



Llywodraeth Cymru  
Welsh Government

**Ein cyf/Our ref :** ATISN 14905

17 March 2021

Dear

**Request for Information: ATISN 1457 – High Risk Coal Tips in RCT area**

I wrote to you on 17 February regarding your request for information.

**Your request**

1. Location of the 64 high-risk coal tips in RCT area (in map view if possible)
2. How many of the 64 are based in the Rhondda
3. How are WG and UK Government prioritising ensuring the safety of the coal tips?

**Our response**

Before addressing each of your questions, I would like to advise that members of the public can report any concerns about coal tips or get safety advice from the Coal Authority's 24/7 helpline on 0800 021 9230 or via [tips@coal.gov.uk](mailto:tips@coal.gov.uk)

I confirm we hold information caught by your request. With regards to your first and second question, the information you have requested is exempt under Section 22 states that *Information is exempt information if –*

- a) The information is held by the public authority with a view to its publication, by the authority or any other person, at some future date (whether determined or not)*
- b) The information was already held with a view to such publication at the time the request for information was made, and*
- c) It is reasonable in all the circumstances that the information should be withheld from disclosure until the date referred to in paragraph a).*

I am of the opinion that subsections (a) and (b) above are met because the information is held with a view to its publication. This information is expected to be published in the coming months.

With regards to part (c), I have given consideration as to whether it would be 'reasonable in all the circumstances' that the information should be withheld from disclosure until the proposed publication date. I am of the opinion that releasing the information at this time

would cause disruption to the Welsh Government's intentions in relation to its publication arrangements. Thus I am content that the exemption is engaged.

### **Public interest test**

Section 22 is a public interest exemption. This means that, in order to withhold information, I must show that the public interest in withholding is greater than the public interest in releasing it.

### **Public interest arguments in favour of disclosure**

In terms of the public interest, it is recognised that there is public interest in there being openness and transparency within Government. It is further recognised that there is a clear public interest in the safety of coal tips in Wales given their proximity in many cases to populated areas.

### **Public interest arguments in favour of withholding**

The Welsh Government has committed to publishing information of this nature on Data Map Wales. However, there is a validation process which is being undertaken on the information to ensure its accuracy. By restricting access to the data ahead of publication, we will be publishing the information in a co-ordinated manner to all people at the same time.

An accelerated release of data might result in inaccurate information being disclosed prematurely, misleading the public.

### **Balance of public interest test**

To that end, I do not think it is reasonable in the circumstances or in the public interest, to release this information prematurely. I am satisfied therefore that the balance of the public interest falls in favour of withholding the information.

With regards to your third question, on how Welsh Government and the UK Government are prioritising ensuring the safety of coal tips in Wales, the Minister for Environment, Energy and Rural Affairs recently published a Written Statement setting out the work of the joint Welsh and UK Governments Task Force. That information is therefore exempt by Section 21 of the Freedom of Information Act, information otherwise available. The information can be seen at <https://gov.wales/written-statement-update-coal-tip-safety>. If you are dissatisfied with the Welsh Government's handling of your request, you can ask for an internal review within 40 working days of the date of this response. Requests for an internal review should be addressed to the Welsh Government's Freedom of Information Officer at:

Information Rights Unit,  
Welsh Government,  
Cathays Park,  
Cardiff,  
CF10 3NQ  
or Email: [Freedom.ofinformation@gov.wales](mailto:Freedom.ofinformation@gov.wales)

Please remember to quote the ATISN reference number above.

You also have the right to complain to the Information Commissioner. The Information Commissioner can be contacted at: Information Commissioner's Office,  
Wycliffe House,  
Water Lane,  
Wilmslow,  
Cheshire,  
SK9 5AF.

However, please note that the Commissioner will not normally investigate a complaint until it has been through our own internal review process.

Yours sincerely



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