

COAL
ACTION
NETWORK

Coal mine restoration in South Wales



December 2022

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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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Photo: East Pit restoration site, grassland

Overview

Glossary

Margam

East Pit

Introduction

Nant Helen

Glan Lash

Selar

Tower

Ffos-y-fran

**Click to navigate
through the report**

Contents



Glossary

Anthracite coal: high in carbon content, low-smoke, and used in a variety of applications such as household heating, steelmaking, cement, and other industrial uses.

Coal Authority: National regulator of coal mining in the UK. The Coal Authority owns, on behalf of the country, the majority of the coal in Britain, and licenses coal mining. It is a non-departmental public body of the UK government, sponsored by the Department for Business, Energy & Industrial Strategy.

Coal operator: mining company responsible for extracting the coal.

Deep coal mine: a mine at which coal is produced by tunnelling down to the coalbed, which is then mined with underground mining equipment, and transported to the surface by various methods.

Escrow account: a legal arrangement in which a third party temporarily holds money or property until particular conditions are met (such as completing stages of coal mine restoration).

Freedom of Information request: a data disclosure request made under the Freedom of Information Act to a public body. Providing the request meets the conditions within the Act, public bodies nominally have 20 working days to provide the requested data.

Local Planning Authority: usually the planning department of the district or borough council responsible for deciding whether a development, anything from an extension on a house to a new coal mine, should go ahead.

Opencast coal mine: a surface mining technique that extracts coal from an open pit in the ground. Opencast mining is the most common method used throughout the world for mineral mining and does not require complex extractive methods or tunnels.

Overburden: Vegetation, soil, rocks, any matter above the target coal which is removed to access the coal.

Planning Committee: made up of several Councillors who represent different political parties and wards. They have been elected by residents and are responsible for deciding larger or more controversial planning applications. They should balance social, economic and environmental needs to achieve sustainable development.

Planning Officer's report: the primary report that summarises a planning application and supporting documents, how the application relates to relevant laws and policies, consultation responses, and a recommendation for granting or rejecting the application, or planning conditions to make the application acceptable.

Thermal coal: suited to burning in power stations to generate electricity. The carbon content of this coal is lower than Anthracite.

Void: the open pit remaining after 'overburden' and coal has been removed.




Photo: Nant Helen, in restoration phase

Introduction

Two opencast coal mines remain in South Wales at the time of writing; Glan Lash and Ffos-y-fran. Planning permissions for both have expired, but they have applied for extensions, and are waiting planning decisions. If both applications are rejected, next year South Wales could be free from opencast coal mining for the first time since the practice rose to prominence with the opencast coal mine of Pwll-du in 1943.¹ In recent years, the Welsh Government has strengthened its position against new coal mining on climate change grounds² and gained a veto power on coal licences under the Wales Act 2017. At the time of writing, the UK primarily mines coal for the steel industry in the UK and abroad, but the UK Government has a target to cut out coal by 2035.

We risk leaving behind communities that cannot ‘move beyond coal’ as they continue to live with the localised impacts of a natural environment ravaged by up to 80 years of opencast coal mining. It is in this context, that we provide an update to some of the findings within the [2014 report](#) on the state of coal mine restoration in South Wales, commissioned by the Welsh Government.

We hope this research will spark renewed calls for the vital restoration work still required, ensure plans for the restoration of coal tips is accompanied by restoration of voids, and sound a warning against consideration given to new or extended coal mining in South Wales and beyond.

Common roots

The West Glamorgan County Council Act 1987 enables councils to grant coal mining permission on the condition that the company makes deposits in a financial bond to secure restoration and aftercare. But this Act did not apply to the nationalised British Coal Corporation as that was underwritten by the government, and so didn’t have the same financial insecurity of companies.

The serial failure to restore opencast coal mines has a common root in the way Westminster privatised the coal industry in 1994. Particularly, the invitation of John Major’s Conservative Government for private companies to pay a larger initial cash price to buy a previously nationalised mine in exchange for a 10 year reprieve from having to pay into a restoration fund. This reprieve could amount to over £10 million a year. County councils couldn’t demand companies pay into a restoration fund as West Glamorgan County Council Act 1987 did not apply to these previously nationalised companies.

Without the mandatory incremental setting aside of funds for restoration, some private companies did not prepare funds at the end of mining to pay for the associated restoration costs. Instead, some companies—Celtic Energy Ltd, being one—endlessly relied on income from new mining, often as mining extensions, to pay for the restoration of old mining. When that became harder because of the decline in domestic coal demand, along with prices, coal mine operators sometimes either exploited legal loopholes to evade those costs, or declared bankruptcy.

Operators that declared bankruptcy, leaving unrestored coal mines behind, include: Dynant Fach Colliery Company Ltd operating in South Wales, Scottish Coal Ltd operating in Scotland, and HM Project Developments Ltd operating in England.

At the time of writing, Merthyr (South Wales) Ltd and Bryn Bach Coal Ltd are attempting to secure extensions to existing coal mines, using the same rationale; that more coal mining necessary to pay for the restoration of the coal mine as insufficient funds have been put aside for it. Communities living locally to sites of coal mining will pay the highest price either way: for a poorly restored coal mine or an agreement to extend coal mining in the hope it will deliver on the promised restoration.

This is not unique to the UK, with a similar phenomenon is playing out in the USA, with [insufficient funds set aside](#) to restore closing coal mines as the industry enters rapid decline. Just like in the UK, “Coal producers legally must restore damaged land, but [some are dodging obligations](#)”. Countries can learn from the mistakes of the UK and USA and plan for the managed decline of domestic coal mining to avoid the same pitfalls.

Recommendations

- 1 A fresh and independent assessment is needed to cost the task of properly remediating poorly restored and unrestored opencast coal mines in South Wales (and across the UK). It is then incumbent upon the Welsh and UK Governments to provide those funds to secure the restoration promised to local

communities. A well-resourced and supported taskforce will be needed to facilitate this process and see restoration works through to completion.

- 2 Key restoration decisions must be led by local communities and guided by the independent advice of Natural Resources Wales.
- 3 Coal tips should be addressed together with voids remaining from opencast coal mining, rather than approached in isolation. 2,456 coal tips litter Wales. 2021 saw fresh calls for their reclamation amid fears of another [Aberfan tragedy](#) if the coal tips become unstable, estimated to cost £500-£600 million. Some restoration schemes remedy nearby coal tips whereas other poorly restored coal mines effectively create new coal tips, such as the overburden now to be left at the ex-opencast coal mine, Nant Helen. For this reason, coal tips and voids cannot be addressed in isolation.
- 4 In the interests of transparency and accessibility, all planning authorities should make all Planning Officers’ reports available online and clearly identified alongside associated planning documents. Neath Port Talbot County Council Planning Authority, for example, confirmed it does not make their Planning Officers’ reports routinely available online. Planning Officers’ reports are generally written in more lay terms than, and comprehensively summarise, sometimes 100s of, highly technical documents associated with that application. The content of, and recommendation within, Planning Officers’ reports also greatly influence the outcome of a planning committee’s decision.

Scope

This research encompasses 7 opencast coal mines in South Wales: East Pit, Ffos-y-fran, Glan Lash, Margam, Nant Helen, Selar, and Tower Colliery. This scope was partly informed by the [2014 report](#) on the state of restoration across Wales which flagged these sites as liabilities for being left unrestored or poorly restored. Only larger, commercial opencast coal mines were included in this research, with the smallest being Glan Lash. How much information and how recent the mining happened was also a deciding factor for inclusion, with Dynant Fawr (now part-way through restoration to the extent permitted by the insufficient bond left by the now-dissolved Carmarthen Mining Ltd) excluded on both these grounds. We also limited our research to opencast coal mines, rather than deep coal mines, though we recognise the issues associated with abandoned mine shafts.

Method

This research was primarily desk-based, examining hundreds of planning documents via online planning portals and extracting information via Freedom of Information (FOI) requests, supported by insights from people living locally to the opencast coal mines covered by this research, and in-person site visit reporting from a third party in September 2022.

Challenges

In efforts to obtain records to inform this research, county council planning departments cited high workloads and Covid19-related strains as reasons that some requests and formal FOI requests were missed, refused, or delayed, sometimes by months beyond the statutory limit. There were particularly high barriers to making available offline archived records.

It is vital that County Council Information Governance Teams and Planning Departments renew their commitment to meet their statutory obligations under the FOI Act, to maintain transparency and trust in their work.

Format

Our research has been presented in the format of a series of comparable and standardised factsheets, segmented with clear sub-headings. This is to maximise the accessibility and usability of the research findings. This format draws out the differences and similarities between different restoration cases. We hope this will aid community campaigning in identifying responsibility, and how things can be done differently, and build links between communities with similar struggles.

