

S.73 APPLICATION TO VARY CONDITIONS 3 AND 4

ENVIRONMENTAL STATEMENT ADDENDUM

CHAPTER 25: CONCLUSION

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

Merthyr (South Wales) Limited

BASIS OF REPORT

This document has been prepared by SLR Consulting Limited with reasonable skill, care and diligence, and taking account of the manpower, timescales and resources devoted to it by agreement with Merthyr (South Wales) Limited (the Client) as part or all of the services it has been appointed by the Client to carry out. It is subject to the terms and conditions of that appointment.

SLR shall not be liable for the use of or reliance on any information, advice, recommendations and opinions in this document for any purpose by any person other than the Client. Reliance may be granted to a third party only in the event that SLR and the third party have executed a reliance agreement or collateral warranty.

Information reported herein may be based on the interpretation of public domain data collected by SLR, and/or information supplied by the Client and/or its other advisors and associates. These data have been accepted in good faith as being accurate and valid.

The copyright and intellectual property in all drawings, reports, specifications, bills of quantities, calculations and other information set out in this report remain vested in SLR unless the terms of appointment state otherwise.

This document may contain information of a specialised and/or highly technical nature and the Client is advised to seek clarification on any elements which may be unclear to it.

Information, advice, recommendations and opinions in this document should only be relied upon in the context of the whole document and any documents referenced explicitly herein and should then only be used within the context of the appointment.

CONTENTS

25.1.0 INTRODUCTION	1
S.73 Application Context	1
Environmental Statement Addendum	1
Purpose and Structure of Chapter	2
25.2.0 RESIDUAL EFFECTS AND CONCLUSIONS	3
Utilities	3
Footpaths, Bridleways and Urban Common	3
Traffic and Transport	3
Soils 4	
Hydrology	4
Geology.....	5
Hydrogeology	5
Geotechnical.....	5
Archaeology and Heritage.....	6
Ecology	6
Landscape and Visual Impact	7
Noise 7	
Waste	8
Air Quality.....	8
Blasting	8
Socio-Economic	9
25.3.0 CLOSURE	10

25.1.0 Introduction

S.73 Application Context

- 25.1.1 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."

- 25.1.2 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."

- 25.1.3 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).

- 25.1.4 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."

- 25.1.5 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.

Environmental Statement Addendum

- 25.1.6 This Environmental Statement Addendum (ESA) has been prepared by SLR Consulting Limited (SLR) on behalf of Merthyr (South Wales) Limited ('the Applicant') and sets out the findings of a compliance review of the original ES with regard to a S.73 application seeking to vary Conditions 3 and 4 of Appeal ref. APP/U6925/A/10/2129921.

- 25.1.7 Full details of the proposed S.73 application to vary Appeal ref. APP/U6925/A/10/2129921 is

provided within Chapter 4 of this ESA: Description of Development.

Purpose and Structure of Chapter

- 25.1.8 This chapter of the Environmental Statement Addendum (ESA) collates the residual effects and conclusions of the technical chapters.

25.2.0 Residual Effects and Conclusions

Utilities

Residual Effects

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

Conclusion

- 25.2.2 There are no changes in the baseline conditions of the site as set out within the original ES.
- 25.2.3 The previous assessment for Utilities, as contained within Chapter 6 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.

Footpaths, Bridleways and Urban Common

Residual Effects

- 25.2.4 The proposed material change would result no change to the original ES.

Conclusion

- 25.2.5 The assessment undertaken for the original development in 2003 concluded that there would be a beneficial effect on socio-economic factors such as employment. This assessment confirmed there would be no change to this beneficial effect in respect to the proposed extension.

Traffic and Transport

Residual Effects

- 25.2.6 The mitigation measures outlined within the application for the variation of condition 37 relate to vehicle routeing and have been implemented for some time. It could therefore be expected that there would be minimal residual effects following the implementation of mitigation particularly in the context of extending the lifespan of the extraction operation.
- 25.2.7 There were no residual transport effects identified as part of the original ES or subsequent variation of condition application. It is expected that this would continue to be the case should the operations be extended by 9 months.

