

Disused Mine and Quarry Tips (Wales) Bill

Stage 2 amendments

July 2025



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Welsh Parliament
Tŷ Hywel
Cardiff Bay
CF99 1SN

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Author:

Chloe Corbyn

This briefing summarises Stage 2 of the Disused Mine and Quarry Tips(Wales) Bill's passage through the Senedd.

During Stage 2 of a Bill's scrutiny, Members of the Senedd table amendments which are then debated and voted on by a committee. Only members (or substitute members) of the responsible committee can vote on amendments. Once the last amendment has been voted on, the Bill moves to Stage 3 where further amendments are tabled. Selected amendments are debated and voted on by the Senedd in Plenary.



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1. Introduction

The Welsh Government introduced the ***Disused Mine and Quarry Tips (Wales) Bill*** into the Senedd on 9 December 2024. 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 Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs, Huw Irranca-Davies MS (the Cabinet Secretary), is the Member in Charge of the Bill.

The Explanatory Memorandum (EM) says:

The new regime will protect human welfare, safeguard communities and protect Wales’s critical infrastructure through the establishment of a new public body that will have functions in relation to the assessment, registration, monitoring and management of tips.

The Bill includes:

- Establishment of a new Welsh Government sponsored body, the Disused Tips Authority for Wales (‘the Authority’), to implement the new regime, aiming to ensure that disused tips do not threaten human welfare by reason of their instability.
- Development and maintenance of a national register of disused tips which pose a threat, or could pose a threat, to human welfare due to instability.
- A new national approach to the categorisation of tips, underpinned by a full assessment for each site where a preliminary assessment determines that registration may be appropriate.
- A duty to monitor registered tips.
- Powers for the Authority to require an owner or owners of any land to undertake operations to prevent or deal with threats to the stability of a disused tip or to stabilise a tip to prevent it from becoming more unstable.
- Powers for the Authority to undertake operations on any land to prevent or deal with threats to the stability of a disused tip or to stabilise a disused tip to prevent it becoming more unstable. It will also be able to recover expenses from the owners for costs in connection with actions or operations and works of reinstatement reasonably necessary in consequence of those operations.
- Obstructing monitoring assessments or activities under the Bill will constitute a criminal offence.

- Provisions relating to powers of entry and powers allowing the Authority to require information and documents from certain bodies.

The Bill follows a 2022 **White Paper consultation on coal tip safety**. This was informed by a **Welsh Government commissioned report from the Law Commission**, which reviewed the legislative framework on coal tip safety. The White Paper consultation focused on coal tips. However, it also considered whether the new regime should be developed in a way that enabled the phasing in of non-coal tips over time. Whilst not specifically addressed in the Bill, the **Regulatory Impact Assessment (RIA)** outlines the process for phasing in non-coal tips.

Three Senedd Committees scrutinised the Bill during Stage 1:

- Climate Change, Environment and Rural Affairs Committee: **report**/Welsh Government **response**;
- Legislation, Justice and Constitution Committee: **report**/Welsh Government **response**; and
- Finance Committee: **report**.

2. Stage 2 amendments

The Climate Change, Environment and Infrastructure (CCEI) Committee considered the **98 tabled amendments** to the Bill on **4 June 2025**. 18 were agreed, 16 of which were Government amendments. Two amendments were withdrawn, and three were not moved. The remaining 75 amendments fell.

Amendments were **grouped** to facilitate debate – there were 18 groups. The **marshalled list** sets out the amendments in the order in which they were disposed of.

16 amendments were brought forward by the Cabinet Secretary, 53 by Janet Finch-Saunders MS, and 29 by Delyth Jewell MS.

Details of the amendments from each group, along with their outcome, are set out below.

Group 1: The Disused Tips Authority for Wales: functions and duties

This group included nine amendments.

Government amendment 16, the only amendment in this group agreed, amends the wording relating to the Authority's main objective. The Cabinet Secretary stated the amendment was in response to recommendation three from the Legislation, Justice and Constitution Committee's report. It reframes section 2 of the Bill, to remove the concept of the Authority's "main objective". It changes the drafting to set out how the Authority must exercise its functions under the Act, rather than specifying a single main objective.

