



RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

CABINET

27TH JANUARY 2022

TIP SAFETY MANAGEMENT RESOURCES

REPORT OF DIRECTOR – FRONTLINE SERVICES IN DISCUSSIONS WITH THE RELEVANT PORTFOLIO HOLDER, THE LEADER OF THE COUNCIL, CLLR ANDREW MORGAN

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1. PURPOSE OF THE REPORT

- 1.1 The purpose of the report is to seek approval to establish a Tip Safety Management Team within Frontline Services which would focus all current elements of spoil tip safety, including regulatory, management and maintenance into a single dedicated Tip Safety Management Team.

2. RECOMMENDATIONS

- 2.1 Cabinet is recommended to;
- 2.2 Agree to the establishment of a dedicated Tip Safety Management Team within Frontline Services to;
- Manage the Council's responsibilities under the Mines and Quarries (Tips) Act 1969,
 - Manage the Council's safety responsibilities as a land-owner of significant numbers of coal spoil tips across RCT.

3. REASONS FOR RECOMMENDATIONS

- 3.1 There are a significant number of Coal Spoil Tips within the geographical area of RCT. The total number exceeds 340, of which over 70 are owned or part-owned by RCT.
- 3.2 In recent years there have been a number of slips to coal tips, namely at;
- Tylorstown - February 2020 (Storm Dennis)
 - Wattstown Standard - December 2020
- 3.3 It is widely acknowledged that the risk associated with coal spoil tips has increased as a result of climate change and its impact on the intensity and frequency of storm events.

- 3.4 The slip events referred to above have been widely publicised, raising significant concerns with the public and generating substantial media coverage. In parallel, Welsh and UK Governments have collectively established a series of Tip Summits, with the Welsh Government driving forward a review of Coal Tip Safety in Wales in conjunction with the local authorities and The Coal Authority and providing funding and resources to support enhanced levels of inspections, maintenance, monitoring equipment and capital works.
- 3.5 RCT has been heavily involved with the Coal Tips Safety Group established by Welsh Government and has also benefitted significantly from the funding and resources that have been made available to manage the liabilities associated with these legacy assets.
- 3.6 The recent WG budget announcement sees further commitments from WG towards dealing with the liabilities from these legacy assets. Arguably RCT has the largest proportion of ongoing risk associated with these tips. It is therefore appropriate to review the level of resourcing involved in discharging our duties as regulators and owners, and in anticipation of a significant forward programme of capital investment targeted at reducing the risks posed to our communities and our infrastructure.

4. BACKGROUND

- 4.1 The historic position in RCT is that the responsibility for undertaking the regulatory role contained within the Mines and Quarries (Tips) Act 1969 resides within the Flood Risk and Tips Management Team within Frontline Services. Responsibilities for Council owned tips, as land-owner, has rested with Corporate Estates.
- 4.2 Since Storm Dennis, capital investment in tip safety together with a major programme of tip maintenance, all funded by WG grant, has been delivered by the Council's new Head of Infrastructure Asset Management, utilising a combination of existing staff, consultants, seconded specialists and The Coal Authority.
- 4.3 This has allowed the Flood Risk and Tip Management Team to focus more exclusively on the increasing demands of Flood Risk Management – the enormous scale of which has been well documented in other Cabinet and Scrutiny reports.
- 4.4 Integrating the tip safety aspects of the Council's responsibilities as land-owner with its responsibilities under the "Tips Act" provides a focal point for all tip safety issues and enables a dedicated team to be established to discharge these duties effectively.

