



# Restoration of Opencast Mining Sites

## Response to the CCEI Committee Report (August 2024)

20/09/2024

On 8 August 2024, the Senedd Climate Change, Environment and Infrastructure (CCEI) Committee published its *Report on the Restoration of Opencast Mining Sites*. The report contained 26 recommendations, 22 of which are directed at Welsh Government. This document sets out the Welsh Government's response to those recommendations.

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# 1. Introduction

Throughout early 2024, the Senedd Climate Change, Environment and Infrastructure Committee undertook a short piece of work to explore the restoration of former opencast mining sites in south Wales. The work focused on:

- 1.** the financial and practical arrangements for the restoration of the Ffos-y-Fran opencast site;
- 2.** how restoration of opencast sites can be secured, and contingency planning in the event of insufficient funds being available; and
- 3.** the findings and recommendations from the Welsh Government report on [Research into the failure to restore opencast coal sites in south Wales \(April 2014\)](#) and whether these still apply.

The Committee held a series of evidence sessions during May 2024, receiving oral evidence from representatives of the Coal Authority, Merthyr Tydfil County Borough Council, as well as several environmental and community groups.

## 2. Responses to the 22 recommendations for Welsh Government

### Recommendation 1

The Welsh Government must ensure that policies regarding opencast coal mining and other mining activities are robust, up-to-date, and provide appropriate protections for local authorities and communities.

#### Response: Accept

The Welsh Government Coal Policy Statement was published on 22nd March 2021 ([Coal policy statement \[HTML\] | GOV.WALES](#)).

The Coal Policy Statement makes clear:

“All proposals for the extraction of coal, **including any secondary coal products produced during mining operations**, which are destined for energy markets, must clearly demonstrate why they are needed in the context of climate change emission reduction targets. Energy markets include, but are not limited to, the domestic consumption of coal products and electricity generation.”

Meanwhile, Planning Policy Wales (PPW) states “proposals for opencast, deep-mine development or colliery spoil disposal should not be permitted. Should, in wholly exceptional circumstances, proposals be put forward they would clearly need to demonstrate why they are needed in the context of climate change emissions reductions targets and for reasons of national energy security” (para 5.10.14). Each proposal would be considered on its individual merits, but must clearly demonstrate:

Why the extraction is required to support industrial non-energy generating uses for coal.

Why the extraction is needed in the context of decarbonisation and climate change emission reductions targets, or to ensure the safe winding-down of mining operations or site remediation.

How the extraction contributes to Welsh prosperity and our role as a globally responsible Wales.

Decisions will be made on the specific circumstances of each case based on its climate impact, with the presumption being against extraction.

We will continue to use all tools available, where they are properly engaged, to give effect to this clear policy objective of presuming against coal extraction.

Whereas our objective is to stop the extraction and consumption of coal, we also have a duty to manage the safe closure and restoration of existing and historic mining infrastructure. The incidental extraction of limited coal may also be required during the construction of infrastructure projects. Therefore, coal extraction may be needed in wholly exceptional circumstances and each proposal will be decided on its own merits, but the presumption will always be against coal extraction.

It is worth noting that Welsh policy pre-dates the equivalent Scottish Government policy by almost two years. It is also worth noting that the Scottish Government Policy was informed by discussions with Welsh Government officials and uses very similar language to the policy adopted in Wales. The Scottish Government National Planning Framework 4 states "Development proposals that seek to explore, develop, and produce fossil fuels (excluding unconventional oil and gas) will not be supported other than in exceptional circumstances. Any such exceptions will be required to demonstrate that the proposal is consistent with national policy on energy and targets for reducing greenhouse gas emissions."

Planning Policy Wales (PPW) and Minerals Technical Advice Note 1 Aggregates (MTAN1) and Minerals Technical Advice Note 2 Coal (MTAN2) contain comprehensive planning policy which is robust about controlling the impacts of mining and quarrying.

Development plans should set out clearly the criteria that will be applied to minerals proposals to ensure that they do not have an unacceptably adverse impact on the environment and the amenity of nearby residents. Issues that must be addressed include access and traffic generation including the routes to be used for minerals transportation; noise, in terms of limits, type and locations; and blasting controls.

