

13th June 2025

Dear

ATISN 24729 - Tests to coal policy

Information requested

Thank you for your request which I received on 16 May 2025.

During Plenary on 13 May 2025, in responding to question [OQ62690](#) raised by Delyth Jewell MS, the Counsel General and Minister for Delivery stated:

*“The remediation programme, of course, is about safety. Sometimes, coal will need to be moved around, or spoil including other minerals will need to be moved around, and so the Bill does need to cover that off. **But we've had a couple of tests in the court recently on our policy, and so far it has held.**”*

You have requested copies of files relating to these cases, including advice from Counsel to Ministers, and case outcomes, from April 2021 to the present day.

Our response

I have established that the information you require is not held by the Welsh Government.

The Counsel General and Minister for Delivery wrote to the Llywydd on 3 June 2025 to clarify that the Welsh Ministers have recently successfully defended a judicial review brought by the Coal Action Network, raised against both the Welsh Ministers and the Coal Authority, that sought to determine the scope of powers available to the Ministers under Section 26A of the Coal Industry Act 1994. Whilst the Welsh Government's Coal Policy (issued in March 2021) was discussed during this judicial review, it was not the basis of the challenge.

As such, the Welsh Government does not hold any documents captured by the request.

Next steps

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

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