

R I C H A R D S

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3274/01 Letters Out/2026-03-11

If telephoning please ask for: Jon Stoddard

David Cross
Group Leader Development Control,
Merthyr Tydfil County Borough Council,
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Pentrebach,
Merthyr Tydfil,
CF48 4TQ

Thursday 12th March 2026

By e-mail to: david.cross@merthyr.gov.uk

Dear David,

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

We refer to a letter dated 05 January 2026 (Ref CAS-295411-Z3C1) from NRW, to Merthyr Tydfil County Borough Council (MTCBC), that was found on the planning portal under application Ref P/25/0037. We set out a response to the letter below as agent acting on behalf of our client Merthyr (South) Wales (MSW).

We note that NRW continue to have concerns with the application as submitted and request clarification on a number of points set out in their letter. We respond to each of the points raised sequentially to fully address those concerns as follows:-

Land Contamination and Pollution Prevention

Surface Water Monitoring Plan (SWMP)

1. SWMP

NRW refer to the surface water monitoring plan (SWMP) that provides coverage for surface water only and that there does not appear to be ground water monitoring for groundwater levels. Note is made that borehole BH5824 is monitored for groundwater quality and a request made for confirmation as to whether this is monitored for groundwater level and at what frequency. NRW also advise that a plan showing the monitoring locations should be provided, and whether any other boreholes from around the site could be used to monitor ground water levels.



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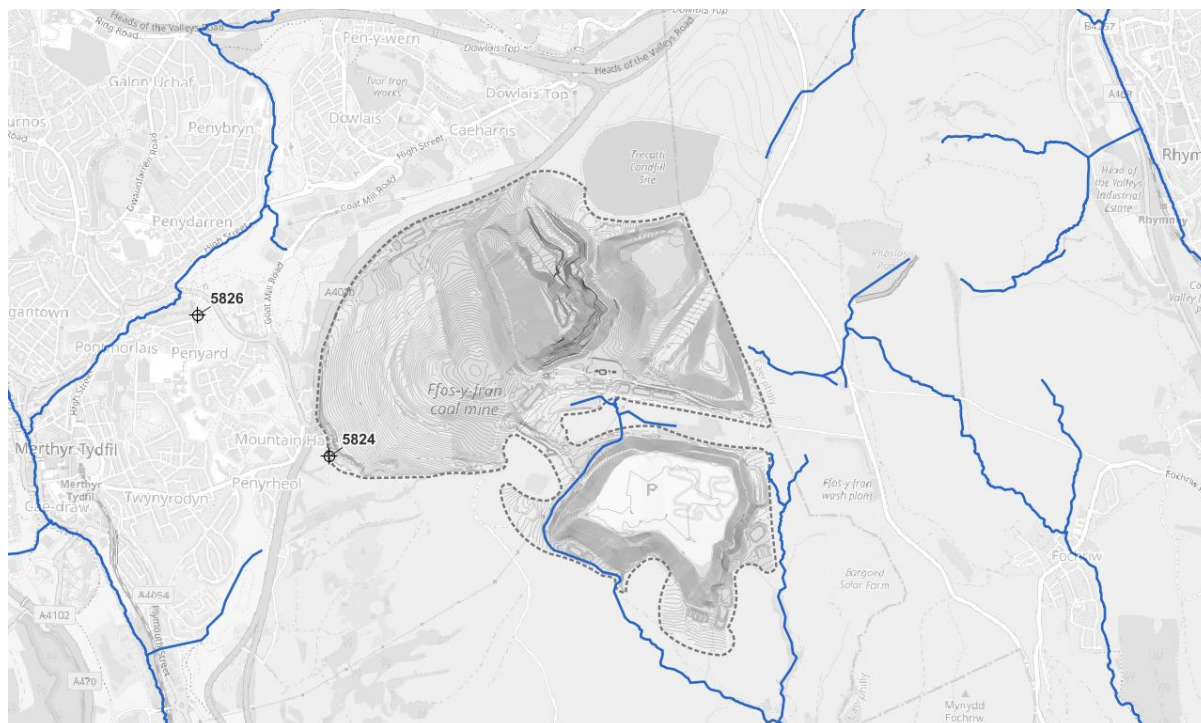
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Response

