

**TOWN AND COUNTRY PLANNING ACT 1990 (as amended)**  
**THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (WALES)**  
**ORDER 2012 (as amended)**

# REFUSAL OF PERMISSION

To: Mr David Lewis c/o Mr Edward Bright SLR Consulting Limited 3rd Floor Brew House Jacob Street

**WHEREAS** you submitted an application on the 1st day of September 2022 to develop: Ffos Y Fran Land Reclamation Scheme East Of A4060 Slip Road Merthyr Tydfil short particulars of the application being as follows:-

**Name of the Applicant**

**Description of Proposed Development**

Mr David Lewis  
Merthyr (South Wales) Limited  
Cwmbargoed Disposal Point  
Fochriw Road  
Merthyr Tydfil

Variation of conditions 3 (Coal Extraction) and 4 (Final Restoration) of planning permission APP/U6925/A/10/2129921 to extend the life of the existing mine until 31st March 2024.

**MERTHYR TYDFIL COUNTY BOROUGH COUNCIL** as the Local Planning Authority hereby REFUSE TO PERMIT the proposed development for the following reasons, namely:

- 1 The proposed development fails to clearly demonstrate that the extraction of coal is required to support industrial non-energy generating uses; that extraction is required in the context of decarbonisation and climate change emission reduction; to ensure the safe winding-down of mining operations or site remediation; or that the extraction contributes to Welsh prosperity and a globally responsible Wales. The proposed development therefore, fails to meet the test of 'wholly exceptional circumstances,' contrary to Planning Policy Wales 11, the Coal Policy Statement and Policy EcW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan 2016-2031.
- 2 The proposed development fails to provide an adequate contribution towards the restoration, aftercare and after-use of the site, to the detriment of the surrounding environment, contrary to the requirements of Policies EnW5 and EcW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan 2016-2031. Therefore, no local or community benefits would be provided that clearly outweigh the disbenefits of the lasting environmental harm of the development.

**Date:** 27th April 2023

**Signed:**   
(Director of Neighbourhood Services)

**IT IS IMPORTANT THAT YOU READ  
THE NOTES ATTACHED TO THIS FORM**

## NOTES

- (1) If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission for the proposed development, or to grant permission subject to conditions, he/she may appeal to Planning & Environment Decisions Wales in accordance with Section 78(i) of the Town and Country Planning Act 1990, within SIX MONTHS of the receipt of this Notice. (Appeals must be made on a form which is obtainable from Planning & Environment Decisions Wales, Crown Buildings, Cathays Park, Cardiff, CF10 3NQ). Alternatively you can use the Planning & Environment Decisions Wales website ([www.gov.wales/planningappeal](http://www.gov.wales/planningappeal)) to complete your appeal. Planning & Environment Decisions Wales has the power to allow a longer period for the giving of notice of appeal but will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. Planning & Environment Decisions Wales is not required to entertain an appeal if it appears to it that permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements, to the provisions of the development order, and to any directions given under the order.
- (2) If permission to develop land is refused or granted subject to conditions, whether by the Local Planning Authority or by Planning & Environment Decisions Wales, and the owner of the land claims that the land has become incapable of reasonable beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he/she may serve on the Council in which the land is situated, a purchase notice requiring the Council to purchase his/her interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.
- (3) In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to conditions by Planning & Environment Decisions Wales on appeal or on a reference of the application to it. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.