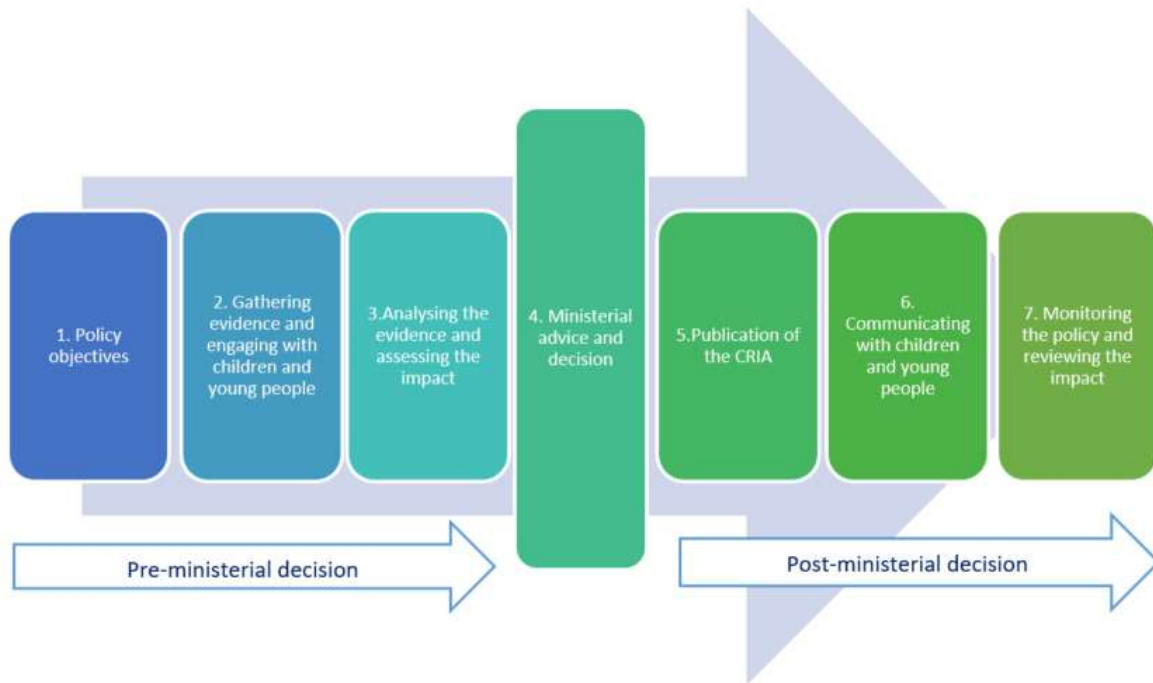


A. Children's Rights Impact Assessment



Introduction

Disused Mine and Quarry Tips (Wales) Act 2025 (the Act) received Royal Assent on 11 September 2025. The Act. The main purpose of the Act is to ensure that disused coal and non-coal tips do not threaten human welfare by reason of their instability. The policy intent is to decrease the likelihood of a landslide by establishing a regime for the regulation, management, and inspection of disused coal and non-coal tips. This will create a safer environment for communities and infrastructure located close to disused coal and non-coal tips across Wales.

The Act establishes a new body, the Disused Tips Authority for Wales (the Authority) whose main objective is to ensure that disused coal and non-coal 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 coal and non-coal tips, monitoring functions and the creation and maintenance of an electronic register of disused tips. The Act 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 coal and non-coal tips, or to stabilise a disused coal and non-coal tips or prevent it from becoming more unstable, so as to avoid or reduce threats to human welfare.

In developing the provisions in the Act, Children in Wales were commissioned to deliver a number of consultation events aimed at gathering the views of young people aged 14-16 years which showed a clear consensus that tips should be made safe for the future of our communities

With the creation of the Authority, it will be important to ensure that there are independent checks and balances built into the system to ensure fairness and equity, and to ensure that individuals are able to question, challenge and appeal decisions that have been made.