Unsuccessful amendments 74 (tabled by Janet Finch-Saunders MS) and 76 and 88 (tabled by Delyth Jewell MS) related to biodiversity – specifically calling for the Authority's corporate plan/annual report to set out biodiversity considerations and how it had regard to the sustainable management of natural resources. Amendments 2, 3 and 4, tabled by the same Member and also unsuccessful, would have required the Authority to take into account the impact of its functions on biodiversity, nature and the environment – and impacts on noise, air pollution and access to green spaces. Amendment 4 would have required the Authority to have regard to the most recent **State of Natural Resources report** and **Future Trends Report** when exercising its functions.

Amendment 32 would have required the Authority to promote skills development through the promotion of apprenticeships and communication with education providers in Wales.

Group 2: Public and community awareness and involvement

This group contained 22 amendments, none of which were agreed.

Proposed amendments would have required the Authority to:

- Publish its annual report on its website;
- Establish a website, and keep it up to date;
- Publish proposed tip registrations/notices on its website, in local newspapers and in the vicinity of the tip; and
- Keep local communities informed about a proposal to make a notifiable change.

Group 3: The Disused Tips Authority for Wales: charging of fees

This group contained three amendments, none of which were agreed.

Unsuccessful amendment 33, tabled by Janet Finch-Saunders MS, called for the Welsh Ministers to make regulations about the fees the Authority will be able to charge for the provision of information, advice and assistance. It called for the regulations to set out the fee amount, and the information, advice or assistance the fee applies to. Amendment 69, tabled by the same Member, called for the Authority to consult devolved Welsh authorities and any other persons it considers appropriate prior to publishing the list of fees.

Group 4: Monitoring registered tips

This group contained one Government amendment (17), which was successful.

It sets out the specific monitoring requirements for the different categories of tip. The monitoring requirements are:

- Category 1: The Authority must inspect within six months of the tip being placed on the register, and twice within each subsequent 12 month period; and
- Category 2: The Authority must inspect within 12 months of the tip being placed on the register, then once within each subsequent 12 month period.

The Authority may also carry out any other monitoring activities (including additional inspections) on a category 1, 2, 3 or 4 tip. This amendment also enables

the Welsh Ministers, by regulations, to change the period within which inspections must be carried out, and the number of inspections the Authority is required to carry out.

Group 5: Assessment of disused tips

This group contained eight amendments, five of which were successful, one which was unsuccessful, and two which were not moved.

Successful Government amendments 18, 19, 20 and 21 require the Authority to publish a report of each preliminary and full assessment, and enable these to be published in a redacted form if necessary. The Cabinet Secretary said these amendments were tabled in response to recommendation 17 from the CCEI Committee's report.

Successful amendment 37, tabled by Janet Finch- Saunders MS, means a notice of intention to carry out a full assessment will no longer need to include the name of the person who will conduct the assessment.

Unsuccessful amendment 36, tabled by the same Member, would have required each preliminary assessment to include a site visit to undertake an inspection of the disused tip. The Cabinet Secretary asserted this would have made the Bill "unaffordable and unworkable".

Amendments 77 and 78 were not moved.

Group 6: Proposal to register a disused tip

This group contained one amendment, 80, tabled by Delyth Jewell MS – which was successful.

In relation to a proposal to register a tip, the Bill (as at Stage 1) stated "The Welsh Ministers may by regulations amend subsection (3)(e) to change the minimum period for making representations". The successful amendment 80, expands this to state the amended period must not be less than 14 days.

The Cabinet Secretary highlighted that a similar point arises in relation to sections 22(4) and 29(3), and as such he would bring forward Government amendments at Stage 3 to make the equivalent changes to those two sections.

Group 7: Statement of policy on categorisation

This group contained one Government amendment, which was successful.

Amendment 22 sets out that, when publishing (or revising) its policy on categorisation, the Authority must consult such persons as it considers appropriate. The Cabinet Secretary said the amendment was in response to recommendation 20 of the CCEI Committee's report.

Group 8: List of all disused tips

This group contained two amendments. The Government amendment was successful, and the amendment tabled by Janet Finch-Saunders was unsuccessful.

The successful Government amendment 23, places a duty on the authority to compile and maintain an electronic list of all disused tips on which a preliminary assessment has been carried out. This amendment was in response to recommendation 10 of the CCEI Committee's report.

