

13/0732/MIN

10.10.2013

Mine approximately 6 million tonnes of coal from the Nant Llesg Surface Mine using surface mining methods; to remediate land within and adjacent to the surface mine, to carry out road improvement works at the junction of Fochriw Road and Bogey Road and access points to Cwmbargoed Disposal Point; to form a new vehicular access to the mine off Fochriw Road; to carry out works on Rhaslas Pond; to provide all necessary buildings, plant and facilities ancillary to the surface mine; to erect a new building at Cwmbargoed Disposal Point and install within it a new coal washing plant; to provide a new water recycling facility at Cwmbargoed Disposal Point; to use facilities at Cwmbargoed Disposal Point to prepare, process and dispatch coal to market for the duration of mining operations at the Nant Llesg Surface Mine; to provide new water treatment facilities for the period 31st December 2024 until the cessation of mining operations at the Nant Llesg Surface Mine; to investigate, treat, remove and/or cap waste materials at an existing licensed inert landfill site within the scheme; and to progressively restore the land in accordance with the proposed restoration strategy followed by a minimum five-year period of aftercare of the land at Approximately 478.1 Ha Of Land West And South-West Of Rhymney, North And West Of Pontlottyn And Fochriw And Wholly Within The County Borough Of Caerphilly

APPLICATION TYPE: Minerals Application

1. Amendments and clarification of report

Following the preparation of the report concerning the above planning application to the Planning Committee on 10 June 2015, the following amendments and clarifications are now reported. For ease of reference, the paragraph numbers in the original report are quoted before each comment.

2.1.5 The stockproof fencing will be 1.22m high, not 1.8m.

2.1.15 This paragraph should read as follows:

To minimise the impact of dust and noise, the overburden mound would be built in four layers, with each layer built in two phases. The first phase would be the front face of the layer facing east and south, which would be built to its maximum height and would then act as a screen for the second phase which would be the filling in of the remainder of the layer behind. The mound would take some 122 weeks to complete up to the first phase of the fourth layer, with the filling in behind taking a further 26 weeks if the space for the material is not available within the pit itself. It would also be grass hydro-seeded in phases. Work would take place on the front face of the mound for a total of 36 weeks within those 122 weeks. The mound would remain in place until year 9.5, after which it would be removed in layers to backfill the void.

2.2.1 The first sentence refers to remediation taking place within the first two years of operations; that should be within two years of the commencement of coaling.

3.2.10 The word 'impact' should be inserted after 'ecological' in the second line of this paragraph.

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- 3.2.12 Reference to 41% of the land should refer to the operational site boundary, and not the entire site.
- 3.2.21 It is not intended to remove the entire landfill, only that which is dug through as part of the mine. The figures in the report are correct.
- 3.3.2 An additional area of land for incorporation into the common to the south of the Ffos y Fran site totalling 6.18ha should be referred to in this paragraph.
- 3.3.8 The last bullet point should read '£33.3m'.
- 3.3.12 Bogey Road should be replaced with Fochriw Road.
- 3.5 Enhancement works associated with the Little Ringed Plover can be secured by condition rather than through the section 106.
- 4.15 MTAN2 advises that exceptionally, having considered the evidence put forward with a surface or underground coal working application, coal working may be permitted within 500m of settlements, for example to remediate land damaged by shallow coal workings or mine waste, where coal extraction appears to be the most sustainable option.
- 5.12 Aneurin Bevan and Cwm Taf health boards have asked that a fuller summary of their comments be provided. They are attached as an appendix (No.1) to this report. Those comments are addressed in this report or by planning condition.
- 5.18.4 The end of the fourth paragraph in the section on Habitats should conclude by referring to the need for the habitat enhancements and subsequent management at Bryn Caerau to continue for an additional 10 years beyond the 11 year coaling period, not 14 years.
- 5.18.6 Reptiles - sufficient information has been submitted in respect of the population of lizards at the site, but it will be necessary to draw up an appropriate trapping and translocation plan. A condition is recommended that will require details of the distribution and numbers of reptiles to support the production of that plan.
- 5.21 The second sentence in the fourth bullet point should read: 'The applicants have expressed a willingness to mitigate any negative consequences of its proposal. Any disinvestment decision by R&A would not be attributable to the mine but it is not certain whether they would seek to remain or relocate away from the Rhymney area.' In the following bullet point there is reference to there being no final dust, noise and visual impact assessments; such assessments were submitted as part of the ES addendum.
- 5.27 Merthyr Tydfil Borough Council's original comments have been omitted. They are attached as an appendix (No. 2) to this report. Comment is made that a condition should be imposed to limit the number of night time railway pathways that are used. The applicants advise that the timing of the paths is fixed and they can only request paths with the final decisions lying with the network operator.

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- 5.34 Welsh Government has decided not to call in the application. A copy of the decision letter is attached to this report as an appendix (No.3).
- 5.35 This is an additional paragraph to cover the comments of Councillor Hardacre, the ward member for Deri, who has advised that he carried out a survey in Fochriw which showed that over 90% of the residents were against the project.
- 7.2 With regard to the perceived fears of the public, sufficient information has been submitted by the applicants to indicate that those fears do not outweigh the material considerations in support of the scheme.
- 7.3.6 The figures in the fourth line of this paragraph should read '50,000m - 60,000m tonnes'.
- 7.6.1 It is the opinion of the applicants and their ecologist that the wet heath can be satisfactorily restored. NRW and the local planning authority have raised some concerns about that, but for the purposes of MTAN2 it is concluded that overall, taking into account the financial contributions and the measures secured through conditions and the Section 106 agreement, a satisfactory reclamation scheme can be achieved at the site.
- 7.6.3 Although there is no coal extraction proposed within 500m of the settlement boundary, there are other works such as the acoustic screening bund and the early remediation works within that limit.
- 7.6.7 "...at maximum void." in the last line of this paragraph should read 'at the end of coaling.' The latter is the point at which there is the maximum potential risk to the restoration of the site because there is no coal left in the ground.
- 7.8.2 The applicants have emphasised that they have provided an example of successful wet heath restoration based on the method they intend to utilise.

RECOMMENDATION: after (B) the recommendation should read: 'having considered the environmental information in the Environmental Statement that planning permission is granted subject to the conditions set out below.'

CONDITIONS

8. This should refer to condition '6 ', not '5'.

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18. This condition should be replaced with the following in order to reflect the advice in MTAN2:

Prior to the commencement of any works on site including soil stripping, details of a dust control scheme, to include the methods of monitoring shall be submitted to and agreed in writing with the local planning authority. Dust rates shall not exceed a maximum of 80mg/m² /day as a weekly average, or a combination of 100% AAC across a single 45 degree sector over a 7 day period or the dusting effect or discolouration where the EAC is greater than 25% for a single sector within the same period.
19. Reference to 'visible dust' in this condition can be removed because it will be covered by condition 18.
20. The section between and including the words 'capable of providing' and 'data reporting.' should be deleted because it is not possible for the machinery to distinguish between the various types of noise specified in the condition. That would be a matter for the environmental health officer to interpret based on the information collected as a requirement of the remainder of the condition.
26. This should refer to condition '20', not '18'.
38. This should refer to condition '39', not '34'
48. 'and human health.' should be added to the reason for this condition which requires an environmental management plan.
2. **RECOMMENDATION:** as set out in the report to Planning Committee on 10 June 2015, as amended by this report.