

S.73 APPLICATION TO VARY CONDITIONS 3 AND 4

ENVIRONMENTAL STATEMENT ADDENDUM

CHAPTER 16: LANDSCAPE AND VISUAL

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

Merthyr (South Wales) Limited

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CONTENTS

16.1.0 INTRODUCTION	1
S.73 Application Context	1
Consideration of S.73 Application	1
Purpose and Structure of Chapter	2
16.2.0 METHODOLOGY	3
Changes in Legislation, Guidance and Planning Policy.....	3
Assessment Methodology	6
Effects Not Requiring Further Assessment.....	8
16.3.0 CHANGES IN BASELINE CONDITIONS.....	9
Original ES Baseline	9
Original ES Future Baseline	9
Current Baseline	9
Changes in Baseline	9
16.4.0 ASSESSMENT OF EFFECTS	10
Additional Effects	13
Additional Cumulative Effects	13
Consideration of Original ES	13
16.5.0 REQUIREMENT FOR ADDITIONAL MITIGATION OR MONITORING	15
Original ES Mitigation.....	15
Subsequent Mitigation or Monitoring	15
Alternate or Additional Mitigation and Monitoring.....	16
16.6.0 RESIDUAL EFFECTS	17
Consideration of Original ES	17
16.7.0 OTHER ENVIRONMENTAL ISSUES.....	18
Other Environmental Issues of Relevance	18
Summary	18
16.8.0 SUMMARY OF EFFECTS	19
16.9.0 CONCLUSIONS	20

DOCUMENT REFERENCES

TABLES

Table 16-1: Magnitude of Landscape and Visual Change: Duration and Reversibility.....	8
Table 16-2: Visual Effect at Viewpoints.....	10

16.1.0 Introduction

S.73 Application Context

- 16.1.1 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."

- 16.1.2 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."

- 16.1.3 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).

- 16.1.4 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."

- 16.1.5 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

- 16.1.6 Extension to the lifespan of the minerals' extraction by 9 months is the sole consideration of the S.73 application and its implication for the original landscape and visual impact assessment. No other alterations to the original application are proposed and as such are not considered in the application.

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

- Chapter 16 of the original Environmental Statement (May 2003); and
- Planning Application and Supporting Information for the Ffos-y-Fran Land Reclamation Scheme: Incorporating Extraction of Coal by Opencast Methods; Being the final Phase of the East Merthyr Reclamation Scheme (May 2003);

16.1.8 The above documents have been reviewed in the undertaking of this Environmental Statement Addendum and the findings contained herein.

Purpose and Structure of Chapter

16.1.9 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.

16.1.10 Within this chapter, consideration is given to the following, within the context of the proposed material amendment:

- changes in methodology, legislation, policy and guidance relating to landscape and visual assessment;
- changes in baseline conditions;
- changes in assessment of effects; and
- changes in proposed mitigation.

16.2.0 Methodology

- 16.2.1 This section describes the changes to legislation, guidance, and planning policy since the original application and describes any changes to in assessment methodology to the original ES with regard to landscape and visual matters.
- 16.2.2 Due to differing methodology used at the time of the original ES, Landscape and Visual effects were not incorporated into a single chapter. Instead aspects of the landscape baseline, proposed development and restoration are spread across the following Chapters:
- Chapter 3 – Existing Landscape;
 - Chapter 4 – The Proposal;
 - Chapter 5 – Land Use; and
 - Chapter 9 – Soils.
- 16.2.3 In contrast, the ES deals solely with visual Impact in Chapter 16.

Changes in Legislation, Guidance and Planning Policy

- 16.2.4 The following policy and guidance is now current and supersedes that which was present at the time of the original ES.

Planning Policy Wales (Edition 11, February 2021)

- 16.2.5 Key policy is established at a national level by Planning Policy Wales (PPW) (2021). The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation and resultant duties such as the Socio-economic Duty. A well functioning planning system is fundamental for sustainable development and achieving sustainable places.
- 16.2.6 With regard to National Parks PPW11 states;
- “The statutory landscape designations that apply in Wales are National Parks, and AONBs. Planning authorities have a statutory duty to have regard to National Parks and AONB purposes. This duty applies in relation to all activities affecting National Parks and AONBs, whether those activities lie within, or in the setting of, the designated areas.... and planning authorities should have regard to their identified special qualities in the exercise of their functions and any relevant management plans¹.”*
- “National Parks and AONBs are of equal status in terms of landscape and scenic beauty and must both be afforded the highest status of protection from inappropriate developments².”*

¹ PPW11 - Paragraph 6.3.5

² PPW11 - Paragraph 6.3.8

“The special qualities of designated areas should be given weight in the development planning and the development management process. Proposals in National Parks and AONBs must be carefully assessed to ensure that their effects on those features which the designation is intended to protect are acceptable. The contribution that development makes to the sustainable management of the designated area must be considered³.”