Conclusion

- 25.2.8 This Traffic and Transport chapter of the ESA has been prepared to provide an overview of the likely impact of a 9 month extension to operations on the local transport network.
- 25.2.9 A review of the previous assessments has been undertaken in the context of the proposals to determine the possible effects of the alterations on the local transport network with reference to key receptors, namely local the following local junctions:

- A4060 / Goat Mill Road / Bogey Road roundabout.
- Bogey Road / Fochriw Road priority junction.
- Fochriw Road / Rhymney Common Road priority junction.

25.2.10 It has been demonstrated that the proposed extension to operations would have a negligible effect on the local transport network.

25.2.11 On the basis of the above, it can be concluded that extending the life of the mine by 9 months would not impact upon the findings of the original ES.

Soils

Residual Effects

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

Conclusion

25.2.13 There are no changes in the baseline conditions of the site as set out within the original ES.

25.2.14 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

Hydrology

Residual Effects

25.2.15 The residual effects are identified at Section 10.5 of the original ES which states that the proposals result in no residual impacts other than the reduction in peak run off for the design events which is considered to be a positive benefit. There are no changes to the residual effects previously identified as part of the original ES.

Conclusion

25.2.16 A review of the original ES has concluded that the hydrology baseline developed against which potential effects were assessed remains valid.

25.2.17 The measures proposed to mitigate the effects identified were secured by Planning Condition 48 and have been implemented. These comprised largely of water treatment areas that appear from a site visit to be functioning as designed.

25.2.18 The impact of climate change was not explicitly considered by the original ES (did Condition 48 application), however, the only effect would be the frequency with which the agreed attenuated discharge rate would be exceeded. Over the proposed 9 month extension, the frequency with which this rate would be exceeded due to the impact of climate change would be negligible.

25.2.19 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.

- 25.2.20 In conclusion, the hydrological effects arising from the proposed 9 month extension to the coaling operation will be negligible compared to those identified in the original ES.

Geology

Residual Effects

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

Conclusion

- 25.2.22 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.
- 25.2.23 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.

Hydrogeology

Residual Effects

- 25.2.24 No residual effects are anticipated beyond those identified within the original ES.

Conclusion

- 25.2.25 The original ES identified potential impacts associated with baseflows to surface water courses and disruption of drainage to the historic sub-surface drainage system. Mitigation was proposed which included the discharge of dewatering water to streams and measures relating to the restoration of the site which would ensure that the current discharge to sub-surface drainage system would be maintained. No significant residual impacts were predicted.
- 25.2.26 Impacts on water quality and from acid rock drainage were not considered significant.
- 25.2.27 A groundwater monitoring schedule was submitted, and monitoring is ongoing and does not show any significant adverse impacts.

Geotechnical

Residual Effects

- 25.2.28 Following consideration of mitigation, residual effects relating to geotechnical engineering during the operations are identified within the original ES.
- 25.2.29 Given that the proposed extension in time will not alter the findings and plans of the original ES, the slopes cut of the End Wall adjacent to A4060 Trunk Road will be backfilled, residual impacts for the proposed operations are likely to be insignificant.

Conclusion

- 25.2.30 The review has identified that the proposed S.73 Application, and changes in policy, guidance and baseline conditions that have occurred since the 2003 Application, will not alter the findings presented within the original ES. On this basis, it is not necessary to undertake further technical assessments in support of the proposed development.
- 25.2.31 It is therefore concluded that the findings detailed in Chapter 13: Geotechnical Assessment of Cut Slope Design for the End Wall Adjacent to A4060 Trunk Road, of the original ES remain valid.

