

S.73 APPLICATION TO VARY CONDITIONS 3 AND 4

ENVIRONMENTAL STATEMENT ADDENDUM

CHAPTER 23: CUMULATIVE AND IN- COMBINATION

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

Merthyr (South Wales) Limited

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23.1.0 Introduction

S.73 Application Context

- 23.1.1 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."

- 23.1.2 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."

- 23.1.3 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).

- 23.1.4 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."*

- 23.1.5 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.

Cumulative and In-Combination

- 23.1.6 Schedule 4, Paragraph 5 of the EIA Regulations states that an Environmental Statement (ES) should provide a *'...description of the likely significant effects on the factors specified in regulation 4(2) should cover the direct effects and any indirect, secondary, cumulative, transboundary, short-term, medium-term and long-term, permanent and temporary, positive and negative effects of the development.'* (emphasis added).

- 23.1.7 This Regulation continues by stating that *“This description should take into account the environmental protection objectives established at European Union level as they were immediately before IP completion day (including in particular those established under Council Directive 92/43/EECF3 and Directive 2009/147/ECF4) or at national level”*.
- 23.1.8 In assessing cumulative, in-combination and transboundary effects, Regulation 17(4)(d) of the EIA Regulations requires an ES to *“include the information **reasonably required** for reaching a reasoned conclusion on the significant effects of the development on the environment, taking into account current knowledge and methods of assessment...”* (emphasis added).
- 23.1.9 This Chapter of the ESA draws together a summary of the potential cumulative, in-combination and transboundary effects of the proposed development together with other committed developments identified within the vicinity of the application site.
- 23.1.10 Further detailed information regarding the methodology of the technical assessments and compliance review undertaken, and the inclusion of likely cumulative, in-combination and transboundary effects is provided within the relevant chapters of this ESA.
- 23.1.11 Further information regarding the committed developments considered as part of this assessment of cumulative and in-combination effects is contained within Chapter 5: Description of Committed Developments.

Defining Cumulative and In-Combination Effects

- 23.1.12 As detailed within EIA guidance, cumulative and in-combination effects can be considered as:
- The **combined** effect of individual effects arising as a result of the proposed development: i.e. a single receptor experiencing multiple effects as a result of noise, air quality, transport etc.; and
 - The **cumulative** effect of the proposed development in combination with other development schemes in the locality: i.e. effects which on an individual basis are insignificant but in combination with other development schemes would lead to a significant effect.
- 23.1.13 The methodology for assessing the combined and cumulative effects used in this UES has followed guidance in DMRB Volume 11, Section 2, Part 5, ‘Environmental Impact Assessment: A guide to good practice and procedures, A Consultation Paper’ and ‘Guidelines for the Assessment of Indirect and Cumulative Impacts as well as Impact Interactions’ prepared by the European Commission, EC DGZ1 Environment, Nuclear Safety and Civil Protection.

23.2.0 Assessment of Cumulative and In-Combination Effects

- 23.2.1 Throughout the previous chapters of this ESA, the impacts of the proposal have been assessed in full review of the Original ES and the extensions of time for the operations on the site. Full details of these findings can be found in each individual chapter. Within this section a summary of the In-Combination Effects and the Cumulative Effects are provided for ease of reference.

In-Combination Effects

- 23.2.2 It is noted that extension of time by a further 9 months would not have a negative impact as a result of noise, air quality etc. Therefore, as there are no singular negative impacts, it is not considered that there would be any 'in-combination effects' from multiple sources to singular receptors.
- 23.2.3 On this basis, there are no additional in-combination effects beyond those considered within the original ES.

Cumulative Effects

- 23.2.4 A full review of committed developments has been undertaken and whilst there are some notable committed developments, it is not considered that the extension of time for the operations and restoration of the site by a further 9 months would result in any 'new' significant adverse effects and therefore, the cumulative effects are considered acceptable and in line with legislation.
- 23.2.5 Indeed, it should be duly recognised that any allocations made or applications determined subsequent to 2003 will have had to consider the presence of the operational minerals extraction at Ffos-y-Fran within their baseline level assessments. On this basis, the cumulative effects will have already been considered by these committed developments.
- 23.2.6 On this basis, there are no additional cumulative effects beyond those considered within the original ES.

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