

1. Describe and explain the impact of the proposal on people with protected characteristics as described in the Equality Act 2010.

On the 9 July 2024, the then First Minister, Vaughan Gething, announced the Welsh Government's legislative priorities for the remainder of the Senedd term. This included the Disused Mine and Quarry Tips (Wales) Bill (the Bill) which will give greater security to the people living in the shadow of disused tips in Wales.

The overarching aim of the Bill is to prevent disused tips from threatening human welfare by reason of their instability. The Bill will achieve this by establishing a regime for the assessment, registration, monitoring and management of disused tips in Wales.

The concerning trend of climate change impacts has led to the increased prospect of landslides, which can cause significant damage to communities, critical infrastructure, and the environment. The provisions of the Bill have a positive effect on the safety of all citizens by reducing the probability of landslides, and therefore the impacts associated with landslides such as: loss of life; injury; short- and long-term physical and mental health concerns; damage to housing, schools, and health centres; transport and utility disruption; pollution and destruction of the environment.

The Bill will establish a new body, the Disused Tips Authority for Wales (the Authority) and will confer functions on the Authority. The Authority's main objective, as provided for in the Bill, is to ensure disused tips do not threaten human welfare by reason of their instability.

The Authority will undertake a range of activities, including the assessment and subsequent categorisation of disused tips, monitoring functions and the creation and maintenance of an electronic register of disused tips.

The Bill also provides the Authority with the ability to require an owner of land to carry out operations on land where it considers such operations to be necessary to prevent or deal with threats to the stability of a disused tip, or to stabilise a disused tip or prevent it from becoming more unstable, so as to avoid or reduce threats to human welfare. The Authority must provide advice and assistance to Welsh Ministers in relation to disused tips and can give information and advice to any person in relation to disused tips.

The Authority will have the ability to carry out operations on land if it considers it necessary to prevent or deal with threats to the stability of a disused tip or to stabilise a disused tip from becoming more unstable. It is expected this power will be used in circumstances such as those where the Authority believes that owners are unable or unwilling to undertake the work themselves or following a successful appeal against a notice.

In an emergency, the Bill provides the Authority with a power to carry out operations without giving notice, where it considers that operations need to be carried out immediately to avoid or reduce threats to human welfare. However, once it has commenced operations, the Authority must as soon as practicable, give the owner of

the land notice that the operations have begun with an outline of the reasons why the works were necessary.

The Bill contains rights of entry for an owner of land who is required, by the Authority, to carry out certain operations. It also provides that a person authorised by the Authority may enter land to enable the Authority to carry out its functions in relation to inspection, monitoring, assessment, operations, consequential works, etc. It also includes provisions relating to compensation in respect of situations including those where land is damaged, property is damaged, removed or disposed of, or if there is disturbance to the enjoyment of land.

The Bill includes the right to appeal in certain instances, for example in respect of a notice given by the Authority requiring a landowner to undertake operations, or in respect of a contribution order. In addition, the Bill makes provision in respect of compensation where land is damaged, property is damaged, removed or disposed of, or if there is disturbance to the enjoyment of land. For some disused tip and landowners, costs associated with necessary operations may be beyond their financial means. In these circumstances a landowner will be able to appeal against a notice to carry out operations on the grounds that the owner is unable to meet the cost of operations required by the notice. The Bill will impact public and private sector bodies, as well as individuals. We do not anticipate these proposals will have a negative impact on people with protected characteristics. Introducing a consistent approach to monitoring and oversight of disused tips will reduce the likelihood of landslides.

An equalities impact assessment was carried out on the White Paper which did not identify any positive or negative impacts on those with protected characteristics. Furthermore, the consultation responses to the White Paper also did not identify any positive or negative impacts as a result of the proposals.

With over 85% of disused coal tips in the South Wales valleys, the proposals aim to provide a regulatory regime which reduces the likelihood of landslides on these communities, many of whom are classed among the 10% most deprived using the [Welsh Index of Multiple Deprivation](#) (WiMD). Given where the majority of disused coal tips are in Wales, it is anticipated that a new regime for the monitoring and management of disused tips will have a greater positive impact on communities with socio-economic disadvantage.