5. PROPOSED WAY FORWARD

- 5.1 It is proposed to establish a dedicated Tip Safety Management Team which will report to the Council's Head of Infrastructure Asset Management within Frontline Services.
- 5.2 On establishment, the current Flood Risk and Tip Safety team will become the Flood Risk Management Team with job titles adjusted accordingly.
- 5.3 The Team will comprise of;
- GR15 Tip Safety Manager
 - GR13 Principal Tip Safety Engineer
 - GR11 – Assistant Engineer
 - GR8 – 2 nr inspectors
 - GR6 – Technician
- 5.4 Market supplements may be required to attract the right candidates into the senior roles.
- 5.5 The team will be required to deliver a multi-million pound capital programme of tip safety works, together with scheduled and exceptional tip maintenance works. These works will be identified by a comprehensive programme of inspections and increasingly supported by the continued roll-out of the latest technological advancements in tip management and monitoring equipment and techniques. The team will also contribute to engagement and collaboration with the Welsh Government Tip Safety team and The Coal Authority.
- 5.6 The Team will also engage with private tip owners and, subject to grant availability or recharge, manage major capital or maintenance works on third party land.
- 5.7 They will also work towards delivering warning and informing systems and processes with the Council's Emergency Planning Team to mitigate risks of future incidents.
- 5.8 As the team becomes established, opportunities to develop graduates and apprentices in establishing a centre of excellence will be encouraged.
- 5.9 It is not proposed that the new team will take over the role currently fulfilled by Corporate Estates i.e. leasing of land, protection of boundary fence works, etc, with that function remaining with Corporate Estates together with the requisite budget. It is anticipated that there will be close working between the two areas.

6. EQUALITY AND DIVERSITY IMPLICATIONS

- 6.1 An Equality Impact Assessment screening form has been prepared for the purpose of this report. It has been found that a full report is not required. There are no adverse equality or diversity implications associated with this report.

7. FINANCIAL IMPLICATION(S)

- 7.1 The gross cost of the staff structure set out in 5.2 is £263k, plus market supplements (where appropriate) per annum.
- 7.2 There will be a need to have a revenue budget for the team to ensure that the maintenance of the tips can be undertaken regardless of availability of capital monies / grant. It is envisaged that a yearly revenue budget of £200k will be required to undertake the maintenance of the tips including devegetation, cleaning and repairing drainage channels, repair of drainage structures, minor repairs of localised slips, scour, etc.
- 7.3 Due to the inaccessibility of the sites in question and the need to drive vehicles onto the sites, 2 number 4x4 vehicles will be required to be purchased for use by the inspectors undertaking the tip inspections. Purchase cost of the vehicles is estimated at £60k for the two.
- 7.4 A further annual revenue budget of £26k per annum would be required for ongoing costs including vehicle running costs, ICT costs, monitoring equipment and ppe.
- 7.5 The total costs are estimated at £489k per year plus any market supplements.
- 7.6 The opportunity to fund these ongoing costs (including vehicles) from grant funding sources will continue to be maximised, as part of the substantial capital programme which is being delivered. The revenue maintenance costs are currently being funded by WG and we will continue to seek to ensure continuation of these arrangements going forward, notwithstanding there is no guarantee of this arrangement being permanised. As a transitional arrangement the Council will need to underwrite and accept the risk of permanent funding not being secured. Any costs which cannot be funded by WG / external funding sources will be funded from, initially, one off resources.

8. LEGAL IMPLICATIONS OR LEGISLATION CONSIDERED

- 8.1 Local Authorities have regulatory and land-owner responsibilities under the Mines and Quarries (Tips) Act 1969.
- 8.2 This legislation is no longer fit for purpose and WG has commissioned a review which has been carried out by the Law Commission. The report of the Law Commission is awaited. It will then be a matter for the

Welsh Government to consider whether they wish to take forward new legislation on Coal Spoil Tips for Wales.

9. LINKS TO THE CORPORATE AND NATIONAL PRIORITIES AND THE WELL-BEING OF FUTURE GENERATIONS ACT

- 9.1 The proposal supports the Council's Corporate Plan priorities for; Place – Creating neighbourhoods where people are proud to live and Economy – Building a strong economy. The presence of these legacy assets represents a threat to community safety and wellbeing.
- 9.2 The establishment of a dedicated team to deal with Tip Safety and to deliver a comprehensive programme of tip safety works will improve the resilience of our physical infrastructure and reassure our communities that any risk is being effectively managed and reduced.
- 9.3 The capital programmes will generate jobs in the locality and enhance the landscape/remove potential barriers to private investment.
- 9.4 This in turn supports the seven well-being goals of the Well-being of Future Generations (Wales) Act 2015. This proposal contributes to the Well-being Goals and is consistent with the five ways of working, as defined within the sustainable development principle in the Act.

10. CONCLUSION

- 10.1 RCT is host to one of the highest incidences of coal spoil tips in Wales, together with one of the highest risks of tip instability associated with increasing climate change threats.
- 10.2 The proposal to establish a dedicated Tip Safety Management Team to manage these risks is both necessary and proportionate if the Council is to discharge its duties and responsibilities effectively in order to protect our communities.