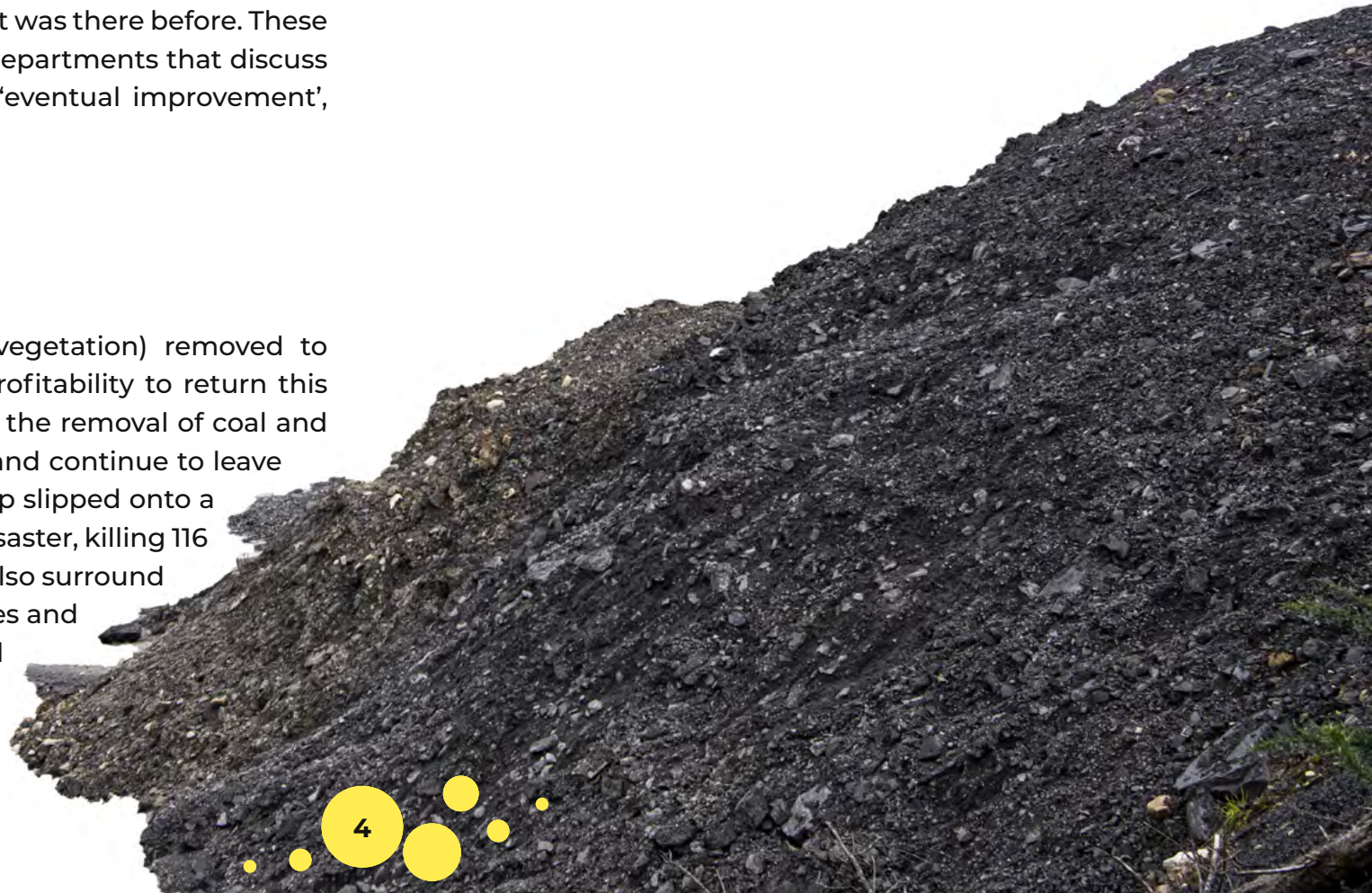
Restoration: a misnomer

Although we use the term 'restoration' and 'remediation' within this research due to its usage on planning documents, it is our view that restoration is somewhat a misnomer. Ecosystems evolve over thousands of years, and interlink with neighbouring and global ecosystems. A link cannot be removed for a period and then simply replaced, with the interlinked ecosystems unaffected. The nature within them is also unique rather than a standardised unit—what has been lost to opencast coal mining is lost forever. What comes after is not the same as what was there before. These factors are not considered by planning departments that discuss the loss of nature within the frame of 'eventual improvement', 'mitigation', and 'temporary' impacts.


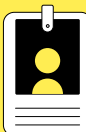





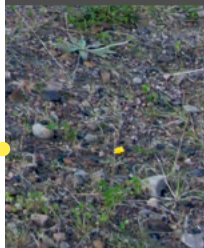
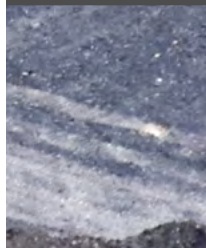


Coal tips and restoration

A coal tip is overburden (soil, rocks, vegetation) removed to access coal. As it's expensive with no profitability to return this overburden to the hole or void left from the removal of coal and overburden, coal operators often left it, and continue to leave it, in mounds. Tragically, in 1966, a coal tip slipped onto a village in what's known as the Aberfan disaster, killing 116 children and 28 adults. Safety concerns also surround old mine shafts and voids with sheer sides and deep lakes. In this way, the issue of coal tips and restoration are closely entwined and must be addressed together.

**What has been lost to
opencast coal mining
is lost forever.**



Overview

		East Pit	Ffos-y-fran	Glan Lash	Margam	Nant Helen	Selar	Tower
	County Council	Neath Port Talbot	Merthyr Tydfil	Camarthenshire	Neath Port Talbot & Bridgend	Powys & Neath Port Talbot	Neath Port Talbot	Rhondda Cynon Taff
	Mining Operator	Celtic Energy Ltd	Merthyr Ltd (prev. Miller Argent)	Bryn Bach Coal Ltd	Celtic Energy Ltd	Celtic Energy Ltd	Celtic Energy Ltd	Tower Colliery Ltd
	Cost of restoration	£22.4m (originally to cost £115m)	£62m (£15m has been committed)	Unknown	£5.7m (originally to cost £58m)	£19.8m (originally to cost £30m)	£12.5m (originally to cost £23.5m)	£21m
	State of restoration	Complete but not to spec.	Applied to extend deadline of Dec 2022	Not started, pending application outcome	Complete but not to spec.	In progress, behind deadline of July 2022	Final phase, not to spec.	In progress, beyond deadline of mid-2022
								

East Pit

A time-extension was granted to Celtic Energy Ltd in 2004 by Welsh Ministers in order for a restoration scheme valued at £115 million to be delivered at the end of coal mining in 2012. Instead, Celtic Energy Ltd transferred land ownership to a shell company so the shell company was responsible for restoration without any means to carry it out. Celtic Energy Ltd then continued to mine coal beyond its 2012 planning permission. A cheaper restoration was negotiated with Port Talbot County Council at around £22 million which left a void to fill with water. The Council reports that restoration is complete but a site visit in September 2022 indicates an industrial complex and detritus remains, seemingly abandoned. The coal face remains visible above the water-line in the flooded void, which is fenced off from public access with multiple layers of barbed wire.

Ffos-y-fran

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.

Glan Lash

This small opencast coal mine is operated by Bryn Bach Coal Ltd, and supposed to cease coal mining in 2018 and restore the site. Instead, the coal operator applied for an extension, claiming this is necessary to pay for the restoration it originally promised to deliver. This application is still pending, with a decision expected around the end of 2022. A site visit in September 2022 reported what appeared to be fresh scrapings in the coal mine and diggers with warm engines, suggesting activity in what should be a dormant site. The washery also owned by the coal operator is adjacent to the coal mine, processing coal that an employee claimed came exclusively from abroad.

Nant Helen

This opencast coal mine was due to cease coal mining in mid-2020 when a Welsh Minister decline to approve the Coal Authority licence for the coal mine. Despite this, Celtic Energy Ltd continues to sell coal mined at Nant Helen, which it claims was extracted over 2 years ago and stored at a nearby depot it also owns. At the same time, Celtic Energy Ltd has failed to restore the site by the mid-2022 deadline, and Powys County Council is taking enforcement action. As with East Pit and Margam, Celtic Energy Ltd transferred the land ownership to a shell company, with a restoration fund of just £19.8 million—over £10 million short of the £30 million restoration plan. The cheaper restoration plan leaves a partial void and overburden mounds so 10 million fewer cubic metres of soil needs to be moved.

Margam

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.

Selar

Celtic Energy Ltd was due to shut this opencast coal mine in 2006 and begin restoration. This was delayed by 3 extensions that Neath Port Talbot County Council agreed to, to fund restoration works. Celtic Energy Ltd had transferred the land to a shell company in 2010, so the Council had to permit the extension to secure £22 million in restoration funds—just over half of the £40 million required to deliver the original restoration plan promised by Celtic Energy Ltd.

The restoration is purported to be complete, and the site is in the aftercare phase. Despite this, a site visit in September 2022 reported an abandoned warehouse with industrial detritus inside and nearby. Rusting barrels of hazardous waste were found to be leaking into the soil from an open-topped storage pool to one side of the warehouse, and some of the saplings planted have died without being replaced. A large concrete platform remains within the site.

Tower Colliery

A selling point of this opencast coal mine is that it would remove a few of the 286 coal tips that exist within Rhondda Cynon Taf. The opencast was located on the site of a deep coal mine that closed two years earlier, and would use the coal tips left behind to fill the void after extracting the coal. This shows some of the connections between opencast coal mines and tip restoration. Restoration works on this former opencast coal mine site were due to be completed by mid-2021 but the coal operator. However, Tower Regeneration Ltd, claimed Covid19 and heavy rainfall had delayed progress. Works were then expected to be completed by mid-2022 but a site visit in September 2022 reported that restoration works are ongoing. This might be because the land contours varied up to 2 metres from the plan and were forced to bring them in line with the plan. The coal operator was fined twice by Natural Resources Wales in 2021 for discharging silt laden surface water into the River Cynon over a 2 year period, up to 100x over the limit.

