

Sections 1 and 8 of the Integrated Impact Assessment relating to the draft Disused Mine and Quarry Tips (Appeals and Reimbursement of Expenses) (Wales) Regulations 2027

Section 1. What action is the Welsh Government considering and why?

1.1 Purpose of Proposal: To make provision, by regulations, about the procedure to be followed in determining applications made to the Welsh Ministers under the Disused Mine and Quarry Tips (Wales) Act 2025 (the Act). These regulations provide for fairness, transparency and consistency in relation to the determination of applications. They provide a proportionate system that supports effective oversight while protecting community safety.

The Act introduces a new regulatory regime for disused tips in Wales, delivering a consistent approach to the assessment, registration, monitoring, maintenance and oversight of disused tips. The Act removes outdated functions on Welsh local authorities under [the Mines and Quarries \(Tips\) Act 1969](#) (the 1969 Act). This, in effect, largely disapplies Part 2 of the 1969 Act in relation to Wales.

The Act establishes a new body to implement the regime, the Disused Tips Authority for Wales (the Authority), tasked with ensuring that disused tips do not threaten human welfare by reason of their instability. The Act provides the Authority with the power to require an owner of land to carry out operations, and it gives the Authority the power to carry out operations on land itself to prevent or deal with threats to the stability of a disused tip or stabilise a disused tip or prevent a disused tip from becoming more unstable, so as to avoid or reduce threats to human welfare.

Under section 35 of the Act, the Authority can issue a notice requiring a landowner to carry out operations (referred to as a section 35 notice). A section 35 notice may be issued where the Authority considers this to be necessary to prevent or deal with threats to the stability of a disused tip, to stabilise a disused tip or to prevent a disused tip from becoming more unstable, so as to avoid or reduce threats to human welfare. The Act provides a right for landowners and interested parties to apply to the Welsh Ministers to vary or cancel a section 35 notice (under section 38). Where the Authority has cancelled a section 35 notice and the landowner has incurred costs in complying with it, the landowner may claim reimbursement of costs (under section 43).

To ensure decisions about applications are fair and transparent, the Act requires the Welsh Ministers to set out in regulations the procedures to be followed in determining such applications (under sections 40(1) and 43(7)). In addition, the Act confers powers on the Welsh Ministers under sections 40(2) and 43(8) to make any other provision deemed appropriate in connection with the determination of an application.

The draft Disused Mine and Quarry Tips (Appeals and Reimbursement of Expenses) (Wales) Regulations 2027 (the regulations) set out the procedure for determining applications under section 38 of the Act to vary or cancel a section 35 notice issued by the Disused Tips Authority (the Authority) requiring landowners to carry out operations on land:

- to prevent or deal with threats to the stability of a disused tip

- or stabilise a disused tip or prevent a disused tip from becoming more unstable.

An interested party who is given a copy of a section 35 notice may also apply to the Welsh Ministers to vary or cancel the notice, and any such application will also be subject to the procedure set out in the regulations.

The regulations also provide the procedure for the determination of applications for reimbursement of expenses under section 43 of the Act where an owner of land can apply to the Welsh Ministers for reimbursement of expenses incurred as a result of the Authority cancelling a section 35 notice. The owner of land can be reimbursed by the Authority for:

- any expenditure incurred by the owner in consequence of the giving of the notice, and
- any expenditure incurred by the owner which is attributable to the cancellation of the notice (whether attributable to the reinstatement of any land, the cancellation of any contract or otherwise).

The Act requires applications under sections 38 and 43 to be determined by a person appointed by the Welsh Ministers (the appointed person). In most cases, Planning and Environment Decisions Wales (PEDW) will act as the appointed person and manage the process on behalf of the Welsh Ministers, but the Welsh Ministers retain responsibility as regards who to appoint and may appoint someone other than PEDW.

The regulations will make clear what information must be included in an application and what documents must be included with an application.

1.2 Long term trends, challenges and opportunities

Climate change and increased rainfall heighten risks of tip instability. [State of the UK Climate in 2024](#) (July 2025) showed that in the UK rainfall has slightly increased in the last decades. In Wales, the [risk assessment](#) undertaken by the Independent Climate Change Committee also reported a small increase of annual mean rainfall in recent years, forecasting that in the future, during winters, rainfall is expected to intensify leading to the likelihood of flooding of infrastructure, businesses and homes.

