to infer ownership.
- 3) The publication of the register may also harm health by making people aware of a tip in their area that they did not know about.
- 4) While identifying and listing the tips is important, along with encouraging owners to take responsibility for managing safety, there is a risk that owners who are unable to manage the sites abandon them, in effect then increasing the risk of problems and the public cost of management.

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?

Nothing further to add – please see earlier comments

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

Nothing further to add