East Pit



East Pit Revised Opencast Coal Site

Mining operator

Celtic Energy Ltd

Address

East Pit East Revised OCCS, New Road, Gwaun Cae Gurwen, Neath
SA18 1UP

Restoration by

Celtic Energy Ltd

Expected completion

The Council report restoration was completed in Spring 2022 + 20 year aftercare (for the nature conservation areas). The deadline within the planning approval was 31st March 2020.

Cost of restoration

At least £22.4 million (20% of the cost of the original 2004 restoration plan agreed). The aftercare slice of the restoration fund is estimated at £2.1 million.

County Council

Neath Port Talbot County Council





*Photo left: East pit coal mine void during mining.
Photo right: void filled with water (different side).*



What happens to the land after restoration

An outline planning application was submitted for the land to be divided between a country park (comprising a 120-bed hotel, 78 holiday lodges, a lake, campsite, visitor centre, dive centre and shop) on land retained by Celtic Energy (around the water-filled void), common land, and agricultural land. A site visit indicates that no building works towards this have started despite the Council reporting restoration is now complete, with some areas out of aftercare periods.

Site visit (September 2022)

The report from a site visit indicates a large lake sectioned off with barbed wire fences with the steep-sided coal face visible above the waterline in some places. A significant compound of Celtic Energy Ltd on the restored site seems to

be largely abandoned, with oil drums, a warehouse, offices, and rusting shipping containers comprising industrial equipment, and in one case, the shell of a classic car. Sheep from the surrounding grassland roam around the concrete compound freely.



Views of local community

The Council received [27 letters of objection](#) from the occupiers of 9 residential properties, as well as objections from Cyngor Cymuned Cwmllynfell Community Council, Caegurwen and Penllefedwen Commoners Association, and Quarter Bach Community Council. Concerns raised were wide-ranging but included the failure in the new restoration plan to return the land to its former state that was part of the bargain in exchange for another 7.5 years of coal mining in 2004. Of particular concern was the proposal to maintain the large body of water that had accumulated within the opencast void, rather than backfilling this as in the original agreement. Cyngor Cymuned Cwmllynfell Community Council claimed “The premise of allowing restoration which includes abandoning a massive void which will be allowed to fill with water is based entirely on compromise” The Community Council also argued “[t]here is no demand for the proposed after-use” in reference to the country park proposed.

Notes

The Welsh Government [delayed the approval](#) by Neath Port Talbot County Council as it considered calling in the decision the 2012 proposal to amend the restoration plan and continue coal mining for further 3 years. Eventually Ministers decided not to call in the decision, drawing [criticism from Friends of the Earth Cymru](#) and it was approved Immediately after a Senedd election.

Since taking over East Pit after the coal industry was privatised in 1994, Celtic Energy has submitted over 28 separate applications to change conditions, sought extensions, and amend plans. Just one of these applications contained 399 separate application documents. There are multiple updates of submissions and some application references don't appear on the Council's planning portal, sometimes due to the fact it pre-dates the Council's adoption of electronic record-keeping. The Council has cited Covid19 as a challenge to accessing offline records for this research, so it should be noted there may be some details missing in this overview.

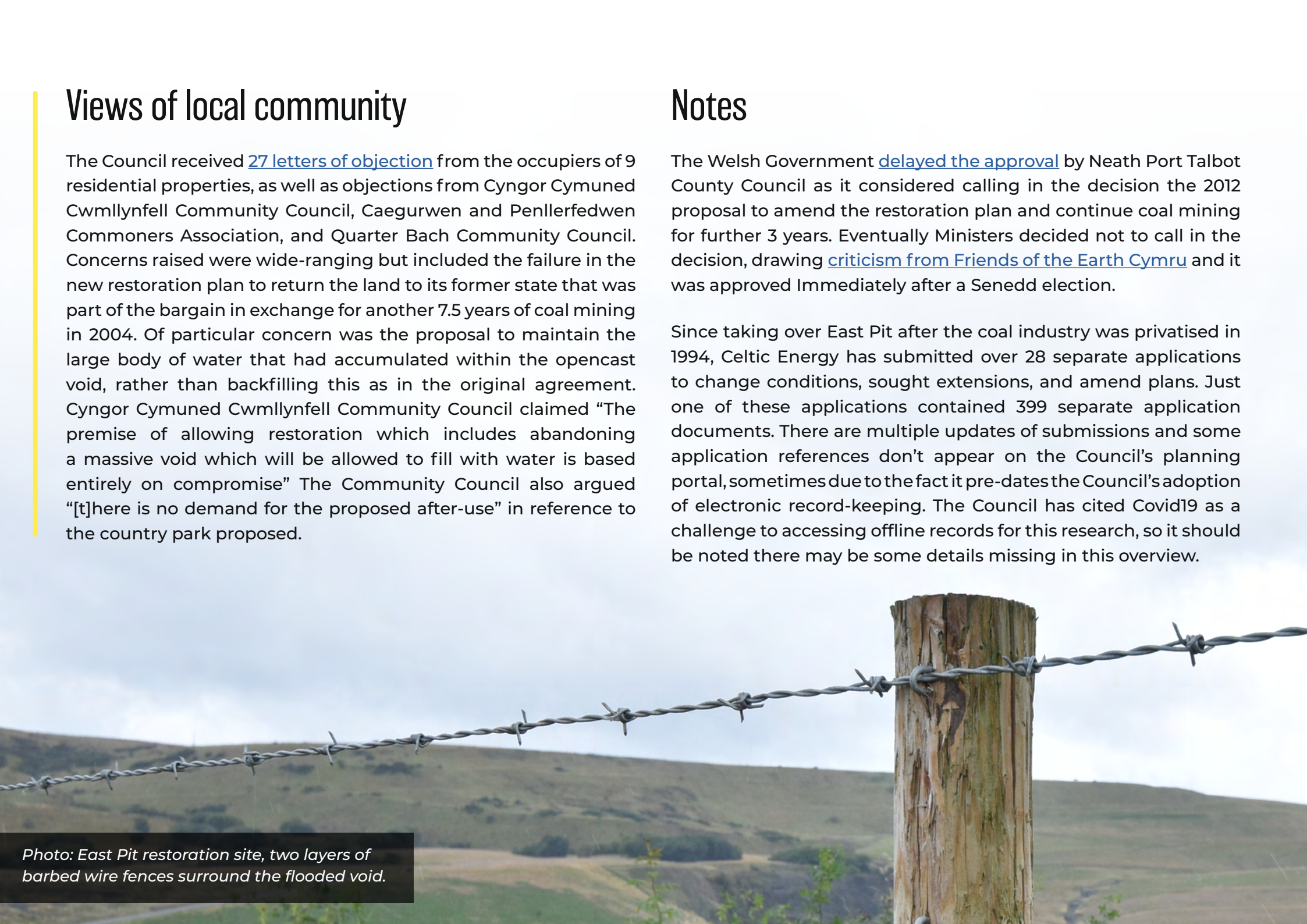


Photo: East Pit restoration site, two layers of barbed wire fences surround the flooded void.

Controversy

Held to ransom: more coal mining in return for promised restoration

Mining was meant to cease at East Pit by 31 December 2001. A time-extension submitted by Celtic Energy Ltd in 2002 was granted by Welsh Ministers in December 2004 for 7.5 years of further coaling (May 2005 - 30 November 2012). Permission was on the condition of that the site be restored in line with the plan submitted after a public inquiry between Celtic Energy Ltd and the Planning Decision Committee of the then National Assembly for Wales in 2004 (P/02/0917/ Ref A-PP185-07-014). At the public inquiry, [a video was shown of successful opencast restoration projects](#), indicating

how the promise to restore the opencast site was contingent on permission for further coaling. Some of the local community saw Celtic Energy Ltd's application as primarily an attempt to [delay costly restoration works](#), suspecting the company of insufficient finances to carry it out.

The 2004 restoration plan created an agreement to return the area to its former geography, estimated to cost £115 million. However, despite having permission to mine coal from May 2005, Celtic Energy Ltd didn't resume mining operations until mid-2008, citing low coal prices. The company then continued mining coal without planning permission beyond the deadline of 2012 to make up for lost time, though there was no legal basis for this. Neath Port Talbot County Council opted [not to take enforcement action](#).



Photo: East Pit restoration site, seemingly abandoned industrial site with multiple shipping containers

Evasion of restoration responsibility

In 2010, to evade this cost, Celtic Energy Ltd transferred land ownership of East Pit, and the land of 3 other coal mines—together with the restoration obligations—to Oak Regeneration and its subsidiaries. Oak Regeneration is a shell company Celtic Energy Ltd set up in the British Virgin Islands without assets or means to carry out the associated restoration. This action resulted in a legal challenge from the Council and an investigation by the Serious Fraud Office. Celtic Energy Ltd's directors' homes were raided and they were arrested. However, at trial, the judge ruled that the actions may have been dishonest but were not illegal. The Government were ordered to pay Celtic Energy Ltd's substantial legal costs, as well as its own legal costs. In the same year, it is reported those directors received a sizeable bonus.

