

Huw Irranca-Davies AS/MS  
Y Dirprwy Brif Weinidog ac Ysgrifennydd y Cabinet dros  
Newid Hinsawdd a Materion Gwledig  
Deputy First Minister and Cabinet Secretary for Climate  
Change and Rural Affairs



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref: PO/HIDCC/0001/25

Llŷr Gruffydd MS  
Chair  
Welsh Parliament  
Climate Change, Environment and Infrastructure Committee  
Cardiff Bay  
Cardiff  
CF99 1SN

3 January 2025

Dear Llŷr,

Thank you for your letter of 24 November on behalf of the Senedd Climate Change Environment and Infrastructure Committee regarding the Committee's report on "Restoration of opencast mining sites" and recent debate. Thank you also for enclosing the additional evidence you enclosed from Margam and Swansea residents. I have passed this onto my officials for consideration.

Whilst the debate on 13 November was constructive, the time allocated for our discussion was inevitably not enough to cover such a vast and complex issue in full. I welcome your follow-up questions, which I will respond to in turn as follows:

- 1. As I and other contributors stated in the debate, residents have expressed frustration at being continually passed from one public body to another. I recognise that you explained the lines of accountability in your response, but as I said during the debate, I do not believe this addresses the nub of the problem. If a resident believes that a public body or the site operator is not fulfilling their obligations properly, what recourse is available to them? Please include in your response information about each of the bodies involved in the process.*

If residents have concerns about how a site is operating, the first point of contact would be with the site operator either directly through their published contact point or via the site liaison committee. If that does not achieve resolution of the issue, the resident can complain to the relevant public body.

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
0300 0604400

Bae Caerdydd • Cardiff Bay  
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[Gohebiaeth.Huw.Irranca-Davies@llyw.cymru](mailto:Gohebiaeth.Huw.Irranca-Davies@llyw.cymru)  
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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

The relevant body would be whichever organisation is responsible for enforcing the legislation relating to the issue of concern.

The Mining Remediation Authority (formerly the Coal Authority) has a role managing subsidence damage claims and provide information on coal mining activities, matters reserved to the UK Government. Complaints about the customer service the authority provides should be taken through its complaint's procedures in the first instance. If the issue relates to land subsidence then the case can be escalated to the Centre for Effective Dispute Resolution or Land Tribunal. General service issues should be referred to the resident's member of Parliament who can refer the matter to the Parliamentary and Health Service Ombudsman.

For issues relating to water discharge, reservoirs, deposits of waste, tree felling or disturbance of wildlife, these can be raised with Natural Resources Wales. Again, issues of poor customer service should be reported to the organisation's complaints procedure in the first instance and then escalated to the Public Service Ombudsman for Wales.

Most other issues are dealt with by the local authority which, outside of the national parks, are the local planning authority enforcing planning conditions, highway authority managing the roads, environmental health body investigating noise, dust smell and air quality complaints and general public safety issues. For issues of poor customer service, the local authority's complaints procedure is the first step followed by reference to the Public Services Ombudsman for Wales.

These delivery bodies have been given the role to enforce the regulatory controls on mining sites. They often have discretion on how this is done and the merits of the decisions cannot be challenged. However, if a resident thinks a decision made by an enforcing body is procedurally wrong or otherwise unlawful, they can apply to the Courts for a judicial review of the decision but should seek their own legal advice before doing so.

The Welsh Ministers have reserve powers in areas such as planning, which enables residents to ask the Welsh Government to intervene in some limited circumstances. The Welsh Ministers cannot overturn the decision of a local planning authority other than when an applicant appeals on specific grounds. If a planning application has yet to be determined, it can "call in" the application to determine it instead of the local planning authority. It can also be asked to exercise its reserve enforcement powers, however, would only do this in exceptional circumstances.

*2. How is the Welsh Government planning to allocate the £25 million funding for coal tip safety from the UK Government?*

The £25m will be allocated via the existing Coal Tip Safety Grant scheme. Local Authorities and Natural Resources Wales can apply for funding through the scheme. Any landform which meets the agreed definition of a disused tip will be eligible for consideration. Allocations through the scheme will be prioritised according to risk and we continue to work with our statutory partners to identify which sites we need to prioritise.

