

Dear CCIE Committee,

could I please prevail on you to help us with our ongoing issues in trying to get the Ffos-y-fran mine owner, Merthyr (South Wales) Limited to deliver on their obligation to provide the final restoration of the site as originally promised and as specified in 2007. The current mine owner, Merthyr (South Wales) Limited (MSW) signed-up to this contract in 2015 when they took over the mining operation from Miller Argent (South Wales) Limited

Request:

Could you please urge the Welsh government to call-in the Section 73 planning proposal [*P/25/0037*] *Variation of conditions 4 (Duration of Restoration), 6 (Approved Plans) and 50 (Restoration Strategy) of planning permission APP/U6925/A/10/2129921 involving a revision to the restoration scheme* and provide an objective, public determination of the proposal as we feel strongly that it cannot now receive this objectivity, nor visibility, if the responsibility were to be left to the MTCBC Local Authority to determine

Reasoning:

The operator is still very much continuing in his attempt to deliver a much reduced scheme despite demonstrating the financial wherewithal to provide the original scheme in full. They have over several years demonstrated in their company accounts that they were putting sufficient funds aside to cover the costs of that full restoration work and in the latest accounts submitted to Companies House, y.e. 2023, they show a figure of £91.2 million.

This should be more than enough to cover the cost of the full restoration of the site as suggested by an estimate of £50-60 Million provided by Mr Hugh Towns, Mineral Planning expert, in his presentation to yourselves in May 2024. Informal estimates secured by ourselves were even less than that figure when using alternative, but industry best practice, working methods.

The vastly overinflated figure of £120-125 Million that is being used to justify the 'financially undeliverable' argument is an unsubstantiated figure that was produced out of a desk exercise in the MTCBC LPA by one of its officers, not a professionally produced estimate from a full civil and mining engineering survey of the site and the work/work methodology required. This was confirmed by the lead planning officer in MTCBC LPA, and it is most likely to be wholly unrepresentative of the actual cost.

We need the intervention of the Welsh Government to call-in the Section 73 planning application for a much reduced final restoration of the Ffos-y-fran mine site submitted by the mine owner, Merthyr (South Wales) Limited, take control of the situation, and provide the more objective scrutiny that this issue needs and deserves. We need the Welsh Government to call-in and determine the application.

Our call-in request has been sitting with the Planning and Environment Decisions Wales PEDW department since 16th April of this year (2025) and I know of several other requests for a call-in from other organisations. PEDW have declined to place a hold directive, stop order, on the planning application to stop MTCBC determining the application which would pre-empt and nullify the call-in request.

We fear that the MTCBC LA have capitulated to the mining company's demands and are presiding over, or even facilitating the provision of a massively reduced final restoration of the Ffos-y-fran site to the detriment of the Merthyr residents. We cannot understand why this needs to be as, to us, there would be a clear breach of contract if MSW did not deliver the full and final restoration of Ffos-y-fran as specified in the 2007 planning consent.

The Section 73 planning application proposes a significant reduction in the scope of the final restoration of the site despite the mining company's patent ability to afford to meet their contractual and moral obligations under the original contract. The scheme would leave us with a dangerous deep mining void with a polluted lake at the bottom and 3 massive new spoil tips, at a time that we are struggling to find funding to inspect, maintain and remediate the existing, historic spoil tips in Wales.

Along with this, the MTCBC LA/LPA amended the surety/safety-net escrow account's contract (March 2024) to enable the release of money to the mining company to deliver an 'Interim Restoration' scheme that has not been subject to public scrutiny via the planning system. MTCBC claim that the work is being delivered under the existing planning consent, but we question this. This 'Interim Restoration' scheme is being funded by the same money as the Section 73 planning application, the £15 Million in the escrow account, and is delivering the core work specified within that S73 application.

This release of the escrow account contract(s) would answer these questions, but MTCBC have refused to let us have sight of it. We asked for access to it via the Fol process and then, after further refusal via internal appeal, we contacted the Information Commissioner's Office (ICO). The ICO subsequently directed MTCBC to release a copy of the contract into our hands, but they refused and have now challenged the ICO decision by appeal. This appeal will not be heard until sometime around April of next year (2026).

We are concerned that the key aspirations of the S73 proposal are being delivered via the 'Interim Restoration' work without public scrutiny using a contrived meld of existing planning consent and doubly allocated funding.

We feel that the MTCBC Local Authority and Local Planning Authority are far too close to the mining company in this case and are involved in supporting, even facilitating the mining company's attempts to avoid its contractual responsibility to provide the full and final restoration of Ffos-y-fran.

It is to be remembered that this is a land reclamation scheme, first-and-foremost, and the full and final restoration of the site would be the culmination of the only real benefit to the local residents. For us, after suffering at the hands of the opencast coalmining operation for nearly 17 years the failure to deliver on this promise would be the final ignominy. The work was approved to make safe dangerous and derelict land for public amenity and agricultural use. The irony is that, if we cannot change the current situation, we are now likely to be left with dangerous and derelict land dressed as a more environmentally beneficial solution.

Chris and Alyson Austin
Residents - Merthyr Tydfil

Wednesday 4th December 2025

	Work	Planning Consent	Funding	Situation	Issue
1	Original Scheme Final Restoration Phase	Original (2007), and still current, planning consent	Developer responsible for full funding of the restoration work. £91.2 Million set-aside in y.e. 2023 accounts	Possibly abandoned by MTCBC and MSW in favour of a minimal restoration scheme	The local community were promised this and deserve it to be delivered. This was the principal aim-of/driver-for the land reclamation scheme. The coal was just to fund it
2	Interim Restoration (a mirror of the proposed S73 core work)	No specific planning consent gained it is claimed, by MTCBC LPA, to be running under the original planning consent	The £15 Million 'bond' money lodged in the escrow account	Work ongoing and has been so for over a year to our knowledge	We fear that this is it; the only restoration work that will be delivered. It may be delivering the S73 work without receiving scrutiny, nor specific planning consent!
3	Section 73 planning application Minimal Restoration Proposal	None The application is in pre-application phase	None - Cost capped at £15 Million and planned to use the full escrow account 'bond' money to finance	In limbo currently - awaiting further information from the developer	This would absolve the mining company of their contractual obligation to deliver the full, final restoration of the site and allow them to keep their £91 Million set-aside money