The Act aims to mitigate increasing instability risks by establishing a proactive regime that will protect human welfare, safeguard communities and protect Wales's critical infrastructure through the establishment of the Authority that will have functions in relation to the assessment, registration, monitoring and management of disused tips.

In carrying out its role, the Authority will identify when operations are required to deal with the instability of disused tips or threats to the stability of disused tips to reduce the likelihood of or avoid tip landslides which could threaten human welfare.

Regulations for a clear and efficient procedure are necessary to ensure a fair and transparent system where individuals are able to seek a variation or cancellation of a section 35 notice, or to apply for reimbursement of costs upon the cancellation of a section 35 notice.

1.3 Prevention

The purpose of the Act is to prevent disused tips from threatening human welfare by reason of their instability. In practical terms what this means is the Authority will monitor and inspect disused tips to effectively manage disused tips and prevent threats to human welfare. It will inform those whose actions might impact on a disused tip's stability (could be owners, occupiers, adjacent landowners or others) of actions that must be taken to ensure the tip remains stable, address any instability or stabilise a disused tip. The Act introduces a comprehensive and risk based registration and assessment system for disused tips, makes provision for monitoring and inspection of disused tips, with the Authority having the power to require operations to be undertaken by landowners to address risks to the stability of a tip, and also powers for the Authority to carry out operations itself, including urgently necessary works to ensure the stability of a tip. In doing so the Authority will issue section 35 notices, where appropriate, to land owners requiring them to carry out operations necessary to ensure the stability of a tip or prevent a disused tip from becoming more unstable so as to avoid or reduce threats to human welfare. The regulations set out the procedure for determining applications from landowners or interested persons seeking to vary or cancel a section 35 notice, or from a landowner seeking reimbursement where a section 35 notice has been cancelled.

1.4 Integration and Collaboration

The regime supports cross-sector priorities, including housing, transport, utilities, planning and environmental resilience. Stakeholders such as the Mining Remediation Authority (MRA), Natural Resources Wales (NRW), local authorities, landowners, and communities will be engaged throughout implementation.

1.5 Involvement

- ♦ *How have people affected by the proposal been involved in developing it?*

Although engagement to date has focused on the wider Act, the appeals framework has been shaped by feedback emphasising the need for clarity, accessibility and bilingual delivery. PEDW has been engaged during development of the draft regulations, and this dialogue will continue as we refine and finalise the procedural framework.

The Welsh Government's proposals for the Act were consulted on in the [White Paper](#), which ran from 12 May 2022 to 4 August 2022. A total of 23 questions were included, and respondents were able to respond via an online survey form, a dedicated email address or by post. The White Paper sought views on the policy proposals on the main building blocks of the new management regime.

A total of 44 responses to the White Paper were received, 40 responses came from across Wales and 4 from respondents in England. Respondents included private individuals, a variety of organisations, elected representatives, private companies, professional bodies, academia, and local authorities.

A [consultation summary](#) was published in November 2022.

The responses reflected a variety of perspectives and views, but were, in general, supportive of the proposals for legislation in the White Paper.

The White Paper proposed that owners/occupiers should have the right to appeal against registration, imposition of maintenance orders and against the imposition of

any changes for work under a maintenance order, where there is a disagreement about the costs. The White Paper included appeals principles but not procedures.

The Act broadly reflects those proposals while the regulations provide the procedure to be followed by the appointed person in determining appeals under sections 38 and 43 of the Act.

What matters to the people affected by the proposal and how might they be involved in its delivery?

People affected by the regulations will value safety, fairness, transparency, and accessibility. Communities living near disused tips want assurance that risks of instability are managed promptly to protect homes, schools, and infrastructure. Landowners and occupiers want clarity on their responsibilities and confidence that applications under section 38 and 43 of the Act will be determined via an efficient and fair appeals process. Stakeholders also care about timely resolution of appeals to avoid delays in essential safety works, and they expect bilingual services and inclusive procedures that reduce digital and socio-economic barriers.

