

S.73 APPLICATION TO VARY CONDITIONS 3 AND 4

ENVIRONMENTAL STATEMENT ADDENDUM

CHAPTER 22: OTHER ENVIRONMENTAL ISSUES

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

Merthyr (South Wales) Limited

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22.1.0 Introduction

S.73 Application Context

- 22.1.1 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."

- 22.1.2 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."

- 22.1.3 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).

- 22.1.4 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."

- 22.1.5 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.

Other Environmental Issues

- 22.1.6 In accordance with EIA Regulations 2017 (as amended), which have come into force since the original ES, each Chapter has duly considered a number of new topics which have been introduced (infrastructure, waste, population and human health, climate and carbon balance, and risks of major accidents and/or disasters).

- 22.1.7 This Chapter of the ESA provides a summary of the 'Other Environmental Issues' as considered by

the environmental topics assessed in support of the proposed S.73 application to vary Conditions 3 and 4.

- 22.1.8 It should be recognised that the consideration of ‘Other Environmental Issues’ is limited to the effects of the proposed variation of Conditions 3 and 4 and does not seek to re-visit the findings of the original ES.

Requirement for Consideration

- 22.1.9 As outlined above, an ES should provide ‘any additional information specified in Schedule 4’ of the 2017 EIA Regulations. With regard to ‘Other Environmental Issues’ Schedule 4(4) states that a description should be provided of the factors specified in Regulation 4(2) likely to be significantly affected by the development with regard to: *“population, human health, biodiversity (for example fauna and flora), land (for example land take), soil (for example organic matter, erosion, compaction, sealing), water (for example hydromorphological changes, quantity and quality), air, climate (for example greenhouse gas emissions, impacts relevant to adaptation), material assets, cultural heritage, including architectural and archaeological aspects, and landscape”*.
- 22.1.10 These factors are inherently considered within the various environmental topic Chapters, and to ensure compliance with the EIA Regulations, consideration of these ‘Other Environmental Issues’ are contained within this Chapter of the ESA.

22.2.0 Consideration of ‘Other Environmental Issues’

- 22.2.1 This section brings together any considerations raised within the various technical Chapters of this ESA. For ease of reference a summary table is provided below, whilst further information is provided within the individual technical chapters themselves.

Other Environmental Issues

Infrastructure

- 22.2.2 Whilst it is not considered that there would be any likely significant effects on infrastructure it is noted that the A465 (Heads of the Valley) is undergoing a range of improvement works. To the east of the site the works comprising dualling of the route to Abergavenny are complete whilst to the west the section between Dowlais Top and Hirwauan works are ongoing with an expected completion date of 2025. It is not considered that this would cause significant adverse impacts to the local amenity.
- 22.2.3 The original ES also 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 beyond that contained within Chapter 6 of the original ES.

Waste

- 22.2.4 The proposal is not considered to result in likely significant effects in terms of waste. However, waste produced by the operation is planned to be used to backfill the pit and thus buttress/remediate the slopes cut of the End Wall adjacent to A4060 Trunk Road.
- 22.2.5 As detailed within Chapter 18 of the ESA, the issues associated with the presence of former landfills within the Ffos-y-Fran reclamation scheme have been addressed with the implementation of the remediation works in 2007-2008. Hence, the S.73 application to extend the life of the site does not have an impact in respect of the waste management of the former landfills.

Population and Human Health

- 22.2.6 It is considered that there would be no change to the assessed effects on population and human health as a result of the proposed extension of time, including impacts from noise, vibration and air quality and the long term beneficial effects for a more attractive environment and increased public access.

Climate and Carbon Balance

- 22.2.7 The reduction on the carbon footprint for Tata Steel and other domestic customers of the site will see a positive effect to Climate and Carbon Balance.
- 22.2.8 Over the proposed 9 month extension, the frequency with a storm overflow would occur due to the impact of climate change would be negligible.

Risks of Major Accidents and/or Disasters

- 22.2.9 The proposal is not likely to cause and increase in risk of major accidents or disasters. Allowing for

the extension of time will enable the site to be fully restored which will in turn provide a further reduction in major accidents and disasters through its end use.

Summary Table

22.2.10 Table 22-1 below provides a summary of whether consideration of 'Other Environmental Issues' has been necessary by the environmental topic chapters contained within this ESA. Please see above sections above and individual chapter of this ESA for further information.

Table 22-1: Summary Table of 'Other Environmental Issues' Considered in ESA

ESA Chapter		Other Environmental Issues				
		Infrastructure	Waste	Population and Human Health	Climate and Carbon Balance	Risk of Major Accidents and/or Disasters
6	Utilities	Yes	No	No	No	No
7	Footpaths, Bridleways and Urban Common	No	No	Yes	No	No
8	Traffic and Transport	Yes	No	No	Yes	Yes
9	Soils	No	No	No	No	No
10	Hydrology	Yes	No	Yes	Yes	Yes
11	Geology	No	No	No	No	No
12	Hydrogeology	No	No	No	No	No
13	Geotechnical	No	Yes	No	No	Yes
14	Archaeology and Heritage	No	No	No	No	No
15	Ecology	No	No	No	No	No
16	Landscape and Visual Impact	No	No	No	No	No
17	Noise	No	No	Yes	No	No
18	Waste	No	No	No	No	No
19	Air Quality	No	Yes	Yes	No	No
20	Blasting	No	No	Yes	No	No
21	Socio-Economic	No	No	Yes	No	No

Closure

22.2.11 None of the environmental topics contained within this ESA have identified 'Other Environmental Issues' which would result in significant effects beyond those previously identified within the original ES.

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