

### Undertaking the impact assessment

#### **What evidence has been considered to understand how the proposal contributes to inequalities of outcome experience as a result of socio-economic disadvantage?**

The Bill will protect human welfare and applies to everyone equally. It supports the principles enshrined by the Well-being of Future Generations Act. Touching on all of the goals, there are particularly clear links to working towards a resilient, healthier, more equal Wales of cohesive communities.

The overarching aim of the Disused Mine and Quarry Tips (Wales) Bill (the Bill) is to establish the Disused Tips Authority for Wales (the Authority); to make provision to prevent disused tips from threatening human welfare by reason of their instability; and to make provision for connected purposes. The Authority will achieve this by introducing a consistent and robust system of assessment, registration, management, monitoring and oversight of disused tips in Wales.

The legislative proposals seek to address a legacy issue from Wales' mining past. 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 Indices 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.

A key evidence source is the location data on [disused coal tips](#), collated by the Coal Authority and assisted by local authorities and Natural Resources Wales. Over 2,500 disused coal tips to date have been identified, and this data set provides information on the proximity of these tips to communities. Annex A provides an example of the overlays of the locations of higher risk disused coal tips against the WiMD.

The Bill will establish a new body, the Authority and will confer 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 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.

There is no evidence to suggest that the setting up of the Authority will negatively impact existing inequality of outcome experienced as a result of socio-economic disadvantage.

It is the intention that the Welsh Ministers ask the Secretary of State to exercise the order-making power under section 151(2) of the Equality Act 2010 (2010 Act), to add the Authority to the list in Schedule 19 to the 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.

***What information has been gained through engagement with those effected by the proposal/decision and specifically those who suffer socio-economic disadvantage?***

Information gained through our engagement and interaction with the public shows that there will be no negative impact from this Bill on those who suffer socio-economic disadvantages.

See “Report on engagement in person and online sessions” below.

***Have protected characteristics been considered?***

Yes, the provisions of the Bill will have no negative impact on people with protected characteristics. An Equality impact assessment has been completed.

***Have communities of interest and places interest been considered.***

*What information has been considered regarding future trends?*

Respondents to the [Law Commission consultation paper](#) raised concerns about the negative impact coal tips could have on property prices and insurance liabilities.

The proposed inspection and maintenance regime should work to mitigate any negative impacts on insurance liabilities and property prices. Whilst an increase in frequency of climate change related flooding raises the risk of tip slides occurring more frequently, the intention of introducing a new legislative regime to monitor and manage disused tips is to reduce the risk and likelihood of such landslides occurring. The Bill will establish the Authority which will implement a new regulatory regime to monitor and maintain disused tips in Wales, this will be a positive step forward for the people who live near disused tips in Wales.

*What data has been considered (National and local)*

*Provide a summary of evidence and links*

The Welsh Government White Paper drew upon the recommendations from the Law Commission report, and further analysis where appropriate. The Law Commission found the current legislative framework as provided by the Mines and Quarries (Tips) Act 1969, is outdated and reform is necessary to protect the public from future landslides. Since 2020, the Coal Authority, as commissioned by the Welsh Government, has worked with local authorities to gather information about the location, status and ownership of disused coal tips in Wales.

Comprehensive mapping and appraisal of disused coal tips in Wales has created a first of its kind dataset which has supported proposal development as well as evidence received from stakeholders, industry and recognised subject matter experts.

In 2021, the independent [Climate Change Risk Assessment for Wales](#) recognised the potential for climate impacts to increase the risk of future landslides and subsidence linked to historic mining activities.

The [Intergovernmental Panel on Climate Change \(IPCC\) published a report](#) in February 2022: “Climate Change: Impacts, Adaptation and Vulnerability”. The report observed that human induced climate change has contributed to widespread adverse impacts and related losses and damages to people and nature. The most vulnerable people and systems are disproportionately affected.

More recently the [2023 UK Committee on Climate Change report](#) highlighted that climate impacts and risks will increase with increments of global warming, with risks becoming increasingly complex and difficult to manage.

The evidence supports the need for stronger climate change adaptation planning and to develop combinations of adaptations that can respond to climate change. Risks will happen concurrently and there will be varied impacts on our communities.

[The Coal Tip Safety \(Wales\) White Paper](#)

[Regulating-Coal-Tip-Safety-in-Wales-Report.pdf](#)

[Welsh Index of Multiple Deprivation | GOV.WALES](#)

[Find disused coal tips | GOV.WALES](#)

**How could the proposal potentially further exacerbate inequality of outcome experienced as a result of socio-economic disadvantage?**

Overall, the Bill aims to provide a regulatory regime which reduces the likelihood of landslides on communities which disproportionately experience inequality of outcome as a result of socio-economic disadvantage (i.e. the South Wales valleys).

However, one potential risk is that properties located close to tips causing most concern may see an impact on their insurance policies and may be subject to higher insurance premiums; it is possible that property values may also decline.