PPW states that one of the key principles of mineral extraction is to protect environmental and cultural characteristic of places, including those highly cherished for their intrinsic qualities, such as wildlife, landscapes, ancient woodlands and historic features, and to protect human health and safety and general well-being. The role of the planning authority is also to reduce the impact of mineral extraction and related operations during the period of working by ensuring that impacts on relevant environmental qualities caused by mineral extraction and transportation, for example air quality and soundscape, are within acceptable limits.

Planning policy, including PPW, is kept under continual review to ensure it is kept up to date, fit for purpose and relevant

**Financial implications:** None

## **Recommendation 2**

The Welsh Government must clarify its policies relating to coal tip remediation with the aim of ensuring that the negative impacts of opencast mining are not repeated

**Response: Accept**

Welsh Government's policy on coal tip reclamation is to reduce threats posed to the people of Wales and identify potential opportunities to turn disused tips into beneficial assets for communities.

It is important that any long-term reclamation strategy both works with and compliments existing systems (planning, regeneration, the environment etc.) and that opportunities are identified to support wider strategic ambitions for Wales.

Not only can reclamation bring significant economic benefits, new skills and more employment to areas that need it, but reclaimed tips can also assist with addressing the climate and nature emergencies. Some of our coal tips can be sites for biodiversity enhancement, contributing to ecological networks and improving ecosystem resilience.

Nevertheless, there is no 'one size fits all' approach for coal tip reclamation. The best option for reclamation will ultimately depend on each individual tip, including its hazard status and proximity to sensitive receptors such as communities.

At the present time, our primary focus is to ensure that disused tips are safe and to deliver a modernised, fit-for-purpose regulatory regime. Once the Bill has been implemented, it will be important to focus on developing resource capacity and capability (which is a limiting factor in the delivery of a long-term reclamation strategy), as well as developing a more detailed strategic approach to mining and industrial legacy in Wales – this will need to include reclamation of disused tips and management of open cast mining.

**Financial implications:** Costs to deliver a long-term disused coal tip reclamation strategy are not currently known. However, our assumption is that it will not be possible to proceed with a strategic approach without a significant financial input from the UK Government – for example it is estimated that the reclamation of a single disused coal tip can cost between £30 - 40 million.

### **Recommendation 3**

Planning Policy Wales says that coal extraction can be permitted “in wholly exceptional circumstances”, where the proposals “demonstrate why they are needed in the context of climate change emissions reductions targets and for reasons of national energy security”. The Welsh Government should clarify the criteria that must be used when assessing proposals in this regard.

#### **Response: Accept in Principle**

As referred to in response to Recommendation 1, Planning Policy Wales states that “[p]roposals for opencast, deep-mine development or colliery spoil disposal should not be permitted. Should, in wholly exceptional circumstances, proposals be put forward they would clearly need to demonstrate why they are needed in the context of climate change emissions reductions targets and for reasons of national energy security” (para 5.10.14)

All coal-mining operations require a licence from the Coal Authority under the Coal Industry Act 1994 (“CIA”). Section 26A of the CIA states mining activities in Wales authorised under a Coal Authority licence can only take effect if the authorisation is approved by the Welsh Ministers. It will be the responsibility of mine operators to ensure that any licence issued by the Coal Authority has the approval of the Welsh Ministers before commencing coal mining operations.

Guidance for mine operators seeking the approval of a Coal Authority licence was published by Welsh Government on 22 July 2022, following a public consultation which ended 21 October 2021.

[Requesting approval for Coal Authority mining operation licences \[HTML\] | GOV.WALES](#)

This guidance document is intended to assist mine operators in providing the necessary evidence to support a licence approval request.

It is recognised that all mines, operations and licence applications are different, and that flexibility is required to ensure the licensee is afforded a proper opportunity to make a

case for a licence approval. Therefore, this guidance does not prescribe specific evidence requirements, allowing the mine operator the freedom to determine how best to support the request for licence approval. This guidance does, however, provide an overview of the licence approval decision-making framework and the type of evidence that will help the Welsh Ministers to make a prompt decision on the request.

Where a Coal Authority mining operations licence is not required, for example, where the extraction of coal is incidental to a wider development, or as part of a restoration project, the Welsh Government Coal Policy Statement and Planning Policy Wales still apply in full.

Further, in all cases where coal extraction is proposed, the relevant requirements of the Well-being of Future Generation Act 2015, the Environment (Wales) Act 2016 and the pathway to net zero, set out in Welsh secondary legislation and material policies such as Net Zero Wales will apply.

