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Lukas Santos  
Deputy Clerk  
Climate Change, Environment and Infrastructure Committee  
Welsh Parliament

Sent by email: [SeneddClimate@senedd.wales](mailto:SeneddClimate@senedd.wales)

12 April 2024

Dear Lukas

Thank you for the invitation to the Evidence session about Ffos-y-Fran opencast coalmine scheduled for 24 April. I can confirm that Carl Banton, Operations Director will attend, give evidence and engage with the committee. It may be helpful if I outline the Coal Authority's recent involvement with Ffos-y-Fran ahead of the meeting.

Local authorities are the primary authority for the regulation of surface mines, through planning permission and enforcement. Surface mine operators must also have a coal mining licence from the Coal Authority and other relevant approvals from bodies such as Natural Resources Wales and the Health and Safety Executive. Ffos-y-Fran surface mine currently has a coal mining licence until February 2097.

We carried out an inspection of the Ffos-y-Fran site on Friday 19 May 2023 which highlighted that the operator was coaling outside of their licence boundary. We contacted the operator and took action to end coaling in this wider area in line with our legislative powers. As part of this process, on Wednesday 27 September we issued a final enforcement order to Merthyr (South Wales) Ltd. We carried out a further inspection of the Ffos-y-Fran site on Wednesday 22 November which confirmed that coal mining had stopped.

The *Welsh Government report on Research into the failure to restore opencast coal sites in south Wales (April 2014)* states that LPAs and the Coal Authority have very clear and legally defined roles in relation to the licencing and planning / operational compliance for opencast coal sites. Within this framework there is clear benefit from close dialogue and the exchange of information between parties. Whilst managing the restoration and associated public safety of an open cast mine following closure is a matter for the landowner and local authority, we have and will continue to provide advice to Merthyr Tydfil County Borough Council, Welsh Government and other partners as needed.

We also note that we collaboratively produced a best practice guide covering surface mining restoration liabilities entitled 'Best Practice Guide on Restoration Liability Assessments for Surface Coal Mines', published by Welsh Government in February 2016.

For the Committee's information, we have provided a chronology showing actions, by category, we have carried out regarding the Ffos-y-Fran site which you can see at Appendix A.

I hope this is helpful. Please do let me know if we can assist further. We look forward to attending the inquiry on 24 April.

Yours sincerely

A handwritten signature in black ink, appearing to read 'L. Pinney', written in a cursive style.

**Lisa Pinney MBE**  
**Chief Executive**

## Appendix A – Examples of recent support provided by the Coal Authority

### 1. 2023 – Coal Authority meeting with Merthyr Tydfil County Borough Council (MTCBC)

13 June 2023 - Meeting with MTCBC to discuss planning and licencing related breaches of operator

### 2. 2023 - Meetings hosted by MTCBC and follow on technical meetings attended by Coal Authority

31 July 2023 and 4 September 2023 - Follow-on meetings with MTCBC to discuss continuing planning and licencing related breaches of operator

12 October 2023 – MTCBC Technical workshop meeting #1 – *operator not present*

9 November 2023 – MTCBC Technical workshop meeting #2 – *at site and included on-site visit*

14 December 2023 - MTCBC Technical workshop meeting #3 – *at site*

06 February 2024 - MTCBC Technical workshop meeting #4 – *operator not present*

### 3. 2023 – Coal Authority engagement with Health and Safety Executive (HSE)

24 May 2023 – Notified the HSE that the licensee was working outside of licence area

19 July 2023 – Notified the HSE that Coal Authority intended to serve a final enforcement notice on the licensee

09 August 2023 – Shared the restoration design review report from the site’s geotechnical specialist

29 September 2023 – Notified the HSE that Coal Authority had served a final enforcement order

20 October 2023 – Shared independent consultants stability report with the HSE

2 November 2023 – Engagement ahead of HSE attendance at Technical Workshop Group meeting #2

### 4. 2023/24 – Coal Authority meetings and correspondence with Welsh Government officials

23 August 2023 – Meeting with Carl Banton (CB) Coal Authority Operations Director, Lisa Pinney (LP) Coal Authority Chief Executive and John Howells (JH) Director, Welsh Government

20 September 2023 – Coal Authority shared the stability report with Welsh Government

31 August 2023 – 26 March 2024 - regular update meetings between CB and JH

### 5. 2023 - Coal Authority hydrogeology report

08 September 2023 – Coal Authority shared its water information with various stakeholders including Welsh Government

### 6. 2023/24 - Coal Authority site visits with Operator

19 May 2023 – licencing inspection visit

30 August 2023 – stability focussed inspection including attendance of consultants

22 November 2023 – site visit – confirmation that coaling ceased

11 January 2024 – site visit - confirmation of buttressing to the exposed coal seam in cuts no. 27 and 28