- 16.2.7 The presence of the Brecon Beacons National Park approximately 3 km to the north of the proposed development is a key consideration in the assessment of landscape and visual effects.

Future Wales – the National Plan 2040

- 16.2.8 Future Wales sets the direction for development in Wales to 2040 and recognises that *“The management of natural resources, flooding and the protection and enhancement of areas of environmental and landscape importance should inform strategic decisions on locations for growth and new infrastructure”* (page 162).
- 16.2.9 Future Wales also *“makes clear the importance of planning new infrastructure and development in such a way that they are complementary rather than competing priorities, ensuring opportunities are maximised and multiple benefits are achieved.”* (Page 6).

Merthyr Tydfil Local Plan⁴

- 16.2.10 The proposed development is located within a Mineral Buffer Zone (Policy EcW12) to ensure sufficient distance exists between mineral operations and development.
- 16.2.11 Ffos-y-Fran is located within a Solar Search Area as defined in Policy EcW8 Renewable Energy which states:

“We will support the use of renewable energy as a tangible means of reducing our local carbon footprint, where appropriate to do so. Development proposals for renewable energy will be permitted where:

- *They do not have an unacceptable landscape and visual impact, including on the setting of the Brecon Beacons National Park.*
- *There would be no unacceptable cumulative impacts in combination with existing or consented development.*
- *Satisfactory mitigation can be put in place to minimise the impacts of the renewable energy proposal and its associated infrastructure.*
- *Proposals make provision for the appropriate restoration and after-care of the land for its beneficial future re-use.”*

Within the Local Search Areas (LSA), proposals for solar energy generation will be permitted subject to the above criteria. Proposals for other development within these areas will only be permitted where they can demonstrate that they would not unacceptably prejudice the renewable energy

³ PPW11 - Paragraph 6.3.9

⁴ Merthyr Tydfil County Borough Council Replacement Local Development Plan (2016 - 2031): Written Statement Adopted 29th January 2021

generation potential of the LSA."

- 16.2.12 On the western side of the restored slopes of Ffos-y-Fran, Policy SW12 safeguards land for a future rail line extension of the existing line to Dowlais Top following the restoration of Ffos y Fran.
- 16.2.13 A narrow belt of land between the A4060 Heads of the Valleys Road and the edge of the open cast working area is designated as an Allocated Employment Site (Policy EcW2).
- 16.2.14 The area to the south of the site office and site management area (Merthyr Common Central) is defined as a Site of Important Nature Conservation.

Guidance

- 16.2.15 Current guidance in Landscape and Visual assessment would be expected to include the following documents, with additional local guidance identified through consultation with the local planning authority:
- The Guidelines for Landscape and Visual Impact Assessment, Third Edition (GLVIA3);⁵
 - Assessing Landscape Value Outside National Designations;⁶
 - Visual Representation of Development Proposals;⁷ and
 - Using LANDMAP in Landscape and Visual Impact Assessments GN46⁸.

Guidelines for Landscape and Visual Impact Assessment

- 16.2.16 GLVIA3 promotes the assessment of landscape and visual assessment effects together in the LVIA. Therefore the LVIA should include the assessment of both:
1. *landscape effects: assessing effects on the landscape as a resource in its own right; and*
 2. *visual effects: assessing effects on specific views and on the general visual amenity experienced by people.*⁹
- 16.2.17 Chapter 16 of the original ES only covers the assessment of Visual Impact through the use of viewpoints. Inform on landscape baseline and proposed landscape changes are included in a number a number of other Chapters as identified in Section 16.2.2 above.

Landscape Value

- 16.2.18 Recent guidance has been produced by the Landscape Institute on assessing landscape value

⁵ Landscape institute and Institute of Environmental Management and Assessment, Guidelines for Landscape and Visual Impact Assessment Third Edition (2013).