1.6 Five Ways of Working

- **Long-term**
The regulations support long-term community safety and resilience by embedding fair and transparent processes for the determination of applications to the Welsh Ministers under the new disused tips regime. By ensuring that appeals do not undermine urgent stabilisation works, the regulations will help to maintain confidence in the system.
- **Prevention.** The regulations support prevention by ensuring that applications to vary or cancel section 35 notices and applications to seek reimbursement of costs upon cancellation of a section 35 notice are resolved fairly and transparently.
- **Integration**
The regulations are designed to fit within the broader framework of the Disused Mine and Quarry Tips (Wales) Act 2025. While the regulations themselves are procedural, they support wider objectives such as reducing risk to people and infrastructure, maintaining public confidence, and ensuring compliance with statutory duties under the Well-being of Future Generations (Wales) Act 2015. By providing a clear, consistent process for appeals, the regulations integrate fairness and accountability into the overall tip management regime.
- **Collaboration**
Although the regulations primarily set out procedural requirements for determining appeals, their successful delivery depends on effective collaboration between Welsh Government, the Disused Tips Authority, and likely Planning and Environment Decisions Wales (PEDW) if they are appointed to determine applications under sections 38 and 43 of the Act. The appointed person will act independently, must comply with the regulations and must have regard to guidance from Welsh Ministers in exercising their functions relating to the determination of such applications, ensuring clarity of expectations and consistency in approach.
- **Involvement**
Communities and landowners will be engaged through the consultation on the

regulations and accompanying statutory guidance, with all documentation for the consultation available bilingually. Feedback from the consultation will be considered and reflected in any amendments to the regulations and guidance where necessary and relevant, ensuring that those most affected by the regime have a voice in shaping its delivery.

1.7 Impact

The impact of the regulations will be broad and largely positive:

- **Fairness and Transparency:** By providing a clear appeals process, they build trust in the new regime and give landowners and stakeholders confidence that applications will be handled fairly and transparently.
- **Equality and Accessibility:** Remote hearings and bilingual implementation will improve inclusivity, though digital exclusion risks will need mitigation.
- **Public Confidence:** Embedding independent checks and balances strengthens governance and aligns with well-being goals under the Well-being of Future Generations (Wales) Act 2015.

1.8 Costs and Savings

A Regulatory Impact Assessment has been undertaken on the regulations and sets out estimated costs and benefits of the proposals contained within it.

1.9 Mechanism

A Regulatory Impact Assessment has been completed alongside the regulations.

Section 8. Conclusion

8.1 How have people most likely to be affected by the proposal been involved in developing it?

People with an interest in the policy framework for disused tip safety have been engaged throughout the development of the Act that underpins the regulations. The Welsh Government consulted on the proposals for the Act in the 2022 White Paper [A new regulatory framework for disused coal tips in Wales](#). The White Paper set out where we considered appeals should be available in the new management regime. These were:

- owner or occupier should have a right of appeal against registration on the asset register where there is no tip situated on the land
- owner or occupier should have a right of appeal against the imposition of a maintenance order
- owner or occupier should have a right of appeal against the imposition of any charges for the work under a maintenance order, where there is disagreement about the cost.

Respondents included individuals, local authorities, private companies, professional bodies and community representatives. Feedback from the consultation demonstrated broad support for a clearer, more consistent regime and highlighted the importance of bilingual communication, accessible processes and timely decision-making.

Although the appeals proposals were not consulted on separately in 2022, stakeholder feedback on fairness, clarity and transparency has shaped their development.

Policy officials have continued to meet key stakeholders during the preparation of the wider suite of guidance for the Authority about fulfilling its functions under the Act, which will be in place for commencement in April 2027. This engagement has reinforced the need for proportionality in the appeals process and for options such as remote hearings to support accessibility.

A public consultation on the regulations will provide a further opportunity for people most affected, particularly landowners, interested persons, communities living near disused tips and local authorities, to comment on the procedures and suggest improvements. All consultation materials will be available bilingually, and feedback received will be considered and where appropriate, inform any amendments required before the regulations are finalised.

8.2 What are the most significant impacts, positive and negative?

Conclusion

The regulations set out the procedures for the determination of applications to the Welsh Ministers under the Act. They do not impose new safety or environmental duties, they establish a clear, transparent and proportionate procedure for determining applications made to the Welsh Ministers under sections 38 and 43 of the Act. Their impacts are mainly administrative and procedural, but these may have knock-on effects for safety, environment, and communities.