- Surface water monitoring locations are shown in Figure 2 of the SWMP in the Supplementary Environmental Information (SEI) report. These locations have been selected to measure stream flow contributions from both surface and groundwater catchments that coincide with the site extent and may be affected by the proposed restoration scheme.
- BH5824 (Mountain Hare) was installed in May 1996 and monitored for groundwater levels and water quality during the operational period of the mine until July 2023. The borehole was not monitored again for depth again until September 2025 to inform the EIA process. MSW last dipped the borehole on 25th February 2026 and will continue to dip every two weeks until the end of 2026 after which monitoring will be reviewed and continued on a monthly or quarterly basis until the end of 2027. Monitoring beyond 2027 would need to be reviewed and agreed with NRW/MTCBC but is suggested quarterly or biannually with a final review after 5 years. Timings are dependent on the date of a planning application being approved and discharge of any conditions.
- MSW have now checked if there are any other boreholes remaining in an operable condition for ground water monitoring and confirm that BH5826 is still accessible. This piezometer is located to the west of the site, as shown on Figure 21 (page 70) of the Hydrogeology Technical Report (ES Volume 3, Appendix 8A). This borehole was installed in May 1996 and was also dipped throughout the operational period of the mine until July 2023. It was not dipped again until 25th February 2026 when the level recorded was consistent with historical measurements. It is proposed to continue to dip this borehole as per BH5824 going forward.

The location of the two accessible piezometers are shown in the following figure: -



- There are also a ring of boreholes surrounding the Biffa landfill site which we understand are dipped and submitted regularly to the NRW as part of their environmental licence. Providing MSW can access this information, subject to Biffa approval and/or with NRW assistance, this information can also be used as part of an annual review for ongoing groundwater monitoring.
- In the absence of any other boreholes being found to remain or in suitable condition, the pit lake reflects the ground water level and can be used for monitoring purposes. Pit lake levels have been recorded on a regular basis since 2023 and will continue to be monitored during the restoration and for a period of 5 years following completion. Further details can be found in the SWMP. Groundwater levels recorded in the pit lake correlate closely with piezometer levels recorded in BH5530 until it was reported as 'blocked' in September 2008 (around 280m AOD) and BH5817 reported as 'blocked' in Jun 2009 (between 280 – 288m AOD). Both of these boreholes were located in the pit lake area prior to operations commencing (Figure 21, page 70 of the Hydrology Technical Report).

2. Monitoring and Telemetry

Note is made by NRW that the monitoring points would be set up with telemetry but clarification was sought of whether the monitoring points will be visited for manual checking and calibration and on what frequency this will occur.

Response

- The SWMP (refer to section 8. QA/QC and maintenance) states that site checks will follow installation annually and portable data logger units every 3 months and to allow for re-calibration if required.

3. Baseline Conditions

NRW has requested clarification as to how the baseline conditions will be determined and if historical monitoring will be considered to set the baseline and that the approval of final monitoring plans is conditioned to any planning permission granted. NRW also query what criteria will be used to determine the change from the baseline that could potentially indicate a problem on site.

Response

- We have consistently reported that for the purpose of preparing the Environmental Impact Assessment (EIA) of the proposed alternative restoration strategy, that the baseline conditions are those prevalent on site at the end of the operational mining activities at the end of November 2023. However, historical data from when the mine was operational is also available for referencing purposes. Data monitoring will determine if there are significant changes to the baseline conditions and if recorded, will be subject to further analysis and recommendations for appropriate surface water management as mitigation measures to be put in place.
- MSW suggest that appropriate criteria to determine the significance of any change in surface water flow or groundwater level, and associated thresholds for response, could be detailed in a separate document subject to agreement with NRW as a planning condition, but are expected to adopt the following logic:



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Surface Water

- a) Compare stream / river flow upstream and downstream of the site on monitored watercourses and note any notable and sudden change in the accretion that may be attributable to the site area.
- b) A baseline establishment period of 1 to 2 years is needed to define normal stream flows ranges at monitoring locations. Current baseline data consists of spotflow data collected during low flow conditions and are not suitable for the purpose of defining the normal flow regime. It is possible that summer / winter subsets are established. This dataset should be regularly updated to account for long-term climatic trends.
- c) Additional precautions, including more regular review of data, would be required during this period as the dataset is built up. The available spotflow data, and any publicly available stream / river gauging records could be used to develop interim criteria during this period, as could a knowledge of other potential developments or other local changes in discharge rates to these systems.
- d) Criteria for evaluation of change would most likely use a rules-based system that works on a percentile-based threshold calculated from statistical analysis of measured flows. These criteria could be linked to a threshold system in line with or similar to MTCBC's Local Flood Risk Management Strategy (LFRMS) Action Plan to notify key stakeholders.

