# WRITTEN STATEMENT

# BY

# THE WELSH GOVERNMENT

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| **TITLE**  | **Welsh Government Detailed Response to the Law Commission’s Report on Coal Tip Safety in Wales**  |
| **DATE**  | **22 March 2023** |
| **BY** | **Julie James MS, Minister for Climate Change** |

Today, I am pleased to publish the [Welsh Government’s detailed response](https://www.gov.wales/response-report-regulating-coal-tip-safety-wales-letter) to the Law Commission’s report, ‘*Regulating Coal Tip Safety in Wales’*.

In 2020, the Welsh Ministers asked the Law Commission for England and Wales to undertake a detailed review of the legislative framework relating to coal tip safety in Wales. Its [report](https://s3-eu-west-2.amazonaws.com/lawcom-prod-storage-11jsxou24uy7q/uploads/2022/03/Regulating-Coal-Tip-Safety-in-Wales-Report.pdf) was published and laid before the Senedd on 24 March 2022.

In September 2022, I issued an [interim response](https://www.gov.wales/interim-response-report-regulating-coal-tip-safety-wales) to the Law Commission. This focused on key themes within the report and our proposed approach to its recommendations.

The detailed response I have issued today addresses the Law Commission’s 36 recommendations and provides an overview of the Welsh Government’s approach to implementing a new management regime for tip safety in Wales.

Our response draws on our [White Paper](https://www.gov.wales/coal-tip-safety-wales-white-paper) consultation last summer, and our trialling of key components of the proposed regime working with the Coal Authority, local authorities and Natural Resources Wales, enabling us to refine our policy and build on the Law Commission’s findings. This will allow us to deliver a modern, fit-for-purpose and future-proofed regulatory framework for Wales’s disused spoil tips.

The Law Commission’s review, as well as responses from stakeholders to our White Paper, has confirmed the need for a modern legislative framework. Implementation of the report’s recommendations will include establishment of a new supervisory authority and deliver a regime to oversee tip safety in Wales.

Having carefully considered the report, I am pleased to have accepted or accepted in modified form, the majority of the report’s recommendations. Where the Welsh Government’s proposals vary from the recommendations, they reflect the proposals we consulted on in our White Paper. In part, these variations accommodate the expansion of our proposed regime to phase-in other types of spoil tips over time. Our response to the findings also address those areas which the Law Commission had identified were for the Welsh Government to determine. In most cases, where a recommendation has not been fully accepted, the underlying intention has been preserved and applied to the needs of a broader regime.

The application of the regime to non-coal tips was anticipated by the Law Commission. However, in assessing its recommendations within this broader lens it has been necessary to design a regime which is proportionate and not overly burdensome on any single body. This assessment and the development of proposals for this complex policy area, which will establish a world-first regime for managing disused tips, has taken time but it is important to ensure we get this right.

On this basis I have instructed officials to continue with preparation and drafting of a Bill on Disused Spoil Tip Safety. I intend to introduce this legislation in the third year of the government’s legislative programme.

On behalf of the Welsh Government, I would like to thank the Law Commission for its detailed report and ongoing support in delivering this important policy area. I am also grateful to the many stakeholders who have engaged with the Law Commission and Welsh Government as part of the development of this historic regime.

In relation to the wider coal tip safety programme, the latest round of winter inspections was completed in early March and a further round of inspections of all D rated tips will take place over the summer months. In addition, we have asked the Coal Authority to begin inspecting the lower-rated tips. As there are significantly more lower than higher-rated tips, this will take longer to complete. We have spent more than £2 million on this task, and local authorities can continue to access our coal tip grant scheme to support maintenance works on tips.

I also remain committed to the publication of the location of higher-rated disused coal tips in Wales. Though there remain challenges with the collection and analysis of the tip data, it is my intention to publish this in Autumn 2023.

I would remind members of the public to report any concerns regarding coal tips or receive safety advice from the Coal Authority’s helpline on 0800 021 9230 or via tips@coal.gov.uk.