Celtic Energy Ltd remained the 'coal operator' but was no longer subject to any restoration obligations as they now leased the land from Oak Regeneration.

Even more coal mining in return for less restoration

In December of 2012, *The Lakes at Rhosamman Ltd*, a company set up just 3 months previously, submitted an application for a substantively different and cheaper restoration (P2012/1073). Crucially, this restoration plan involved leaving the opencast void to fill up with water, rather than the costly task of moving millions of tonnes of soil from other areas of the opencast project to fill it and restore the landscape. This is reminiscent of the change to Margam's opencast restoration plan, for which Celtic Energy Ltd was also the coal operator.



Photo: rusting fencing and warnings continue to surround the purportedly complete site of restoration

**“ the only realistic option to securing
any sort of acceptable restoration ”**



Photo: East Pit restoration site, unmarked contents.

The Chief Executive of Celtic Energy Ltd wrote to the Council, indicating “This application offers the only realistic option to securing any sort of acceptable restoration at East Pit” and demanding that Celtic Energy Ltd be permitted to continue mining coal on land, then owned by Pine Regeneration (a subsidiary of the shell company, Oak Regeneration), up until 30th September 2018, and remove coal stocks up until 30th September 2019 to pay for it. Celtic Energy Ltd purportedly made a significant portion of its workforce redundant around this time, adding further pressure on the Council, signalling the company’s readiness to abandon the site (p15, application [P2012/1073](#)).

The Coal Authority supported the proposal, citing the need for “indigenous resources”.

Photo: East Pit restoration site, shipping containers and large metal objects apparently left behind






Photo: East Pit restoration site, the shell of a classic car is mysteriously in one container.

Money matters

Neath Port Talbot County Council had collected just £4 million in an Escrow account from Celtic Energy Ltd to put towards restoration by 2012. This represented a shortfall of over £3 million towards the cost of simply making the site safe with no restoration works, should Celtic Energy Ltd abandon the site—which appeared to be a likely outcome if the Council insisted on the 2004 restoration plan.

The Council's Planning Officer recommended that Counsellors approve the cheaper revised restoration plan (containing [399 separate application documents](#)) and permission was accordingly granted in June 2015, despite vocal local opposition and risks outlined in a 2012 Coal authority commissioned report by GroundSure. This report concluded there were potential environmental liabilities of further coal mining, including a high risk of subsidence (at least 1 residence in the vicinity experienced cracks in the walls) and very high risk of groundwater flooding. This report was superseded by a 2014 report by James Associates that Celtic Energy Ltd commissioned. The new report downgraded the associated environmental risks, making it acceptable in planning terms to approve.

Permission was granted with a [Section 106 agreement](#) (adds conditions to the planning permission) for Celtic Energy Ltd to pay £23 million into an Escrow account to fund restoration works (£580,000 of which is earmarked as 'contingency', ostensibly in case Celtic Energy Ltd abandon restoration works and another contractor is employed which would cost more). The final deposit



was due on 01 September 2017. If the restoration works costs less than this amount, the difference will be refunded to Celtic Energy Ltd. Additionally, the Section 106 agreement required Celtic Energy Ltd to pay £275,000 to the Council as “an additional community benefit contribution” and an additional “community benefit contribution” of £200,000 to be administered by the ‘Community Benefit Scheme’.

The minimum cost estimate of £22.4 million was provided by The Coal Authority in February 2015, entitled “East Pit Revised Surface Mine Lakes at Rhosaman. Restoration and Aftercare Liability Assessment”. That assessment also estimated the liability to the Council of simply making the site safe if Celtic Energy Ltd abandoned it to be £7.6 million.

Ffos-y-fran



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)

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.

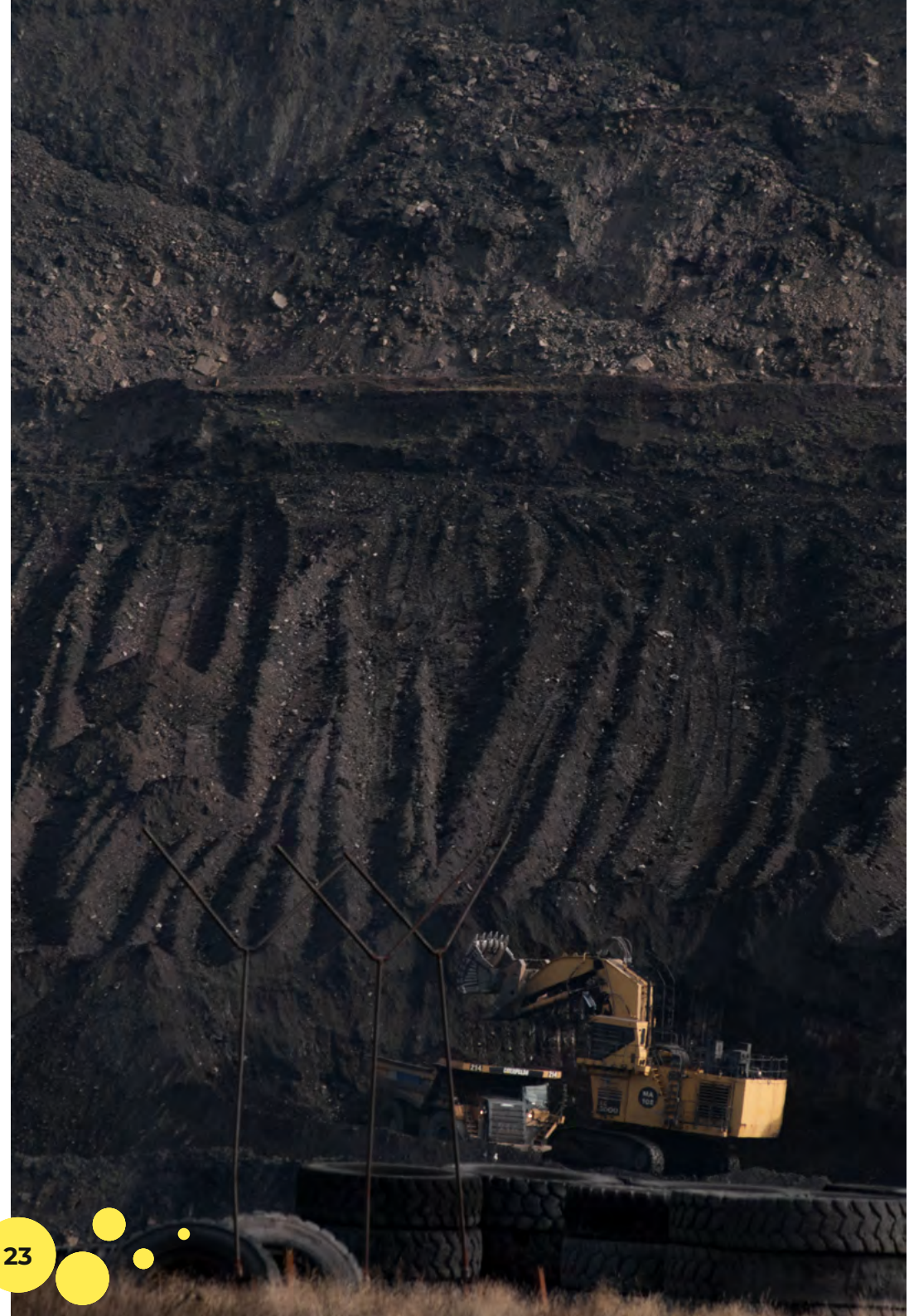
In September 2022, Merthyr (South Wales) Ltd applied for a S73 time extension to coal mining of 9 months, with an intention to submit a further application for a 3-year expansion to the Ffos-y-fran opencast coal mine.

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.

Glan Lash



Glan Lash opencast coal mine

Address

Glan Lash Mine Site, Shands Road, Llandybie, Blaenau,
Carmarthenshire SA18 3NA

Expected completion

Planning condition: 31 December 2017 + 5 year aftercare for the mine site, delayed by the coal operator until [31st March 2020](#), then again

The Tir-y-dail Tip was due to be restored by 31 December 2013 + 5 year aftercare.

Council

Carmarthenshire County Council

Mining operator

Bryn Bach Coal Ltd – since 2012.

Restoration by

Bryn Bach Coal Ltd

Cost of restoration

£549,000 was to be deposited into a Restoration Guarantee Bond by Bryn Bach Coal Ltd prior to soil stripping or excavation works. The Council reports a planning bond balance £564,000 has been accumulated for restoration.



What happens to the land after restoration

Davies & Lumber Ltd, an estate agent, [owns the land](#) and post-restoration it will be returned to the owner. The company's [2022 ecology report](#) proposes it become a conservation site after restoration, but that would seem unlikely given its ownership. There will be public access via a footpath over the site, and the [company plans](#) for the final restoration of the current opencast site (9.31 hectares, 5.25 hectare excavation area) to be primarily agricultural grazing (grass), and for the site of the extension (6.68 hectares) to eventually become woodland and marshy grassland.

Site visit (September 2022)

The report from a site visit pointed out that the coal washery owned also by Bryn Bach Coal Ltd is only metres from the opencast coal mine, across a quiet private road (with public access). A worker in the washery told the site visitor that since planning permission had expired, the company was importing coal to the washery

from Colombia, Venezuela, and other countries, then selling it on. Should Glan Lash be granted permission for expansion, the worker claimed Volvo expressed interested in buying coal from the site. The washery had coal stores and a number of heavy vehicles and diggers parked on site.