Groundwater

Criteria could be based on the range of historical data, from which a P5 to P95 range would be calculated for each piezometer. Subject to agreement, an example threshold system could include a two-point scale such as:-

1. Advisory >P95 historical
2. Action > historical max or rapid rise

Pit Lake

Following the cessation of working the pit lake water level has been closely monitored, which has provided MSW with a good knowledge and understanding of the seasonal changes in water level and its reactivity to weather patterns. It is proposed that rate of change in water level will be the primary evaluation criteria for the lake. Any significant deviation from the relatively slow rate of change currently observed that lies outside normal ranges is likely to signify a change in behaviour which would need investigation. This would be used primarily during recession periods as the maximum predicted level of the lake lies over 50 metres below any possible spill point.

However, superimposed on this scheme would also be criteria linked to the absolute level of the lake. Subject to agreement, an example three-point threshold scheme could consist of:-

1. Advisory (Daily review until normal pattern resumes): Recession rate >95th percentile, Lake elevation > 95th percentile.
2. Action (technical review of data): recession rate > 98th percentile for 7 days, Lake elevation > historical max

3. Critical (immediate investigation & mitigation if necessary): exceedance of all observed data and >1m in 24 hours, lake level at design threshold.

MSW would work closely with NRW and MTCBC to agree the final conditions and duration of the surface water and groundwater monitoring plan in line with the methodology proposed.

Dowlais Free Drainage System (DFDS)

4. DFDS

We note NRW's response to matters in relation to the DFDS and acceptance that the risk of blow out or adit failure is managed. No further response is required.

European Protected Species (EPS)

CAS-286263-P6X2, dated 7th October 2025

5. Great Crested Newt (GCN) Conservation Plan

We note reference to EPS in previous correspondence that advises for conditions to be put in place for a Great Crested Newt (GCN) Conservation Plan to be approved in writing by the Local Planning Authority (LPA).

Response

- MSW confirm that a draft GCN Conservation Plan has now been prepared by RML for consideration and confirmation assuming planning permission is consented. MSW would be happy to share the draft plan and consult further with the LPA and/or the NRW on this subject prior to planning permission being approved. Further details such as agreeing the measures and responsibilities of individuals/bodies under the Wales GCN Monitoring Scheme would need to be addressed in order to finalise the Conservation Plan. Please note that land located outside the red line boundary ie. Central Ecological Area, Cwmbargoed, Tair Carreg Moor and Cwm Golau have been considered in the draft Conservation Plan as requested in the draft condition as suggested by NRW in CAS-286263-P6X2, dated 7th October 2025.

Flood Risk Activity Permits (FRAPS)

6. FRAPS

Reference was also made to the Environmental Permitting Regulations (2016) FRAPS for any works or structures located in, under, or over or within 8 metres of a designated "main river".

Response

- The nearest "main rivers" are the Taff to the west (circa 1.5km) and the Rhymney to the east (circa 2.5km). The proposals do not encroach within 8 metres of either river and therefore, under the alternative restoration strategy, do not appear to require a FRAP.



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We hope that the contents of this letter are clear and self-explanatory to clarify the concerns raised and provide MTCBC and NRW with assurances from MSW that they are committed to delivering an alternative restoration strategy, with acceptable environmental safeguards, in line with the S73 Application P/25/0037. We would be grateful therefore if you could acknowledge the contents of this letter and confirm that the necessary information and assurances have been provided to NRW to remove any concerns they raised in respect of the application submitted.

Should your authority or NRW wish to discuss or clarify any of the matters raised, or require any further information, please do not hesitate to contact the undersigned.

Yours sincerely,

Jon Stoddard

Jon Stoddard
Principal Landscape Architect and Environmental Coordinator
RICHARDS, MOOREHEAD AND LAING



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