

S.73 APPLICATION TO VARY CONDITIONS 3 AND 4

ENVIRONMENTAL STATEMENT ADDENDUM

CHAPTER 6: UTILITIES

**Ffos-y-Fran Land Reclamation Scheme, East of Merthyr Tydfil
CF48 4AE**

Merthyr (South Wales) Limited

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6.1.0 Introduction

S.73 Application Context

- 6.1.1 Planning permission for the operational surface coal mine at Ffos-y-Fran was originally granted under planning permission ref. A-PP 152-07-014 ('the original application'). The description of development was as follows:

"Application by Miller Argent (south Wales) Limited for the Ffos-y-Fran Land Reclamation Scheme, incorporating the extraction of coal by open cast methods, and being the final phase of the east Merthyr Reclamation Scheme."

- 6.1.2 The above permission was subsequently varied under a S.73 planning application (application ref. P/08/0316) which sought consent for:

"[The] Variation of condition 37 of planning permission A-PP 152-07-014 to permit the limited dispatch by road of up to 5% of the annual output of coal from the Ffos-y-Fran land reclamation scheme or a maximum of 50,000 tonnes of coal per annum (whichever is the lesser) via Cwmbargoed Disposal Point."

- 6.1.3 The application was refused by Merthyr Tydfil County Borough Council but the proposals were subsequently allowed at Appeal (Appeal ref. APP/U6925/A/10/2129921). The Appeal Decision was issued by an appointed Inspector on the 11th of March 2011 and contained a comprehensive list of updated conditions, thereby superseding the original planning permission for the site as detailed above (permission ref. A-PP 152-07-014).

- 6.1.4 The purpose of this S.73 application is to allow for an extension to the lifespan of the mine. As such, the application seeks to vary the following conditions as contained within Appeal ref. APP/U6925/A/10/2129921:

- **Condition 3** – "All coal extraction from the development hereby permitted shall cease no later than 06 September 2022"; and
- **Condition 4** – "Final restoration of the land shall be completed no later than 06 December 2024 and aftercare shall be undertaken for a period of not less than 5 years upon certification of completion of each phase of the progressive restoration scheme."

- 6.1.5 The S.73 application, as submitted, seeks to extend the lifespan of the minerals extraction by a further 9 months. As such, the timescales stipulated within the above conditions will be varied to match this extended life span for the mine. No alterations are proposed to the extraction area or working practices at the mine as previously consented.

Consideration of S.73 Application

- 6.1.6 This Chapter of the ESA considers the findings of the original ES with regard to Service Utilities that were located on the site prior to the commencement of coaling activities.

- 6.1.7 The following information was submitted in support of the original application (ref. A-PP 152-07-014) for minerals consent at the site:

- Chapter 6: Service Utilities – Environmental Statement (2003)

Purpose and Structure of Chapter

- 6.1.8 This chapter of the Environmental Statement Addendum (ESA) considers the impact of the proposed S.73 application on the findings of the original ES with regard to Service Utilities within the wider application site.

6.2.0 Methodology

Changes in Legislation, Guidance and Planning Policy

- 6.2.1 There are no changes in legislation, guidance or planning policy of relevance to the consideration of utilities at the site.

Assessment Methodology

- 6.2.2 There is no specific assessment methodology for impacts relating to utilities at the site.

Study Area

- 6.2.3 The study area utilised as part of the original ES was the extent of the application site and its immediate surrounds. This study area has not altered as part of this ESA.

Assessment Criteria

- 6.2.4 Given the factual nature of the utilities chapter of the original ES, there is no need to utilise or define sensitivity criteria, magnitude of change (impact) or the significance of effect.

Mitigation Hierarchy

- 6.2.5 Given the factual nature of the utilities chapter within the original ES, it is not necessary to utilise a mitigation hierarchy in this instance.

Effects Not Requiring Further Assessment

- 6.2.6 There is no requirement for further assessment of the utilities of the site.

6.3.0 Changes in Baseline Conditions

Original ES Baseline

- 6.3.1 The baseline at the time of the original application were set out within Chapter 6 of the original ES.

Original ES Future Baseline

- 6.3.2 No future baseline scenario was established within the original ES.

Current Baseline

- 6.3.3 The current baseline is the operational minerals extraction site and the mitigation/working practices imposed in respect to utilities located within the site.

Changes in Baseline

- 6.3.4 The changes in baseline are associated with the ongoing minerals extraction operations at the site.

6.4.0 Assessment of Effects

6.4.1 The original ES considered service utilities within the application site at the time of the application. These principally related to:

- National Grid;
- South Wales Electricity; and
- Welsh Water

6.4.2 The original ES identified at Section 6.14 - 6.16 that:

“Impact on statutory undertakers’ apparatus is therefore restricted to the diversion of the water mains on site. Discussions have taken place with Welsh Water and an agreed scheme for the works is already in place to be put in hand if planning consent for this scheme is granted.

