

RE-IMAGINING PLANNING REGULATION FOR MINING IN WALES: AN ENVIRONMENTAL RULE OF LAW APPROACH

INTRODUCTION

Mining has been integral to Wales’ industrial and economic development, driving national and global growth through the extraction of coal, slate, and metal ores. While traditional mining industries have declined, leaving many sites abandoned and presenting environmental and socio-economic challenges, the lessons from this legacy remain valuable. By examining past mining impacts we can better understand how modern techniques, including open-cast mining and quarrying used in other regions, can be made more environmentally responsible moving forward. The aim of this research is to provide insight that will improve both the regulatory oversight of mining sites as well as the long-term management of post-industrial landscapes.

RESEARCH QUESTIONS

- How has mining impacted land, water systems and local communities?
- What legal frameworks govern mining land use in Wales and how effective are they?
- How can EROL principles strengthen mining governance and land-use policies?
- What lessons can be drawn from applying EROL principles to a case study in Wales?
- How can these lessons inform mining regulations and land use planning in other regions?

METHODOLOGY

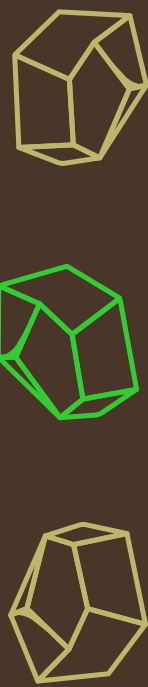
My methodology will comprise of doctrinal research, content analysis of policy and a case study approach that gathers information from relevant public documentation e.g. planning permissions and environmental reports



MINING IMPACTS

Weak enforcement of environmental regulations and oversight in the mining sector has led to significant environmental, economic and social consequences.

ENVIRONMENTAL



- Air & water pollution e.g. toxic emissions, acid mine drainage
- Land degradation e.g. soil erosion, loss of biodiversity
- Habitat destruction e.g. disrupts ecosystems
- Waste management issues e.g. large-scale waste disposal, spill contamination

ECONOMIC

- Boom and bust cycles e.g. economic instability on closure of mine
- Only short term economic growth
- High clean up costs e.g. remediation of abandoned mines
- Land value decline e.g. contaminated sites reduce future land use potential

SOCIAL

- Health hazards e.g. respiratory diseases
- Community displacement e.g. forced relocation
- Social conflicts e.g. disputes over regulatory failures

LAND USE

Land use planning in Wales has played a crucial role in shaping the country’s economic and environmental landscape, particularly in managing the legacy of mining. Planning policies and legal frameworks have evolved in response to shifting priorities, including addressing the environmental and socio-economic impacts of abandoned mining sites. This chapter will examine the tensions between conservation and development, exploring how land use planning has influenced mining remediation, site repurposing, as well as environmental restoration. The long-term implications of these policies on the Welsh landscape, alongside their role in regulatory oversight, will also be discussed.

THE ENVIRONMENTAL RULE OF LAW (EROL)

The concept of the environmental rule of law (EROL) has emerged as a critical framework for addressing global environmental challenges and promoting sustainable development. This chapter will explore EROL’s definition (distinguishing it from the conventional rule of law), its evolution, and its significance in governance, with a specific focus on its effectiveness in guiding land use planning in Wales to address the impacts of mining. Key elements of EROL will be examined alongside international frameworks such as the Aarhus Convention and the ECHR to contextualise EROL’s potential application. By embedding environmental protections within legal systems, EROL promotes justice, prevents corruption, and safeguards both human rights and ecological integrity. This framework forms the foundation of my research in assessing how Welsh land use planning responds to mining-related environmental and socio-economic challenges.



LAND USE + EROL

This chapter will look to align land use decisions with EROL elements, so that Wales’ post-industrial landscape is managed responsibly for future generations. By examining strategies for strengthening compliance, enhancing transparency, and enforcing legal responsibilities for mine rehabilitation, this chapter will emphasise the evolving role of land use planning in mitigating the long-term consequences of mining. The challenges and effectiveness of balancing economic interests with environmental sustainability will also be discussed in light of EROL’s focus on legal accountability, ensuring that mining rehabilitation and environmental restoration are prioritised in future planning decisions.

CASE STUDY

This chapter will examine a case study of a recent mining-related planning permission in Wales, investigating how land use planning, governance, and environmental accountability operate in practice. Using the framework of the environmental rule of law (EROL), it will explore regulatory oversight, enforcement, and stakeholder involvement, assessing the economic, legal, and environmental implications of these decisions. A key focus will be understanding how planning policies are implemented and whether they effectively balance development with environmental protection. The insights gained will contribute to broader discussions on improving land use and environmental policies in Wales and beyond.



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