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Climate Change, Environment, and
Infrastructure Committee

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Dear Sirs,

Re: Report on Restoration of Opencast Mining Sites

Thank you for your letter of 5th August 2024.

Merthyr Tydfil County Borough Council wish to make the following observations in respect of the section that relates to the Ffos- y-fran open cast mine.

We find it important to point out that the scheme was granted planning permission by the Ministers, and that the final report, along with the conditions, was prepared by an Inspector appointed by the Welsh Ministers and approved by the Ministers.'

The Council makes no comment in respect of paragraphs 59 to 64 or in respect of the sections labelled "Incident Response and Preparedness", "Merthyr (South Wales) Ltd – Statement – 9 May 2024", "Restoration", "Application of the Recommendations of the 2014 report", "Interim Restoration Work", "Revised Restoration Plan", "Community Involvement" or "Engagement with Stakeholders".

With regard the section labelled "Our View" the Council notes the view of the Climate Change, Environment, and Infrastructure Committee. The Council would however point out that it considers that the Coal Authority's criticism of the Council is unwarranted and lacks credibility. In order to set the record straight we consider it important to clarify the Council was in active discussion with the mine operator in October 2023 and had been for some time. The active discussions which were ongoing at the time of the Coal Authority's letter were in relation to an agreed and updated Strategy for the remainder of the Site. It must be noted that the developer in consultation with the Council has agreed an acceptable restoration of part of the site which accords with the approved restoration Strategy. Discussions are continuing in relation to the submission of a planning application to allow for a revised restoration strategy. It is anticipated that the application will be

received towards the end of 2024. It should also be noted the Coal Authority, together with representatives from NRW and WG have also been party to these discussions.

The Coal Authority's letter of October 2023 appears to conflate "abandonment" with "escheat" and it is fundamentally wrong on the following; (a) if the Site were to revert to the Crown Estate by escheat, this would not mean that the obligations as to restoration of the land, as set out in the planning conditions of the 2011 planning permission, ceased to bind it (and so any third party into whose hands it may later come, including the Welsh Government acting for the Crown), and (b) the obligations currently binding MSW are secured by a parent company guarantee with a limit of £15m and, in addition, a £15m fund held in escrow ("the Fund").

With reference to the recommendations the Council has no observation to make in respect of recommendation 21. This is a matter upon which the Welsh Government should respond.

With reference to recommendation 22 the recommendation is accepted.

With reference to recommendation 23 the Committees views are noted. The Council considers that it would be appropriate to expect any revised restoration scheme to secure the appropriate restoration of the land as approved under the 2015 approved strategy, this would cover re-profiling of the land, cultivation and the establishment of ecological features, as well as the preservation of any historic assets and the reinstatement of public rights of way. Any revised scheme would inevitably differ in that overburden mounds 2 and 3 are likely to be retained and a body of water will be incorporated into the scheme. The developer has also indicated that they would wish to retain the motorcross facility. Any revised scheme that is submitted by the applicant could provide greater ecological interest and the reinstatement of as much land as possible for the commoners.

Recommendations 24 and 25 are noted.

The Council has no observation to make in respect of recommendation 26. This is a matter upon which the Welsh Government should respond.

Yours sincerely



Cllr Geraint Thomas
Leader, Merthyr Tydfil CBC