

Correspondence from Daniel Therkelsen, Coal Action Network regarding Ffos-y-fran opencast coal mine – 11 May

Gohebiaeth gan Daniel Therkelsen, y Rhwydwaith Gweithredu Glo, ynghylch mwynlawdd glo brig Ffos-y-fran – 11 Mai 2023

Dear Mr Gruffydd, Ms Finch-Saunders, Mr Irranca-Davies, Ms Jewell, Ms Rathbone, and Ms Watson of the Climate Change, Environment, and Infrastructure Committee,

I contact you about an urgent and ongoing threat to the Welsh Government's policies against new and extended coal extraction, and Wales' climate commitments. The Welsh Government is refusing to exercise its power under S182 of the TCPA 1990 to stop the ongoing illicit coal mining at Ffos-y-fran, where the local Council (Merthyr Tydfil County Borough Council (MTCBC)) has been unwilling or incapable of enforcing a stop on the coal mining despite an absence of planning permission for 8 months and counting.

Background

In response to the attached legal letter from our expert legal team, the Welsh Government said "*Once the Council has taken its decision, and in the event it decides not to take enforcement action, the Welsh Ministers will require a reasonable period thereafter to consult and reach its own decision on enforcement action.*". The problem with this approach is that MTCBC has already stalled, and failed to take expedient enforcement action to stop around 1,000 tonnes of coal mining each day this goes on for (based on Coal Authority statistics). This inaction has so far resulted in 270,000 tonnes of coal, adding 840,000 tonnes of CO₂ to our climate crisis - all without planning permission and in direct contravention of national policy.

This week [6,800 emails](#) were sent to MTCBC staff, imploring that they issue a *Temporary Stop Notice* to prevent further illicit coal mining and irreversible harm by the mining company, Merthyr (South Wales) Ltd, at Ffos-y-fran. But MTCBC continue to make vague statements about trying to meet with the company, arranging site visits, and negotiations around a restoration plan. It's more stalling, despite a unanimous decision of the MTCBC Planning Committee on the 26th April to reject the application to extend this coal mine. Over the next couple of days, Julie James and Lee Waters will receive [1000s of emails](#) from people demanding they step up to their responsibilities and actually implement the policies they claim to represent.

A summary of the case for immediate Government action

If the Welsh Government exercises its power under S182 of the TCPA 1990, it will be implementing a local democratic decision made by elected councillors, not overriding it. And immediate action is needed by the Welsh Government due to the contravention of its own policies and irreversible harm being caused on a daily basis (this is not in dispute - the local council has confirmed ongoing coal mining this week, and we hold photographic evidence). The LPA's failure to take expedient enforcement action to prevent this harm necessitates swift national Government intervention. If the Welsh Government continues to delay intervention, it damages the progressive green credentials of Wales. A policy is worth nothing if it's not acted upon.

Recent website post which hosts drone footage evidence of the coal mine in operation from the 19th May: <https://www.coalaction.org.uk/2023/05/22/ffos-y-fran-the-uks-biggest-illegal-coal-mine/>

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Will you raise this as a matter of urgency with Minister Julie James and the Welsh Government?

We would appreciate any details you are able to share on what action the Committee is able to take in this matter.

Regards,

Daniel Therkelsen

Coal Action Network

www.coalaction.org.uk