**Financial implications:** None

## **Recommendation 4**

The Welsh Government should make the Coal Authority's best practice guidance recommendations into statutory requirements.

**Response: Reject**

National planning policy is clear in that planning conditions should be able to secure the restoration, aftercare and after-use of mineral sites. Operators and landowners should ensure that sufficient finance is set aside to enable them to meet restoration and aftercare obligations. The full cost of restoration does not need to be put on deposit at the outset, but it should build up commensurate with the programme of activity or extraction.

Local Acts in South Wales contain powers to impose bonds or other financial guarantees for the restoration of coal sites, secured by way of conditions / legal agreements.

For coal sites, the policy requirement is to ensure that the full restoration costs are covered commensurate with the stage of the development as set out in the Coal Authority's Best Practice guidance note.

Given the fact that it is highly unlikely that new opencast mines will be granted planning permission, we do not see the need to place the best practice guidance on a statutory footing.

**Financial implications:** None

## **Recommendation 5**

The Welsh Government must consider how the best practice guidance can be applied more broadly, particularly for coal-tip reclamation.

**Response: Accept**

The guidance is intended to help mitigate the financial problems caused by the failure to restore opencast coal sites in Wales.

The primary purpose of the guidance is to assist in the interpretation of policy and guidance contained in Planning Policy Wales and Minerals Technical Advice Note 2 - Coal. It also gives more certainty to those working in the industry as to what financial controls are required to ensure site restoration and aftercare.

The Welsh Government will write to the committee when we have considered how the guidance could be applied more broadly.

**Financial implications:** None

## **Recommendation 6**

The Welsh Government must engage with the UK Government and Local Government to determine how to address the funding shortfall for site restoration.

**Response: Accept**

The operator and landowner is responsible for restoration and aftercare of opencast sites. They must also ensure that sufficient finance is set aside to enable them to meet restoration and aftercare obligations.

The Welsh Government is engaging with the UK Government on funding for disused coal tip site reclamation. Our position remains unchanged; coal tips in Wales need a sustained programme of investment to make them safe and sustainable for the future, and the case for UK Government to contribute to the longer-term funding that will support this work is clear and compelling. Welsh Government had discussions with previous UK Governments and called on them to contribute to a long-term reclamation programme, but they refused to provide support. With two Labour governments working together, there is now an opportunity to develop a shared UK and Welsh Government plan.

**Financial implications:** Costs to deliver a long-term disused coal tip reclamation strategy are not currently known. However, our assumption is that it will not be possible to proceed with a strategic approach without a significant financial input from the UK Government – for example it is estimated that the reclamation of a single disused coal tip can cost between £30 - 40 million.

## **Recommendation 7**

The Welsh Government should commission an independent review to assess the extent of the funding needed to restore opencast sites to an acceptable level. The independent review should consider what constitutes an “acceptable level” in consultation with local authorities and communities.

**Response: Accept in principle**

The Welsh Government will need to consider how it evaluates the potential cost of dealing with open cast mining and land reclamation as part of developing a strategic approach to mining and industrial legacy in Wales. This will be completed after the implementation of a bill looking at safety of disused tips in Wales. The Mines and Quarries (Disused Tips) Bill will be introduced to the Senedd this autumn.

**Financial implications:** Neither Welsh Government nor the Welsh Ministers have a direct liability for funding a programme dealing with open cast mining and land reclamation. However, Welsh Government has had statutory powers over 'derelict land' since April 2006 through the transfer of functions of the former Welsh Development Agency. Those discretionary powers were previously used to protect public safety, create development land and enhance the environmental and social well-being of Wales. In recent years funding for such activity has been restricted and undertaking an exercise to assess the costs of restoration of open cast sites may give rise to an expectation that Welsh Government funding for such activities will follow.

## **Recommendation 8**

The Welsh Government must clarify the roles of local authorities, the Coal Authority, and Natural Resources Wales in the restoration of opencast sites, with particular emphasis on their responsibilities in the decision-making process, and make this information publicly available.

### **Response: Accept**

The operator and landowner is responsible for restoration and aftercare of opencast sites. They must also ensure that sufficient finance is set aside to enable them to meet restoration and aftercare obligations.

Meanwhile, the local planning authority is responsible for monitoring the restoration of opencast coal sites as part of the approved restoration requirements.