We believe the Bill will have a positive effect on the safety of all citizens, whether falling within a protected characteristic group or not.

It is intended that the Authority is added, by order, to the list in Schedule 19 to the Equality Act 2010 (2010 Act). By virtue of its inclusion in the list of public authorities in Schedule 19 to the 2010 Act, the Authority will be subject to the public sector equality duty which requires it, in the exercise of its functions, to have due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct prohibited under the 2010 Act; to advance equality of opportunity, and to foster good relations between persons who share a relevant protected characteristic (or multiple characteristics) and persons who do not share it. We have reviewed the responses to the Consultation on the White Paper. In

respect of those with protected characteristics, respondents did not identify any areas requiring further consideration or any other impacts that had not already been identified in the White Paper.

Further impact assessments will be carried out, as appropriate, when subordinate legislation is made under powers in the Bill. Appropriate consultation will take place in respect of any future subordinate legislation and, where appropriate, there will be opportunities for full engagement with stakeholder groups, including those with protected characteristics, whilst policy is being developed. It will be easier for the impacts to be envisaged by those stakeholders at that stage when specific policy considerations are being drafted.

Record of Impacts by protected characteristic:

Protected characteristic or group	What are the positive or negative impacts of the proposal?	Reasons for your decision (including evidence)	How will you mitigate Impacts?
Age (think about different age groups)	These proposals are not anticipated to have an impact on age. The Bill will protect human welfare and applies to everyone equally regardless of age.	<p>The Authority will provide universal benefit of an improved management regime for disused tip safety, providing safer communities in which to live due to the reduced likelihood of landslides.</p> <p>The inspection and management of disused tips will help safeguard human welfare.</p> <p>Support, advice and guidance may be provided by the Authority to people regardless of age.</p> <p>The Authority not only plays an advisory role to encourage the owners of disused tips to meet their responsibilities but will have powers to step in where those with responsibility cannot or will not do so. The intention is that the Authority will be subject to the Public Sector Equality</p>	Where a landowner falls under this protected characteristic, where appropriate, the appeals provisions will apply to them as with any landowner

		Duty (PSED) ¹ and will be required, under the PSED, to evidence its actions to support people with protected characteristics. Under the Public Sector Equality Duty PSED, the Authority will also need to mitigate against any negative impacts on those with protected characteristics it discovers in the course of its duties.	
Disability (consider the social model of disability ² and the way in which your proposal could inadvertently cause, or could be used to proactively remove, the barriers that disabled people with different types of impairments)	<p>These proposals are not anticipated to have any impact on people with disabilities.</p> <p>The Bill will protect human welfare and applies to everyone equally, regardless of disability.</p>	<p>The Authority will provide universal benefit of an improved and consistent management regime for disused tip safety, providing safer communities in which to live due to the reduced likelihood of landslides.</p> <p>The Authority will be able to give any person information or advice on, or assistance with, any matter relating to a particular disused tip or to disused tips generally. Support, advice and guidance may be provided by the Authority to people regardless of disability.</p>	Where a landowner falls under this protected characteristic, where appropriate, the appeals provisions will apply to them as with any landowner
Gender Reassignment (the act of transitioning and	These proposals are not anticipated to have any impact on people who have undertaken or are in the process of gender reassignment. The Bill will	The Authority will provide universal benefit of an improved management regime for disused tip safety, providing safer communities in which to	Where a landowner falls under this protected characteristic, where appropriate, the appeals provisions will apply to

¹ Public Sector Equality Duty links to Wales Specific Equality Duty see s8 [The Equality Act 2010 \(Statutory Duties\) \(Wales\) Regulations 2011 \(legislation.gov.uk\)](#)

² Welsh Government uses the social model of disability. We understand that disabled people are not disabled by their impairments but by barriers that they encounter in society. Ensuring that your proposal removes barriers, rather than creating them, is the best way to improve equality for disabled people. For more information, go to the intranet and search ‘social model’.

