

H HEALTH SCREENING

Disused Mine and Quarry Tips (Wales) Bill – Aims and Objectives

The overarching aim of the Bill is to protect human welfare by introducing a consistent and robust system of assessment, registration, management, monitoring and oversight of disused tips in Wales.

The main purpose 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.

The Bill will establish a new body, the Disused Tips Authority for Wales (the Authority) and confers functions on the Authority. The Authority's main objective, as provided for in the Bill, is to ensure that 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, where it considers such operations necessary to achieve the objective set out in the Bill. The Authority will therefore aim to minimise the risks of landslides occurring.

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 Evidence Considered

In response to the Tylorstown landslide, the Welsh Government established a Coal Tip Safety Task Force to deliver a programme of work to address the safety of coal tips in Wales. The Law Commission independent review of coal tip safety legislation complements this work. The Law Commission ran a [consultation](#) from the 9th of June 2021 to the 10th of September 2021, the consultation presented a number of provisional proposals for the new regulatory regime and the [consultation analysis](#) informed the Law Commission report "[Regulating Coal Tip Safety in Wales](#)".

The report, published on 24 March 2022, makes recommendations for a new regulatory framework for disused coal tips as the current system was not fit-for purpose. The Law Commission proposed framework includes the introduction of:

- A single supervisory authority

- A tip register
- Inspections of each tip for the purpose of a risk assessment and designing of a tip management plan
- Maintenance agreements and orders with owners and occupiers for lower risk tips
- For those coal tips designated as high risk, an enhanced safety regime with increased involvement of the supervisory authority to manage the tip and reduce the chance of significant dangerous incidents occurring.

The [Welsh Government's response](#) to the Law Commission report was published on the 22 March 2023, and its findings were taken into consideration in the [Coal Tip Safety \(Wales\) White Paper](#). The White Paper considered the Law Commission's recommendations and included further analysis undertaken by the Welsh Government on areas either not addressed in the Commission's report or that needed further research. Stakeholders were invited to submit their views on the White Paper during a 12-week consultation. The analysis of the consultation [responses](#) was considered in the further development of the of the Bill.

Population Groups Affected

The Welsh Government geospatial team investigated the relationship of distribution of coal tips in relation to areas of deprivation in Wales. Their findings show that overall the distribution of higher rated disused coal tips (those rated category C and D)¹ in Wales are predominantly found in deprived areas. 57% of the area of C and D rated disused coal tips are found in the three most deprived classes (deciles) of communities defined by the [WiMD](#), with 77% of the area of C and D rated coal tips being found within the top 5 most deprived deciles.

Table 1 WiMD C and D Tip area

Decile	Summed Area of Disused Tips	% of Total Area	Cumulative Total
1	2803817.084	12.71	12.71
2	3656978.532	16.57	29.28
3	6228036.588	28.23	57.51
4	2313439.635	10.48	67.99
5	2071357.7	9.39	77.38
6	2324904.342	10.54	87.91
7	750219.9208	3.40	91.31

¹ The current classification system ranks tips from category **D** to category **R**. Criteria by category: **D** Potential to cause risk to life or property known history of movement/signs of instability **C** Potential to cause risk to life or property no known history of movement/instability signs **B** Unlikely to cause risk to life / property **A** Minor tip or tip has been reclaimed / restored **R** Historic tip location – now removed or levelled and often built over.

8	593364.0441	2.69	94.00
9	930519.166	4.22	98.22
10	392710.6812	1.78	100.00
Total	22065347.69	100	

Population groups have therefore been categorised by geographical location, age, income, level of inclusion and mental health risk.

Health Impact

In June 2022, the Welsh Government met with Public Health Wales to discuss the implication of proposals of the White Paper on public health and their [consultation response](#) (n.17) to these proposals was taken into consideration when designing the different elements of the new management regime.

The Regulatory Impact Assessment (RIA) for the Bill describes the unquantified benefits of the impact of the new management regime and the role the Authority will have on the general health and more specifically on the mental health of communities living in proximity to disused tips.

The regime will prevent disused tips from threatening human welfare by reason of their instability and by minimising the likelihood of landslides which have a negative impact on mental health, as reported in the RIA, which refers to a study of the mudslides that occurred in Salerno, Italy in May 1998. The study shows that survivors of the disaster were more than 20 times more likely to suffer from post-traumatic stress disorder (PTSD) than members in the control group used in the analysis.²

Many communities, as stated in the RIA, particularly in the South Wales Valleys live in the physical and psychological shadow of disused tips. It is complex to determine the potential impact on mental health of introducing a comprehensive regime and dedicated body to manage the potential threats to human welfare stemming from the instability of disused tips or possible threat to human welfare in the event of instability.