To set this in context, Annex 4 of the [White Paper consultation](#) set out economic analysis indicating that there is no robust evidence of obvious and sustained long-term negative impact of landslides and flooding events on house prices and property sales. House prices in the region have tended to not be adversely impacted by similarly destructive events that have been considered as proxies for the negative impact of coal spoil tip failures, such as floods and landslides.

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. We will continue to work closely with the Association of British Insurers (ABI), Chartered Insurance Institute and under-writers and consider any potential impacts.

#### **How could the decision potentially improve outcomes for those who experience socio-economic disadvantage?**

Operations carried out by the Authority (or following a notice from the Authority) will increase the safety of disused tips and, by implication, the safety of the surrounding areas. This will likely improve a welfare value of the areas concerned and thus contribute to overall welfare improvements in the relevant local authority area.

An integral part of the policy making and legislative process is the completion of a Regulatory Impact Assessment (RIA) which provides Welsh Ministers and stakeholders with information on the likely impact of the proposed legislation. The RIA sets out the anticipated benefits of the regime established by the Bill at pages 80 to 94 (paragraphs 8.104 - 8.168). Primarily, this includes a reduction in the likelihood of landslides. It is also anticipated that the increase in safety around disused tips will lead to improvements in the welfare value calculated from the safer recreational enhancements that may follow operations carried out under the Bill. There will also likely be employment opportunities linked to the activities to be carried out under the Bill. Furthermore, there will likely be unquantified healthcare benefits with particular emphasis on mental health improvements in the areas surrounding disused tips.

Such outcomes will likely be seen in the following sectors (amongst others):

- Tourism;
- Housing;
- Construction;
- Forestry;

- Recreation; and
- Wholesale and retail trade.

**How will you monitor the impact of this decision? (Please consider wider outcomes)**

The RIA has detailed proposals on post-implementation review, ongoing evaluation and monitoring, some of which is outlined below.

It is anticipated that an initial post-implementation review will be held approximately 5 years after the regime comes into effect, which would be 7 years after Royal Assent. This would allow for the vast majority of disused coal tips to have been fully assessed and, where appropriate, added to the register and would come at the point where non-coal tips were starting to be considered.

Such a review would likely consider the effectiveness of the regime, including both the guidance which will have been issued, as well as of the Authority.

Ongoing evaluation will also be possible through the statutory obligations on the Authority set out in the Bill to:

- prepare a corporate plan for each planning period (periods of three years) of how it intends to discharge its functions under the Bill and lay a copy before the Senedd;
- prepare an annual report after the end of each financial year and lay a copy before the Senedd; and
- prepare a statement of accounts on an annual basis.

Ongoing evaluation should consider the robustness of the monitoring regime. This could include a review of interaction with other environmental regimes, as well as the effectiveness of working relationships with the statutory bodies of related regimes.

The regime will also rely on an adequate supply of competent staff to undertake technical assessments and inspections. This is an area which will require particular attention, both on an ongoing basis, and as part of a review.

We expect the post-implementation review to also consider the approach which should be taken to disused non-coal tips, which will have commenced mapping by this point. This will be informed by learning from the coal estate and allow the Authority to refine its approach.

In November 2023, Welsh Government released the [Category C and D Disused tip data](#) into the public domain, through Data Map Wales ([Coal tip safety | GOV.WALES](#)).

This dataset shows the locations and boundaries of disused coal tips that have been assigned a rating of C and D (under the new regime these will be classified

as 2 and 1). This identifies those coal tips most at risk of a landslide and which therefore require more frequent inspection and monitoring.

Category	Description
C	A tip with the potential to impact public safety, to be inspected at least once a year.
D	A tip with the potential to impact public safety, to be inspected at least twice a year.

We wrote to over 2000 owners and occupiers whose land/property has all or part of a disused tip on it. We arranged 3 online sessions and 6 In-person sessions across the affected areas to provide the public in the affected areas an opportunity to come and talk to us and ask questions regarding the tips. The events were widely publicised, through our key stakeholders, Local Resilience Forums, Welsh Government website and social media.

The release of the tip data had much less of an effect on people within these areas than we anticipated as attendance to the events was very low, ranging from 15 in the Merthyr area to 0 in the NPT area. The online events were also very poorly attended.

We will continue to monitor the impacts through our communications and engagement with all our stakeholders throughout the passage of the Bill.

Further impact assessments will be carried out as appropriate in due course when subordinate legislation is made under powers in the Bill. Consultation will take place in respect of 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.

