

S.73 APPLICATION TO VARY CONDITIONS 3 AND 4

NON TECHNICAL SUMMARY

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

Merthyr (South Wales) Limited

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1.0 Introduction

S.73 Application Context

- 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."

- 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."

- 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).

- 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."

- 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.

Purpose and Structure of Non Technical Summary

- 1.6 The purpose of this Non Technical Summary (NTS) is to present, in non-technical language, the results of the Environmental Statement Addendum (ESA) which has been undertaken to accompany the planning application.

2.0 Summary of the Proposal

- 2.1 The site has extensive planning history with the Appeal Decision APP/U6925/A/10/2129921 being the most recent and pertinent application.
- 2.2 The Appeal Decision, as issued, included a set of 'new' planning conditions by which the site operates. These conditions included two duration of works conditions of relevance to this current S.73 application which co-ordinate the duration of extraction (Condition 3) and subsequent restoration of the site (Condition 4).
- 2.3 This S.73 application seeks to vary these conditions (as outlined in Section 1.1 of this report) to allow for coal mining operations to continue for a further 9 months beyond the 6th of September 2022, and to therefore subsequently extend the final restoration of the land by a further 9 months beyond the 6th of December 2024.
- 2.4 It is proposed to re-word Conditions 3 and 4 as follows:

Condition 3

*"All coal extraction from the development hereby permitted shall cease no later than **06 June 2023**."*

Reason: To co-ordinate the duration of the development hereby permitted with the end dates permitted under this application."

Condition 4

*"Final restoration of the land shall be complete no later than **06 September 2025** and aftercare shall be undertaken for the period of not less than 5 years upon certification of completion of each phase of the progressive restoration scheme."*

Reason: To co-ordinate the duration of the development hereby permitted with the end dates permitted under this application."

3.0 Description of Site and Surroundings

Site Location and Context

- 3.1 Ffos-y-Fran is a major opencast coaling operation located to the north east of Merthyr Tydfil, South Wales. The site lies entirely within the authoritative bounds of Merthyr Tydfil County Borough Council. The opencast mine is approximately 400 hectares (4 km²) in area and is located at OS grid reference SO07690728 at the centre of the site.
- 3.2 The A4060 runs to the west of the site, with the town of Merthyr Tydfil further adjacent. Within Merthyr Tydfil County Borough, there are villages and communities, such as Dowlais, Pen-y-Darren, Abercanaid and Pentrebach. The Merthyr Tydfil/Caerphilly Unitary Authority boundary (County Borough of Caerphilly) lies to the east of the site, with the Brecon Beacons National Park further north, approximately 10km away. To the south and around the site further afield, there is a scattering of common land – most notably Merthyr Common - agricultural land, non-agricultural land, urban land, unclassified road and villages. The unclassified common road referred to as the 'Bogey Road' runs through the site in an east-westerly direction.

- 3.3 Cwmbargoed Disposal Point - which handles the coal produced from the site - lies immediately to the east of the site. The Disposal Point, which operates independently under its own extant planning permissions, lies partly in the County Borough of Merthyr Tydfil but predominantly in the County Borough of Caerphilly.

Figure 1: Ffos-y-Fran and Wider Site Setting (Aerial Image)



Site Description

- 3.4 The site principally consists of an opencast surface mine which has progressively worked from a southwest to northeast direction; with the current working face located on the eastern edge of the void and backfill of material taking place on the western edge of the void. There are also a number of other existing features within the site principally consisting of overburden mounds (OB1, OB2 and OB3). The altitude of the site ranges between from approximately 370m AoD in the south, rising to approximately 385m in the northwest.
- 3.5 The site can be considered to consist of two general sectors; the north of the 'Bogey Road', which contains the majority of the opencast and reclamation operations, and the south of the road on which further reclamation works will be carried out following its use primarily for the storage of overburden.
- 3.6 Under the Agricultural Land Classification, the majority of the land historically falls under Grade 5 (Grade 1 being the agricultural land of the highest quality), with the remaining under Grade 4, whilst most of the site is made up of non-agricultural land. However, it should be duly recognised that there is a significant area of the site which is currently utilised for the ongoing opencast surface mining operations.
- 3.7 There is an Education Centre on site, alongside an administration office upon entrance, a coal washing plant, and railway route from the washery at Cwmbargoed down part of the former

Rhymney / Great Western Joint Line to the junction with the Rhymney mainline at Ystrad Mynach. Coal is shipped five or six days a week to a variety of customers within the UK including TATA Steel, British Steel, and Hope Cement (amongst others).