⁶ Landscape Institute Technical Guidance Note (February 2021)

⁷ Landscape Institute, Visual Representation of Development Proposals Technical Guidance Note (17th Sept 2019)

⁸ Natural Resources Wales, web based resource available at <https://naturalresources.wales/guidance-and-advice/business-sectors/planning-and-development/evidence-to-inform-development-planning/using-landmap-in-landscape-and-visual-impact-assessments-gn46/?lang=en> (15 September 2021)

⁹ GLVIA3 – paragraph 2.21

outside national designations. This would involve defining value by a number of criteria defined in the Technical Guidance Note referenced. Value would then be compared with the susceptibility of the viewer or the landscape to the proposed development to identify the final sensitivity.

Visual Representation

- 16.2.19 Recent guidance on visualisations for establishing visual effect has been published by the Landscape Institute to establish consistency for viewpoint photographs and visualisations. In a large-scale, mining development panoramic views would be used to represent the full width of the development and its context. However, the scaling of the views, as produced for the original ES, do not match current requirements and may under represent visual effects to member of the general public. Landscape Architects would be able to allow for the correct identification of effect levels by assessing effects on site and/or using professional judgement and experience.

LANDMAP

- 16.2.20 In Wales, LANDMAP is the formally adopted methodology for landscape assessment and is advocated by Planning Policy Wales. The five LANDMAP spatial datasets are called the Geological Landscape, Landscape Habitats, Visual & Sensory, Historic Landscape and Cultural Landscape layers. All five layers should be reviewed for aspect areas within the study area and a detailed methodology is available on how the study area should be defined using LANDMAP.

Assessment Methodology

- 16.2.21 Guidance produced by the Landscape Institute and the Institute of Environmental Management & Assessment (and its predecessor the Institute of Environmental Assessment) has been used since 1995 for guidance on LVIA. Two previous editions of these guidelines, published in 1995 and 2002, have been important in encouraging higher standards in the conduct of LVIA projects. The current 2013 guidance furthers these aims and thus the standards and methodology have undoubtedly changed since the original ES was written.

“Landscape and Visual Impact Assessment, along with Environmental Impact Assessment more generally, evolves and will continue so to do with the role of the professional making professional judgements at the heart of the process.”¹⁰

- 16.2.22 It is unknown if the 2002 Edition of GLVIA was utilised in the writing of the original ES or not, but:

“Even with qualified and experienced professionals there can be differences in the judgements made. This may result from using different approaches or different criteria, or from variation in judgements based on the same approach and criteria.”¹¹

- 16.2.23 It is unclear what methodology was used for judging landscape and visual effects in the original ES as none is recorded within the documents available. However, the nature of the proposed development, being entirely limited to the extension of workings to 9 months, does not preclude making a judgement on whether the landscape and visual effects would be altered.

¹⁰ GLVIA3 Preface to Third Edition

¹¹ GLVIA3 Paragraph 2.25

Study Area

- 16.2.24 The original study area for visual effects was defined by Drawing FLRS/ES13/1 – Visual Appraisal which sets out the Approximate Visual Envelope for the original ES development and the positions of viewpoints. This is the first stage in establishing the baseline as defined by GLVIA3. The noted drawing includes the boundary of the Brecon Beacons National Park and effects on visibility due to adjacent topography. Modern assessment methodology would no doubt require the inclusion of viewpoints within the national park. The visual envelope identified is described in section 16.1.1 of the original ES.
- 16.2.25 The study area for landscape assessment is not specifically defined but Drawing FLRS/ES1 identifies the character of the landscape across the development site. The nature of the existing landscape is described in Chapter 3 of the original ES including the following:
- Landscape setting (3.1.1);
 - Relevant settlements (3.1.2);
 - Present landscape character (3.1.4);
 - Landscape quality (3.1.7); and
 - Existing site areas with expanded descriptions (3.2.1)
- 16.2.26 Areas of existing derelict land totalling 367 ha, as defined in the Merthyr Tydfil Borough Local Plan Policies GR1 and GR2, are identified in Section 4.7 of the original ES.
- 16.2.27 Details on the land use of the site is described in Chapter 5 including existing use, agricultural land classification and site areas.
- 16.2.28 In combination the previous references from Sections 3,4 and 5 provide a reasonable guide to the study area considered in the original ES. This area is confined to the site and does not include adjacent land outside the site boundary. Current landscape assessment methodology is based on landscape character and would be expected to establish the study area using LANDMAP data and/or Landscape Character Studies in agreement with the local planning authority.
- 16.2.29 It is concluded that study areas were included in the original ES but were minimal for both visual and landscape assessment.