Unsuccessful amendment 89, tabled by Janet Finch-Saunders MS, called for the Authority to identify and compile a list of all disused tips by 1 January 2030.

Group 9: Removal and disposal of property for the purpose of carrying out operations

This group contained six non-Government amendments, all of which were unsuccessful.

They focused on coal that may be extracted during operations to address tip instability.

Amendments 44 ,45, 62 and 63 tabled by Janet Finch-Saunders MS, called for the sale of coal to be referenced in relation to the disposal of property, and for "market value for the property" to be achieved.

Amendments 5 and 6, tabled by Delyth Jewell MS, called for any coal (extracted during the course of operations) to be prohibited from being sold for the purpose of burning.

In response to the discussion around these amendments, the Cabinet Secretary sought to reassure the Committee that the Welsh Government is against the extraction of coal. He asserted that existing coal policy already provides the protection that Members were seeking, particularly when considered alongside the Well-being of Future Generations Act and the objectives of Planning Policy

Wales. He said, should the need arise to remove coal during operations, it would automatically be subject to the Welsh Government's coal and planning policies. The Cabinet Secretary said:

I have taken on board the continuing concerns being expressed by Members, and I am keen to provide some additional assurance. So, I therefore ask my officials to take forward work immediately to amend the Town and Country Planning (Notification) (Coal and Petroleum) (Wales) Direction 2018 to make it absolutely explicit that the definition of 'coal development' includes operations connected with disused coal tips. We think it's clear, but, in case it isn't clear, we will make it explicit. So, work has already started on this update, and more information will be developed as we develop the update, and I'm very happy that we share ongoing work and progress on that with the committee.

Group 10: Applications for appeals and reimbursement of owner's expenses

This group contained 14 non-Government amendments – 13 of which were unsuccessful and one which was withdrawn.

Amendment 49, tabled by Janet Finch-Saunders MS, called for an application made by an owner for financial assistance for operations required by a notice to be required to be accompanied by evidence of their inability to pay.

Amendments 50 to 57, 59 to 61, and 70, tabled by the same Member, called for the Bill to name the "person appointed by the Welsh Ministers" to determine appeals as Planning and Environment Decisions Wales (PEDW).

Withdrawn amendment 98, tabled by Delyth Jewell MS, had suggested the timeframe for appeals against a notice should be extended from 21 to 90 days.

Group 11: Guidance and regulations under the Act

This group contained eight amendments – five of which were successful, with three falling.

Successful Government amendment 25 places a duty on the Welsh Ministers to give guidance to the Authority on:

- the Authority's power to change fees (section 3(4));
- the Authority's duty to monitor registered tips (section 10);
- preliminary and full assessments of tips by the Authority (Chapter 2 of Part 2);

- compensation for damage and disturbance caused by monitoring or assessment activity (section 31);
- payments in connection with operations (Chapter 3 of Part 3); and
- management plans.

It also outlines the Welsh Ministers may give guidance to the Authority in relation to the exercise of any of its other functions, and the Authority must have regard to such guidance.

Government amendment 26 places a duty on the Welsh Ministers to also give guidance to a person appointed to determine 1) an application to vary or cancel a notice requiring an downer to carry out operations or 2) an application for reimbursement of owner's expenditure when notice to carry out operations is cancelled.

Government amendments 27, 28 and 29 concern regulations made under the Act. They add to the list of regulations for inspections for category 1 and 2 tips; the minimum period for making representations to the Authority; changes to the number of members of the Authority; and changes to the period to which its corporate plan relates. Amendment 27 provides that regulations made under section 10 (the duty to monitor registered tips) are subject to the affirmative procedure.

The Cabinet Secretary said these amendments were in response to CCEI Committee's recommendations about the need for express requirements to be placed on the Welsh Government to produce guidance for the Authority in certain areas and those appointed to determine appeals on behalf of the Welsh Ministers.

Unsuccessful amendments 58 and 68, tabled by Janet Finch-Saunders MS, called for the addition of a new section on appeals, requiring the Welsh Ministers to publish guidance about the appeals process (under sections 36 and 52).

Unsuccessful amendment 72, tabled by the same Member, called for the Welsh Ministers to publish guidance about the circumstances which may constitute a threat to human welfare (under section 82).

