



f.a.o. Jon Stoddard  
Richards, Moorehead & Laing Ltd

(Via email: [j.stoddard@rmlconsult.com](mailto:j.stoddard@rmlconsult.com))

**Dyddiad/Date:** 13<sup>th</sup> June 2025

**Ein Cyf / Our ref:** P/25/0037

**Eich Cyf / Your ref:**

**Gofynnwch am / Please ask for:** Hugh Towns

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Dear Mr Stoddard

**RE: Variation of conditions 4 (Duration of Restoration), 6 (Approved Plans) and 50 (Restoration Strategy) of planning permission APP/U6925/A/10/2129921 involving a revision to the restoration scheme.**

I refer to your planning application for the above and having reviewed the information provided and the consultation responses received to date, I would like to raise the following points:

1. A copy of the consultation response from Natural Resources Wales (dated 17 April 2025) is attached for your consideration. You will note from the contents that they are seeking additional information to be submitted in order to fully consider the merits of the proposal, which will need to be provided in order to progress the application.
2. I attach 'Technical Note 001' in relation to geotechnical and stability matters, which has been produced by WSP on behalf of the Council. Within the 'Conclusions and Recommendations' there are a number of matters that will need to be addressed. There is also reference in the ES to the reprofiling of the slopes around OB2 and OB3, however there appears to be no assessment as to whether such works would destabilise the outer faces and what environmental/amenity benefits/losses there would be from doing that. I would assume that you have the data available and the points raised can be suitably addressed by your geotechnical consultant, which may require further investigation and boreholes where necessary.
3. I attach the response of the Councils Ecologist, which provides comment in respect of the reports submitted and seeks further information and clarification on a few areas. A request has also made to have sight of other reports that have been referred to in the submission which have not been included. Points are also raised in respect of the long-term management of the proposal that will need to be addressed.
4. In the Scoping Opinion issued by the LPA on 4 October 2024 it requested that an assessment of the likely differences between the consented scheme and the alternative restoration proposals be provided, which should have included 'Noise' and be considered having regards to the current Planning Guidance (Wales), Technical Advice Note (Wales)11, Noise – October 1997, with baseline levels at nearest noise sensitive receptors and potential impacts from restoration activities to be assessed at sensitive receptors, with a

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mitigation plan provided, if necessary. There is no section in the ES dealing with noise which needs to be addressed.

Given the diminished operations now taking place on site, it should be straight forward to directly compare and assess the noise monitoring data already collected and the assumed data for the proposed scheme.

5. The current planning application includes surface water drainage proposals for only 50.385Ha of the western side as indicated by the blue area. The proposals detailed in the 2015 Phase 1 planning application have not yet been implemented and need to be reviewed further. Composite surface water drainage proposals are required to include the entire site. It is acknowledged that a meeting with the Council's engineers has already taken place to review the drainage scheme for Phase 1 and that your drainage engineers are reviewing this further.
6. One of the recommendations of the Flood Consequences Assessment & Drainage Strategy produced by Waterco was to undertake detailed design of the proposed ditches and culverts. It is recognised that further work on this has been undertaken since the submission of the planning application, but this does not yet form part of submission. Full construction details for all contour drains should be provided along with Micro Drainage calculations confirming the capacity of any new drains to cater for the Q100 +40% climate change. The type of construction should be referenced to the relevant drainage runs on the layout plan. The details should also clarify the drainage proposal for Phase 1 and 2 and how this links to the wider site.
7. A table should be provided identifying the land uses proposed in the approved restoration strategy compared to the land uses now proposed. This would assist in identifying Net Biodiversity Benefits.
8. It has been set out in the ES that the current application has been put forward as an alternative to the original strategy, which would include a number of notable differences, particularly the retention of a body of water and the retention of OB2 and OB3. These are significant changes that deviate considerably from the approved scheme, which would achieve a more 'naturalistic' final land form.

The ES refers (at paras 1.7.3 and 1.7.4) to a report commissioned by the Welsh Government that identified potential risks to the restoration of the site due to insufficient funds being set aside. The ES suggests (at para 1.7.6) that the necessary bulk earth works to deliver the approved restoration scheme would be "financially prohibitive", which implies that the approved restoration strategy is not deliverable. However, no information has been provided to date as part of the application to demonstrate the viability (or otherwise) of the approved restoration scheme. There appears to be a reliance (in para 4.3.1 of the ES) on the Escrow account funds being the only funds available to complete the restoration of the site, following the cessation of coal extraction. However, it is understood that this Escrow account was merely intended to supplement the progressive restoration works. Condition 4 of the current 2011 planning consent requires that the final restoration of the site be achieved by December 2024, irrespective of the availability of Escrow account (or other funding). Obviously, that has not yet happened, but compliance with Condition 4 is the Council's default expectation unless/until there is an approval for any alternative restoration scheme. Further justification is required to demonstrate

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what the anticipated costs are for the delivery of the approved restoration strategy and why this cannot be reasonably met. This is likely to be an important consideration in considering the acceptability (or otherwise) of any alternative restoration proposals. In this regard, it is understood that, outside of the Escrow account funds, the most recently published company accounts for the applicant (March 2025) include provision of some £91.2 million for meeting the requirements of the approved restoration scheme. The applicant is therefore requested to provide clear and transparent information to support the suggestion that the costs of the approved restoration scheme are financially prohibitive, having regard to the full resources available to the applicant.

9. Section 6 in Part 2 of the Mid Glamorgan County Council Act 1987 sets out a mechanism in which a bond or such other means as may be approved can be required when granting planning permission towards securing the performance of any conditions relating to landscaping or the preservation, restoration or reinstatement of land, including its aftercare. Similar arrangements can also be made by a conventional planning obligation under section 106 of the Town & Country Planning Act 1990. It needs to be demonstrated that the revised restoration scheme is viable and can be fully delivered for the amount of money in the bond or any alternative security (such as the Escrow account) that is relied on, including aftercare. If there is any shortfall, consideration would need to be given to the provision made being supplemented. In a similar manner to what was agreed as part of the Phase 2a restoration works, it would be appropriate for a schedule of works to be set out, together with the anticipated costings to deliver the revised restoration scheme, which should also take into account any agreed costings for the restoration works currently being progressed. It is understood that this information is currently being prepared and shall be available in due course for consideration.
10. In light of the points raised about seeking further information and clarification on the proposal, may I suggest that an extension of time for determination of the application be agreed until the end of October 2025.

There does not appear to be any insurmountable issues, provided that the additional information requested is provided in a suitable form, and once you have had the opportunity to review the above comments, it may be helpful to set up a meeting to go through any of the points.

Yours sincerely



**JUDITH JONES**  
**DIRECTOR OF NEIGHBOURHOOD SERVICES**

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