

Q1 Do you agree with the proposed approach to phase in non-coal tips over time, where this is appropriate?

Yes, providing in accordance with pre-existing legislation and guidance and building on existing UK spend in that regard, e.g. Mine Waste Directive, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/300824/PS019-MWD_Regulatory_Framework.pdf see also: <https://nora.nerc.ac.uk/id/eprint/10083/>

Q2 Do you agree the new supervisory body should be a new Executive Welsh Government Sponsored Body

Yes. Consider a forward-looking approach to preparedness for remediation/ reuse and recycling and sharing of research and research outcomes.
Section 2.26 should also reference geology

Q3 Do you agree a 'de minimis tip' should be included in the Bill?

Yes, providing that potential impacts, including pollution potential, as well as size constraints, are considered.

Q4 Do you agree a 'de minimis tip' should be excluded from the duties outlined?

Yes, unless significant potential risk is linked to the site.

Q5 Do you agree with the minimum content set out in this chapter?

Consider adding additional fields for (i) additional data, e.g. papers including the South Wales Landslide database held by BGS, (ii) geological/hydrogeological context, (iii) land use, and (iv) alternate names

Q6 Do you agree with the approach to adding new tips to the register?

Yes

Q7 Do you agree with the proposed approach to update the asset register?

Some of the timescales suggested might be delayed if land ownership issues arise.

Q8 Do you agree with the proposal for the type of information to be made publicly available and which will be classed as excluded?

Information should be GDPR compliant. Register of professionals' clause 3.62 geologist and environmental scientist omitted

Q9 Do you agree with the proposed approach to measure hazard level?

Terminology may require clarification in the context of hazard, impact, receptor and hazard. Table 2 Hazard Level Matrices shows Likelihood assessment of receptor level - this terminology is associated with risk

Table 3 Not clear how the hazard levels are defined.

Clause 4.3 should an accurate assessment of hazard potential be best practical... also geological and hydrogeological setting should be listed as another variable.

Clause 4.11 ... or when new data that are relevant to the appraisal, come to light.

Clause 4.17 consider defining minimum data requirements, e.g. tip size, slope angle, composition, geological/hydrogeological setting.
Consider making Box 1 a risk ranking.

Q10 Do you agree with the approach to developing categorisations?

Clause 5.6 Consider making reference to ground gases such as methane, hydrogen sulphide, carbon dioxide and carbon monoxide, commonly associated with coal mines and which may be generated in areas of mine waste.

Clause 5.9 refers to the new categories (1) ahead of them being introduced in Table 5.

Clause 5.10 instead of strong evidence base, should be best available evidence.

Table 5 Define tip categories.

Clause 5.15 the allusion to similar/related structures (i.e. reservoir dams) is useful. It may also be helpful to look at other policies/strategies/guidance from the wider geotechnical asset management community – e.g. the Network Rail 'Earthworks Technical Strategy 2018' etc.

Clause 5.17 ...or future development.

Q11 Do you agree with the approach for interdependent and proximate clusters of tips?

Very sensible. Consider including potential for an owner to apply for management within a cluster.

Clause 6.9 ...lodged with the Supervisory Authority.

Clause 6.14 as well as rainfall trigger levels, for tips near the rivers consider flood levels or reports of significant erosion

Q12 Do you agree with the proposals for developing management plans?

Yes, aligns well with other statutory requirements, e.g. the EA IPPC approach.

Clause 6.19 Consider that requests for data are assessed to ensure that they are proportionate to the perceived risk, i.e. to manage the administrative burden on site owners

Q13 Do you agree with the tiered approach and the proposed frequencies of checks?

Yes, aligns well with other statutory requirements, e.g. the EA IPPC approach.

Clause 7.4 typo 'The new regime is required to be'

Table 6 (Diagram 3 and as referred to in text) Consider if the assessment also be reviewed in the event that more data comes to light or new development (potentially impacted) is proposed.

Q14 Do you agree with the split of responsibilities for inspections and appraisals?

Yes, but compilation context to maintain overview is not so clear. Need to consider how long will data be retained and if it will be subject to change in public accessibility over time, e.g. relevance of older data.

7.18 Consider listing geomorphology, including erosion.

7.21 Consider vegetation (trees) as potential indicators of movement

7.20 Consider validating minimum experience through a register.

Q15 Do you agree with the proposal for minimum content of reports and is so what do you consider is essential information?

Yes and agree relative change is particularly important. Consider ways of facilitating greater engagement with this including a requirement for images.

Q16, Q17 Pertain to civil sanctions and Supervisory Authority discretion.

Not BGS remit.

Q18 Do you agree with the list of activities?

Given the diverse range of activities – perhaps a clear ranking based on potential consequences needs to be considered.

Q19 What control measures do you consider need to be introduced?

Not in BGS remit.

Q20 Do you agree with the proposals relating to development activities in the vicinity of higher status tips.

Clause 9.6 - consider if more work required to ensure that the content of this White Paper is embraced in the planning regime Should this be extended to consider all tips, e.g. they may be associated with unmonitored ground gas issues. At the moment the proposals for development are directed only at higher status tips, which might leave development near to lower status tips exposed to unmonitored hazards, e.g. ground gases.

Q21 Relates to the impact of the regulatory framework on Welsh language.

Not BGS remit

Q22 As above

Q23 Do you have any other comments or useful information in relation to any of the proposals in this White Paper?

The consistent approach by the partner bodies of the Coal Tip Safety Task Force is important for the protection of communities, infrastructure and the environment in the context of climate change. BGS would be interested in working with the new Supervisory Authority in advisory, on-going research and innovation, and data and information provision contexts. There may be some benefits from knowledge sharing with respect to hazard characterisation and risk with the BGS landslides team. BGS should also be well placed to work in collaboration with the new authority to develop an automated data delivery service associated with tips and buffer areas.