The main functions of the Coal Authority are to manage the coal resources under its control, encourage economically viable operations to work these resources, grant licences for coal exploration and extraction, provide effective management of subsidence damage claims, and provide information on past, present and proposed future coal mining activities. Any activities which intersect, disturb or enter any of the Authority's coal interests require the prior written permission of the Authority.

Natural Resources Wales (NRW) issue permissions and licences including abstraction licenses to protect surface and groundwater resources and will undertake monitoring during periodic checks, particularly if complaints are received.

**Financial implications:** None

## **Recommendation 9**

The Welsh Government should require local authorities to ensure all Planning Officers' reports are available online alongside associated planning documents, including revised restoration plans, where relevant.

### **Response: Reject**

Planning applications and accompanying documents are required to be incorporated into the Planning Register, which is the primary way that planning applications are made available to the public. Most local planning authorities now display their planning register

online but progress to this point has been variable because authorities operate different corporate software systems that have varying functionality.

We agree that transparency in planning decision making must be achieved, however, insisting on specific web publishing requirements at this time is premature. The Centre for Digital Public Services (CDPS) is currently supporting the Welsh Government in exploring how digital solutions can enhance the sustainability and effectiveness of the planning system in Wales. The project is taking a holistic view of the planning application process and it is anticipated that the communication of decisions will form an integral part of that work. This will bring together the variability currently seen across authorities in a managed cost-effective way. The discovery phase of the project has just been completed and CDPS will be announcing the next phase of their work shortly

**Financial implications:** None

## **Recommendation 10**

The Welsh Government must engage with local authorities to assess and meet the future staffing needs of local authorities for specialist roles such as mineral planners.

**Response: Accept**

Welsh Government acknowledges that local planning authorities' budgets have experienced very significant reductions due to public sector austerity and recognises that this has had a detrimental effect on their ability to always make timely planning decisions. As a result, the Welsh Government increased planning application fees by 20% in August 2020 to provide additional resources to local planning authorities and is undertaking further work to achieve full cost recovery in the delivery of the development management service.

Planning application fees do not currently cover the actual cost of processing applications in most cases. A review of planning application fees to cover inflation and start the journey to full cost recovery is underway. As part of this commitment, a conversation is taking place with local authorities about retention of planning fees within the planning service and performance monitoring and improvement. Corporate Joint Committees could have an important role to play by providing critical mass, especially in specialist areas such as minerals and waste planning, built heritage, ecology, urban design, etc.

The Welsh Government encourages action to be taken at a local level to shore up service standards, including investigating local options for collaborative or joint delivery of services and the streamlining and standardisation of local practices. The Corporate Joint Committees established to prepare Strategic Development Plans can also contribute to this collaborative approach.

Further work is currently being undertaken on this with a view to a consultation to be held in the autumn.

**Financial implications:** None

## **Recommendation 11**

The Welsh Government should reconsider the proposal from the 2014 report to establish a virtual "Centre of Excellence" for restoration planning, particularly in light of potential coal-

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tip reclamation proposals, and lead discussions with local government on how to implement this.

**Response: Accept in principle**

Minerals and Waste planning is already a successful model for working regionally. Teams in Carmarthenshire and Flintshire operate shared service level agreements acting as experts in minerals and waste planning in south and north Wales. Both services could potentially enhance their remit to provide advice on restoration schemes.

Welsh Government coal extraction planning policy is clear that development proposals will only be approved in wholly exceptional circumstances. There will therefore be very few schemes being brought forward and those that are proposed are likely to have a tip safety objective.

At the present time, our primary focus is to ensure that disused tips are safe and to deliver a modernised, fit-for-purpose regulatory regime. Once the Bill has been implemented, it will be important to focus on developing resource capacity and capability (which is a limiting factor in the delivery of a long-term reclamation strategy), as well as developing a more detailed strategic approach to mining and industrial legacy in Wales – this will need to include reclamation of disused tips and management of open cast mining.

**Financial implications:** None

## **Recommendation 12**

The Welsh Government must engage with the UK Government with the aim of removing the Coal Authority's statutory duty to maintain and develop an economically viable coal mining industry.

**Response: Accept in principle**

Any coal mining development in Wales, be it an extension of time or space at an existing mine, or an entirely new mining activity, would require planning permission from the local planning authority. Regardless of any licence being issued by the Coal Authority, a relevant planning permission is always required (Coal Authority licences are conditional on such planning permission being in place). Therefore, it is entirely within the control of the Welsh Ministers to determine whether any coal mining takes place in Wales.

