



The Coal
Authority

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Our Ref: CA11/OP/95/0084/C

14th July 2023

Merthyr (South Wales) Ltd
Bradbury House
Mission Court
Newport
Gwent
NP20 2DW

[REDACTED]

BY POST ONLY

Dear [REDACTED]

Notification of final enforcement order notice relating to breach of operating licence Ffos-Y-Fran Land Reclamation Scheme

Cessation of Coal-Mining Operations

1. Further to our licensing inspection visit on 19th May 2023 where it was observed that coal mining operations on site have taken place outside of the agreed licensed area and subsequent letter issued to the operations manager on 9th June 2023 notifying them of a breach of the operating licence you have not:
 - a. agreed in writing with the Authority, by 23rd June 2023, a plan and program setting out how you intend to bring all coal-mining operations outside of the licensed area to an end by 7th July 2023;
 - b. remained in regular contact, in the development of the required plan and program.

Enforcement Powers of the Authority

- 2 The Coal Authority is satisfied that the operator is continuing to undertake coal mining operations, in contravention of section 25(1) of the 1994 Act, and is therefore now applying its enforcement powers, under Sections 31 to 34 of the 1994 Act, and will seek such relief from the Courts as is necessary. Such relief may be sought in the form of an injunction, preventing coal-mining operations from continuing, pending the plan and program referred to above having been agreed.

Final Enforcement Order

- 3 The Authority is satisfied that there continues to be a contravention of section 25(1) of the 1994 Act. The Authority is therefore, by issuing notice of a final enforcement order, making such provision to secure that there is no contravention of section 25(1) of the 1994 Act.

- 4 The Authority is satisfied that you are in breach of clause 3.1 of the Ffos-y-Fran operational licence ref: CA11/OP/95/0084/C, granted by the Secretary of State on 31 October 1994, as subsequently varied and assigned on 1 July 2003 and further varied on 17 January 2008, whereby you are not permitted but continue to remove coal beyond the licence area.
- 5 You are required to cease all extraction of coal outside of the licence area with immediate effect and inform the Authority that this has taken place.
- 6 An enforcement order may be revoked at any time by the Authority.

Without prejudice to the Authority

- 7 This final enforcement order notice is served without prejudice to the right of the Authority, for any payments under the existing terms of the licence and associated lease.

Representations and objections

- 8 You have twenty-eight days from the date of the service of this notice to make representations or objections with respect to the enclosed proposed final enforcement order. Any representation or objections will be duly considered before making or withdrawing the proposed final enforcement order.

Publication of order

- 9 Under section 35 of the 1994 Act any final enforcement order will be published in our Statutory Register, which is a matter of public record. The Coal Authority will also publish the final enforcement notice on its website to enable individuals, likely to be affected by the breach of the licence, to make representations and objections within twenty-eight days from the date of the service of this notice.
- 10 As an interested party a copy of the final enforcement notice and proposed enforcement order will also be issued Gwent Holdings Ltd.

Required information

- 11 Under section 34 of the 1994 Act the Authority requires you to provide the following information, to permissions@coal.gov.uk in pdf format, by 11th August 2023:
 - a. A plan, at 1/2500 scale, clearly showing the area where coal mining has taken place outside of the licence area. This plan must also show the current coal mining licence area boundary where the breach has occurred;
 - b. Confirmation of the total amount of coal that has been extracted outside of the current coal mining licence area;
 - c. Confirmation when coal mining operations first occurred outside of the current coal mining licence area;
 - d. A plan, at 1/2500 scale, clearly showing the extent of coal mining operations before the breach first occurred;
 - e. The current main void water level (in metres AOD); the latest ground water monitoring data (piezometer readings) surrounding the main void and the forecasted rebounding main void water level (in metres AOD) following the cessation of pumping.

Next Steps

- 12 You are required to cease all extraction of coal outside of the licence area with immediate effect and inform the Authority that this has taken place.
- 13 You are required to provide the requested information outlined in section 10.

Yours sincerely



Paul Frammingham
Chief Finance and Information Officer