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Croesawn alwadau yn y Gymraeg

We welcome calls in Welsh



Cyngor Bwrdeistref Sirol
MERTHYR TUDFUL
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County Borough Council

f.a.o. [REDACTED]
Friends of the Earth
(Via email: [REDACTED])

Dyddiad/Date: 14th May 2024

Ein Cyf / Our ref:
Eich Cyf / Your ref:

Gofynnwch am / Please ask for: David Cross

Llinell Uniongyrchol / Direct Line: [REDACTED]

e-bost / e-mail: [REDACTED]

Dear [REDACTED]

RE: Request for further information regarding Ffos Y Fran Land Reclamation Scheme

I write in response to your email of 19th April 2024, which seeks further information on the current situation of the Ffos Y Fran mine. Your letter sets out a series of questions under 'Matter A' and a request for a copy of documents relating to ground water monitoring, environmental management and restoration, as set out under 'Matter B'. A copy of these documents were recently sent to you, as such this response is focused on the points raised under 'Matter A', which are addressed in turn below:

Q1: Noted, but can we know who has been appointed, when will their report(s) be published and what will it/they address? Will this include land stability? leaching? flood risk?

Merthyr South Wales Ltd (MSW) has appointed Richard Moorehead & Laing Ltd (RML) as their lead consultants who are currently preparing a revised restoration plan for the site. They are also involved in the co-ordination of appropriate assessments by suitably qualified persons. Groundwater Science (Hydrogeologists) have been providing information to MSW, which includes assessments on the potential water levels within the mine. Additionally, samples of the water in the void have been assessed by MSW and has recently been shared with NRW (Natural Resources Wales). In relation to potential flood risks and leaching, this is something that has been raised with NRW and to date they have not expressed any concerns.

A report has been prepared by MSW in relation to the stability of the site, although this has not been made publicly available by MSW. This would also be a matter for The Coal Authority who have also undertaken site inspections and have not raised any significant concerns that require immediate attention.

Any reports submitted with the planning application for a revised restoration plan would be published on the Council's website as part of the appropriate consultation/publicity exercises.

Q2: Should MTCBC not be requiring that an interim report on the current risks posed by the void filling with water (re issues raised above) is needed more urgently? While a separate report linked to the forthcoming restoration of the site will be forthcoming from MSW, the above wording sounds like the two will be conjoined, leading to further delay. An interim report is needed much more urgently to alleviate the warranted concerns of local residents. We would appreciate more specific timeframes on this ASAP.

Although MSW have not provided the Council with an interim report on the risks associated with the water body in the void of the mine, this does not mean the concerns and risks are not being carefully considered.

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The water levels within the void are being monitored closely by MSW with regular reports being provided to the Council's engineers to consider. Discussions have also taken place with NRW regarding the concerns of the rising water levels and any potential requirements under the Reservoir Act.

The bottom on the void is at a level of approximately 264m AOD and based on the Groundwater Science assessments the water within the void was anticipated to rebound to its natural (pre-mining operation) level of approximately 281m AOD. The highest historical recorded water level within the site is understood to be 284m AOD. On the 12th April 2024 the water levels in the void peaked at 281.100 AOD. Since the 15th April 2024 the water level has started to recede and on the 26th April 2024 it was recorded at 280.635m AOD. This provides some indication that the ground water has re-established itself to its normal level, which will continue to be monitored. It should be noted that the presence of water is to be expected and is quite normal, although it is more obvious given that the void remains exposed.

It should be noted that the water quality has been regularly monitored by NRW at various discharge locations around the site. To date, NRW has not indicated that there are any significant concerns. The water quality was regularly monitored throughout the mining operations, which did not give rise to any significant concerns. Additionally, the water in the void is no different to that which was previously being pumped out when the mining operations were taking place, which would have also been monitored at the time. As such, there appears to be no immediate concerns relating to water quality at present.

Q3: Quite clearly, if no such investigation and report analysis has yet been produced by MSW as to the risks, and presumably the council hasn't undertaken its own impartial analysis - we would like to know to what evidence MTCBC is basing its position? If you are simply awaiting findings from MSW - and we assume you don't have the in-house capacity yourselves – then what robust professional evidence points to these conclusions? If such findings exist, please can you forward us a copy and any associated risk assessments (including the date they were completed), via email urgently.