In the event of a landslide, a stress factor identified by [Public Health Wales](#) is similar to the response to the risk of flooding when cleaning up and recovery from flooding or landslides causes lack of access to healthcare, breakdown in household activities, loss of educational and social facilities, feelings of loss of control due to fear of reoccurrence, economic stress points such as loss of property and income, and reactions to media reporting.

² Catapano F., Malafrente R., Lepre F., Cozzolino P., Arnone R., Lorenzo E., Tartaglia G., Starace F., Magliano L., Maj M. "Psychological consequences of the 1998 landslide in Sarno, Italy: A community study", *Acta Psychiatrica Scandinavica* 2001; 104(6): 438-442, referenced in Kennedy IT, Petley DN, Williams R, Murray V. "A systematic review of the health impacts of mass Earth movements (landslides)" *PLoS Curr.* 2015 Apr, available online via <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4423842/>, last visited 06/06/2022

The Bill will enable the authority to minimise the future likelihood of disused tip landslides and, in doing so, contribute to improved psychological and mental health benefits for communities living in close proximity to disused tips.

Record sheet 1	Lifestyles		Vulnerable Group Distribution	Rationale
	(Positive) +	(Negative) -		
Social support networks	+		Age related group <ul style="list-style-type: none"> All ages 	Positive All age groups will benefit from the Bill as its purpose is to prevent disused tips from threatening human welfare by reason of their instability. This will reduce the probability of future failures on disused tips as a result of the improved condition and proactive monitoring of the disused tips. Therefore, those living in proximity to disused tips are unlikely to face the prospect of having to relocate from their community because of a landslide damaging houses and infrastructure. Social support systems would be maintained.

Record sheet 2	Lifestyles		Vulnerable Group Distribution	Rationale
	(Positive) +	(Negative) -		
Employment and working conditions	+		Income related group <ul style="list-style-type: none"> • People on low income • Economically inactive • Unemployed/workless • People who are unable to work due to ill health 	Positive The Bill will safeguard communities from potential tip slides, reducing related anxiety issues arising from concerns that tips are not being monitored and managed appropriately.
Physical environment (Delivery of services)	+		Geographical groups People living in proximity to disused tips, in particular high-risk disused tips	Positive The Bill will safeguard the delivery of vital services, for instance water and gas supplies; due to the reduced likelihood of these being interrupted due to a tip slide. Positive In November 2023, engagement events held when data on disused tips was released could have been beneficial to people's mental

				health by making them aware that a new proactive, preventive regime will be in place to assess, monitor and inspect all disused tips to prevent any minor or/and major incidents.
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Record sheet 3	Lifestyles		Vulnerable Group Distribution	Rationale
	(Positive) +	(Negative) -		
Physical environment (Housing)	+		Geographical groups People living in proximity to disused tips, in particular high-risk disused tips	Positive Homeowners in proximity to disused tips will benefit from a new regime with the overarching aim of protecting human welfare, because it will reduce the likelihood of future tip slides.

Record sheet 4	Lifestyles		Vulnerable Group Distribution	Rationale
	(Positive) +	(Negative) -		
Mental health	+		Health related groups People with pre-existing mental health conditions	Positive People living with pre-existing mental health conditions can feel more assured because the new regime will reduce the likelihood of future tip slides.
Inclusion	+		Groups who suffer discrimination or another social disadvantage <ul style="list-style-type: none"> • Black and minority groups • Migrant workers 	Positive People living in proximity to disused tips will benefit from a new regime with the overarching aim of protecting human welfare, because it will reduce the likelihood of future tip slides. The Bill applies to everyone equally.

Are the impacts that have been identified above enough to warrant a more comprehensive health impact assessment?

We do not believe a more comprehensive health impact assessment is required at this stage, because no imminent risks have been identified. The answer to the question is therefore no.

The preventive nature of the new regime requires an assessment of all disused tips, and provides for monitoring of the higher rated tips, therefore mitigating the likelihood of landslides. This proactive approach aims to ensure that communities are kept safe, and risks are managed.

Do any additional actions need to be taken as a result of this HIA process?

No. We will keep the HIA under review and we will consider the health impacts in the implementation of the regime.

Where appropriate health impact assessments will be undertaken to accompany secondary legislation and guidance.

If a further HIA is required, outline next steps (e.g., Date and time of scoping meeting)

No, we concluded that we do not need a further HIA.

Have there or will there be other impact assessments conducted? i.e., Equality Impact Assessment, Environmental Impact Assessment. Or will this form part of one? If Yes, please outline.

Yes, the Socio-economic, Equality, Biodiversity and Rural Proofing are some of the other impact assessments that have been undertaken.

The Explanatory Memorandum will provide an overview of specific assessments undertaken to understand the impact of the Bill on certain areas.