Assessment Methodology

- 16.2.30 The most relevant aspect of landscape and visual methodology is one of timescale and duration. The original duration of the proposed works in the original ES is set out as 13.5 – 17 years¹².

Duration and Reversibility of Change

- 16.2.31 The assessment of duration for either landscape or visual effects for this document is categorised in Table 16-1 below, which considers whether the change will be permanent and irreversible or

¹² Section 4.15 of original ES: Open Cast Parameters.

temporary and reversible.

- 16.2.32 In respect of the original 2005 permission the noted timescale results in a life span until 6th September 2022. This equates to a long-term reversible effect. Long term being defined as 10-25 years and reversible in that coal extraction would stop and the site would be restored to a suitable land use, as defined by the permitted restoration plan.

Table 16-1: Magnitude of Landscape and Visual Change: Duration and Reversibility

Category	Description
Permanent/Irreversible	Magnitude of change that will last for 25 years or more is deemed permanent or irreversible.
Long term reversible	Effects that are theoretically reversible but will endure for between 10 and 25 years.
Medium term reversible	Effects that are reversible and/or will last for between 5 and 10 years.
Temporary/Short term reversible	As above that are reversible and will last from 0 to 5 years - includes construction effects.

- 16.2.33 The proposed development is the extension of the working time for 9 months which would increase the lifespan of the permission to 17 years and 9 months; inclusive of restoration works but not subsequent aftercare (stated as 5 years).

Effects Not Requiring Further Assessment

- 16.2.34 The size and scale and geographical extent of the development is unchanged from that illustrated in the original ES and permitted for both landscape and visual effects.
- 16.2.35 The identified visual effects within the original ES have been reviewed against the current existing baseline.

16.3.0 Changes in Baseline Conditions

Original ES Baseline

- 16.3.1 The landscape baseline at the time of the original application were set out within Chapters 3, 4, 5 and 9 of the original ES as identified in section 16.2.2 above.
- 16.3.2 The visual baseline was recorded in Chapter 16 of the original ES and illustrated by Drawings FLRS/ES13/1 to ES13/19.

Original ES Future Baseline

- 16.3.3 The future baseline at the time of the original application was not identified.

Current Baseline

- 16.3.4 The current baseline can be considered to be formed by the completed restoration plan, as defined in the original ES and illustrated on Drawings FLRS/ES13/2, 4, 6, 7, 9 and 11. This restoration scheme remains unaltered for the purposes of this S.73 application.

Changes in Baseline

- 16.3.5 The effect of the proposed extended timescale would be to extend the visual and landscape disturbance and effects of the phased working and delay the final restoration scheme by 9 months.
- 16.3.6 In terms of the visual baseline, vegetation growth since the original ES has created a higher level of screening for a number of viewpoints as identified below.

16.4.0 Assessment of Effects

16.4.1 Chapter 16 the original ES identifies a number of Appraisal Points (APs) as identified on Drawing FLRS/ES13/1 where the nature of change is described. In addition, a series of viewpoints (VP) have been included for another 13 locations (also shown on Drawing FLRS/ES13/1) around the permitted development, where a short description is provided. Visual effects have been summarised in an assessment section at 16.6. However, assessed effects are generalised and not linked to specific appraisal points or viewpoints only described.

16.4.2 The generalised text states that;

“The most visually sensitive locations are generally in the residential settlements to the north and north-west of the site. Those closest to the development are generally well screened by the rising topography towards the site. Impacts at these locations are slight to moderate.

The mid-distance views tend to be from land at similar elevations across valley formations within the Merthyr basin; views in northern Dowlais are typical of these. These probably represent locations where visual impacts are highest. Even so, the impacts at these mid-distance locations remain moderate.

The longer range views of the site from more elevated locations on the opposite side of the Merthyr basin and Taff Valley, probably provide the more sustained views of reclamation and mining operations. Distances of 2½km to 3½km.greatly assist in ameliorating the impact, which is slight to moderate at these locations.

