

# Ffos-y-fran

## Summary

Planning permission for this large opencast coal mine ran until September 2022 and restoration of the site must be completed by the end of 2022. There are local community reports that the coal operator, Merthyr (South Wales) Ltd, continues to mine, months beyond its planning permission. Merthyr Tydfil County Borough Council has taken the coal operator to court twice to pay into the restoration fund, but the £15 million paid is still far short of the £62 million that restoration is estimated to cost. The coal operator has applied for an extension, claiming this is necessary to pay for the restoration it originally promised to deliver by the end of 2022.

# Ffos-y-fran 'Land Reclamation Scheme'

## Address

Ffos-y-fran Land Reclamation Scheme, East Of Merthyr Tydfil CF48 4AE

## Expected completion

Coaling to cease by 6th September 2022, with restoration complete by 31st December 2022 + aftercare of 5 years, but an application to extend these deadlines has been submitted and coaling has been reported to be continuing whilst this application is considered.

## County Council

Merthyr Tydfil County Borough Council

## Mining operator

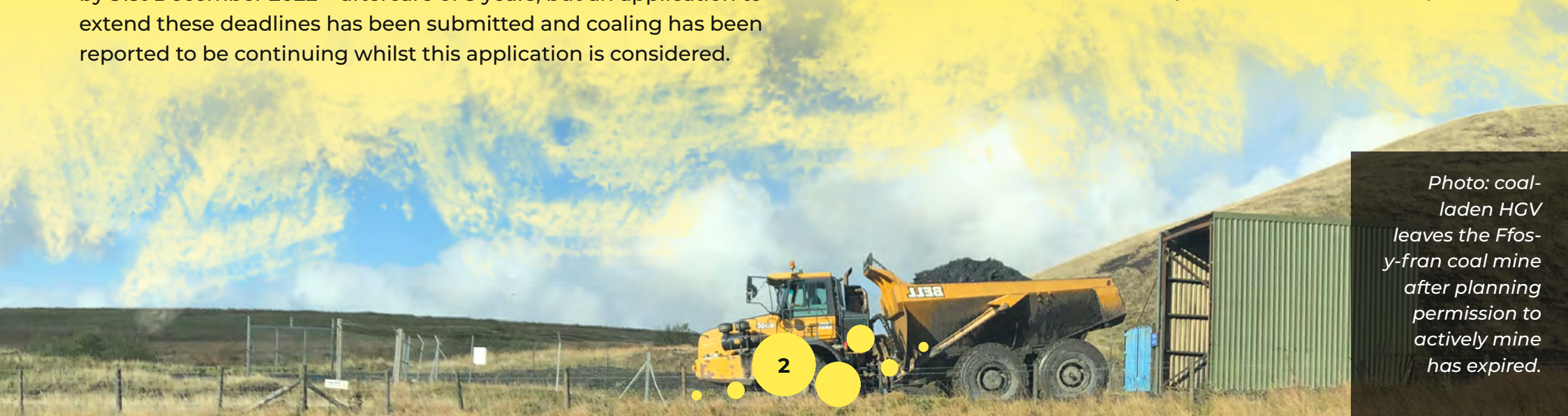
Merthyr (South Wales) Ltd - (previously Miller Argent Ltd)

## Restoration by

[Merthyr \(South Wales\) Ltd and RPS](#)

## Cost of restoration

Estimated in 2018 to be [£62 million](#) (P/16/0012 and P/03/0225).



*Photo: coal-laden HGV leaves the Ffos-y-fran coal mine after planning permission to actively mine has expired.*

“[U]rban common land for stock grazing, with public access for air and exercise. Bryn Caerau Farm will be returned to agricultural use, where disturbed, and nature conservation measures will be incorporated throughout the restoration scheme. The site will be predominantly restored to grassland and moorland vegetation associated with the open areas of the common.” - Miller Argent (South Wales) Limited, Restoration Strategy. A visitor centre is also planned but this would be subject to further planning permission.

## (September 2022)

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The report from a site visit confirmed a coal train leaving from the nearby coal-loading depot beyond the end of the planning permission. Overburden seemed to be transported around the site, but it wasn't clear that this was to fill the void towards restoration.