Further, any new licence issued by the Coal Authority must be approved by the Welsh Ministers before it can take effect. There are no existing conditional licences that pre-date this power coming into effect via the Wales Act 2017, therefore, the approval of the Welsh Ministers is required in all cases (i.e. for any proposals for new or extended mining operations).

Whereas we would wish for the Coal Authority to remove its statutory duty to maintain and develop an economically viable coal mining industry, this duty has no practical effect in Wales. However, Welsh Government would wish to see this duty removed to support wider global decarbonisation efforts, and the continued transition away from fossil fuel extraction and consumption.

Welsh Government officials have previously engaged with both UK Government and the Coal Authority to secure a commitment to remove the statutory duty of the Coal Authority to maintain and develop an economically viable coal mining industry. Officials will continue to encourage UK Government to adopt policies that presume against fossil fuel extraction, and to make the necessary legislative changes. However, Welsh Government is confident that it has in place the necessary policy and processes to ensure the climate emergency and nature emergency are fully reflected in any decision making.

**Financial implications:** None

### **Recommendation 13**

The Welsh Government must consider making a degree of community ownership a requirement for opencast sites and similar developments, including coal tip reclamation sites.

**Response: Reject**

The planning system is unable to determine planning applications on the basis of ownership. As the committee recognises, robust safeguards are possible by various ownership models, despite the abysmal record of the private sector delivering successful restoration of some coal extraction sites across Wales.

Community ownership of an opencast site would mean the liability of the site would rest with the community and therefore the cost of restoration would lie entirely with the community.

**Financial implications:** None

### **Recommendation 14**

The Welsh Government should review and update the Minerals Technical Advice Note 2 (MTAN2) to ensure it is fit for purpose, particularly in the context of new developments and coal tip remediation.

**Response: Reject**

Minerals Technical Advice Note 2 Coal (MTAN2) contains comprehensive planning guidance which is robust about restoration and aftercare schemes for coal extraction.

Planning Policy Wales, Ministerial Interim Planning Policy Statements, Minerals Technical Advice Notes and Circulars should be taken into account by LPAs in Wales in the preparation of development plans.

MTAN2 sets out how impacts should be assessed and what mitigation measures should be adopted, and seeks to identify the environmental and social costs of coal operations so that they are properly met by the operator.

MTAN2 contains guidance on achieving a high standard of restoration, aftercare, and afteruse. Coal developments must meet the restoration and aftercare requirements of PPW and ensure that land is restored to a sustainable and beneficial afteruse.

Restoration schemes should seek to maintain or enhance the environment for the benefit of local communities and the long-term quality of the land for the intended afteruse

Along with all other planning policy, MTAN2 is kept under continual review to ensure it is kept up to date, fit for purpose and relevant.

**Financial implications:** None

## **Recommendation 15**

The Welsh Government should incorporate provisions for the restoration of former opencast sites within the forthcoming Disused Tips (Mines and Quarries) Bill.

**Response: Reject**

In his Legislative Statement on 9 July 2024, the then First Minister made clear that inclusion of provisions relating to restoration of former opencast sites within the forthcoming Disused Tips (Mines and Quarries) Bill (the Bill) is not feasible at this time. To incorporate such provisions would significantly expand the legislative reach of an already complex Bill and would mean we would be unable to deliver the Bill in this Senedd term. .

It would also have significant financial implications, which would likely make the Bill unaffordable. To put this in context, it is estimated that the reclamation of a single disused coal tip can cost between £30 - 40 million.

The aim of the Bill is to reduce the likelihood of landslides on disused coal and non-coal tips through the establishment of a new public body that will have functions in relation to assessment, registration, monitoring and management of disused tips. This is a significant undertaking and is what the government has committed to delivering.

At the present time, our primary focus is to ensure that disused tips are safe and to deliver a modernised, fit-for-purpose regulatory regime. Once the Bill has been implemented, it will be important to focus on developing resource capacity and capability (which is a limiting factor in the delivery of a long-term reclamation strategy), as well as developing a more detailed strategic approach to mining and industrial legacy in Wales – this will need to include reclamation of disused tips and management of open cast mining.

**Financial implications:** None

## **Recommendation 16**

The Welsh Government must proactively engage with the UK Government to seek funding for coal tip remediation.

**Response: Accept**

Please see our response to Recommendation 6.

