

S.73 APPLICATION TO VARY CONDITIONS 3 AND 4

ENVIRONMENTAL STATEMENT ADDENDUM

CHAPTER 11: GEOLOGY

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

Merthyr (South Wales) Limited

SLR Ref: 419.08882.00002
Version No: FINAL
August 2022



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11.1.0 Introduction

S.73 Application Context

- 11.1.1 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."

- 11.1.2 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."

- 11.1.3 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).

- 11.1.4 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."

- 11.1.5 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

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

- Chapter 11: Geology – Environmental Statement (2003).

11.1.7 In addition to the above, SLR has reviewed the most recent Geotechnical Assessment on the proposed workings prepared by James Associates: report ref. JA.M(SW).FYF.01.20 (February 2020).

11.1.8 All of the above technical assessments and associated reports have been reviewed in the undertaking of this Environmental Statement Addendum and the findings contained herein.

Purpose and Structure of Chapter

11.1.9 This chapter of the Environmental Statement Addendum (ESA) considers the impact of the proposed material amendments on the planning policy and context of the area.

11.1.10 This Chapter includes consideration of:

- changes in legislation, policy and guidance relating to geology since 2003; and
- any changes to the baseline environment within the site.

11.2.0 Methodology

- 11.2.1 This section of the geology chapter seeks to outline the methodological changes since the original ES in consideration of the S.73 application to vary Conditions 3 and 4.

Changes in Legislation, Guidance and Planning Policy

- 11.2.2 There are no changes to Legislation, Guidance and Planning Policy in relation to the geology of the site that are of relevance to the consideration of the S.73 application.

Assessment Methodology

There is no specific assessment methodology for impacts relating to the geology of the site.

Study Area

- 11.2.3 The study area for geology comprises principally the excavation area of the mine, and the surrounding land where geology may have an impact on the associated studies, including hydrogeology and geotechnical.

EIA Methodology

- 11.2.4 Given the factual nature of the geology 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

- 11.2.5 Again, given the factual nature of the geology chapter within the original ES, it is not necessary to utilise a mitigation hierarchy in this instance.

Effects Not Requiring Further Assessment

- 11.2.6 There is no requirement for further assessment of the geology of the site. Should unexpected geological conditions be encountered during the development of the site, they should be recorded and their impacts considered in the ongoing workings of the site.

11.3.0 Changes in Baseline Conditions

Original ES Baseline

- 11.3.1 The baseline at the time of the original application were set out within Chapter 11 of the original ES.

Original ES Future Baseline

- 11.3.2 No future baseline was established within the original ES.

Current Baseline

- 11.3.3 The understanding of the geology of the site remains unchanged in the time since the original application, which is as set out below.

Solid Strata

- 11.3.4 A generalised vertical section was provided in the original application as FLRS/ES8/1. The site works strata of the South Wales Middle and Lower Coal Measures Formation, which comprise predominantly mudstones with subordinate coal seams, seatearths, sandstones and ironstones.
- 11.3.5 The overburden storage area is partly underlain by strata of the Llynfi Member sandstones and mudstones (of the Pennant Formation).
- 11.3.6 The original application included a plan illustrating the geology and historic mine accesses in FLRS/ES8/2, along with a schematic cross section of the site showing the relative positions of the coal seams in FLRS/ES8/3.

Coal Seams

- 11.3.7 The lowest coal seam worked at the site is the Lower Four Feet, and the highest is the Eighteen Inch (Blackpins). There are approximately 23 named coal seams identified within the sequence, and numerous discrete and / or discontinuous partings which may be encountered during ongoing excavations.

Structure

- 11.3.8 The strata dip in a general south-easterly direction at between 3 and 11 degrees. There are two named faults that interact with the site, namely the Penydarren Fault and the Dowlais Fault.

Previous Mining

- 11.3.9 The previous mining activity in the area is discussed in section 11.4 of the original application ES. This comprises extensive opencast and underground mining for coal and ironstone.

Changes in Baseline

- 11.3.10 The recent Geotechnical Assessment on the proposed workings (James Associates, JA.M(SW).FYF.01.20, Feb 2020) provides the most recent geological interpretation of the site.

- 11.3.11 There are no changes in the geological baseline of the site. The previous geological interpretation remains valid as a baseline for associated technical assessments and no significant new geological sequences or structures have been found.

11.4.0 Assessment of Effects

- 11.4.1 Given its factual nature, there are no assessment of effects to be considered for geology beyond that contained within the original ES. This includes consideration of potential additional effects, additional cumulative effects and in consideration of the original ES.

11.5.0 Requirement for Additional Mitigation or Monitoring

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

11.6.0 Residual Effects

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

11.7.0 Other Environmental Issues

11.7.1 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.

11.7.2 Please see Chapter 21 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

11.7.3 Not applicable.

Waste

11.7.4 Not applicable.

Population and Human Health

11.7.5 Not applicable.

Climate and Carbon Balance

11.7.6 Not applicable.

Risks of Major Accidents and/or Disasters

11.7.7 Not applicable.

Summary

11.7.8 The consideration of 'Other Environmental Effects' is not applicable to geology.

11.8.0 Summary of Effects

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

11.9.0 Conclusions

- 11.9.1 The recent Geotechnical Assessment on the proposed workings (James Associates, JA.M(SW).FYF.01.20, Feb 2020) provides the most recent geological interpretation of the site.
- 11.9.2 There are no changes in the geological baseline of the site. The previous geological interpretation remains valid as a baseline for associated technical assessments and no significant new geological sequences or structures have been found.

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