Positive impacts

- The regulations provide a clear, consistent and transparent procedure for determining applications to the Welsh Ministers under the Act. This improves fairness, gives certainty to landowners and supports good administrative practice.
- Defined timeframes, documentation requirements and procedural safeguards help ensure appeals are resolved efficiently. This strengthens public confidence in the new regulatory regime.
- Allowing appeals to be determined through written representations, hearings or inquiries or a combination of these, ensures that processes are proportionate to the complexity of each case.
- Independent decision-making by an appointed person enhances impartiality and accountability within the system.

Negative impacts

- The procedural requirements may introduce administrative requirements for landowners, PEDW and the Authority, particularly in cases requiring hearings or the preparation of detailed evidence. Smaller or less experienced landowners may find the process challenging without professional support.
- The formal nature of the appeal routes may result in increased financial costs for some participants, particularly where representation or expert input is needed.

8.3 In light of the impacts identified, how will the proposal:

- **maximise contribution to our well-being objectives and the seven well-being goals; and/or,**
- **avoid, reduce or mitigate any negative impacts?**

The regulations contribute to Wales's well-being objectives by embedding fairness, transparency and accountability within the new disused tips regime. Clear procedures, proportionate appeal routes and defined timescales help prevent delays and reduce the risk of instability events, contributing to a safer and more resilient Wales.

The regulations support a **More Equal Wales** by providing transparent, bilingual procedures accessible to landowners and interested parties. They promote fairness through independent decision-making and by ensuring that there are transparent and proportionate procedures for determining applications made to the Welsh Ministers under sections 38 and 43 of the Act.

By setting out fair, transparent and proportionate procedures for applying to have a section 35 notice varied or cancelled, the regulations support a Healthier Wales by helping to minimise unnecessary stress and reducing uncertainty for those affected. The 21-day timeframe for submitting an application, set out in the Act, will help to ensure matters can be addressed without prolonged uncertainty, which can otherwise contribute to stress or anxiety for those affected.

Where an application under section 38 is made and is being determined, the period specified in the section 35 notice as the period within which operations must be completed, does not expire before the application is determined. This means that the person who has been given a section 35 notice cannot be guilty of an offence for failing to comply with the notice whilst the application is being determined. The person subject to the notice is protected from the risk of being guilty of an offence during this time. Knowing that they cannot incur criminal liability while their application is under consideration can significantly reduce anxiety, fear of repercussions, and the sense of urgency or pressure that could negatively affect mental wellbeing.

The regulations also establish a separate, equally transparent procedure for applying for the reimbursement of expenses following the cancellation of a section 35 notice. By allowing a longer six-month period to make such applications, the regulations give people adequate time to gather information, seek advice, and submit their claim without feeling pressured or overwhelmed.

The appointed person also may extend the time for completing operations where appropriate. The ability to extend deadlines reflects a proportionate and empathetic approach, allowing exceptional circumstances, such as resource constraints, health issues, or practical barriers, to be taken into account. This procedural flexibility can reduce stress and promote a sense of fairness, supporting both mental wellbeing and broader wellbeing outcomes.

Together, these structured and accessible procedures promote psychological wellbeing by reducing uncertainty and enhancing trust in how decisions are handled.

Feeling confident that processes are fair and non-punitive contributes positively to mental wellbeing and supports healthier interactions with regulatory systems.

They also support overall community wellbeing by ensuring that people have clear routes to seek fair consideration of their circumstances, contributing to a calmer, more informed and more confident public environment.

Overall, the regulations ensure that the appeals process operates in a way that is fair, efficient and aligned with the wider aims of the Act and the Well-being of Future Generations (Wales) Act 2015.

8.4 How will the impact of the proposal be monitored and evaluated as it progresses and when it concludes?

The impact of the regulations will be monitored throughout their implementation to ensure they operate as intended and support timely, fair and transparent decision-making.

During implementation, ongoing monitoring will focus on key performance indicators such as the number of appeals processed and whether they meet statutory timeframes. Monitoring will also assess the accessibility of the process, including uptake of bilingual services and digital submission routes. Where issues such as disproportionate burdens, delays or inconsistencies arise, the Welsh Government will work with PEDW and the Disused Tips Authority to address them.

Digital efficiency will be assessed through usage rates of remote hearings and digital submissions.