

Ffos-y-Fran Technical Working Group Meeting Notes

17 February

Welsh Government Offices, Merthyr Tydfil

Attendees

██████████ – Welsh Government
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██████████ – Merthyr Tydfil CBC
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██████████ – Representing Merthyr Tydfil CBC
██████████ – Natural Resources Wales
██████████ – Natural Resources Wales
██████████ – Mining Remediation Authority
██████████ – Mining Remediation Authority
██████████ – HSE

1. s73 Restoration application

The Restoration application has been received, and Merthyr Tydfil County Borough Council (MTCBC) is waiting to receive the non-technical summary in order to complete validation. The application has been passed to a minerals specialist planning case officer in Carmarthenshire CC's regional Minerals and Waste team. Once they are content with the application, MTCBC can undertake formal consultation and give publicity to the application.

The application includes proposals for the retention of OB2 & OB3 and the water feature.

2. Motor cross/Monster Mountain application

A separate planning application will be submitted, probably in a few months. The application will be subject to an Environmental Impact Assessment.

The Motor Cross proposal is being handled separately to the s73 application because it falls outside the original description of development. MTCBC cannot pre-judge; if the Motor Cross application was unsuccessful, the Council would still want to consider the wider restoration scheme.

3. Works being undertaken in accordance with Phase 2A

MTCBC are continuing to deal with works being undertaken in accordance with Phase 2A of the agreed restoration scheme. MTCBC is visiting the site when different stages are completed, and is content with work so far. The phase is 50-60% completed, but there have been delays due to inclement weather. Work is due to pick up in the next few weeks, and MTCBC will sit down with the Developer to get an update on what they will be doing next. MTCBC is asking for geotechnical information about OB1 from the Developer's engineers.

4. Phase 2A and Phase 2B works proposals

Drainage works are being carried out, along with some more reprofiling work. The aim is to keep things moving in this area while the s73 application is being processed.

██████████ noted that he met with MSW's ██████████ and is waiting for further information following the meeting, which may be included in the s73 application.

- Escrow fund total – £15.3 million,
- Phase 2A
 - Valued at 16.5% of escrow fund total
 - 43% spent to date

MTCBC need to interrogate the s73 application to establish the cost / funding / budget of the Phase 2B work proposals – any works would need to be in accordance with the original restoration strategy.

5. Revised Restoration Strategy Proposal

The proposal to reduce the level of the A4064 has now been abandoned.

Proposal includes the temporary lowering of the water level in the void to 267m AOD, so earth working activities can be undertaken. This would require an approximate drop of 10-12m in the water level. Any dewatering activities would need to be undertaken over the dryer months.

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The Mining Remediation Authority have yet to see any Geotechnical reports pertaining to the site and would like to see them as soon as they can be made available. MTCBC confirmed that the s73 application includes geotechnical reports and appendices, all of which will be published with the application itself, on the MTCBC website, in due course.

The Developer's [REDACTED] was going to look again at a large rotational slip on OB1, which was spreading laterally, and it was agreed that this should be addressed in the application.

The amount of water discharged to produce a 10-12m drop in water levels will need to be considered in any discharge consent. MTCBC have been advised that details of how this will be resolved, including where the discharged water would go, should be in the s73 application.

It is unlikely that the application would be considered by MTCBC's planning committee before July 2025.

6. Enforcement options for statutory bodies

MTCBC had not so far resolved whether it was expedient to take enforcement action on expiry of the planning conditions. As weather conditions had not been suitable for ground works, MTCBC resolved to review the situation at the end of February. Now a s73 application has been submitted, MTCBC will reassess as the application progresses.

Enforcement remains a matter for MTCBC, and Welsh Government expects the Council to give due considerations to its obligations. Welsh Ministers also have their own reserve enforcement powers.

NRW is not currently pursuing enforcement action, but is maintaining observation of activities at the site.

The MRA's enforcement notice for coaling outside the licence boundary has not been revoked.

7. Health & safety

HSE will visit the site in March as there are still people on site – it remains under the Quarries Regulations. If the Geotechnical reports are not forthcoming, the HSE may be able to assist.

8. Insolvency/liquidation of the developer

If this was to occur there would be a number of potential consequences, including H&S concerns. MTCBC is fully aware of the issue.

The Monies held in escrow are ringfenced for the restoration strategy on site, and MTCBC would need to go to the Courts to access them in the event of abscondment by

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the developer. The bond would unlikely be available to secure the site in the event of abandonment.

The issue of land ownership in the case of insolvency was discussed. The void is under one ownership (MSW), but it is more complicated in other parts of the site, with some unregistered land. Levels in this area have been achieved through previous restoration works, and there are some proposals for this land in the application (e.g. tree screening).

9. AOB

The issue of the closed right of Way (RoW) and Byeway Open to All Traffic (BOAT) was raised. It was noted that the RoW needs detailed consideration as the current alignment goes through the void. MTCBC is expecting objections to any proposed diversion; this would need to be sent to Planning and Environment Decisions Wales (PEDW), and is likely to be the subject of a public inquiry. However, other parts of the s73 planning application can proceed, as long as they don't affect the footpath alignment. A large number of footpaths were extinguished in 2007. The closures of the remaining footpath and BOAT are subject to extensions; once they are reopened, the extensions will stop.

10. Next Meeting

It was agreed to keep the date of the next scheduled meeting, on 4 March, in the diaries.

It was suggested that the TWG could visit the site after the meeting.

Action 1 – ask [REDACTED] MSW, for a site meeting after TWG on 4 March. (GM)

There is no agenda for 4 March meeting as yet. Members should let MTCC know if there is anything they would like covered. It was noted that updates from the developer need to be more focussed; the TWG need to be clearer about what they required from them.

[REDACTED] advised that [REDACTED] can't attend on 4 March, and asked if MTCC could ask [REDACTED] [REDACTED] to contact NRW about the pumping issue.

Action 2 – Send suggestions for agenda items and developer updates to MTCBC in advance of 4 March (All TWG)

The s73 application is currently 2 weeks into a 16-week timeframe.

MTCBC will notify the TWG in advance of the consultation being launched.

It was agreed that another TWG would be held on Monday 24 March in WG's Merthyr office. It was suggested that the Carmarthenshire planning officer dealing with the application could be invited to give a presentation about the key issues.