



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

(Via email: j.stoddard@rmlconsultant.com)

Dyddiad/Date: 4th October 2024

Ein Cyf / Our ref: P/08/0316 FYF Scoping
Eich Cyf / Your ref:

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Dear Mr Stoddard

**Proposed Ffos-y-Fran Final Restoration Strategy
The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017:
Regulation 14 Scoping Request**

Thank you for the scoping report dated July 2024.

The Local Planning Authority has carried out a scoping exercise and considers that the topics listed below should be covered in any Environmental Statement submitted in relation to the proposed development. In reaching this opinion the Local Planning Authority has had regard to the specific characteristics of the particular development, the specific characteristics of development of the type concerned and the environmental features likely to be affected by the development.

1. **Hydrology (Section 6)** – The proposed scope of the assessment is set out in section 6.2 of the scoping report. The scope of the assessment would be to undertake the following of the area defined as Phase 3 and its associated pathways:

- Overland Surface Water Run-Off Modelling
- Flood Consequence Assessment (FCA) and Drainage Strategy
- Water Framework Directive (WFD) Compliance Assessment

The Assessment Methodology is set out in section 6.5 but further specific advice on the scope of the hydrological chapter is provided by Natural Resources Wales in their letter dated 9th September 2024, a copy of which is attached to this letter. Assessment should also consider climate change effects.

2. **Hydrogeology (Section 7)** - The proposed scope of the hydrogeological work to be addressed for the EIA is set out in Section 7.2 of the scoping report and confirms the ES will include both consideration of direct hydrogeological impacts that may result from completion of the proposed reclamation scheme, and provision of inputs to the assessment of potential impacts associated with other disciplines, such as hydrology and water quality.

The Assessment Methodology is set out in section 7.5 but further specific advice on the scope of the hydrogeological chapter is provided by Natural Resources Wales in their letter dated 9th September 2024, a copy of which is attached to this letter. Assessment should also consider climate change effects. Any assessments of impact on water supply and quality must include impact upon private water supplies.

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3. **Hydro-Geochemistry (Section 8)** – The proposed scope of the Hydro-geochemistry work to be addressed in the ES is set out in section 8.2 of the scoping report. The main purpose of the hydro-geochemical assessment is to detail likely impacts of the restoration scheme on surface water and groundwater quality in receiving waterbodies. The geochemical risk of any remaining exposed rock or soil will also be considered. One of the main outcomes will include an assessment of the likely future water quality of the waterbody formed in the pit void. The scope of the assessment also includes development of an acid mine drainage risk assessment to cover the pit void and overburden sites.

The Assessment Methodology is set out in Section 8.5 but further specific advice on the scope of the hydro-geochemistry chapter is provided by Natural Resources Wales in their letter dated 9th September 2024, a copy of which is attached to this letter. Assessment should also consider climate change effects. The geochemical analysis of the five samples taken on 11th July 2024 should be presented as part of the final report as per section 8.4.5.

4. **Ecology and Biodiversity (Section 9)** – The Assessment methodology is set out in section 9.5 of the scoping report but further specific advice on the scope of the ecology chapter is provided by Natural Resources Wales in their letter dated 9th September 2024 and in an Internal Memorandum from the Council Ecologist dated 14th August 2024, copies of which are attached to this letter.
5. **Landscape and Visual Impact (Section 10)** – The scope of the assessment is set out in section 10.2 of the scoping report. Key landscape impacts and effects to be considered include the direct physical change to the landscape in terms of landform and surface elements, fragmentation of landscape features or designated areas and the cessation of mining activities. Indirect effects on the character and quality of the landscape would be considered in terms of change in the perception of the landscape through changes to landscape elements such as buildings and vegetation. Key visual impacts will cover direct day time effects to the amenity of visual receptors in terms of change in view. Indirect effects on views and visual receptors would also be covered, in terms of change to public attitude and behaviour towards the use of a place. The assessment method must be in accordance with Guidelines for Landscape and Visual Impact Assessment 3rd Edition (Landscape Institute and IEMA 2013) (GLVIA3), Visual Representation of Development Proposals (Landscape Institute 2019) and Environmental Colour Assessment (Landscape Institute 2018), as set out in section 10.5 of the scoping report.
6. **Cultural Heritage and Historic Environment (Section 11)** - Chapter 11 of the scoping report explains the methodologies that will be used to assess the impact of the proposed restoration works on the cultural heritage and CADW agree that these are appropriate.

