



RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2021/22

OVERVIEW & SCRUTINY COMMITTEE – 5th JULY 2021

REPORT OF THE SERVICE DIRECTOR, DEMOCRATIC SERVICES & COMMUNICATIONS

1. PURPOSE OF THE REPORT

- 1.1 To provide members of the Overview & Scrutiny Committee with the opportunity to consider the proposals within the Law Commission's consultation on Regulating Coal Tip Safety in Wales through discussions with representatives from the Law Commission of England and Wales at its meeting.
- 1.2 This report proposes a mechanism for members of the Overview & Scrutiny Committee to provide their responses to the consultation on a proposed new coal tip safety regime in Wales that would replace outdated laws and improve how a range of risks with coal tips are managed

2. RECOMMENDATIONS

It is recommended that Members: -

- 2.1 Acknowledge the presentation from the Law Commission representatives in respect of its proposals contained within the consultation which was launched on the 9th June 2021; and
- 2.2 Consider, where appropriate, any comments committee may wish to make to the consultation before its closure on the 10th September 2021.

3. REASONS FOR RECOMMENDATIONS

- 3.1. As the overarching scrutiny committee, the Council's Overview & Scrutiny Committee has responsibility for undertaking scrutiny of matters which impact upon the whole council.
- 3.2 It is important that Scrutiny has the opportunity to respond to the consultation by the 10th September 2021 so that its response will contribute to the final

recommendations for the Welsh Government and subsequently to the final report of the Law Commission in early 2022.

4. BACKGROUND

- 4.1 Across the whole of Wales there are approximately 2,000 disused coal tips which present a number of risks such as instability and coal tip slides, flooding, pollution which can have a detrimental impact on the surrounding environment and spontaneous combustion.
- 4.2 In Rhondda Cynon Taf, disused tips are regulated by the Mines and Quarries (Tips) Act 1969. Some tips are owned by Rhondda Cynon Taf Council (formerly under the ownership of Mid Glamorgan County Council) while some are privately-owned, and others are under the control of the Coal Authority or Natural Resources Wales. Tips in Rhondda Cynon Taf Council are categorised on a risk-based approach from A to D, with D being the highest risk.
- 4.3 Following the Storms in February 2020, a number of landslides occurred across Wales including Tylortstown Tip making the national news where over 30,000 cubic metres of the hillside slid into the river valley. In order to improve the outdated laws and manage the range of risks associated with coal tips, the Law Commission of England and Wales has launched a consultation on a proposed new coal tip safety regime in Wales.
- 4.4 Amongst the proposals is the establishment of a 'supervisory authority' with responsibility for the safety of all disused coal tips. The proposed functions for the authority include:
- *'Compiling and maintaining a register of all disused tips in Wales*
 - *Arranging for inspections of tips and the creation of tip management plans*
 - *As required, designating tips as high risk (in relation to tip slides and/or other risks) which would bring into play an enhanced safety regime with increased involvement of the supervisory authority to minimize dangerous hazards occurring'.*
- 4.5 The proposals look to improve how coal tips are regulated and maintained under a new regulatory framework which would promote consistency across the country and more importantly avoid risk and danger through an enhanced safety regime. The regime would develop a coal tips register, compiled and maintained by the supervisory authority and ensure regular inspections of coal tips.

5. CONSULTATION / INVOLVEMENT

- 5.1 As the Council's overarching scrutiny committee it is appropriate that the Overview & Scrutiny Committee contributes to the discussions and consultation which will respond to the proposals as set out in the following links:

[Rheoleiddio Diogelwch Tomennydd Glo yng Nghymru | Law Commission](#)
[Regulating Coal Tip Safety in Wales | Law Commission](#)

- 5.2 Representatives of the Law Commission for England and Wales will be in attendance at the meeting to assist discussions and support the Scrutiny Committee with its consultation responses.

6. EQUALITY AND DIVERSITY IMPLICATIONS

- 6.1 There are no equality and diversity implications as a result of the recommendations set out in the report.

7. FINANCIAL IMPLICATIONS

- 7.1 There are no financial implications aligned to this report.

8. LEGAL IMPLICATIONS OR LEGISLATION CONSIDERED

- 8.1 There are no legal implications arising from the recommendations in this report.

9. LINKS TO THE COUNCILS CORPORATE PLAN / OTHER CORPORATE PRIORITIES.

- 9.1 This is an information report presenting the Law Commission's consultation on 'Regulating Coal Tip Safety in Wales'. No decisions are being taken in this report.

10. CONCLUSION

- 10.1 The Overview & Scrutiny Committee, in line with its Terms of Reference, has been afforded the opportunity to respond to the consultation published on the 9th June 2021 by the Law Commission for England and Wales which sets out provisional proposals for a new regulatory framework for coal tips in Wales.
- 10.2 Developing its response to the consultation by the closing date of the 10th September 2021 will contribute to the recommendations for the Welsh Government and publication of a final report in early 2022.

LOCAL GOVERNMENT ACT 1972

AS AMENDED BY

THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

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