To the east, south-east and south of the site, views are generally affected by the proposed overburden mounds rather than mining excavations. When grassed, these tend to have less impact on the mountain heathland landscape, and once constructed blend into the landscape better than the excavations. The visual impact of these on the fairly distant communities to the south-east and east is slight.”

16.4.3 To aid comprehension the summary descriptions of been reviewed and linked to the relevant view locations as summarised in Table 16-2 below. This is unlikely to be entirely accurate but links effects with individual receptors to allow an analysis of any possible visual effect changes.

Table 16-2: Visual Effect at Viewpoints

No	Location	Distance from site	original ES Assessment Description	Estimated original ES effect level	2022 effect level review
AP 1	Roadside footpath opposite 71, Mitchell Crescent, Dowlais	1.25 km	Residential locations to north west of site	Slight to Moderate	No change predicted - Similar to predicted working view for south to north working.
AP 2	Outside 14 Muriel Terrace, Dowlais	590 m	Residential locations to north west of site	Slight to Moderate	Reduced Effect - View now screened by trees

No	Location	Distance from site	original ES Assessment Description	Estimated original ES effect level	2022 effect level review
AP 3	Unclassified road north of Fochriw	361 m	The east, south-east and south of the site	Slight	No change predicted - Similar to predicted view for south to north working
AP 4	Upper level of the visitor car park, Gethin Woodland Park picnic site	2.96 km	The longer-range views from more elevated locations on the opposite side of the Merthyr basin and Taff Valley 2.5-3.5 km	Slight to Moderate	No change predicted - Views expected to match original ES view.
AP 5	Dowlais Rugby Football Club, Blaen Dowlais.	250 m	Residential locations to north west of site	Slight to Moderate	No change predicted - Similar to predicted view for south to north working
AP 6	Dennithorne Close, Azalea Park, Dowlais	175 m	Residential locations to north west of site	Slight to Moderate	Reduced Effect - Large part of site now screened by vegetation although back tipping area currently visible.
AP 7	Junction of Unclassified Road with Fochriw Road	498 m	The east, south-east and south of the site	Slight	No change predicted - OB mounds appear less intrusive than illustrated in original ES image but may be presentation.
AP 8	East of Junction of Unclassified Road with Fochriw Road	628 m	The east, south-east and south of the site	Slight	No change predicted - OB mounds appear less intrusive than illustrated in original ES image but may be presentation.
VP 1	ASDA superstore car park, Dowlais Top	685 m	Mid-distance views across Merthyr Valley and in Northern Dulais	Moderate	Reduced Effect - View largely screened by planting.
VP 2	unclassified road, north of A465(T) at Rhymney Bridge	2.61 km	The east, south-east and south of the site	Slight	No change predicted - View changed due to Heads of Valleys road.
VP 3	Opposite side of the road to 41 Ty Coch, Rhymney	3.17 km	The east, south-east and south of the site	Slight	No change predicted - Northern OB mound visible.

No	Location	Distance from site	original ES Assessment Description	Estimated original ES effect level	2022 effect level review
VP 4	Fochriw School, Fochriw	1.77 km	The east, south-east and south of the site	Slight	No change predicted - New playground and car park built in foreground, no other changes.
VP 5	Unclassified road to the west of Fochriw	1.21 km	The east, south-east and south of the site	Slight	No change predicted - OB mounds visible as predicted.
VP 6	Public footpath on western side of Mynydd Fochriw	860 m	The east, south-east and south of the site	Slight	No change predicted - OB mounds visible as predicted.
VP 7	Unclassified road across Gelligaer Common, north of Bedlinog	2.32 km	The east, south-east and south of the site	Slight	No change predicted - OB mounds visible as predicted.
VP 8	East of Glyndyrus House, Upper Abercanaid	1.69 km	The east, south-east and south of the site	Slight	Reduced Effect - Large amount of intervening tree planting screens views.
VP 9	Old colliery spoil tip adjacent to the A4102, Gellideg	3.75 km	The longer-range views from more elevated locations on the opposite side of the Merthyr basin and Taff Valley 2.5-3.5 km	Slight to Moderate	No change predicted - Views expected to match original ES view.
VP 10	Merthyr Golf Club on the slopes of Carn-Gwilym Goch.	3.82 km	The longer-range views from more elevated locations on the opposite side of the Merthyr basin and Taff Valley 2.5-3.5 km	Slight to Moderate	No change predicted - Views expected to match original ES view.
VP 11	Roundabout opposite the Prince Charles Hospital, Gurnos.	2.46 km	The longer-range views from more elevated locations on the opposite side of the Merthyr basin and Taff Valley 2.5-3.5 km	Slight to Moderate	No change predicted - Foreground screening of main pit and back cast area as predicted.
VP 12	Dowlais Stables, Dowlais	490 m	Residential locations to north west of site	Slight to Moderate	Reduced Effect - Vegetation in gardens now largely screens view.