The diverted water main will be an improvement on the existing aging pipeline and therefore represents an indirect form of planning gain to the communities south of the site. Apart from a very short interruption of supply as the switch over occurs, there should be no direct impact on consumers.

The overall impact of works affecting service utilities on site is therefore considered to be only minor.”

6.4.3 After restoration, the original ES identified at Section 6.17 - 6.18 that:

“The main restoration strategy takes account of the services across the site. They would mostly remain as they would during the operational phases of the site. All services supplied to site buildings and installations during site operations would be removed along with the buildings and installations during restoration operations.

Fences erected to protect services from damage by plant, would be removed except where those fence lines are coincident with restored enclosure boundaries.”

Additional Effects

6.4.4 Given that the above mitigation has been imposed during the undertaking of minerals extraction at the site, there are no additional effects associated with the proposed S.73 application.

Additional Cumulative Effects

6.4.5 There are no additional cumulative effects associated with the proposed S.73 application.

Consideration of Original ES

6.4.6 As outlined above, given that the above mitigation has been imposed during the undertaking of minerals extraction at the site, there are no additional effects associated with the proposed S.73 application.

6.5.0 Requirement for Additional Mitigation or Monitoring

Original ES Mitigation

- 6.5.1 The original ES identified that a water mains would be diverted, whilst suitable easements to electricity apparatus would be imposed for the duration of the works.

Subsequent Mitigation or Monitoring

- 6.5.2 No subsequent mitigation or monitoring has been imposed / implemented beyond that contained within the original ES.

Alternate or Additional Mitigation and Monitoring

- 6.5.3 No alternate or additional mitigation or monitoring is proposed beyond that contained within the original ES.

6.6.0 Residual Effects

- 6.6.1 Given its factual nature, there are no residual effects to be considered for utilities beyond that contained within the original ES.

6.7.0 Other Environmental Issues

- 6.7.1 This Section seeks to detail any considerations and environmental effects which have been identified with regard to the range of topics which have been introduced into EIA requirements through the EIA Regulations 2017. Where there are no such considerations or environmental effects, this is also specified below for clarity.
- 6.7.2 Please see Chapter 22 for a summary of the 'Other Environmental Issues' identified across all of the technical assessments undertaken and the Chapters prepared as part of the ES.

Other Environmental Issues of Relevance

Infrastructure

- 6.7.3 The original ES considered the need to divert a water mains and impose easements to the existing electricity infrastructure across the site. No further consideration to infrastructure is required.

Waste

- 6.7.4 Not applicable.

Population and Human Health

- 6.7.5 Not applicable.

Climate and Carbon Balance

- 6.7.6 Not applicable.

Risks of Major Accidents and/or Disasters

- 6.7.7 Not applicable.

Summary

- 6.7.8 Infrastructure has been inherently considered as part of the original ES and suitable mitigation measures imposed to allow coaling activities to take place. There are no changes to this position as a result of the S.73 application and there are no 'Other Environmental Issues' of relevance.

6.8.0 Summary of Effects

- 6.8.1 Given its factual nature, there are no residual effects to be considered for utilities beyond that contained within the original ES.

6.9.0 Conclusions

- 6.9.1 There are no changes in the baseline conditions of the site as set out within the original ES.
- 6.9.2 The previous assessment for Utilities, as contained within Chapter 6 of the original ES, and the associated mitigation measures which have been implemented on site remain valid and no new significant effects are anticipated with regard to the proposed S.73 application.

REFERENCES

Chapter 6: Service Utilities – Environmental Statement (2003)

EUROPEAN OFFICES

United Kingdom

AYLESBURY

T: +44 (0)1844 337380

BELFAST

T: +44 (0)28 90732493

BRADFORD-ON-AVON

T: +44 (0)1225 309400

BRISTOL

T: +44 (0)117 9064280

CAMBRIDGE

T: + 44 (0)1223 813805

CARDIFF

T: +44 (0)2920 491010

CHELMSFORD

T: +44 (0)1245 392170

EDINBURGH

T: +44 (0)131 3356830

EXETER

T: + 44 (0)1392 490152

GLASGOW

T: +44 (0)141 3535037

GUILDFORD

T: +44 (0)1483 889800

LEEDS

T: +44 (0)113 2580650

LONDON

T: +44 (0)203 6915810

MAIDSTONE

T: +44 (0)1622 609242

MANCHESTER

T: +44 (0)161 8727564

NEWCASTLE UPON TYNE

T: +44 (0)191 2611966

NOTTINGHAM

T: +44 (0)115 9647280

SHEFFIELD

T: +44 (0)114 2455153

SHREWSBURY

T: +44 (0)1743 239250

STAFFORD

T: +44 (0)1785 241755

STIRLING

T: +44 (0)1786 239900

WORCESTER

T: +44 (0)1905 751310

Ireland

DUBLIN

T: + 353 (0)1 296 4667

France

GRENOBLE

T: +33 (0)4 76 70 93 41