### **Report on the engagement in-person and online sessions:**

#### **Overview:**

Following the publication of the location of C and D rated disused coal tips in Wales, Cazbah (an event management, marketing and research company) were engaged by Welsh Government to organise a series of information sharing sessions for parties who are affected by the locations. The sessions took the form of a series of online and face to face events to ensure that access was available to as wide an audience as possible. The online events were scheduled at different times of the day to accommodate differing work patterns, and the face-to-face

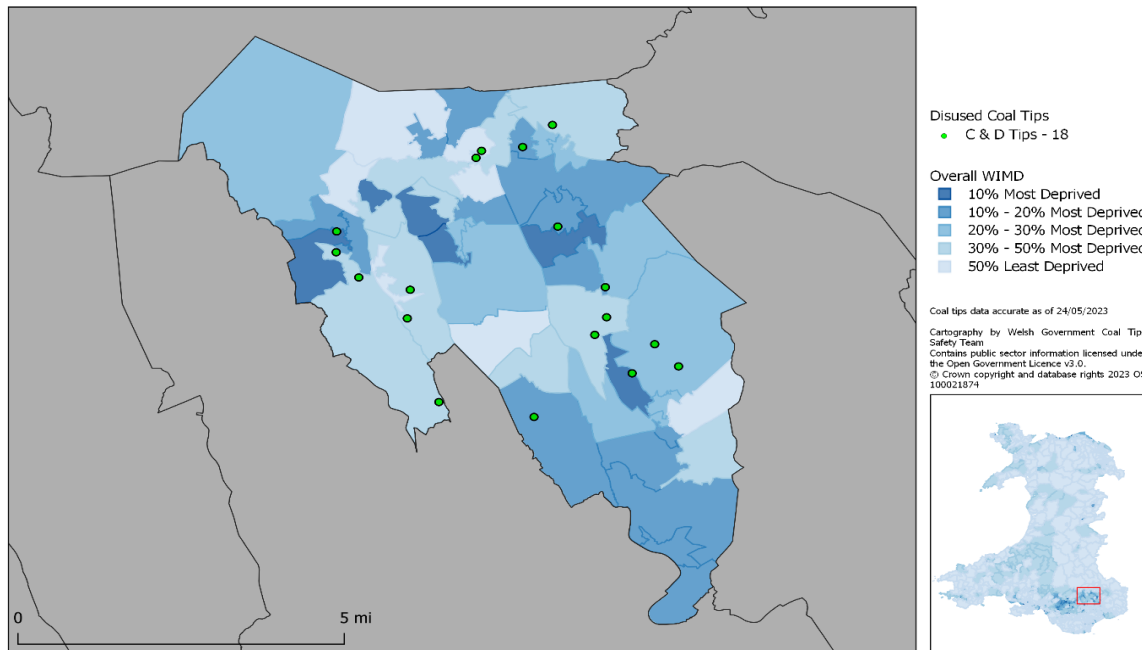
events took place in the local authority areas most affected by the tip sites. These were Torfaen, Caerphilly, RCT, NPT and Merthyr Tydfil.

## Annex A

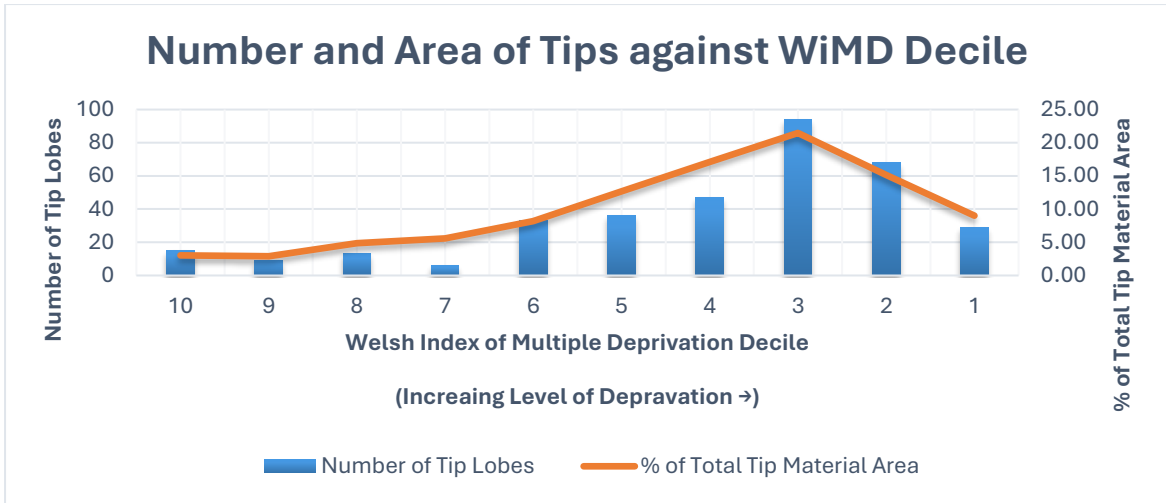
The below sample map shows the distribution of category C and D disused coal tip lobes against the category of the 2019 WIMD Lower Super Output Areas (LSOAs) in the Blaenau Gwent area. To see all maps click on the attached URL.

<https://documents.hf.wales.gov.uk/documents/A53902873>

Disused Coal Tips against 2019 Overall WIMD - Blaenau Gwent



The graph below shows the relation between number of C and D tips and the level of deprivation index:



The number of tips in the above maps and graphs refers to number of individual C and D tip "lobes". The number of tip lobes may vary from different mining operations and is not in itself indicative of the amount of tip material. The area of tip material coverage per WiMD decile has also been included in the above table to justify the trend shown by number of tip lobes.