No	Location	Distance from site	original ES Assessment Description	Estimated original ES effect level	2022 effect level review
VP 13	Near the top of Heolgerrig, Merthyr	3.69 km	The longer-range views from more elevated locations on the opposite side of the Merthyr basin and Taff Valley 2.5-3.5 km	Slight to Moderate	No change predicted - Views expected to match original ES view.

- 16.4.4 A number of the illustrated views are now screened by vegetation either partially or completely and the review text is highlighted in green in Table 16-2 above to identify these. This would reduce the level of visual effects caused by the permitted development at these positions if reassessed today. Despite this the general level of vegetation cover would appear to be higher reducing the overall extent of visibility particularly in settled areas and along communication corridors where planting has occurred.
- 16.4.5 When the baseline is considered, for both landscape and visual effects, it is evident that the degree of disturbance apparent in the context of a partly worked/derelict site area is likely to reduce susceptibility and the resultant sensitivity to landscape and visual effects. The original ES illustrates the nature of the baseline site on Drawing FLRS/ES1 and describes the baseline in section 3.2 of the 2013 ES.
- 16.4.6 The conclusion from the above analysis is that the level of visual effects in terms of scale/size and geographical extent would be the same across the study area as identified in the original ES.
- 16.4.7 The proposed time extension would increase the duration of these effects. The duration for the original ES is Long-term reversible at 17 years and the increase in time proposed would not be sufficient to increase the level of effect for duration to the next level i.e. over 25 years, permanent and irreversible. The proposed development is therefore unlikely to increase the levels of landscape and visual effect beyond those identified within the original ES.

Additional Effects

- 16.4.8 No additional effects would occur as a result of the proposed time extension, but the duration of the existing effects would be extended by 9 months. The same extraction process, earthmoving and restoration activities would occur.

Additional Cumulative Effects

- 16.4.9 There is unlikely to be any additional cumulative effects due to the proposed development. Although, the combined effects with the Trecatti Site would be extended for an additional 9 months. In the visuals produced for the original ES the Trecatti site is shown as restored, but that has not occurred fully. These effects would be considered to be short-term temporary cumulative effects and adverse.

Consideration of Original ES

- 16.4.10 The landscape and visual study areas are defined by the original ES, but not specifically for landscape effects.

- 16.4.11 The visual study area includes the main features of note and identifies the potential extent of visibility.
- 16.4.12 The viewpoints chosen for the assessment of visual effects are well distributed through the visual study area and include a wide diversity of viewpoint receptors including settlements, schools, roads, recreational sites/facilities and common land/footpaths/informal recreation sites. The main criticism would be the lack of any viewpoints within the Brecon Beacons National Park given the sensitivity of this receptor.
- 16.4.13 The original ES only records details of the landscape within the site boundary, no reference is made to landscape character areas or LANDMAP. The ES does investigate the landscape baseline within the site, but does not identify any level of landscape effect as defined by current guidance (GLIVA3).
- 16.4.14 The original ES visualisations utilise an A3 drawing size to display panoramic visualisations. This could have the effect of reducing the apparent impacts for members of the general public, although professional landscape architects still be able to judge effects accurately. Specific guidance now exists to ensure visualisations are prepared to a suitable scale to reflect their true level of effect.
- 16.4.15 Section 5.3 of the original ES provides details of the proposed restoration and an alternative option including potential development sites within the boundary along the Head of Valleys road and within the site operations and office area. The current Local Plan includes this as a policy.

16.5.0 Requirement for Additional Mitigation or Monitoring

16.5.1 Mitigation measures are now generally considered to fall into three categories:

- primary measures, developed through the iterative design process, which have become integrated or embedded into the project design;
- standard construction and operational management practices for avoiding and reducing environmental effects;
- secondary measures, designed to address any residual adverse effects remaining after primary measures and standard construction practices have been incorporated into the scheme.