To achieve this, the Act places a requirement on the Welsh Ministers to develop regulations regarding the procedure to be followed

- when an owner of land wishes to appeal against a section 35 Notice issued by the Authority requiring them to carry out operations to prevent or deal with the threats to the stability of a disused tip, or to stabilise a disused tip, or prevent a disused tip from becoming more unstable; and
- when an owner applies for reimbursement of expenses incurred in complying with the requirements of a section 35 Notice which the Authority subsequently cancels.

The draft Disused Mine and Quarry Tips (Appeals) (Wales) Regulations (the Regulations) 2027 establish procedures for appeals against notices requiring landowners to carry out operations under section 35 of the Disused Mine and Quarry Tips (Wales) Act 2025 (the Act) and for applications for reimbursement of expenses following cancellation of such notices under section 43 of the Act. These Regulations are procedural supporting fairness, transparency, and access to justice for all landowners and interested parties, including those with protected characteristics under the Equality Act 2010.

The Regulations set out time scales for submitting appeals and subsequent representations to the appointed person by the appellant and interested parties. The regulations also outline the procedures available to the appointed person in determining an appeal - i.e. via written representation, a hearing or an inquiry or a combination of these.

The intention is for the Regulations to provide a clear and efficient appeals regulation procedure, they provide landowners and interested persons with a clear route to challenge decisions, promoting trust in the regulatory framework.

Children and young people are not considered to be direct participants in the appeals process. No direct consultation with children has been undertaken on these draft regulations as the regulations themselves are procedural and primarily affect landowners, interested persons and the Authority.

This is, however, a public consultation and is an opportunity for any relevant groups to comment on the draft regulations. Where impacts on children and young people are identified in the responses to the consultation, the impact assessment will be updated to reflect those comments and feedback.

1. Policy objectives

The draft Disused Mines and Quarry Tips (Appeals)(Wales) Regulations (the Regulations) 2027 establishes procedures for appeals against notices requiring landowners to carry out operations under section 35 of the Disused Mines and Quarry Tips (Wales) Act (the Act) and for applications for reimbursement of expenses following cancellation of such notices under section 43 of the Act. These regulations are procedural and are intended to support fairness and transparency in implementing the Act, which aims to reduce risks from disused tips and safeguard communities, including children and young people.

Impact on Children and Young People

The Act aims to reduce the risk of disused tips threatening human welfare by reason of their instability, protecting homes, schools, and infrastructure and supporting mental well-being by reducing anxiety about potential tip slips.

The Appeals Regulations are procedural and do not restrict rights under the UNCRC. Although children and young people will not be direct participants in the appeals process, the determination of applications may indirectly affect their safety, wellbeing, and rights, particularly in communities located near disused tips.

The appeal regulations are a necessary safeguard within the Disused Mine and Quarry Tips (Wales) Act 2025. When implemented with consideration for children's rights and wellbeing, they contribute positively to community safety and stability.

2. Gathering evidence and engaging with children and young People

[Rights of Children and Young Persons \(Wales\) Measure 2011 \(legislation.gov.uk\)](#) requires Welsh Ministers to have due regard to the United Nations Convention on the Rights of the Child (UNCRC). Article 12 of the UNCRC gives children the right to be engaged in decisions that may affect them.

No direct consultation with children has been undertaken for these regulations as the regulations themselves are procedural and are primarily for the appointed person who will determine appeals. However, should responses to the consultation highlight any impacts on children and young people, the impact assessments will be updated accordingly.

What participatory work with children and young people have you used to inform your policy? If you have not engaged with children and young people, please explain why.

The Regulations provide for a process whereby an owner can apply for a cancellation or variation of a section 35 notice or apply for reimbursement of expenses as a result of the cancellation of a section 35 notice. Children and young people are not expected to fall into the category of tip/land owner or interested parties.

3. Analysing the evidence and assessing the impact

- **Using the evidence you have gathered, what impact is your policy likely to have on children and young people? What steps will you take to mitigate and/or reduce any negative effects?**

Children and young people form part of the communities that could be affected by landslides from disused tips. The Act provides for the establishment of a new regime for the regulation, management, and inspection of disused coal and non-coal tips, designed to reduce the likelihood of future slides, thereby safeguarding Welsh communities which includes children and young people, and infrastructure that is in close proximity to disused coal and non-coal tips.

