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4th December 2025

Dear Climate Change, Environment and Infrastructure committee,

We are writing to the committee to ask for your supporting in urging the Welsh Government to call in planning application P/25/0037, concerning the restoration of Ffos-y-Fran, which is currently under consideration by Merthyr Tydfil County Borough Council (MTCBC).

Attached is the request for a call-in that we submitted to Welsh Government on 7th May 2025. To date there has been no direction made to call-in the application. We are also aware of other requests for a call-in sent by local activists and other environmental organisations.

Since we submitted this call-in letter there has been further concerns raised over planning application P/25/0037 and the company Merthyr (South Wales) Ltd's willingness to deliver what has been promised to the community and that they have an obligation to deliver – full restoration of the site.

These additional concerns are outlined here;

Failure to fulfil the originally promised restoration commitments

Planning application P/25/0037 proposes a significantly reduced scheme to what was promised to the community during the initial planning approval. If approved, it would leave Merthyr residents with dangerously steep slopes, new coal tips and a huge water-filled void above the town.

The cost of this reduced scheme, according to the planning documents, is £15million, which is to be funded wholly by the money set aside in an escrow account that was established when Merthyr (South Wales) Limited (MSW) first received permission to mine for coal at Ffos-y-Fran. The fund exists to make the site safe should the mining company renege on their obligation to deliver the final restoration. It was never intended to finance the restoration itself.

MSW claim that they do not have [sufficient funds](#) to carry out the promised restoration work and this is why they are applying to undertake a reduced restoration scheme, however their accounts [filed at the end of 2023](#) show that they have £91.3 million set aside for the restoration of the scheme – enough to deliver the original remediation scheme promised to residents.

We were informed that the escrow agreement between MTCBC and MSW was amended in March 2024, but despite an FOI request by [REDACTED]—upheld by the Information Commissioner—the council has refused to release the updated agreement and is currently appealing the direction.

The document is crucial to the integrity of the planning process. A decision cannot be made without public and statutory consultees being able to scrutinise it.

It seems evident that MSW are trying all that they can to have the reduced and inadequate scheme approved to avoid the cost of restoration, despite profiting millions from the coal mine. They are putting their own profit before the safety needs of the community

Safety of the site

Mining for coal stopped officially 2 years ago - although coal mining continued beyond that point. The community has since been left with a dangerous hole in the hill above their town that is filling with water and present a risk to environmental health and people's lives. The site has also been left with steep slopes and new coal tips, and there are still no moves to make the site safe for residents of Merthyr Tydfil.

It is crucial that the full remediation scheme, as originally approved, is undertaken as soon as possible to ensure the safety of the community of Merthyr.

Senedd CCEI report on restoration of opencast mine sites

In the Report on Restoration of opencast mine sites, published by this committee in August 2024, a series of recommendations were made regarding the remediation of Ffos-y-Fran and the process for approval of the revised remediation plan. It is evident now that a number of these recommendations are not being upheld.

- **Recommendation 23:** Requires that the revised restoration plan must meet, at minimum, the objectives of the original plan, including safe public access, habitat creation, heritage protection and restoration of common land. The proposed reduced scheme—with its steep slopes and a potentially toxic water body—clearly fails this test.

- **Recommendation 24:** Requires full involvement of local residents in reviewing revised plans. This is impossible while key documents, the escrow agreement, are being withheld from the public.
- **Recommendation 25:** Requires MTCBC to publish the revised restoration application and associated reports. Withholding the escrow agreement—integral to understanding the scheme’s financial viability—directly contradicts this recommendation.

Gives rise to controversy beyond immediate locality

We outlined in our call-in letter on 7th May many reasons that the application for the restoration of Ffos-y-Fran gives rise to controversy beyond the immediate locality. This has continued to be the case, and just today the BBC released an article highlighting numerous dangers that continue to pose a safety risk to the community in Merthyr Tydfil.

Most notably the new coal tips that have been created from the overburden of MSW’s mining operations, which consultants on behalf of the council have said “pose an ongoing risk to the residents of Merthyr Tydfil and a potential financial burden” to the council.

Wales is already dealing with the remediation costs of thousands of disused coal tips, a fly in the face of the polluter pays principle, we cannot allow new ones to be created.

[Waste plan at UK's largest opencast mine Ffos-y-Fran 'dangerous' - BBC News](#)

We expect that MTCBC will try to make a decision on the revised restoration scheme over the next couple of months, so it is crucial that the Welsh Government intervenes and calls in this application for the points listed in our original letter of 7th May, but also in consideration of the above new information.

We hope that the CCEI committee supports this request and adds their own voice to the call on the Welsh Government to use its powers to call-in this application for a thorough and impartial scrutiny by Welsh Ministers.