Although there hasn't been planning permission since 2017 in the opencast coal mine, fresh excavation was visible (by the difference in colour), the fencing around the top edge had been taken out and laid further back, and at least one of the two diggers in the coal mine was warm from activity that day. Badger tracks were spotted along the precipice of the coal mine.

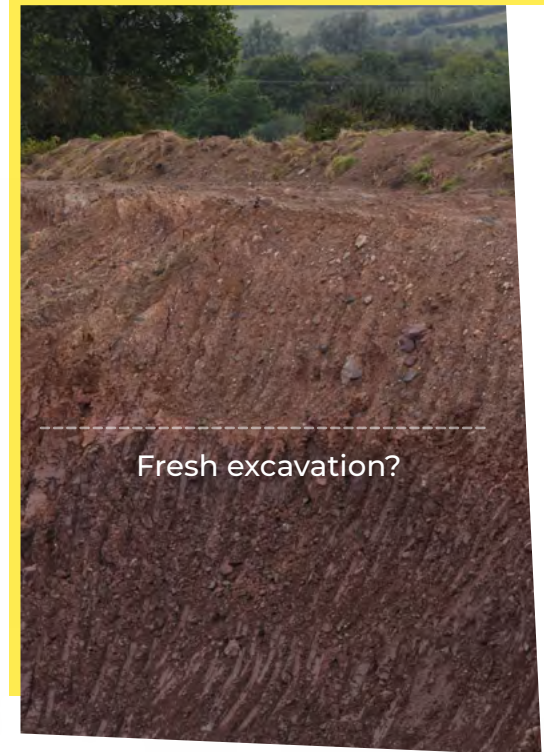


Photo left: digger with a warm engine in the dormant Glan Lash coal mine. Photo right: coal, purportedly from abroad in the washery.

Views of local community

Quarterly meetings of the Glan Lash Liaison Committee have been taking place, with representatives of Bryn Bach Coal Ltd, Carmarthenshire County Council, local County Councillors, Llandybie Community Council, Bleanau Community Council, and 4 local residents.

Regarding the extension proposal, there are many [calls to reject it](#) on the grounds of climate change, citing Planning Policy Wales (Edition 10). But Llandybie Community Council and Councillor Davies [support it](#)—citing jobs, community fund, and repeating the company's claims of low climate change impact.

Notes

The original Glan Lash licence permitted the extraction of 92,500 tonnes of coal over a 4.6 year period, plus 8 months of restoration.

A subsequent, live application, submitted in 2019, by Bryn Bach Coal Ltd to expand the Glan Lash opencast coal mine by 6.68 hectares (originally 7.98 hectares) with the site boundary at 10.03 hectares, to extract a further 95,038 tonnes of coal (which represents more than the original coal mine licenced for just 92,500 tonnes) over 6.1 years (planning ref. E/39917). This amounts to around 325 tonnes/week. The [Standard Mineral Application Form](#) submitted to the Council is only partially filled out. The Council planning hearing to determine the application was scheduled for July 2022, but the coal operator has been asked to provide additional information regarding a number of matters within 6 months, to enable determination.

Bryn Bach Coal Ltd claim Glan Lash produces 'premium quality anthracite', without parallel in South Wales—a similar claim is [also made by EnergyBuild Ltd](#) about their Aberpergwm deep coal mine in South Wales.

Bryn Bach Coal Ltd paid £5,000 into a Glan Lash Liaison Committee fund every year of operation, totalling [£35,000](#) by 2018.

Issues

Information on the original Glan Lash opencast coal mine is limited as only some of the related documents have been uploaded to the Carmarthenshire County Council planning portal. Letters of objection have not been uploaded, for example. The Council rejected an FOI request that would require searching through physical archives due to their incomplete upload as this would purportedly incur too great a cost.

Based on the [planning permission](#) issued on 25 January 2012, coal mining was to cease by the end of 2016 and the coal mine was to be progressively restored, with restoration completed by the end of December 2017, followed by a 5-year aftercare period. However, as so often happens, this promised restoration has yet to even be started. Bryn Bach Coal Ltd submitted a Section 73 time-extension application to delay restoration works, which the Council permitted ahead of the coal operator submitting an application to extend mining. As a consequence, the local community has suffered a dormant unrestored coal mine on their doorsteps for almost 5 years whilst the mining extension application is considered.



Photo: signs and planning notices obscured by growth of vegetation after 3 years of a pending application to expand.

The Glan Lash opencast coal mine was one of several coal mines supplying the Aberthaw coal-fired power station ([closed at the end of March 2020](#)) which emitted 8.5 million tonnes of CO2 annually, discharged mercury into the water, and breached local air quality limits for years.



Llandybie Community Council recommended approval of the application but [52 letters of objection](#) were received from local residents, including MP Jonathan Edwards for Carmarthen East and Dinefwr, along with a petition signed by 312 people—mostly living locally, with some further afield in Wales. The grounds for objection included the proximity of the site to a gas pipeline, the history of poor restoration of opencast sites in the area, pollution of rivers, and climate change—as well as traffic, amenity, visual, and environmental impacts. A number of objections mentioned they were not made aware by the Council of the proposal. One objector who lived just 350 metres from the proposed coal mine wrote: “The value of my house will decrease by 30%... is it fair that we suffer, while the owners of Bryn Bach Coal become rich?”.

The closest residence to works at the coal mine was under 250 metres—much less than the 500 metre minimum distance advised in the Minerals Technical Advice Note (MTAN) 2, para. 29, which was adopted by Wales 3 years earlier. The coal operator tried to negotiate the 500 metre buffer zone down to just 50 metres, as Glan Lash is a smaller coal mine. Although this argument was rejected, the Planning Officer advised Planning Councillors that the purported need for the coal made the application exempt from the MTAN.

“ ...is it fair that we suffer, while the owners of Bryn Bach Coal become rich? ”




*Photo: part
of the area
that would be
destroyed to
expand the
coal mine.*

Always more: an application to expand

Bryn Bach Coal Ltd applied to extend the Glan Lash coal mine in 2018 (planning ref: [E/39917](#)). The company wrote in their environmental impact assessment (EIA) that the extension would “enable the full restoration of the existing and the proposed extension”. This means the completion of the previously promised restoration now appear dependent on profits from the extension. Celtic Energy Ltd tried the same trick to get coal mine extensions approved a decade ago.

Bryn Bach Coal Ltd admit 50% of the coal mined would be burned for domestic heating (which the company recently changed to 25% in 2022, without explanation), and have failed to account for what proportions will be used in other industries. Yet the company proclaim in their EIA “that to refuse planning permission based on the impact our proposal will have on Climate Change and Carbon Emissions would be globally irresponsible.”



According to information gained under an FOI request, the planning application was scheduled to be determined in July 2022 but instead the Council commissioned independent reviews of the technical reports paid for, and submitted by, Bryn Bach Coal Ltd on how the coal mine extension would impact water flows (hydrology) and the ecology reliant on that in the area.

The Council has given Bryn Bach Coal Ltd 6 months more to provide additional information in response to the finding of these reviews. One review was in the form of an independent Planning Ecology report in July 2022. This report recommends rejection of the application to fulfil the Council's duty to

“maintain and enhance biodiversity under Section 6 of the Environment (Wales) Act 2016, Section 6.4.21 of Planning Policy Wales or under Well-being Goal Two of the Well-being and Future Generations Act 2015 (A Resilient Wales)”, and points out “documentation provided by the applicant is misleading in places as it makes frequent reference to the restoration of habitats”. In a [letter to the Council](#), Friends of the Earth Cymru precede this independent Ecology Planning report's conclusions by pointing out that “While mitigation is proposed in the form of restoration and replanting, these trees and associated landscape proposals will take years to grow back to current levels, and existing habitats may not recover”.

“ documentation provided by the applicant is misleading in places... ”

The 2018 EIA report paid for by the coal operator, Bryn Bach Coal Ltd, identifies that ancient woodland extends 2.52 hectares inside the site boundary, which would be at risk if the extension goes ahead, but claim the woodland should not be categorised as ancient woodland. The ecologists refute the 2011 classification by the *Countryside Council for Wales and Forestry Commission Wales*, by citing a more obscure historic 1988 source that does not list it as 'ancient woodland'. In a more recent EIA report by Pryce Ecologists, the downgraded term 'historic woodland' was dropped and it stuck to the correct 'ancient woodland' classification. This is reinforced by the July 2022 independent [Planning Ecology report](#) citing the woodland to be "circa 120 years old" and "...cannot be compensated for by the creation of new woodland within a 17-year timeframe".

This is in direct contraction to what was claimed by the Pryce Ecologists EIA report paid for by Bryn Bach Coal Ltd. The independent report goes on to say it would take 120 years for the newly planted woodland to support the same biodiversity, by which time the existing woodland would be 240 years old if it wasn't removed, and therefore probably still ahead in biodiversity. The independent report is also critical of the 2018 EIA report: 'The applicant has incorrectly assessed that none of the hedgerows on the site are "important"'. This new report instead states the loss of these hedgerows should be a 'material consideration when considering this planning application', particularly as the "amount of new hedgerow planting [in the restoration plan] is well below the 2:1 ratio associated with habitat compensation and habitat loss" and "40-50% of this planting is in positions where it will contribute little to biodiversity".