Transgender people)	protect human welfare and applies to everyone equally.	live due to the reduced likelihood of landslides.	them as with any landowner
Pregnancy and maternity	These proposals are not anticipated to have any impact on people who are pregnant, adopted and are on maternity/paternity leave. The Bill will protect human welfare and applies to everyone equally.	The Authority will provide a universal benefit of an improved management regime for disused tip safety, providing safer communities in which to live due to the reduced likelihood of landslides.	Where a landowner falls under this protected characteristic, where appropriate, the appeals provisions will apply to them as with any landowner
Race (include different ethnic minorities, Gypsies and Travellers and Migrants, Asylum seekers and Refugees)	These proposals are not anticipated to have any impact on race. The Bill will protect human welfare and applies to everyone equally.	<p>The Authority will provide a universal benefit of an improved management regime for disused tip safety, providing safer communities in which to live due to the reduced likelihood of landslides.</p> <p>The Authority may provide advice and guidance to owners on recommended actions to ensure that disused tips do not threaten human welfare by reason of their instability.</p> <p>The Authority will have powers to step in where those with responsibility cannot or will not do so.</p>	Where a landowner falls under this protected characteristic, where appropriate, the appeals provisions will apply to them as with any landowner
Religion, belief and non-belief	These proposals are not anticipated to have a negative impact for Religion, belief and non-belief. The Bill will protect human welfare and applies to everyone equally.	<p>The Authority will provide a universal benefit of an improved management regime for disused tip safety, providing safer communities in which to live due to the reduced likelihood of landslides.</p> <p>The Authority will be responsible for monitoring disused tips.</p> <p>The Authority may provide advice and guidance to</p>	Where a landowner falls under this protected characteristic, where appropriate, the appeals provisions will apply to them as with any landowner

		owners on recommended actions to ensure that disused tips do not threaten human welfare by reason of their instability.	
Sex / Gender	These proposals are not anticipated to have any impact on sex and/or gender. The Bill will protect human welfare and applies to everyone equally.	<p>The Authority will provide a universal benefit of an improved management regime for disused tip safety, providing safer communities in which to live due to the reduced likelihood of landslides.</p> <p>The Authority will be responsible for monitoring disused tips.</p> <p>The Authority may provide advice and guidance to owners on recommended actions to ensure that disused tips do not threaten human welfare by reason of their instability.</p> <p>The Authority will have powers to step in where those with responsibility cannot or will not do so.</p>	Where a landowner falls under this protected characteristic, where appropriate, the appeals provisions will apply to them as with any landowner
Sexual orientation (Lesbian, Gay and Bisexual)	These proposals are not anticipated to have any impact on sexual orientation. The Bill will protect human welfare and applies to everyone equally.	<p>The Authority will provide a universal benefit of an improved management regime for disused tip safety, providing safer communities in which to live due to the reduced likelihood of landslides.</p> <p>The Authority will be responsible for monitoring disused tips.</p> <p>The Authority may provide advice and guidance to owners to ensure that disused tips do not threaten human welfare by reason of their instability.</p>	Where a landowner falls under this protected characteristic, where appropriate, the appeals provisions will apply to them as with any landowner

		The Authority will have powers to step in where those with responsibility cannot or will not do so.	
Marriage and civil partnership	These proposals are not anticipated to have any impact on marriage or civil partnership. The Bill will protect human welfare and applies to everyone equally.	<p>The Authority will provide a universal benefit of an improved management regime for disused tip safety, providing safer communities in which to live due to the reduced likelihood of landslides.</p> <p>The Authority will be responsible for monitoring disused tips.</p> <p>The Authority may provide advice and guidance to owners ensure that disused tips do not threaten human welfare by reason of their instability.</p> <p>The Authority will have powers to step in where those with responsibility cannot or will not do so.</p>	Where a landowner falls under this protected characteristic, where appropriate, the appeals provisions will apply to them as with any landowner
Children and young people up to the age of 18	These proposals are not anticipated to have any negative impact on children and young people. The Bill will protect human welfare and applies to everyone equally.	<p>The Authority will provide a universal benefit by improving the regime for managing disused tip safety. See the Children's Rights Impact Assessment for a detailed consideration of the impact of the Bill on children and children's rights.</p> <p>The regime will also prevent disused tips from threatening human welfare by reason of their instability. Reducing the likelihood of landslides may have a positive impact on mental health and reduce levels of anxiety in young people and children. In</p>	Where a landowner falls under this protected characteristic, where appropriate, the appeals provisions will apply to them as with any landowner

