

Dear Councillors,

We write to you ahead of the Carmarthenshire County Council (CCC) Planning Committee meeting on the 14th September 2023 to highlight some immediate material considerations in the [Planning Officer's report](#) on the Glan Lash extension proposal (E/39917). This not an exhaustive account, and, should Councillors be minded to approve the application, [Richard Buxton Solicitors may raise further or different points in an appeal](#), but refer to these points that have been brought to your attention ahead of making your decision.

Page 63:

The Planning Officer's Report goes into some detail regarding the continued reliance on coal by certain non-energy generating industries. It is critical that these industries transition to alternatives as the UK's progress begins to dangerously veer off the necessary decarbonisation trajectory to avoid catastrophic climate change. Feeding the abundance of readily available coal and maintaining the **security of supply disincentives companies to invest in research and infrastructure to cut coal out** of their processes, instead '[locking in](#)' companies' continued reliance.

Page 63 and 64:

The Planning Officer's Report lends much weight to Bryn Bach Coal Ltd's (BBCL) claim that most of the coal will be sent to non-burn end-use. BBCL has increased the proportion of coal it claims will go to non-burn end-use in successive versions of its application, without justification for these shifting proportions. The reality is that **market conditions and the highest price would determine to which industry the coal would be sold**. BBCL could at any time sell the mining rights to another company, as occurs at many coal mining sites, and **that new company might choose to sell to other industries or export the coal** as the Whitehaven proposal intends to. According to the *BEIS Conversion Factors 2022*, industrial application of the 94,900 tonnes of coal could total **up to 229,000 tonnes of CO2**. As the Planning Officer's Report admits, applying a S106 condition to end-use would be impractical to enforce, and there are many examples of coal mining companies flagrantly ignoring both S106 conditions and their enforcement with virtual impunity, of which *Merthyr (South Wales) Ltd* is a current example. BBCL's attempts to make its application acceptable in planning terms—at least on paper—is most typified by its semantic erasure and replacement of the word 'coal' with just 'anthracite' in an update to its extension application. There is no erasing the fact that **anthracite is just a grading of coal**, and we must move beyond coal if we are to limit temperature rise globally.

Page 65:

The Planning Officer's Report highlights anthracite coal alternatives to water filtration such as sand, gravel, pumice stone, iron, aluminium, and manganese – but then claims “there is little difference between domestically produced coal and the alternatives”. The extraction methods and locations alone impact the relative levels of environmental harm, but moreover, fugitive methane (a potent climate change accelerant) release from coal mines has been entirely omitted and is the most significant difference between using anthracite coal or its alternatives. Fugitive emissions *in general* is referred to but methane specifically is not, yet [coal mine methane emissions must fall 11%](#) each year until 2030 to meet IEA's *Net Zero 2030 Roadmap* and avoid climate chaos. For each year of the proposed extension, researchers

at Global Energy Monitor estimate 108 tonnes of methane will be released into the atmosphere at Glan Lash – totalling some **659 tonnes of methane**. Increasing rather than decreasing this globally significant source of methane emissions breaches the IEA’s *Net Zero 2030 Roadmap* and does not conform to a globally responsible Wales. To be clear, methane is emitted at the point of mining, not the end-use of coal, so it is irrelevant whether the coal is burned or not.

Page 66:

The planning Officer’s Report claims “the proposal would help to ensure that any coal being used from the site will have been won in a way that is conscious of health and safety regulations and worker conditions”. The insinuation here is that standards are lower in countries where the anthracite coal may otherwise be imported from—but **no evidence or references are provided to substantiate that claim**. A major source of imports for higher carbon-content coal is the USA, so the tacit claim being made in this report requires substantiation for it to be attributed any weight.

Pages 66 and 103:

The Planning Officer’s Report refers to the company’s claim that the washery and coal mine would employ 11 staff (3 new jobs) for the duration of the proposed extraction and the restoration period following cessation. We want to emphasise that **8 of those jobs, as well as the indirect jobs, are not dependent on the proposed coal mine extension** but rather on the washery which has been operating without Glan Lash coal for years. So just 3 new, time-limited, jobs in a declining industry are being touted as making a “positive contribution to the prosperity of Wales”. The touting of this benefit is out of proportion with the actual employment proposed.

