

S.73 APPLICATION TO VARY CONDITIONS 3 AND 4

ENVIRONMENTAL STATEMENT ADDENDUM

CHAPTER 9: SOILS

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

Merthyr (South Wales) Limited

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9.1.0 Introduction

S.73 Application Context

- 9.1.1 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."

- 9.1.2 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."

- 9.1.3 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).

- 9.1.4 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."

- 9.1.5 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

- 9.1.6 This Chapter of the ESA considers the findings of the original ES with regard to Soils as informed by a detailed assessment of soil resources commissioned by the British Coal Authority in 1992/1993 and a subsequent technical review undertaken by R J Skinner Consulting in 2003.
- 9.1.7 The following information was submitted in support of the original application (ref. A-PP 152-07-014) for minerals consent at the site:

- Chapter 9: Soils – Environmental Statement (2003)

Purpose and Structure of Chapter

- 9.1.8 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 Soils within the wider application site.
- 9.1.9 **Please note that this chapter primarily deals with soil resources as contained within Chapter 9 of the original ES. All considerations associated with landscape matters (i.e. the 'reinstatement strategy' and alike) are contained within Chapter 16: Landscape and Visual of this ESA.**

9.2.0 Methodology

Changes in Legislation, Guidance and Planning Policy

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

Assessment Methodology

- 9.2.2 There is no specific assessment methodology for impacts relating to soil resources at the site.

Study Area

- 9.2.3 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

- 9.2.4 Given the factual nature of the soil resources 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

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

Effects Not Requiring Further Assessment

- 9.2.6 There is no requirement for further assessment of the soil resources of the site.

9.3.0 Changes in Baseline Conditions

Original ES Baseline

- 9.3.1 The baseline at the time of the original application were set out within Chapter 9 of the original ES.

Original ES Future Baseline

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

Current Baseline

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

Changes in Baseline

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

9.4.0 Assessment of Effects

9.4.1 The original ES considered soil resources within the application site at the time of the application. This was broken down into topics relating to:

- Existing Soil Resources:
 - Soil Unit 1 – Mineral Soils;
 - Soil Unit 2 – Organic or Peaty Topped Mineral Soils;
 - Soil Unit 3 – Restored Soils;
 - Soil Units 4 and 5 – Tips and Disturbed Soils; and
 - Soil Forming Material
- Soil Stripping and Storage;
- Soils Utilisation and Restoration Method; and
- Reinstatement Strategy.

9.4.2 As outlined above, this Chapter of the ESA concentrates on Soil Resource matters, whilst the reinstatement strategy and alike are dealt with within the Landscape and Visual Chapter of the ESA (Chapter 16).

9.4.3 Given the factual nature of matters relating to Soil Resource matters, there are no 'assessment of effects' to consider from the original ES. The proposed S.73 application does not propose any alterations to the quantum, stripping, storage or re-use of the Soil Resources within the application site.

Additional Effects

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

Additional Cumulative Effects

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

Consideration of Original ES

9.4.6 As outlined above, given the factual nature of matters relating to Soil Resource matters, there are no 'assessment of effects' to consider from the original ES. The proposed S.73 application does not propose any alterations to the quantum, stripping, storage or re-use of the Soil Resources within the application site.

9.5.0 Requirement for Additional Mitigation or Monitoring

- 9.5.1 Given its factual nature, there is no requirement for additional mitigation or monitoring to be considered for soil resources beyond that contained within the original ES.

9.6.0 Residual Effects

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

9.7.0 Other Environmental Issues

9.7.1 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.

9.7.2 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

9.7.3 Not applicable.

Waste

9.7.4 Not applicable.

Population and Human Health

9.7.5 Not applicable.

Climate and Carbon Balance

9.7.6 Not applicable.

Risks of Major Accidents and/or Disasters

9.7.7 Not applicable.

Summary

9.7.8 The consideration of 'Other Environmental Effects' is not applicable to soil resources.

9.8.0 Summary of Effects

- 9.8.1 Given its factual nature, there are no effects to be considered for soil resources beyond that contained within the original ES.

9.9.0 Conclusions

- 9.9.1 There are no changes in the baseline conditions of the site as set out within the original ES.
- 9.9.2 The previous assessment for soil resources, as contained within Chapter 9 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 9: Soils – Environmental Statement (2003)

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