

Julie James AS/MS
Y Gweinidog Newid Hinsawdd
Minister for Climate Change



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref MA/JJ/2054/23

██████████
Chief Executive
Merthyr Tydfil County Borough Council
Civic Centre
Castle Street
Merthyr Tydfil
CF47 8AN

CC:

██████████
Head of Planning & Countryside
Merthyr Tydfil County Borough Council
██████████

July 2023

Dear ██████████

**TOWN AND COUNTRY PLANNING ACT 1990
ENFORCEMENT CONSULTATION
COAL EXTRACTION AT FFOS Y FRAN, MERTHYR TYDFIL**

I note that Merthyr Tydfil County Borough Council (“the Council”) issued an enforcement notice on 24 May 2023 alleging a breach of two conditions attached to the planning permission associated with the final phase of the East Merthyr Reclamation Scheme. An appeal has now been submitted to the Welsh Ministers which means the enforcement notice is of no effect until the appeal is determined.

I am aware that coal extraction continues at the site, which could constitute a breach of planning control, depending on the outcome of the appeal proceedings. Such coal extraction can continue in the absence of a stop notice accompanying the enforcement notice. I would be grateful if you could outline why your authority did not consider it expedient to serve a stop notice under section 183 of the Town and Country Planning Act 1990 (“the 1990 Act”) in this case.

There are good reasons why the planning system allows for retrospective planning applications to address minor breaches of planning control. I note that the appeal contains a claim that the coal extraction should be granted planning permission. The appeal will be

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

determined by another of the Welsh Ministers or an independent planning inspector. This is because I have been asked to decide whether it is appropriate for coal extraction to continue while the appeal process is underway.

The Welsh Government has consistently taken the view that the Welsh Ministers should only override the responsibility placed on local planning authorities and issue an enforcement notice themselves in exceptional circumstances. To inform my considerations, and in addition to understanding the reasons why the Council has not served a stop notice, I would welcome full details of all the information taken into account by the Council in its approach to enforcement on the site, including any relevant documents and reports.

A response should be submitted to [REDACTED] within 7 days from issue of letter.

Yours sincerely

Julie James AS/MS
Y Gweinidog Newid Hinsawdd
Minister for Climate Change