Page 69:

Under mitigation, only measurement is proposed for fugitive emissions. This may be because mitigation options are very limited in opencast contexts—nevertheless, it is misleading to propose measurement under a section on mitigation as measurement is not a form of mitigation. Therefore, **fugitive emissions, including but not limited to methane, continues to be of concern** for the surrounding environment, nearby residences, and climate change.

Page 73:

Under dust control methods, the Planning Officer’s Report refers to the fact that run-of-mill coal will be processed in the washery rather than the coal mine void. However, the washery is adjacent to the coal mine, so **dust generated from processing we presume is still relevant to MTAN2 paragraph 151**.

Page 76-7:

The Planning Officer’s Report claims that the negative visual impacts of the operational phase are mitigated as they are temporary and relatively short term. Firstly, a period of 6 years may for many not be considered short-term. Secondly, there is nothing preventing BBCL applying for yet a further extension with planning permission has expired, just as the company is doing now. Unless a further extension is ruled out in a binding way, therefore,

relying on the term of this extension risks approval of a period of coal mining that might not have been approved in totality due to the timespan of impacts. **The total timeline of mining impacts should therefore be considered, past and future together**—rather than each time extension in isolation, or else decision making risks being based on incrementality rather than material planning considerations balancing the total cost with the total benefit of the application. When considering the proposed temporality of this application, it is also relevant to flag the current example of Ffos-y-fran opencast coal mine in Merthyr Tydfil which is **currently extracting coal over a year after planning permission expired** on 06th September 2022 and despite enforcement actions by both the local Council and the Coal Authority. There is also historical precedent to this with Celtic Energy Ltd coal mining at East Pit beyond its 2012 planning permission, where Neath Port Talbot Council [opted not to take enforcement action](#), instead retrospectively approving a further extension. This again cautions to the risk of relying on S106 condition compliance to secure acceptability in planning terms.

Page 89-90:

The Planning Officer's Report correctly identifies the shortcomings of the proposed replacement habitats, not least that new plantings are not commensurate with established habitats and the ecosystems they support, but the report stops short of pointing out that the habitats are [unique and are not interchangeable](#) and the [criticisms of bio-diversity offsets](#). By way of crude analogy; someone who's always lived in Carmarthen would not consider it the same if they had their house destroyed in Carmarthen but told they could move into another house in Merthyr Tydfil. We also highlight the Report's reference to CCC's independent ecologist's point that equivalent biodiversity support from a newly planted woodland habitat (assuming it flourishes) will never catch up to that of the destroyed 2.48 Ha woodland habitat, had it not been destroyed – and that it would take 137 years to achieve what is currently supported. **We question what the species of animals currently living in the existing habitat are to do for over a century in the intervening period.** In a time of widespread habitat pressure, there isn't clear evidence that animal life can be supported by neighbouring habitats to return later. Local populations, once wiped out, may never return. Growing climate change stresses on ecosystems necessitates established and robust habitats, existing biodiversity cannot wait 137 years for an established habitat. We do welcome the Planning Ecology Department's determination that permitting this mine would be incompatible with both the Welsh Government and Carmarthenshire County Council declarations of a Climate and a Nature Emergency, as well as their respective responsibilities under the Well-being of Future Generations (Wales) Act 2015.

Page 103:

It is identified that there is no public rights-of-way or footpaths over the site (p57), therefore we question the suggested merit under *A healthier Wales* that “the restored site may provide more opportunities for people to get into the open air”, and indeed approval of an extension would deny that suggested merit for at least another 6 years—therefore **there is no benefit at all to permitting an extension, but rather a disbenefit for public amenity.** Presenting the idea that a larger area would be destroyed and restored, as a public benefit is still undermined by no public access, and risks a similar fate to Ffos-y-fran where the promised restoration is highly unlikely to be delivered to the detriment of the local environment and budget of the Council. **The best restoration in the world is worth nothing if it is not delivered**, which is

a [recurring theme](#) in South Wales, also recorded in a [2014 report](#) commissioned by the Welsh Government itself.

Page 104:

It's pointed out that coal mining has long been a part of Welsh heritage but it is wrong to suggest then that a small 11-person private coal mine has "the potential to make a positive contribution to the culture of the area"...as over 600 letters from Carmarthenshire indicates. As one South Wales resident said "Coal is our heritage, but it cannot be our future".

Thank you for your consideration of each of these points and we trust you will weigh them in your discussion of the application this Thursday.