*3. The Welsh Government's White Paper on Coal Tip Safety says, "To support the coal tip safety programme, the Welsh Government has committed £44.4 million over the next three years to support local authorities carry out maintenance and remediation works on coal tips". In light of this, how satisfied are you with the sum of £25m allocated by the UK Government?*

We have allocated approximately £65m to local authorities, Natural Resources Wales and the Mining Remediation Authority (formerly the Coal Authority) since 2020 to undertake key activities to support the Welsh Government coal tip safety programme and recently confirmed a further £12m allocation for 2025-26 in the draft budget. Meanwhile, the £25m allocated by the UK Government is for a single financial year (2025-26) and is on top of our commitment. This represents a step-change in the level of investment towards ensuring our coal tip communities are safe. The Welsh Government's immediate priority is now to ensure that we can deliver this allocation both within the given timeframes and within the existing resource capabilities we have in Wales. A longer-term priority will be to build up this resource capacity (I detail this further in my answer to question 5) and we will of course continue our discussions on funding needs with the UK Government in future rounds of the spending review.

*4. Can you update the Committee on discussions you have had with the UK Government about the need for further funding for coal tip safety?*

The Welsh Government has always been clear that coal tips need a sustained programme of investment and that we cannot and should not do this alone. This is a point which both I and my Cabinet colleagues, past and present, have raised with the UK Government for several years. The First Minister raised this directly with the Prime Minister during their earliest discussions in post and recently raised the issue again with the Prime Minister during the first meeting of the Council of Nations and Regions in October. The Chancellor's subsequent Autumn budget demonstrates that the new UK Government has listened to what Wales needs and as I mention above, we will continue our discussions on funding needs with the UK Government in future rounds of the spending review.

*5. Could you provide more detail on the Welsh Government's proposed "strategic approach to mining and industrial legacy," including specific objectives, timelines, and planned resources?*

I introduced the Mine and Quarry Disused Tips (Wales) Bill to the Senedd on 9 December. The bill will establish the Disused Tips Authority for Wales whose main objective will be to ensure that disused tips do not threaten human welfare by reason of their instability. The current planned timetable aims for the new Authority to come into being in April 2027.

Once the bill has been implemented I and Cabinet colleagues will look to outline our approach to dealing with Wales wider mining and industrial legacy. I believe that it is vital that we make sure we are working with UK Government to ensure that we are joined up on these issues – on this basis my first step in the new year will be to write to the Secretary of State for Wales seeking consensus on UK wide approach to dealing with the industrial legacy.

*6. Will the Welsh Government commit to ensuring that proposed developments for coal tip reclamation explicitly incorporate lessons learned from sites like Ffos-y-Fran?*

Our overarching policy on coal tip reclamation is to turn these sites into beneficial assets for our communities. We will of course consider the learnings from Ffos-y-Fran as we would for any such reclamation project. Ultimately, the best option for reclamation will depend on each specific tip, including its hazard status and proximity to sensitive receptors such as communities.

*7. In light of the emerging proposals for coal-tip reclamation developments, what additional community benefit-sharing models will be considered if community ownership is not feasible?*

We would not want to pass on any future liability for maintenance of coal tips to local communities. The maintenance of tips is a matter for the owners/operators and even if it were possible to link development of community benefits it is not right that communities pick up the bill for future restoration.

*8. Can you explain how the Welsh Government has considered and reviewed the need for potential changes to MTAN2 (and any other relevant guidance note or policy) in the light of emerging proposals for coal-tip reclamation developments?*

Our policy has been strengthened significantly against coal extraction since MTAN 2 was published to the point where the justification tests for new coal extraction would virtually prohibit new schemes. In addition, Ministers have put in place a Notification Direction which allows them to be sighted on any new proposals to extract fossil fuels which local authorities are minded to approve. Welsh Ministers also have a veto over the coal licensing regime meaning the likelihood of new opencast coal operations are extremely low. MTAN2 relates to new development rather than historic schemes so we have no intention of revising the document given the strong policy set out in Planning Policy Wales.

I hope you find this information helpful.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Huw Irranca-Davies', written in a cursive style.

**Huw Irranca-Davies AS/MS**

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