Group 12: Operations carried out by the Authority: powers of direction

This group contained one unsuccessful amendment (67), tabled by Janet Finch-Saunders MS.

The amendment would have added a new section to the Bill, concerning when operations need to be carried out immediately. It would have given the Welsh Ministers powers to direct the Authority to carry out operations in such circumstances. Furthermore, it would have meant that where such operations were carried out, the Authority would not be liable for breaches of planning or environmental law which occurred as a direct result of complying with the direction.

Group 13: Payments in connection with operations

This group contained three amendments, tabled by Delyth Jewell MS – all of which were unsuccessful.

Amendments 7, 8 and 9 were concerned with removing the reference to 12 years when considering who would be liable for operations on land to deal with tip instability. They proposed extending the window of liability back to the year 1800, with the Member saying this would:

...ensure that all those parties who contributed to the present state of the coal tips are held accountable, indeed, including those who placed the coal tips there in the first place. It was the National Coal Board, and hence the UK Government as its former owner, that created these coal tips.

Group 14: Dealing with activities that destabilise a disused tip

This group contained six non-Government amendments, all of which were unsuccessful.

Amendments 92, 93, 96 and 97, tabled by Janet Finch-Saunders MS, called for a new section to be added to the Bill creating the offence of destabilising a disused tip, and giving the power to serve a stop notice on a person committing the offence.

Amendments 86 and 87, tabled by Delyth Jewell MS, called for the insertion of a new section relating to civil sanctions.

Group 15: Management plans for registered tips

This group contained two Government amendments, both of which were successful.

Amendment 24 adds a new section into the Bill, requiring the Authority to prepare

and maintain a management plan for every disused tip in the register which is a category 1 or 2 tip. It states the management plan must be prepared as soon as practicable after the tip is recorded on the register. The Authority can also prepare and maintain a management plan for category 3 and 4 tips. The new section specifies the information to be included in a management plan:

- How the Authority intends to exercise its functions in relation to the tip (including information or advice it intends to give to owners or occupiers of the land);
- Information the Authority considers may be relevant in an emergency involving the tip;
- Information about the roles and responsibilities of the Authority and other public authorities in such an emergency, and how the Authority will cooperate with them; and
- Any other information the Authority considers appropriate.

The Cabinet Secretary said these amendments reflected recommendations made by Committees that there should be specific provision on the face of the Bill in relation to management plans.

Amendment 31 adds management plans to the list of terms used in the Bill.

Group 16: Information sharing

This group contained four non-Government amendments, all of which were unsuccessful.

Amendments 10 and 11, tabled by Delyth Jewell MS, called for the Secretary of State and the Crown Estate to be subject to the information sharing provisions of the Bill.

Amendment 94, tabled by Janet Finch-Saunders MS, would have placed a duty on owners of land to inform the Authority if they become aware of a threat to tip stability or evidence of instability (in the interests of avoiding or reducing a threat to human welfare).

Amendment 95, tabled by the same Member, called for a new section to be added to the Bill making it an offence if a person were to fail, without a reasonable excuse, to provide information.

Group 17: Interpretation

This group contained five amendments, one of which was successful, with the other four falling.

Successful Government amendment 30 places a duty on the Welsh Ministers to consult before making regulations to amend the meaning of “tip” and “disused tip” (under section 81). This amendment was in response to the CCEI Committee’s recommendation 29.

Amendments 12, 13, 14 and 15, tabled by Delyth Jewell MS, sought to amend the meaning of “threat to human welfare” under section 82 of the Bill to include:

- Serious threat by flood;
- Serious contamination of water;
- Serious environmental harm; and
- Serious threat by fire.

Group 18: Coming into force

The legislation is due to come into force on 1 April 2027. This group contained two non-Government amendments (73 and 1) – one of which was withdrawn and the other not moved. They both sought to change the coming into force date of the legislation to 1 April 2026.

3. Next steps

Following the completion of Stage 2 proceedings on 4 June, the Bill began Stage 3 of the legislative process on 5 June.

During this stage, Members of the Senedd (including the Cabinet Secretary) can table amendments to the **Bill as amended at Stage 2**. Amendments tabled can be found on the Bill page on the **Committee’s website**. Stage 3 proceedings are scheduled to take place in Plenary 8 July.