“ ...the loss of a 2.48 ha woodland of circa 120 years old cannot be compensated for by the creation of new woodland... ”

Photo: hedgerows that would be destroyed to expand the coal mine.

“

...unsafe assumption[s]

”

The independent hydrology review commissioned by Council is highly critical of the reports provided by Bryn Bach Coal Ltd, with specific criticisms like “it is my very strong opinion that the information provided is insufficient”, “here appears to have been a complete absence of research on the hydrological management of abandoned mine workings in the area”, and “unsafe assumption[s]”, “I disagree entirely with this statement, and find it hard to understand how the reported data collection exercise could have informed the understanding of whether the marshy grassland is groundwater-dependent to any degree”.

Lambasting one of the most recent hydrology reports by Humphries and Leverton in 2022 (again commissioned by Bryn Bach Coal Ltd), the independent review claims “it is based on a wholly inadequate ecohydrological conceptual model, the central limitation being an extremely poor understanding of the hydrogeology

of the area ... I am strongly of the opinion that the information provided is not sufficient

to enable the Local Authority to determine whether or not the proposals will cause significant ecohydrological impacts”. In relation to the restoration plan, the review highlights that the “current claim that sequential backfilling of mined areas will completely restore the

original hydrology as the workings move from west to east is, in my opinion, unsafe.”

Photo: pump to prevent the void filling with water over time.



Photo: sacks of washed coal in Bryn Bach Coal Ltd's washery.

As a statutory consultant, Environmental Planner [Neil Bateman responded](#) to the extension application by pointing out that the Planning Policy Wales 10 (para. 5.10.14-15) applies in this case: “Proposals for opencast, deep-mine development or colliery spoil disposal should not be permitted...” (although acknowledging there is ambiguity about whether this applies extensions or only new coal mines). Bateman also highlights that the policy *MTAN 2, para. 29* states “coal working will generally not be acceptable within 500 metres (m) of settlements”. The nearest settlement to the extension would be 440 metres away, 60 metres less than the minimum distance in this policy.

There is a pending call-in request (from 03/01/2020) to the Welsh Ministers to determine this application. If the Council would be minded to grant planning permission, Welsh Ministers will consider calling in the decision to be made at the Ministerial level.

Margam



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 report³ 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.

Nant Helen



Nant Helen opencast coalmine

Address

Celtic Energy, Onllwyn Distribution Centre, Coelbren, Neath, SA10 9HN

Expected completion

Deadline for 30th June 2022 + 5 years aftercare. As of September 2021, approximately 50% of the void is filled with 'soil forming matter', and by September 2022, restoration remained incomplete with enforcement action underway.

County Council

Powys County Council

Mining operator

Celtic Energy Ltd

Restoration by

Celtic Energy Ltd – ref: 19/1899/REM

Cost of restoration

Estimated £19.5 million plus interest



What happens to the land after restoration

Planning permission was granted in 2021 for some of the site to be devoted to a “[Global centre of rail excellence in Wales](#)” train testing facility to be fully operational by 2025, at a cost of £150 million, with £50 million committed by the Welsh Government and £30 million by the UK Government. Remaining areas of the site will be devoted to upland common with enclosed agricultural pasture, and replanting some of the broadleaf woodland destroyed to mine the coal beneath it.

Site visit (September 2022)

The report from a site visit identifies a high level of activity with up to 4 tractors and multiple trucks moving soil around the site. A large basin still exists with a large amount of exposed soil or overburden. Trees through the outer edges of the site, and grassland is visible on the rise to one side of the basin.

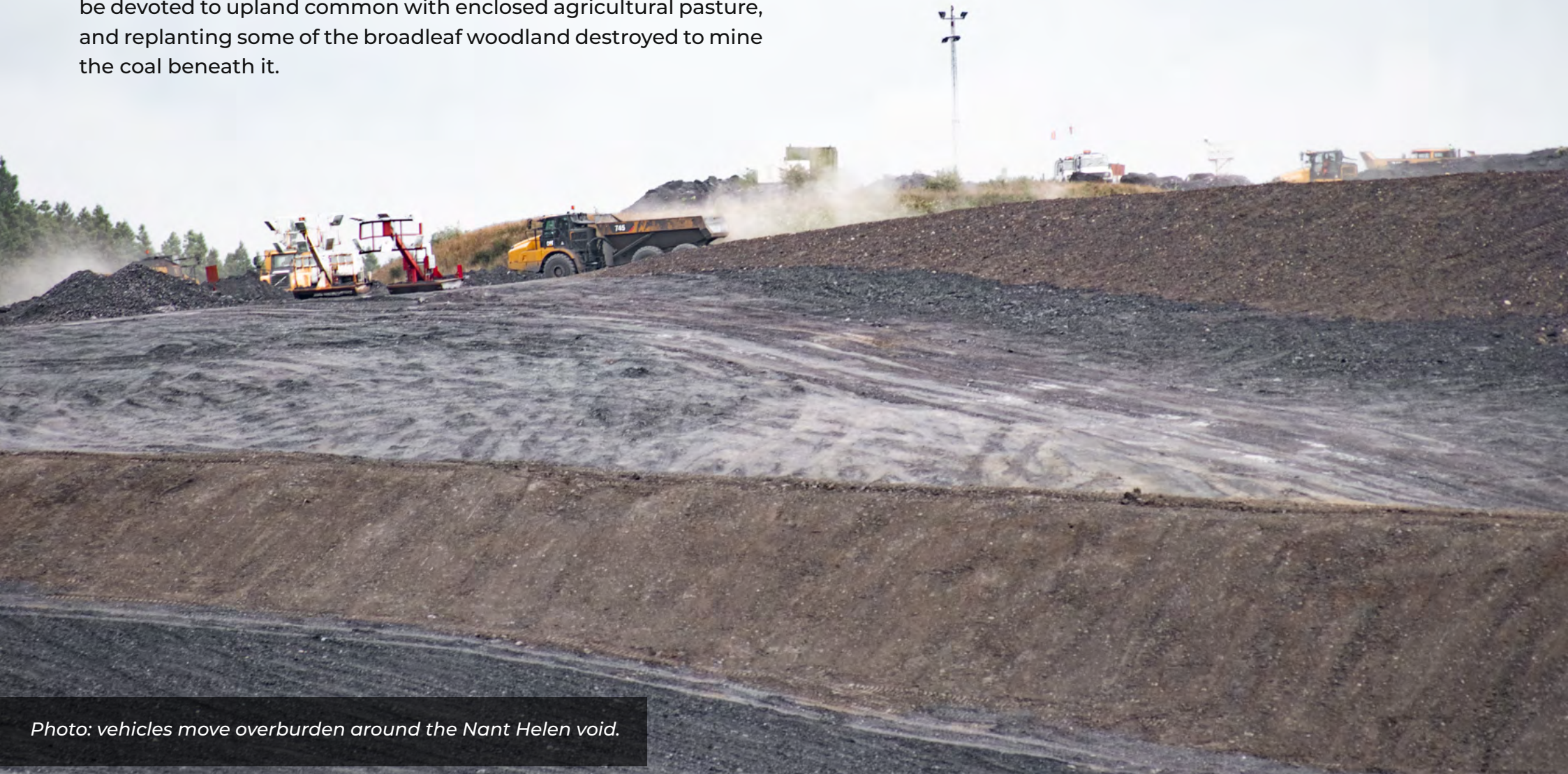


Photo: vehicles move overburden around the Nant Helen void.

Views of local community

Tawe Uchaf Community Council and Ystradgynlais Town Council, along with Councillor David Thomas (Tawe Uchaf Ward) and Councillor Sarah Williams (Abercraf Ward), submitted concerns about the most recent restoration plans relating the extent of the void that will be permitted, the steepness of the sides leading to it and associated risk of drowning, and the potential for downstream flooding impacts. There were also concerns that the public consultation was conducted during a Covid19 lockdown, creating barriers to participation. Finally, an objection was raised that the proposed end use as a train testing facility will be a continuation of the visual eyesore created by 50-60 years of opencast mining for the nearby town of Caehopkin.

Notes

Nant Helen opencast coal mine was first granted permission on 20th February, 1985, on the condition of a restoration scheme that detailed filling the void, and an aftercare scheme of 5 years (application number: B.3700).



Photo: remaining void at Nant Helen.

Controversy

Celtic Energy submitted an application in 2018 and was granted permission by Powys County Council in 2019 to delay the restoration and secure a time extension until 2021 to extract a further 800,000 tonnes. That decision was subsequently called in and overturned by the then Welsh Government Environment Minister, Lesley Griffiths in June 2020. The Welsh Government used powers conferred to it in the Wales Act 2017 for the first time to reject a licence from the Coal Authority, rendering the license invalid in Wales, and therefore preventing the coal mining it would otherwise have authorised.

A £19.8 million Financial Restoration Guarantee Bond has been accrued, falling short of the [£30 million](#) that was due in total, with the planning officer noting “Celtic Energy Ltd was not in a position to meet the quarterly payments after December 2015”. The smaller amount was [deemed sufficient by the planning officer](#), on the basis of a restoration plan by Celtic Energy Ltd in 2016 that was £16 million cheaper than the restoration strategy agreed in 2012.