It should however be noted that The Historic Environment (Wales) Act 2023 will be enacted on 4th November 2024. This will replace The Ancient Monuments and Archaeological Areas Act 1979; The Historic Environment (Wales) Act 2016 and The Planning (Listed Building and Conservation Areas) Act 1990.

7. **Air Quality and Greenhouse Gases (GHG) (Section 12)** - The proposed scope of the assessment is set out in section 12.2 of the scoping report. It acknowledges that the proposed development may give rise to aerial emissions, which could give rise to potential impacts and resulting effects on local human and ecological receptors. The proposed development may give rise to a range of GHGs both directly, with Non-Road Mobile Machinery (NRMM) and any on-site power generation and indirectly through the consumption of materials and water use.

Pollutants of primary concern from the scheme are dust, including particulates resulting from movement of material around the site. NO₂ is also of concern resulting from NRMM and generators used on site, although this is to a lesser extent than dust/PM. Although particulates and nuisance dust may be reduced

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in comparison to the original remediation strategy, there remains potential for both to affect nearby receptors in addition to issues from fugitive dust. Sensitive receptors should be mapped, and the assessment methodology outlined in para 12.5 of the report should be comprehensive and detailed in terms of monitoring and mitigation for the duration of the scheme, in accordance with IAQM guidance documents for mineral dust impacts and demolition & construction dust.

8. **Human Health (Section 13)** - The scope of the assessment as set out in section 13.2 of the scoping report, focusing on the potential effects the proposed restoration scheme would have on human health, is acceptable. The assessment should follow Health Impact Assessment: A practical guide produced by WHIASU.
9. **Noise** - Assessment of the likely differences between the consented scheme and the alternative restoration proposals is required. The scope of the ES should include '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 mitigation plan provided, if necessary.
10. **Geology and Geotechnical Appraisal** – The ES must demonstrate that the restored ground profile is stable over the longer term and that there is no instability that can be reasonably predicted. A soil handling methodology should also be provided to demonstrate the best use of soil given that it is a scarce natural resource.
11. **Restoration and Aftercare** - It should be clearly demonstrated that the land can be returned to a beneficial after-use. Opportunities to improve the environment and to create biodiverse habitat should be maximised and demonstrated. The appropriate monitoring of the restored areas to ensure its long-term success should be clearly set out, along with identifying any responsibilities and the measures to be put in place for its management.
12. **Cumulative Effects (Section 15)** – The proposed scope of the cumulative effects shall takes into account both the intra-project and inter-project effects and shall take into account all receptors and effects identified in each of the ES topics. The scope and methodology to review the cumulative effects is accepted.

It is stated in para 5.3.4 that overburden mounds OB2 and OB3 shall be scoped out of the assessment. Whilst these area of the site may largely be retained as existing, they nonetheless form an integral part of the wider restoration works and should not be scoped out of any of assessments. Reference has also been made to the potential use of OB3 to accommodate a motocross facility, which would need to be the subject to a separate planning application. Therefore, the assessment must also consider the restoration of OB3 in the absence of an approved alternative after-use of the land.

Please consider this letter as constituting the scoping opinion of the Local Planning Authority in accordance with the provisions of paragraph 14 of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017.

Yours sincerely



JUDITH JONES
DIRECTOR OF NEIGHBOURHOOD SERVICE

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