### Site visit



*Photo: coal train being loaded at a coal depot fed by the Ffos-y-fran coal mine after planning permission to actively mine has expired.*

## Views of local community

Two responses to the original application received by the Council expressed concerns about the negative visual impact, lack of plans for the conservation and protection of wildlife, drainage system, public access to Merthyr Common and footpaths. United Valleys Action Group (UVAG), a local campaign group, has resisted the opencast coal mine for many years, and faced [injurious court costs](#) in the process. UVAG has objected to a recent application for a S73 time extension, and believes the coal operator continues to mine coal despite its planning permission ending on 06 September 2022, with coal-loaded HGVs and coal trains continuing to leave the site.



**We thought the dust was going to be bad, and it was bad, but the noise was 16 hours a day” - UVAG**

## Notes

Ffos-y-fran aimed to excavate between 750,000 and 1 million tonnes of coal per annum over the lifetime of the coal mine.

The East Merthyr Reclamation Scheme was an attempt by the former Merthyr Tydfil Borough Council and Mid Glamorgan County Council to turn derelict land considered neglected to the east of Merthyr Tydfil into a more attractive environment and amenity. To avoid the significant cost of doing so, the Council allowed the area to first be opencast coal mined, relying on this to fund a restoration strategy - *Restoration Strategy Consented Scheme Revised Dates, p2, May 2007.*

The coal mine was approved after a public inquiry in early 2005 by the then National Assembly for Wales but quashed by High Court in December 2005. However, the [Court of Appeal overturned the High Court decision](#) in November 2006, permitting the opencast coal mine to go ahead.

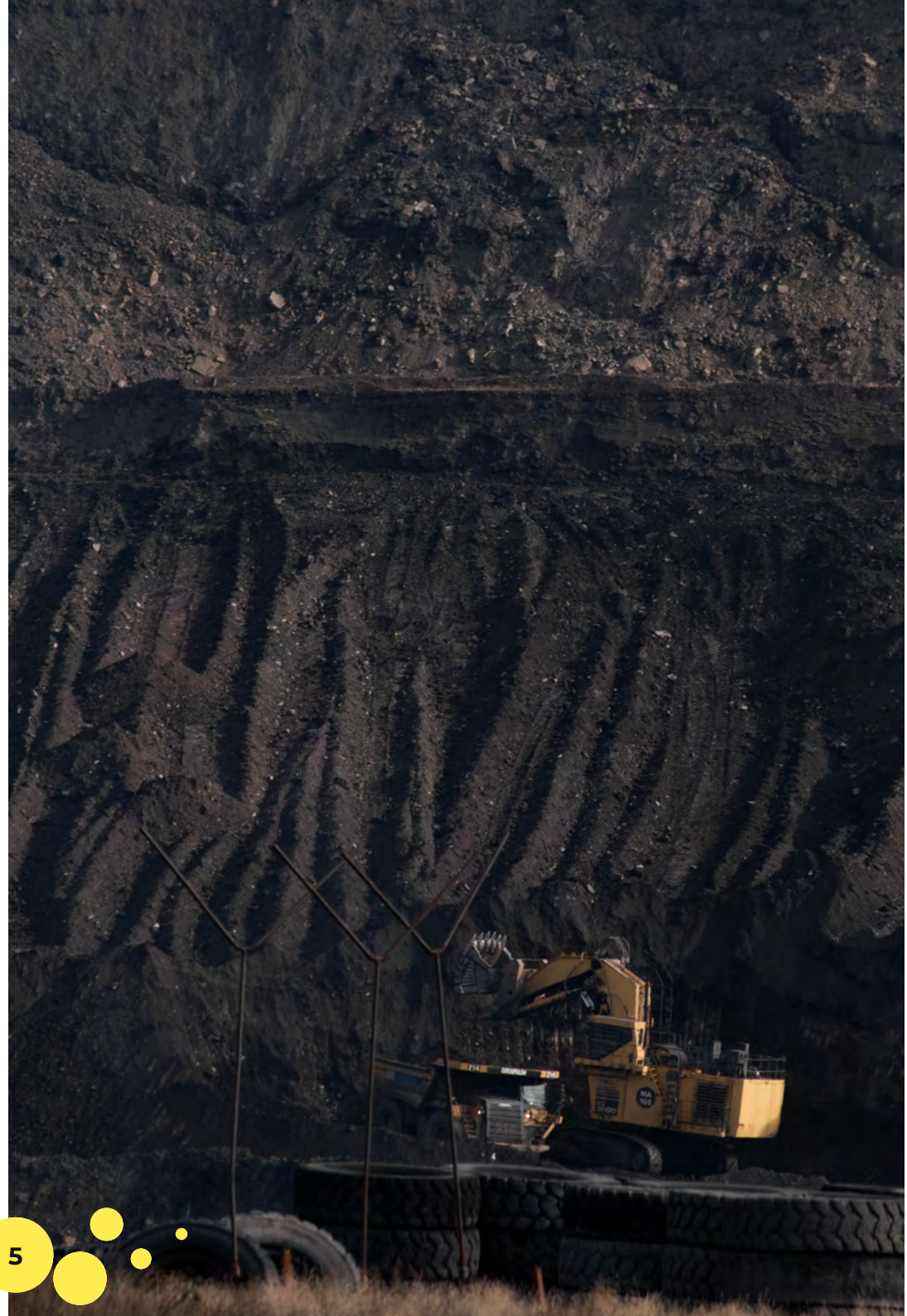
In September 2022, Merthyr (South Wales) Ltd applied for a S73 time extension to coal mining of 9 months, with an intention to submit a further application for a 3-year expansion to the Ffos-y-fran opencast coal mine.