Archaeology and Heritage

Residual Effects

- 25.2.32 The effects upon the Historic Environment, following mitigation measures, are outlined in Section 14.8.4 of the original ES Chapter. The original assessment categorised the effects upon the identified heritage receptors as being either Minor Adverse or Beneficial.
- 25.2.33 There are no changes to the effects previously identified within the original ES.

Conclusion

- 25.2.34 The impact of the proposed changes on the Historic Environment are **None**. The proposed amendments will not alter the assessment of potential effects set out in the original ES Chapter, and no additional mitigation measures will be required.

Ecology

Residual Effects

- 25.2.35 The effects upon ecology, following mitigation measures, are outlined in Sections 15.2 and 15.6 of the original ES Chapter and 23.6 of the summary.
- 25.2.36 The original assessment summarised that none of the ecological impacts identified would be of major significance noting that mitigation could be applied and the opportunity was presented to re-create habitats through progressive restoration and deliver enhancements so that residual effects were avoided.
- 25.2.37 There are no changes to the effects previously identified within the original ES.

Conclusion

- 25.2.38 The impact of the proposed changes on ecology are **None**. The proposed amendments will not alter the assessment of potential effects set out in the original ES Chapter, and no additional mitigation measures will be required.

Landscape and Visual Impact

Residual Effects

- 25.2.39 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.
- 25.2.40 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.
- 25.2.41 The main residual effect would be the changes to the landform caused by the working and restoration operations.
- 25.2.42 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.
- 25.2.43 No residual landscape and visual effects are not identified in the original ES.

Conclusion

- 25.2.44 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.
- 25.2.45 If the original ES was reassessed with the proposed increased timescales no increase in effects would be predicted.

Noise

Residual Effects

- 25.2.46 The operations at the Site would lead to the following residual impact:
- ***Direct, Temporary, Negligible Adverse Noise Effect*** on receptors of ***High Sensitivity***.
- 25.2.47 A negligible adverse effect is not considered significant in EIA terms.
- 25.2.48 As no alterations are proposed to the extraction area or working practices at the consented mine, , there will be no change in the predicted noise impacts associated during extended life of the Site. Consequently, there are no changes to the Residual Effects previously identified as part of the original ES.

Conclusion

- 25.2.49 The review has identified that the proposed material amendment, and changes in policy, guidance

and baseline conditions that have occurred since the original application, will not alter the findings presented within the original ES. On this basis, it is not necessary to undertake further technical assessments in support of the proposed material amendment.

- 25.2.50 It is therefore concluded that Chapter 17: *Noise* of the original ES remains valid, and that the proposed material amendment is entirely appropriate in the context of the extant application.

Waste

Residual Effects

- 25.2.51 Given that the remediation works were carried out by Vertase F.L.I., with no waste material remaining on site, there are no residual effects.

Conclusion

- 25.2.52 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.

Air Quality

Residual Effects

- 25.2.53 Following consideration of mitigation, residual effects relating to air quality during the operations are identified within the original ES.
- 25.2.54 Given that the proposed extension in time will not alter the findings of the original ES, residual impacts for the proposed operations are 'likely to be insignificant' (as per the paragraph 19.6.4 of the original ES).

Conclusion

- 25.2.55 This review has identified that the proposed S.73 Application, and changes in policy, guidance and baseline conditions that have occurred since the 2003 Application, will not alter the findings presented within the original ES. On this basis, it is not necessary to undertake further technical assessments in support of the proposed development.
- 25.2.56 It is therefore concluded that the findings detailed in Chapter 19: Air Quality of the original ES remain valid and the proposed S.73 application to vary Conditions 3 and 4 will not result in any likely significant effects beyond those previously identified.

Blasting

Residual Effects

- 25.2.57 The operations at the Site would lead to the following residual impact:
- Direct, Temporary, Negligible Adverse Vibration Effect on receptors of High Sensitivity.

- 25.2.58 A negligible adverse effect is not considered significant in EIA terms.
- 25.2.59 The residual impacts were not defined within the original ES; however, as no alterations are proposed to the extraction area or working practices at the mine as previously consented, there will be no new or different impacts associated with blast vibration during operation.
- 25.2.60 Consequently, the residual impacts described above remain valid.