16.5.2 Due to the size and scale of the proposed development mitigation measures are limited. The main methods of mitigating landscape and visual effects for such large-scale development is in the design and planning of the phasing as a primary measure.

Original ES Mitigation

16.5.3 The majority of landscape and visual mitigation has been built into the final permitted development scheme as primary measures. The original ES concludes in section 23.2 that;

“The environmental statement is the result of several years of site investigation and consultation. During that period, the site design has been revised several times to reflect certain findings of the procedure. The revised proposal has then been re-assessed and the findings of that final assessment are set out above.”

And at 23.4 it is stated that;

“The Ffos-y-fran Land Reclamation Scheme will see the restoration of almost 400ha of derelict land; the land being restored to a simple landform and landscape, characteristic of this area. The majority of the land is to be returned to common and agricultural land, although there would be the possibility of some further economic development at a later date.”

16.5.4 The original ES includes the dedication of private land to urban common land increasing the common land adjacent to Dowlais.

16.5.5 The overburden mounds have been utilised to screen excavation works and/or ancillary site operations as indicated by Appraisal Panoramas 7 and 8. However, it is duly recognised that these will be progressively reduced in size as minerals excavation slows and restoration activities begin to take precedence.

Subsequent Mitigation or Monitoring

16.5.6 No additional mitigation or monitoring was undertaken subsequent to the extant consent being implemented. Notwithstanding, further restoration and aftercare details were submitted in discharge of Conditions 50 and 53 respectively (as contained within the original permission ref. A-PP 152-07-014). Information was submitted in both 2009 and 2015.

Alternate or Additional Mitigation and Monitoring

- 16.5.7 The proposed restoration aftercare is limited to 5 years. It is considered that a longer period of aftercare and monitoring would be appropriate for elements of the permitted restoration such as hedgerows, woodland and wet heathland.

16.6.0 Residual Effects

- 16.6.1 The Ffos-y-fran proposals involve the extraction of approximately 10.8 million tonnes of coal. This would require the movement of some 123 million cubic metres of overburden, approximately 35m to 38m cubic meters being stored in temporary storage mounds around the site.
- 16.6.2 The excavation and the construction of the spoil storage areas would impact on:
- The alignment of the existing surface water drainage system.
 - The quality of run off from the spoil storage areas.
 - The volume of run off.
- 16.6.3 The main residual effect would be the changes to the landform caused by the working and restoration operations.
- 16.6.4 The monitoring of residual effects has been undertaken through the submission of further restoration and aftercare details in respect of Conditions 50 and 53. Information was submitted in both 2009 and 2015 and included consideration of the three items identified above.

Consideration of Original ES

- 16.6.5 No residual landscape and visual effects are not identified in the original ES.

16.7.0 Other Environmental Issues

16.7.1 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.

16.7.2 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

16.7.3 Nothing of relevance.

Waste

16.7.4 Nothing of relevance.

Population and Human Health

16.7.5 Nothing of relevance.

Climate and Carbon Balance

16.7.6 Nothing of relevance.

Risks of Major Accidents and/or Disasters

16.7.7 Nothing of relevance.

Summary

16.7.8 In summary, with regard to the range of topics introduced into EIA requirements through the EIA Regulations 2017, there are no additional unmitigated effects to those considered by the original ES.

16.8.0 Summary of Effects

- 16.8.1 The effects identified in the original ES would remain unaltered, with the exception of a slightly longer period of landscape and visual effect, due to the continued working operations and the delay in final completion of the restoration. However, the increase in timescale proposed would not be sufficient to increase the overall levels of landscape and visual effect identified in the original ES.

16.9.0 Conclusions

- 16.9.1 The original ES has been reviewed within the context of the proposed extension to workings and with reference to updated planning policy and guidance as identified in Section X.2.0.
- 16.9.2 The future baseline of the original ES would remain the completed restoration as permitted. The current baseline would be the existing operations for an additional 9 months.
- 16.9.3 If the original ES was reassessed with the proposed increased timescales no increase in effects would be predicted.

REFERENCES

Ffos-Y-Fran Land Reclamation Scheme: Incorporating Extraction of Coal by Opencast Methods Being the Final Phase of the East Merthyr Reclamation Scheme May 2003 (Original ES)

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