# Controversy

The original planning conditions forbid the transportation of coal by road rather than rail, due to the impacts on the local community and sustainability concerns. A few years later, in 2008, Merthyr (South Wales) Ltd applied to change that agreement with 100,000 tonnes of coal to be transported by road, which was refused by the Council. The company amended this to 50,000 tonnes and won permission on [appeal](#), inflicting regular HGV traffic on the town of Merthyr Tydfil.

A report commissioned by Merthyr (South Wales) Ltd on phase 1 of restoration (undertaken whilst extraction was ongoing) highlighted a shortfall of over 260,000 cubic metres of subsoil and 41,000 cubic metres of topsoil available to restore the site to the agreed specification. In response a number of compromises were proposed, including reducing the top-soil depth by almost 10%, and a 30% reduction in the 'soil forming material' laid over the backfilled material compared to what was agreed in the original 2005 planning permission. This was described as a "fit-for-purpose" solution.

Although some restoration works have been undertaken alongside the coaling, "The major part of the site restoration would be carried out after coaling had ceased, with the return of the stored overburden to the final void, restoration of the lands occupied by the overburden mounds, the soil storage mounds, the water treatment areas, haul roads, and plant and offices". That was estimated to cost £62 million in 2018. This means, that should the Merthyr (South Wales) Ltd renege on



its restoration promises after it stops coal mining, there will be a huge liability. That is why in 2015, the Council created an Escrow to pay for restoration with Merthyr (South Wales) Ltd to pay £625,000 into it on a quarterly basis.

By July 2018, £5.62 million should have built up in this account but Merthyr (South Wales) Ltd had deposited nothing. The [Council took the company to court](#), claiming payments were due quarterly rather than in 1 lump sum at the end of coal mining, fearing that the latter would create too much of a liability for the Council if the company reneged on the final payment for restoration. The outcome of that court case could not be found for this report.

Initially, the Council refused a Freedom of Information request from Coal Action Network relating to the amount of funds held in an Escrow account to complete

restoration, citing ongoing legal action against Merthyr (South Wales) Ltd. A subsequent follow-up, finally revealed that £15 million had been deposited in the Escrow account for restoration as of June 2022. This is approximately the amount expected if the mine operator bowed to the Council's demands to pay £625,000 into the Escrow account on a quarterly basis from 2015.

However, £15 million falls far short of the estimated £62 million restoration cost. Merthyr (South Wales) Ltd [acknowledges and references this restoration deficit in its planning statement](#) application for an initial 9 month extension, using it to justify further coaling in the same way Celtic Energy Ltd attempted nearly 10 years ago, and Bryn Bach Coal Ltd is also attempting now.

*Photo: Ffos-y-fran coal mine void and overburden mounds viewed from a nearby estate.*

*Photo: coal stored in Bryn Bach Coal Ltd's washery.*

## Disclaimer

Efforts have been made to corroborate assertions and figures reported in good faith herein, but the authors acknowledge inaccuracies and errors may have been made; planning documents can be highly technical and companies operate opaquely. We welcome Councils and companies to get in touch to highlight evidence that improves the accuracy of this report.

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