



Ein cyf/Our ref:

Rt Hon Boris Johnson
Prime Minister
10 Downing Street
London
SW1A 2AA



19 March 2021

Dear Prime Minister

At the COBR meeting you chaired on 20 January we discussed the ongoing public safety risks posed by Wales' industrial legacy which are being increasingly exposed by significant storm events, several of which Wales has experienced over the last 12 months.

I remain particularly concerned about the continued lethal threat posed by high risk coal tips. To ensure we have in place the necessary long-term safeguards for our communities and building on our shared commitment to address this area of concern, I am writing to propose how we might tackle more fully Wales' industrial legacy risks through a joint programme and associated funding package that reflects the devolution settlement and the UK Government's reserved responsibilities.

In the aftermath of the Tylorstown landslide in February 2020, the Secretary of State for Wales and I established a joint taskforce to undertake a rapid assessment of Wales' 2,144 coal spoil heaps and to help ensure these tips are being monitored and maintained effectively.

We now have in place a substantial programme which, in addition to hundreds of tip inspections, includes work to address shortcomings in the current legislative framework.

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1NA

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400
YP.PrifWeinidog@llyw.cymru • ps.firstminister@gov.wales

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.

While good progress has been made, the inherent public safety risks remain. The taskforce has identified 294 high risk tips and the Coal Authority has reported serious concerns in relation to 36 of these which require urgent attention to reduce the risk of future landslips.

As we continue to discuss the significant funding implications and complexities of responsibility, we are unable to offer the public the full assurance that further landslides will not occur at this time. The landslip at Wattstown on 19 December, followed by the landslip at Pentre and the coal mine blow-out and subsequent flooding at Skewen in late January, have underlined further the risks posed by the legacy of the mining industry in Wales. These events have highlighted the need to accelerate and expand the current work programme to address the wider range of public safety, economic and environmental risks.

It is beyond question that Wales is affected disproportionately by the legacy of the UK coal industry, but the existing devolution settlement and broader legislative arrangements has failed to recognise this. The Coal Authority assesses that 40% of all UK coal tips are located in Wales, and we estimate remediation costs of c£500-600m over the next ten years. The population-based Barnett formula is not a suitable mechanism to secure the required funding to deliver a remediation programme based on the footprint of the industry. Unfortunately, the recent UK Budget failed to reflect this need.

In order to deliver a comprehensive solution for coalfield communities, a new level of cooperation is required. Therefore I propose the establishment of an intergovernmental structure which addresses more fully the intricacies of reserved and devolved interests in relation to Wales' mining legacy risks.

This structure needs to be developed in a way which respects the devolution settlement but enables effective UK and Welsh ministerial oversight of our respective policy interests and obligations, while bringing to bear the necessary cross-governmental support to deliver our objectives including science, engineering, technology, R&D, communications and finance. As part of these arrangements, it would be important to have in place clear reporting mechanisms to UK and Welsh Ministers overseen by a named senior official, in addition to agreed terms of reference governance and assurance.

Without such an agreement, I fear Welsh communities will go without the necessary investment other communities across the UK enjoy. Our respective and shared interest is, I believe, to protect our coalfield communities against the dangerous legacy of the United Kingdom's proud industrial past.

I believe the proposed approach is the best way to avoid these very serious risks. If the UK Government is prepared to make a specific commitment to support a long-term settlement outside of the Barnett formula to reflect the disproportionate industrial legacy risks Wales faces, this would allow the Welsh Government to play its role in meeting both the immediate coal tip safety needs, as well as the remaining costs of mitigating the impacts from the February 2020 floods. This solution would avoid the inequitable outcome of communities themselves, in effect, bearing a disproportionate share of the costs.

I believe this approach would reflect the interconnectedness of our respective administrations' interests as well as, most importantly, addressing the safety concerns of Wales' coalfield communities.

I am copying this letter to the Secretary of State for Wales, the Secretary of State for BEIS, the Chief Secretary to the Treasury, the Minister for Finance & Trefnydd and the Minister for Environment, Energy and Rural Affairs.

Yours sincerely

A handwritten signature in black ink that reads "Mark Drakeford". The signature is written in a cursive, slightly slanted style.

MARK DRAKEFORD