## **Recommendation 17**

The Welsh Government must mandate public consultation for all stages of the restoration process, including when revised restoration plans are brought forward.

**Response: Accept in principle**

Public participation is very important at all stages of the planning process and is to be encouraged. The wide range of development types and scales mean planning legislation can only set a minimum standard of consultation.

All planning applications for mineral development are subject to pre application consultation with communities. Proposals must be publicised both by the developer before submission and by the planning authority once submitted. It is at the planning application stage that the substantive issues of any planning application must be understood before a decision can be taken. If planning permission is granted subject to conditions, further details may be required to be submitted. Local planning authorities have discretion about whether to consult at this later stage as the details may range from the inconsequential to more significant. Consulting on very minor details would unnecessarily slow the consenting process however we expect planning authorities to consult where the public is materially affected by the submitted details.

There will be a limit on what scale of change can be submitted to discharge a condition. If the change goes beyond the parameters of the original planning permission, then a new planning permission would be required and the mandatory consultation arrangements would apply.

**Financial implications: None**

**Recommendation 18**

The Welsh Government should advise local authorities to designate a specific officer as a point of contact for the local community, providing a direct communication channel between residents and local authorities on matters relating to sites or similar developments.

**Response: Accept in principle**

Appendix B of Minerals Technical Advice Note 2: Coal includes detailed advice on how community liaison arrangements could be set up. This recommends a site liaison officer be appointed by the site operator to maintain a clear contact point for dealing with complaints and maintain accountability for doing so.

Local planning authorities are best placed to determine how best to arrange their resources to provide similar clear focus for regulatory activity within their remit. The relevant officer will depend on the status of the application. For new applications the case officer will be the relevant officer whilst for operational sites the enforcement team are likely to be the appropriate contact.

**Financial implications: None**

**Recommendation 19**

The Welsh Government should advise local authorities to create online portals where residents can access up-to-date information on all stages of the restoration process.

**Response: Reject**

Please see our response to Recommendation 9.

## **Recommendation 20**

The Welsh Government should encourage the use of citizens' assemblies as forums for discussing the future of restoration sites, particularly where restoration failed to meet the original planning permission and compromises need to be made.

### **Response: Reject**

National planning guidance already recognises that well established liaison committees help to provide a better understanding of the impacts to be expected from mineral extraction. Many quarries and coal sites have established liaison committees which act as a forum for regular discussion and explanation of current problems. Such forums can be set up through the initiative of the operator or the local planning authority.

Where regular complaints are received or there is concern about local impacts the local planning authority should request that the operator cooperate in establishing regular meetings of a nominated group. Such a group should comprise an equal balance of residents and representatives of the operator together with officers and local elected members of the authority and others, such as town or community councillors, as appropriate. Every effort should be made to ensure the groups are open and as transparent as possible.

**Financial implications:** None

## **Recommendation 21**

The Welsh Government must explore stronger enforcement mechanisms to address breaches of planning controls without delay, such as the mining activities that continued at Ffos-y-Fran after the licence expired.

### **Response: Reject**

The Town and Country Planning Act 1990 provides a range of effective enforcement options depending on the circumstances. Enforcement is focused on addressing the unacceptable impacts of unauthorised development rather than punishing the developer. Given the complex nature of planning impacts on both the environment and people it is sometimes acceptable to allow unauthorised activities to continue while consideration is given to the best course of action. That is what Merthyr Tydfil County Borough Council concluded at Ffos-y-Fran. However, where unacceptable harm is happening, the law does currently provide authorities with powers to stop activities immediately, either through a stop notice or Court injunction.

**Financial implications:** None

## **Recommendation 26**

The Welsh Government should consider the broader implications of the failures at Ffos-y-Fran and implement systemic changes to prevent similar issues in future, including in relation to coal-tip reclamation sites.

### **Response: Accept in principle**

Welsh Government coal extraction planning policy is clear that development proposals will only be approved in wholly exceptional circumstances. There will therefore be very few schemes being brought forward.

At the present time, our primary focus is to ensure that disused tips are safe and to deliver a modernised, fit-for-purpose regulatory regime. Once the Bill has been implemented, it will be important to focus on developing resource capacity and capability (which is a limiting factor in the delivery of a long-term reclamation strategy), as well as developing a more detailed strategic approach to mining and industrial legacy in Wales – this will need to include reclamation of disused tips and management of open cast mining.

**Financial implications:** None