Conclusion

- 25.2.61 The review has identified that the proposed material amendment, and changes in policy, guidance and baseline conditions that have occurred since the original application, will not alter the findings presented within the original ES. On this basis, it is not necessary to undertake further technical assessments in support of the proposed material amendment.
- 25.2.62 It is therefore concluded that Chapter 20: *Blasting* of the original ES remains valid, and that the proposed material amendment is entirely appropriate in the context of the extant application.

Socio-Economic

Residual Effects

- 25.2.63 The proposed material change would result in effects that are assessed to be beneficial (not significant) with no change to the original ES.

Conclusion

- 25.2.64 The assessment undertaken for the original development in 2003 concluded that there would be a beneficial effect on socio-economic factors such as employment. This assessment has confirmed that there would be no change to this beneficial effect in respect of the proposed extension.

25.3.0 Closure

- 25.3.1 The proposed S.73 application to vary Conditions 3 and 4 has been assessed for additional and/or alterations to the environment effects contained within the original ES. This has been undertaken through the preparation of this ESA and the compliance review contained herein. This ESA therefore represents an addendum to the original ES.
- 25.3.2 In accordance with the EIA Regulations, consideration has been given to assessing additional potential effects, whilst effects have been analysed in terms of residual and cumulative; temporary and permanent (short and long term); and beneficial, negligible and adverse.
- 25.3.3 It is acknowledged that the proposed development, as assessed within the original ES, will result in a number of adverse effects, some of which are considered 'significant' from an impact perspective. However, through the undertaking of this ESA, it has been assessed that there will be no additional, or change to, the significant effects previously identified within the original ES.
- 25.3.4 On this basis, the conclusion is reached that the proposed S.73 application to vary Conditions 3 and 4 is appropriate in the context of the original ES and that there are adequate mitigation measures available to ensure that the proposed development could proceed, as amended, without giving rise to unacceptable environmental effects, even in combination with the other committed developments identified.
- 25.3.5 The mitigation measures identified within the original ES and the Appeal Decision, along with any alternate or additional mitigation and monitoring identified herein, would ensure to minimise any adverse residual effects on the existing environment or local amenity.
- 25.3.6 On this basis, there should be no foreseeable reason why the proposed S.73 application to vary Conditions 3 and 4 would be considered inappropriate or unacceptable from an environmental impact perspective.

EUROPEAN OFFICES

United Kingdom

AYLESBURY

T: +44 (0)1844 337380

BELFAST

T: +44 (0)28 90732493

BRADFORD-ON-AVON

T: +44 (0)1225 309400

BRISTOL

T: +44 (0)117 9064280

CAMBRIDGE

T: + 44 (0)1223 813805

CARDIFF

T: +44 (0)2920 491010

CHELMSFORD

T: +44 (0)1245 392170

EDINBURGH

T: +44 (0)131 3356830

EXETER

T: + 44 (0)1392 490152

GLASGOW

T: +44 (0)141 3535037

GUILDFORD

T: +44 (0)1483 889800

LEEDS

T: +44 (0)113 2580650

LONDON

T: +44 (0)203 6915810

MAIDSTONE

T: +44 (0)1622 609242

MANCHESTER

T: +44 (0)161 8727564

NEWCASTLE UPON TYNE

T: +44 (0)191 2611966

NOTTINGHAM

T: +44 (0)115 9647280

SHEFFIELD

T: +44 (0)114 2455153

SHREWSBURY

T: +44 (0)1743 239250

STAFFORD

T: +44 (0)1785 241755

STIRLING

T: +44 (0)1786 239900

WORCESTER

T: +44 (0)1905 751310

Ireland

DUBLIN

T: + 353 (0)1 296 4667

France

GRENOBLE

T: +33 (0)4 76 70 93 41