		<p>addition, a stress factor identified by phw.nhs.wales</p> <p>includes stress relating to education and schooling, such as loss of education facilities and loss of socialisation associated with attending school.</p>	
Low-income households	<p>These proposals are not anticipated to have any negative impact on low-income households and might have a positive impact on this group. The Bill will protect human welfare and applies to everyone equally.</p>	<p>The Authority will provide a universal benefit of an improved management regime for disused tip safety, providing safer communities in which to live due to the reduced likelihood of landslides.</p> <p>It is also noted that the majority of disused coal tips are located in deprived areas (White Paper para 1.24) and therefore any improvement to the safety of these tips and to the environment will have a positive benefit on low-income families, including the reduction in risk of landslides.</p> <p>Where an owner of a tip may fall into this category, the Authority will be able to provide support, advice and guidance to them.</p>	<p>A potential risk is that properties located close to higher rated disused tips (1 and 2) may see an impact on their insurance policies and may be subject to higher insurance premiums.</p> <p>Overall, it is considered that the risk primarily lies in the perceived economic impact ('blight') on the release of the disused tip locations and introduction of regulatory regime rather than any actual economic impacts.</p> <p>Where a landowner falls under this protected characteristic, where appropriate, the appeals provisions will apply to them as with any landowner</p>

Human Rights and UN Conventions

Do you think that this policy will have a positive or negative impact on people's human rights? (*Please refer to point 1.4 of the EIA Guidance for further information about Human Rights and the UN Conventions*).

Human Rights	What are the positive or negative impacts of the proposal?	Reasons for your decision (including evidence)	How will you mitigate negative Impacts?

<p>Human Rights</p>	<p>These proposals are not anticipated to have any negative impact on human rights.</p>	<p>The Bill will protect human welfare and applies to everyone equally.</p> <p>Guidance will be issued to support the implementation of the Bill. The intention is to provide information which will ensure there is clarity for the Authority, members of the public and any other relevant stakeholders.</p> <p>Consultation will take place in respect of any subordinate legislation and will be proportionate and appropriate to the nature of the regulations being proposed. Engagement with stakeholder groups, including those with protected characteristics, where appropriate, will be undertaken whilst policy is being developed. It will be easier for the impacts to be envisaged by those stakeholders at that stage when specific policy considerations are being drafted</p> <p>Further impact assessments will be carried out as appropriate in due course when subordinate legislation is made under powers in the Bill.</p>	
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The effect in relation to the UN Convention on Rights of the Child are addressed in Annex A.

Human Rights	What are the positive or negative impacts of the proposal?	Reasons for your decision (including evidence)	How will you mitigate negative Impacts?
The right to life (Article 1)	It is anticipated that the Bill will have a positive impact on people's enjoyment of this right.	The main objective of the Authority is, in the exercise of its functions, to ensure that disused tips do not threaten human welfare by reason of their instability.	

EU/EEA and Swiss Citizens' Rights

Residency – the right to reside and other rights related to residence: rights of exit and entry, applications for residency, restrictions of rights of entry and residence;

The proposal will have no effect

Mutual recognition of professional qualifications –the continued recognition of professional qualifications obtained by EU/EEA/Swiss citizens in their countries (and already recognised in the UK);

The proposal will have no effect

Access to social security systems – these include benefits, access to education, housing and access to healthcare.

The proposal will have no effect

Equal treatment – this covers non-discrimination, equal treatment and rights of workers; No change to current legal requirements.

The proposal will have no effect

Workers rights - Workers and self-employed persons who are covered under the Citizens Rights Agreements are guaranteed broadly the same rights as they enjoyed when the UK was a Member State. They have a right to not be discriminated against due to nationality, and the right to equal treatment with UK nationals. No change to current legal requirements.

The proposal will have no effect

(Frontier workers (those citizens who reside in one state and regularly work in another) can continue working in the UK if they did so by the 31 December 2020).