Your sincerely

Jennifer Lloyd on behalf of Friends of the Earth Cymru

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7th May 2025

Request to call-in Ffos y Fran reclamation scheme (p/25/0037)

We formally request that the Welsh Government calls in planning application P/25/0037 submitted to Merthyr Tydfil County Borough Council concerning variation of conditions involving revision to the restoration scheme of Ffos y Fran opencast coal mine.

Given the national significance of this application, both in terms of community and environmental impact, and the precedent it could set for the restoration of coal sites in Wales, we believe it is essential that this application is called in and the decision made by the Welsh Ministers.

We are requesting that the application is called in on the following points as outlined in [Paragraph 1.35 of Planning Policy Wales](#) :

- **The site gives rise to substantial controversy beyond the immediate locality**

Ffos y Fran has given rise to substantial controversy beyond the immediate locality since mining began in 2007.

The opencast coal mine has received widespread national and even international attention for a number of years, attracting media coverage from several Welsh and UK news sites, first relating to its initial planning application, numerous times during the coal mines operation, and more recently when the company [continued to operate without planning permission for over a year](#), unlawfully mining more than 600,000 tonnes of coal.

Ffos y Fran also received international scrutiny when it was the subject of an [investigation by the EU Commission](#) due to potential breaches of EU environmental law. It was also the subject of a [UN special rapporteur inquiry in 2017](#), which raised many concerns.

In 2024 the restoration of Ffos y Fran coal mine was subject to a Senedd Inquiry evidencing that the scheme is considered enough of a national controversy to make it into Senedd business. The report noted numerous times the company's complete disregard to its responsibility to restore the site, as was the

basis for the approval to mine there in the first place, and said that the company's attitude to the inquiry was ["is emblematic of the company's behaviour towards the local authority and residents."](#) It is evident from this proposal that the company is trying to do as little as possible and put their private profit before the community safety.

Due to this history and context, the application is likely to give rise to continued controversy.

Throughout March and April, Friends of the Earth Cymru alongside members of the local community, carried out community engagement in Merthyr town centre to raise awareness of the proposals. Over these days we spoke to hundreds of people from right across south Wales, and some further afield. Awareness of Ffos y Fran opencast coal mine was widespread and the feeling from everyone was clear: the community deserves better, and the site should be fully restored.

If this significantly watered-down version of the scheme is given planning permission, it sends a message to other coal operators that they can get away with it too. This is particularly timely whilst the Senedd is considering legislation to manage the risks of the thousands of coal tips across Wales.

All eyes are on this proposal to see whether a decision is made in favour of community and environmental safety, or in favour of private profit.

- **The proposal is in conflict with national planning policies**

The restoration scheme being proposed by Merthyr (South Wales) Ltd is in conflict with several national planning policies which have been outlined below;

Planning Policy Wales (PPW)

PPW 12 in 5.14.50 "Restoration and Aftercare" states that ["planning conditions should ensure that land affected by mineral extraction is restored to a high standard suitable for its agreed after-use"](#).

The original planning application approved an [agreed after use](#) "The primary land use proposed on the restored site will be to return it to its former use as urban common land for stock grazing, with public access for air and exercise."

However, the proposal currently sitting with Merthyr County Borough Council for consideration will not return the site to its former use and will present significant hazards to the local community of steep slopes, new coal tips and deep water that will be dangerous to members of the community if they were to use it for exercise.

Mineral Technical Advice Note 2 – Coal (MTAN2)

MTAN2 explicitly states that "Wherever possible, land will be re-instated to contours and levels similar to original ground surface." Application P/25/0037 proposes to leave the giant void created by the coal mining operations, as well as leaving new coal tips, the exact opposite of what is required by policy relating to remediation of coal sites.

Based on these direct conflicts to national planning policy we strongly urge to Welsh Government to call in this application to ensure remediation of the site is carried out in line with policy and to a high standard that is safe for the community.

- **The proposals are likely significantly to affect sites of scientific, nature conservation or historic interest, or areas of landscape importance**

This proposal will have a significant impact on the local landscape by leaving behind a flooded coal mining void and substantial coal tips.

This adverse impact is in directly conflict to the local authority's landscape policy EnW5 Landscape Protection which requires that "proposals do not cause unacceptable harm to the character and quality of the County Borough" and that development and land use changes should protect and enhance the area's distinct environmental and cultural landscape assets.

These impacts are exacerbated by the site being so close in proximity to the Bannau Brycheiniog National Park.

This proposal is fundamentally at odds with the policy requirements to protect and enhance the landscape.

Based on the above reasons we strongly urge the Welsh Government to call in application P/25/0037, to ensure scrutiny in line with national policy.

Yours sincerely

Jennifer Lloyd on behalf of Friends of the Earth Cymru