

Margam

Summary

This opencast coal mine was due to be restored by the end of 2010 but Celtic Energy Ltd transferred the land to a shell company, when it seemed likely the coal operator's last resort—the Court of Appeal—would also reject its attempt to extend the coal mine. After years of legal cases, the Neath Port Talbot was forced by Celtic Energy Ltd to accept a restoration plan for £5.7 million instead of the £58 million restoration it had originally promised. This left a void to fill with water and overburden mounds that persist, with little in the way of natural re-vegetation in large areas of the site.

Margam surface mine & Park Slip

Address:

Margam surface mine and Park Slip, Celtic Energy Ltd - Margam Surface Mine and Park Slip, Former Site of Heol Fadog Farm, Bridgend, CF33 6EJ

Expected completion

Originally scheduled for completion by 31st December 2010, it was delayed with legal opposition, appeals, and investigations, with the subsequent scaled-down restoration plan deadline given of 31st July 2017. This restoration was finally completed on 31 August 2018 + aftercare of 5 years.

County Councils

The opencast area overlapped Neath Port Talbot County Council and Bridgend County Borough Council. Neath Port Talbot County Council took a lead planning role in the coal mine, with the majority of the mine within its county.

Mining operator

Celtic Energy Ltd

Restoration by

Celtic Energy Ltd (planning reference: P2016/0078)

Cost of restoration

Originally estimated: £58 million, the plan was scaled down to match the available restoration funds of £5.7 million.

What happens to the land after restoration

A spillway maintains the water level in the void at 48 metres above average sea level, preventing flooding. The links along Crown Road and Bedford Road have been re-established to a lower and cheaper standard to what was originally there. Over-burden mounds have been excavated and re-profiled to the minimum amount required. The void area will remain fenced off to deter access. Footpaths have been reinstated along other routes due to the water-filled void. Some areas have naturally revegetated—these will not be substantially interfered with, with aftercare focused on this area.



*Photo:
spillway
drains
untreated
mine
water into
a nearby
waterway.*

Site visit (September 2022)

The report from a site visit found a raised overburden mound with stony soil and little in terms of revegetation. The surrounding area is covered in shrubs and small trees except where smaller mounds of similar stony soil remain. The steep-sided coal face is exposed on one side where a lake now exists in the void. The water has a slight iridescence to it and there is no sign of life. A wire fence surrounds the lake, but is broken down in at least one place. Ditches run from the large overburden mound to feed into the lake, with a concrete spillway in one corner to prevent flooding.

Views of local community

305 responses to the final restoration proposal were received by the Council. These principally objected on the grounds of lost amenity, footpaths, roads, sustainability and biodiversity potential, physical risks associated with a water-filled void, and the abandonment of the original restoration agreement. Many of these concerns were echoed in letters to the Council by Pyle Community Council and Cefn Cribwr Community Council. An online petition of 606 signatures was submitted in objection. Natural Resources Wales raised concerns that it could not deliver a full assessment of the restoration liability because Celtic Energy Ltd refused to provide enough information.

Notes

Several extensions to the coal mine was approved, most recently in November 2006 (P2001/1243), along with at least 4 time-extensions, totalling some 4.5 years. On the 29th January 2008 though, both Councils rejected another application (P2007/0663 and P/07/569/MIN) to further extend the coal mine that was argued by Celtic Energy Ltd to be necessary to generate the funds to carry out restoration. Pursuance of restoration was subsequently delayed as Celtic Energy Ltd appealed to a Public Inquiry, then High Court, then Court of Appeal all of which upheld the Councils' rejection, with the Court of Appeal's verdict delivered in October 2011.

Controversy

Legal challenges and transfer of responsibility

During unsuccessful appeals against an application to mine more coal from the site, Celtic Energy Ltd quietly transferred ownership of the land to a shell company's subsidiary based in the British Virgin Islands, along with the restoration obligations. Celtic Energy Ltd transferred 3 other opencast coal sites nearing the end of their profitable lives or licences around the same time in a similar manner. This was legally challenged by the Council and investigated by Serious Fraud Office, but ultimately the case was dismissed and legal fees for both sides were billed to the Government.

The Council reported that Celtic Energy Ltd subsequently refused to engage on any issue about ownership of the land or the agreed restoration for some time after. Eventually meetings were held with Celtic Energy Ltd and the shell company—Beech Regeneration (subsidiary of Oak Regeneration)—about honouring the agreed restoration plan. Therein the companies reported there were insufficient funds and if the Council pursued litigation, Beech Regeneration would liquidate with negligible assets to recoup. The owners suggested a cheaper restoration plan should be accepted.

Agreement to an alternative, scaled-down restoration

The concluding remarks of a Planning Officer's report in 2016 that recommend approval of a much scaled-down restoration application is representative of the pragmatic tone throughout; "There is a clear conflict between the restoration that was originally approved and which the local community would like to see and what is realistically achievable and deliverable within the financial and legal constraints outlined in the report."

This is how an agreed restoration originally estimated at £58 million was downgraded to a £5.7 million project, much of which was allocated to constructing a spillway to prevent the risk of catastrophic flooding. That flood risk was the result of Celtic Energy Ltd turning off their pumps that discharged water out of the void after mining ceased and, over the years of legal battles, the void filling with 11 million cubic metres of water. Celtic Energy Ltd then engaged pumps in 2015 to prevent the water level rising further but indicated this would be for a limited time only.

To put £5.7 million into perspective, pumping out the 11 million cubic metres of water that had accumulated in the void since mining ceased, as required before backfilling the void, [would cost more than £10 million and take longer than 3 years](#). The actual movement of overburden and material to fill the void would also cost a huge amount.

As a result, "...the return of the landscape to its original form and appearance is not practicable, realistic or deliverable. It has to be accepted also that what is being proposed, whilst not returning the site to its original form, is an improvement on the current situation."p35, *Planning Officer's report, P2016/0078*.

Responsibility and lessons

This case was raised by Bridgend MP Madeleine Moon in [House of Commons](#) multiple times in 2015, calling for the Councils, Governments, and agencies involved to unite so communities living around the opencast site receive the restoration they were promised. This, sadly, wasn't successful.

As MP Madeleine Moon pointed out in her address to the House of Commons, this is a shared responsibility with some Councils failing to implement adequate safeguards with application approval to ensure the required levels of funding would firstly be available, and secondly, be in the control of Councils entrusted to ensure restoration occurs.

“ the return of the landscape to its original form and appearance is not practicable, realistic or deliverable ”



Photo: largely lifeless overburden covers much of the site, with fragments of the coal for which the area was sacrificed.

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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Coal Action Network works for an end to coal-fired power generation, coal extraction and coal imports in the UK, and for justice for communities affected by the UK's current and historical coal consumption and mining.

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