On the other hand, if no such objective evidence exists, we obviously question the validity of Mr Cross' conclusions in the first instance and ask MTCBC to immediately commission its own report into land stability, leaching and flood risk AND lean more heavily on MSW to issue its own interim findings ASAP - especially due to the unknown nature of risk(s) being posed to the environment, local communities (and possibly), wider public health).

As noted above, the water level within the void has been continually monitored since the mining operations ceased on site, which appears to coincide with the assessment carried out by Groundwater Science. An up-to-date topographical survey of the site has been provided by MSW, which indicates the water level within the void would need to rise to approximately 339m AOD before it would potentially topple over the sides of the void. As such it would need to rise approximately 59m above the current water level and given that it would be spread across a much larger surface area, the volume of water would have to far exceed what is currently in the void. At present, the void is considered to be able to suitably hold the ground water and does not present a significant flood risk. The Council's Engineers have also commissioned consultants to review any potential flood risks to the existing watercourses within the surrounding area.

Additionally, there have been a number regimes put in place to monitor the water quality throughout the course of the development within and around the site, which to date has not raised any significant concerns. Advice has also been sought from NRW who are responsible for environmental permitting/monitoring and no significant concerns in relation to water quality has been raised that would suggest that there is an imminent risk that needs to be addressed. Based off the historical data that has been collected over the years, there is no reason at present to believe that the water quality has significantly changed.

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Q4: We view the submission of a further variation application under the current circumstances - essentially where MSW has initiated a form of 'fait accompli' in allowing the void to flood to then seek to revise its restoration scheme around what is an alien landscape feature - as highly inappropriate; especially compared to the original restoration scheme and wider community benefits that were originally envisaged - although this is less surprising considering MSW's previous behaviour. Is MTCBC pushing back on this approach at all? has it given up any prospect of a non-water body theme in the re-submission of such plans?

Pumps were initially utilised by MSW to remove the water from the bottom of the void to assist with the mining operations. Since these operations ceased, certainly in the lower parts of the void, the water has progressively returned to its natural level. The Council did highlight the concern that without the pumps remaining in place, the water levels could reach a point where it might be difficult to backfill. Some effort was made by MSW to start backfilling material at the bottom of the void with the intention of building up the ground to a point above the predicted final water levels. However, this was later postponed due to the sustained period of inclement weather during the winter period, which subsequently made it difficult/unsafe to continue backfilling. It was indicated by MSW that to reinstate the pumps would come at a significant cost given the water level at the time.

It is anticipated that the ground water within the void would likely be seasonal and the levels are expected to fluctuate throughout the year. As such, some consideration was given to MSW's suggestion that it may be appropriate to initiate pumping water out of the void again when the water level starts to recede within the spring/summer period.

Whilst the restoration of the mine is the responsibility of MSW, the Council is also mindful that the restoration fund that has been secured within an Escrow is limited and would not likely cover the full cost of implementing the approved restoration strategy. This is a significant concern particularly in the event that the mine is abandoned. Accordingly, the Council is taking a cautious approach to ensure the most appropriate outcome for the restoration of the site can be achieved in the public interest, mindful of the limited powers it has available.

Q5: Such dates seem vague. If the mining operations had finished on time (i.e. 6th September 2022) we would surely have had such detail by now. As MSW did not finish mining till over a year past this date, surely the council is well within its rights to ask for a revised restoration scheme to be submitted ASAP

Given the viability concerns to implement the approved restoration strategy, the Council has encouraged MSW to submit a planning application for a revised restoration scheme at the earliest opportunity. I am unable to provide a more accurate date of when the application will be submitted, as this may be subject to change. It is necessary for MSW to prepare the relevant documents and assessments to be submitted to ensure the environmental impacts are carefully considered. As highlighted above RML have been appointed as the lead consultants who are currently preparing the future submission.

Yours sincerely



JUDITH JONES

DIRECTOR OF NEIGHBOURHOOD SERVICES

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