Most of this saving comes from moving around 10 million fewer cubic meters of soil required to completely fill the opencast void and remove the overburden mounds, instead creating a steep-sided “valley” with slightly reduced woodland planting (Ref19/1899/REM). [This creates another ‘coal tip’](#) of which 2,456 litter Wales. 2021 saw fresh calls for their reclamation amid fears of another [Aberfan tragedy](#) if the coal tips become unstable, estimated to cost £500-£600 million.

As with other opencast coal mining sites owned by Celtic Energy Ltd at the time, land ownership of Nant Helen was transferred to Ash Regeneration, a subsidiary of Oak Regeneration, absolving Celtic Energy Ltd of the legal responsibility to restore the site.

Powys County Council responded to an FOI request in September 2022, stating that it has taken enforcement action against Celtic Energy because it “has been unable to complete the restoration of the site in line with the time frames specified within the above planning permission, the site is currently considered to be in breach of planning condition”. What happens to the land after restoration



Photo: trees bordering the void indicate what might have been lost to the Nant Helen coal mine.



Selar opencast coal mine

Address

Aberdare, Neath Port Talbot, CF44 9UR

Expected completion

Void filled by June 2020 + aftercare of 10 years for woodland and nature conservation areas.

County Council

Neath Port Talbot County Council

Mining operator

Celtic Energy Ltd

Restoration by

Celtic Energy Ltd (planning references: [P/2009/1040](#) in 2010 and [P/2013/720](#) (P2014/1108), 2013).

Cost of restoration

Estimated at £40 million, with £22 million contribution required in 2010 (P/2013/525), increased to £23.5 million in 2013 (P/2009/1040), and reduced to £12.5 million in 2017 (P2016/1102).



Photo: one of the more promising saplings planted as part of the restoration scheme.

What happens to the land after restoration

A mix of “agriculture, amenity, and nature conservation”. Digital maps submitted on 17 November 2014 indicate the majority of the 330 hectares is divided between broadleaf woodland (previously conifers before being replaced by the coal mine extension), open mountain grassland, pasture and rush dominated grassland, and “rough ground, ground with scattered trees and shrub”. Footpaths and bridleways are to be reinstated with some amendments.

Site visit (September 2022)

The report from a site visit indicates the restoration now seems complete with the site in aftercare. Despite this, oil drums were found leaking hazardous antifreeze MAINTAIN FRICOFIN LL into the local environment, amongst other substances. The data safety sheet highlights “Avoid release to the environment... Do not allow to enter drainage system, surface or ground water”. A rusting warehouse with bituminous oil drums, broken office chairs, and industrial equipment has also been abandoned in the middle of the apparently restored site. Long-dead saplings planted as part of the restoration scheme have not been removed and replanted, suggesting the area was not well attended during the aftercare period.



Photo: dead and dying saplings seem unreplaced/ unattended to in the tree planting area.

Photo: viscous waste oil and anti-freeze leak out into the soil through the bricks of an abandoned, open-top storage tank.



Views of local community

248 letters, e-mails and pre-printed cards were received by the Council objecting to the 2010 application to expand the coal mine north and continue mining until 2014. These include comments from local residents the Neath Biodiversity Forum, the Department of Social Services Caerphilly County Borough Council and friends of the Earth Cymru. Objections related to a broad set of concerns including loss of amenities, environmental damage, and Celtic Energy Ltd's conduct in relation to other coal mining operations with a reference to its evasion of restoration at Margam/Park Slip.

In response to the 2014 smaller extension, the Council received 2 letters from local residents and 1 comment online expressing concern about noise, air quality, and the lack of bridleway access in the restoration plan. Powys County Council questioned impacts

of continued coaling on health from noise and dust, and impacts on traffic from coal transportation by road. Neath Port Talbot Ramblers Association objected to the application on the basis that the proposed extension would lead to further delays in reinstatement of rights of way.

43 letters of support for the application were sent to the Council, but the Planning Officer noted that these seemed to be “largely from suppliers or clients of Celtic Energy Ltd”, such as Aberthaw Power Station rather than the local community.

John Morris, a local retired miner, was reported by Wales Online as “absolutely furious”, indicating he didn't know restoration promises could be changed after they are originally agreed, in reference to the doubt over reopening a road shut 23 years earlier to allow for the coal mine.

“ Absolutely furious ”



Photo left: oil, industrial lubricants, and anti-freeze coat the surface of puddles of a nearby leaking tank that seems abandoned.

Photo right: rusting drum of anti-freeze. near to contaminated soil.

Notes

Opencast coaling for the site with restoration and aftercare was approved in May 1994 for a period of 12 years (completion by 2006). In 2005, a time extension was approved to the end of December 2010, followed by an increase to the extraction limit in January 2009. In July 2010, a size and time extension was approved, with another, smaller, size and time extension applied for in 2013 and approved in March 2014.

Celtic Energy Ltd claimed they were mining anthracite coal supplied for domestic and cement kiln heating, electricity generation, filtration, and to steelworks. Sellar opencast coal mine covers an area of 330 hectares with some 180 hectares forming the main operational area.

Unfortunately, comparison with the original restoration scheme (P1999/0596) is not possible as it's not been scanned and made available online, originally filed in June 1999, and Covid restrictions means the paper copy is currently inaccessible.



Controversy

The site was sold by Celtic Energy Ltd to Sycamore Regeneration Inc., a subsidiary of Oak Regeneration Ltd, for a nominal amount along with the legal liabilities to restore it after coaling. Celtic Energy Ltd did the same with East Pit, Margam, and Nant Helen opencast sites around the same time. The Planning Officer's Report is much less explicit and briefer in narrating that context for this application compared to some of the other coal mine extensions Celtic Energy Ltd applied for. Deep within the 2010 Planning Officer's Report, it is admitted that, at the time of application, there were insufficient funds to pay for restoration—as was the case with the restoration commitments made by Celtic Energy Ltd at its other opencast sites. A condition of the permission would therefore include progressively paying £23.5 million into a restoration fund. Although that's little over half the envisaged £40 million cost of restoration, it took “extensive discussions with the operator”, indicating the tense negotiation required for Celtic Energy Ltd to agree ‘in principle’ to pay even this amount towards restoration. This was reduced to £12.5 million in 2017, with a scaled down restoration by Celtic Energy Ltd (P2016/1102).

The difference in the full restoration cost and the amount to be paid was hoped to be made up by the progressive restoration and partial backfilling of the void in tandem with the new coal mining applied for, reducing the final restoration liability to be paid out of the fund. Within the 2010 report, the Planning Officer wrote that if there was an opportunity to increase the restoration fund, that would be positive. Accordingly, the 2014 extension required the restoration fund to be increased by £1.5 million to £23 million. It's unclear how material this reduction of liability for the Council was in their decision to approve the 2010 and 2014 extensions.

As with Nant Helen, Margam, and East Pit, Celtic Energy Ltd has sought to retain a void in this restoration plan, presumably to reduce the significant costs involved in backfilling opencast voids. The Planning Officer does not allude the cost-savings involved, indicating it's of minor impact; “The proposal to leave a part of the void as a geological feature will not be significant in the landscape and can be engineered and screened appropriately”.

The 1994 opencast coal mining application to extract 3.1 million tonnes of coal was granted with the knowledge it would result in the loss of the Selar Site of Special Scientific Interest (SSI). Celtic Energy Ltd claimed it would mitigate this loss with the ‘translocation’ of species rich grassland from the Selar Site of SSI to the newly created ‘Blaengwrach Nature Reserve’. The acceptability of losing this SSI to a coal mine indicates the importance given to coal mining over even a highly protected environmental status at the time. Although the UK's coal dependency had reduced by almost 35% since the first permission was granted, and consumption had been in clear decline since 1975, the 2010 Planning Officer's report for an extension still recommended approval.

There's also a rigid adherence to the idea that ecosystems and the lives within them are standardised interchangeable units. This manifests in the belief that ecosystems can be destroyed now if new ones are started in the future (it's not clear what the animals are meant to do in between), or an ecosystem can be destroyed here if another is ‘started’ over there. In reality, every ecosystem, and the animals within it, are as unique as humans and the neighbourhoods we live in, and when they're destroyed, they're gone forever.

“

Both the prioritisation of coaling and the outlook on ecosystems held by the Planning Officer briefing planning councillors is most visible when they write:

The working of the site will result in the loss of 7.7 hectares of this habitat. Most of the habitat for breeding birds and wintering birds would be lost... On restoration it is proposed to create 19.3 hectares of broadleaved woodland to replace the loss within the site... The Environmental Assessment considers this to be a significant adverse impact at a district level

...however, in some instances, social and economic interests may justify development proceeding despite such impacts on biodiversity.

”

Photo: inside a derelict warehouse in the middle of Selar containing a pile of broken office chairs, oil drums, and industrial debris.

The Coal Authority's input:



Encourages and supports the proposal which is seeking to work coal in environmentally and socially acceptable ways



The 2013 [P/2013/720](#) application delayed restoration plans for 3 years, originally due for completion by February 2017—though some restoration on areas of the site not worked was taking place alongside the coaling. This delay was despite local residents reporting impacts in the form of noise, dust, blasting, light pollution, and associated transportation movements of the existing coaling activity (though these reports are fairly low in quantity).

Photo: concrete foundations around the warehouse contain industrial waste that seems to be abandoned.