How does your proposal enhance or challenge children’s rights, as stipulated by the UNCRC articles and its Optional Protocols? Please refer to the [articles](#) to see which ones apply to your own policy.

The proposals relate indirectly to Articles 6,12,17,24,27 and 29 of the United Nations Convention on the Rights of the Child. In relation to these, we have identified no negative impacts from our proposals on the rights of children under the UNCRC.

UNCRC Article	Enhances (✓)	Explanation
Article 6 – Right to life	✓	Appeals process forms part of the regime that prevents tip instability, safeguarding lives.
Article 12 – Right to be heard	✓	Young people’s views informed the design of the Act. Children in Wales held a number of consultation events with young people to gather their views on the Act.
Article 17 – Access to information	✓	Public register and bilingual guidance promote transparency and understanding.
Article 24 – Health and well-being	✓	Reducing landslide risk supports physical and mental health and a

		child's right to live in a safe environment.
Article 27 – Standard of living	✓	Protects homes and communities from potential slips through the new regime, which includes a programme of tip inspections and maintenance.
Article 29 – Education and development	✓	Safer environments support uninterrupted education and community life.
Article 31 - the right to relax, play and take part in a wide range of cultural and artistic activities	✓	Safer environments support relaxation and play.

The Welsh Government remains committed to addressing the United Nations Committee on the Rights of the Child's Concluding Observations within relevant areas of policy development. Two areas are particularly relevant to the Disused Mine and Quarry Tips (Wales) Act 2025 and the supporting Regulations:

Respect for the Views of the Child (Section 23)

During development of the primary legislation, the views of children and young people were gathered through engagement led by Children in Wales. This feedback fed into the overall approach to ensuring the long-term safety of disused tips and demonstrated strong support for measures that improve community safety. While the Regulations themselves are procedural and therefore did not require additional consultation with children, the broader legislative framework has considered their earlier contributions.

Environmental Health and Climate Change (Section 45)

The Climate Change Risk Assessment for Wales (CCRA3) identifies an increased likelihood of landslides as climate-related risks intensify. These events pose significant threats to communities, critical infrastructure and the wider environment. The purpose of the Act is to safeguard human welfare by ensuring the stability of disused tips in this changing risk environment. The Regulations support delivery of

the Act by establishing fair and transparent appeals processes; however, they do not directly influence the effects of climate change or the underlying environmental risks.

4. Ministerial advice and decision

The impact of the proposals on children's rights will be incorporated into ministerial advice. This will ensure that the welfare and rights of children have been fully considered, and any identified issues are addressed.

Children in Wales were commissioned to undertake a series of consultation events to gather the views of young people aged 14–16 on the provisions set out in the Bill. The age range was intentionally limited due to the potential emotional impact associated with the history of coal tip disasters, the ongoing presence of disused tips within some communities, and the safeguarding and wellbeing concerns that could arise for younger children. Overall, the young people expressed support for ensuring that coal tips are properly monitored and managed, and they welcomed the proposed categorisation of disused tips. In addition, officials presented the White Paper proposals to the Children's Rights Action Group (CRAG) on 23 June 2022, drawing on the group's expertise to reflect on how the proposals may affect children and young people.

5. Publication of the CRIA

As part of the consultation on the draft Disused Mine and Quarry Tips (Appeals and Reimbursement of Expenses) (Wales) Regulations views can be shared on this draft Children's Rights Impact Assessment. We will use the consultation to gather evidence of impacts on children and young people.

6. Communicating with Children and Young People

- **If you have sought children and young people's views on your proposal, how will you inform them of the outcome?**

No direct consultation with children has been undertaken for these regulations as the regulations themselves are procedural and primarily affect the appointed person who will determine the appeal.

7. Monitoring and Review

Any monitoring and review arrangements for the Regulations will ensure that their implementation remains transparent, accessible, and responsive to the needs of children, young people, families, and wider stakeholders. The review of the CRIA will be formally aligned with the wider policy and legislative review cycles for the Disused Mine and Quarry Tips (Wales) Act 2025, ensuring that any emerging issues affecting children's rights are identified and addressed in a timely and consistent manner. Feedback from children's rights organisations, community groups and relevant stakeholders will form an integral part of this process, helping to ensure continuous improvement and accountability.