Tower Colliery Railhead

Address

Tower Colliery Railhead, Rhigos Mountain Road, Rhigos, Hirwaun, Aberdare, CF44 9UF

Expected completion

Spring/Summer 2022 + 5 years aftercare for agricultural areas, and 25 years for all nature conservation areas.

County Council

Rhondda Cynon Taff Council

Mining operator

Tower Regeneration Ltd, a company jointly held between Tower Colliery Ltd and Hargreaves Services Ltd, was created to carry out the mining and restoration works.

Restoration by

Tower Regeneration Ltd

Cost of restoration

Anticipated maximum cost (not yet completed): £21 million (reportedly held by the Council, and is being paid to Tower Regeneration Ltd pro rata as work progresses).



What happens to the land after restoration

A farmer owns around 50% of the land, which will be turned to agricultural use. It is proposed that some of the brownfield site will be allocated to 400 new houses under the Local Development Plan (not over the backfilled void), as well as “36 hectares of employment, a new primary school, a retail store of 2000m² net floor space, medical/community centre, and informal recreation contained in a landscape setting”.

The final design proposal is to create 3 plateaus, encompassing 86 acres. The backfilled void area devoted to restoration, ponds with paths alongside, and open-access to the community. This would require further planning permission to go ahead.

Site visit (September 2022)

The report from a site visit described ongoing restoration: a large, fairly level area of exposed soil with several vehicles working on it, and a digger reprofiling a hill that slopes onto the level area. Sharp, vertical cuts into the slope are still visible. Large amounts of airborne dust was visible from heavy vehicle movements on the exposed soil. No remaining void could be seen.



Views of local community

85 out of 121 letters that were sent to the Council, raised concerns and objections towards the opencast application. These encompassed the environment, human health, landscape, employment, consultation, surrounding agriculture, and archaeology. Further letters of objection were received from Hirwaun and Penderyn Community Council. Later complaints were made regarding dust in the development phase of the opencast.

Quarterly meetings of the Tower Liaison Committee have been taking place with involvement of Community Council representatives.

Photo: entry path to the Tower Colliery former coal mine.

Notes

Permission was granted for the extraction of an estimated 5.9 million tonnes of coal over a void area of 131 hectares (total site area of approximately 253 hectares) with a maximum depth of 165 metres at the deepest part. The maximum rate of extraction was set at 1 million tonnes per year, with coal transport off site limited to 3 coal trains per day and 270 heavy goods vehicles per week.

The site encompasses an old deep mine that ceased operating 2 years prior to the opencast application submission, along with a few of the [286 coal tips](#) within Rhondda Cynon Taf, which would be remediated as part of the opencast restoration project.

Rhondda Cynon Taff Council required £4 million towards the restoration to be paid by the mine operator before any excavation commenced to cover the substantial cost of backfilling the void should the company become non-functioning after the excavation

phase and the Council became liable. This money was paid into an account to which only the Council have access. The interest on this deposit has been used to pay The Coal Authority to advise the Council and vet progress invoices submitted by Tower Regeneration Ltd, with payments made quarterly. The Council report to us that they have retained sufficient funds in the restoration account so that, should the mine operator suddenly cease restoring the former opencast site at any point, restoration could be completed with the remaining funds by employing a new company—which would cost more.

The Coal Authority supported the application writing:

“...surface mining is critical to the continued supply of good quality coal for the UK, which offers security against the volatility of imported coal.”

Photo: zipwire attraction created on the site of the former Tower Colliery deep coal mine. Some structures were kept on the site and photos of miners are displayed.

Controversy

'Land Reclamation and Engineering' objected to the application on the basis of flood and run-off risk into local water courses. This, unfortunately, proved later to be well-founded. The drainage and attenuation measures agreed in planning conditions were not maintained and Natural Resources Wales successfully prosecuted Tower Regeneration Ltd twice in 2021, with over 13 charges spanning a 2-year period of polluting the River Cynon. Tower Regeneration Ltd was fined almost £38,000, and ordered to pay £39,600 in costs. Water samples indicated that the former opencast site discharged silt laden surface water into the River Cynon up to 100x over the limit. This is one of many cases where the conditions attached to planning permission are ignored by mining companies.

At the time of writing, the landscape contours vary by 2 metres to what was agreed in the planning application. Tower Regeneration Ltd claim this margin is within industry standards, but the Coal Authority disagree, putting this at just 0.6 metres. The Council is not disbursing further restoration funds until Tower Regeneration Ltd bring the contours in line with what was agreed or submit an application to agree the new contours.

The restoration was due to be complete by mid-2021 but, according to Tower Regeneration Ltd, progress has been delayed due to Covid19 and heavy rainfall, and was expected to be complete by mid-2022. The report from a site visit in September 2022 indicates restoration works are ongoing.

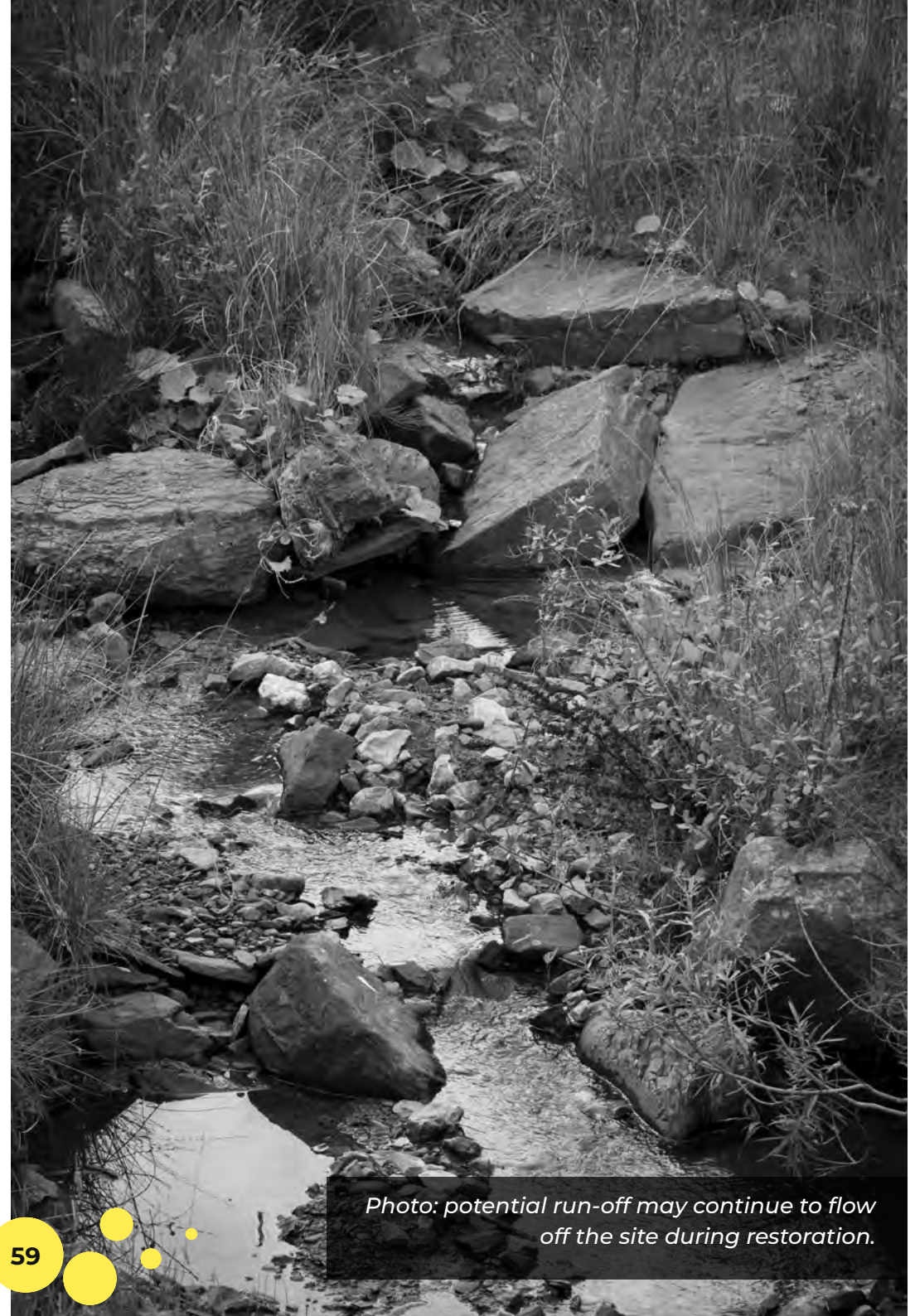


Photo: potential run-off may continue to flow off the site during restoration.

References & notes

Contents ▲

1 Grimshaw, P. (1992) The Free Library. S.v. Sunshine Miners: Opencast Coal-mining in Britain, 1942-1992.

2 See Planning Policy Wales, ed.10, (1998), p98-99, and Written Statement: [Coal Policy statement](#), 22 Mar 2021.

Such as the 80 homes evacuated by old deep mine shafts flooding in January 2021.

3 This report guides the planning committee, a group of Councillors that decide more significant or controversial planning applications. The recommendation to approve or reject an application contained within the Planning Officer's report is often followed by the planning committee. Grimshaw, P. (1992) The Free Library. S.v. Sunshine Miners: Opencast Coal-mining in Britain, 1942-1992.



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.

We are grateful to the donor of photographs and site visit briefs featured in this report, as well as residents that live near to some of the sites covered in this report, who verified accounts and inputted their lived experiences.

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