- 3.8 There are a variety of heavy duty operational vehicles on site such as mechanical excavators, dump trucks and attendant ancillary plant, alongside spare machinery parts (tires etc.) and storage. Coal is transported by lorry to the Cwmbargoed Rail Disposal Point, which lies to the east of the site.

Designations and Environmental Constraints

Ecology

- 3.9 The site does not encompass any areas of nature conservation interest or designations. However, the continued blasting at the site for coal may have an effect on wildlife and wildlife and landscape character.
- 3.10 There are no nationally protected sites within a 2km radius of the site. Cwm Glo a Glyndyrys Site of Special Scientific Interest (SSSI) (Wales) is approximately 3.3km away, whilst the closest boundary of the Cwm Taf Fechan Woodlands SSSI (Wales) is located approximately 2.8km to the north east of the site.

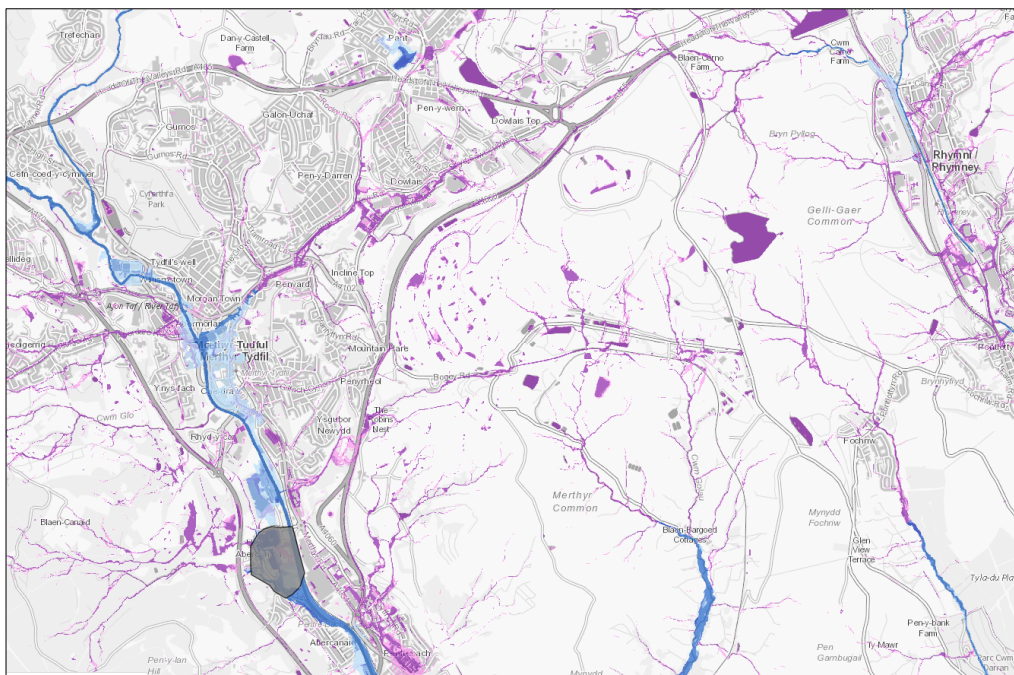
Heritage

- 3.11 The Ffos-y-Fran Land Reclamation Scheme lies within a wider landscape containing surviving buried and standing features of cultural heritage interest, some of which are of national importance related to Prehistoric occupation and to the much later industrial exploitation of ironstone coal and water for the great industrial works of Merthyr and South Wales. These assets, which fall under the Merthyr Tydfil Landscape of Outstanding Historic Interest, further include ponds and drainage channels associated with the Dowlais Free Drainage System.
- 3.12 There are no Listed Buildings or Registered areas within the site itself, however there are a number of historic assets within 1km of the site, which include Grade II Listed Buildings, and the deserted Iron Mining Village of Sarn Howell Pond and Watercourses lying to the south.

Flood Risk & Hydrology

- 3.13 As seen on the Natural Resources Wales map extract below (Figure 2), small areas of Ffos-y-Fran have a Low-Medium flood risk from surface water and small watercourses, with a smaller number of areas with a High risk. Rainfall is currently intercepted by the northerly trending ditch which directs the run-off into culverting beneath the A4060 and into a tributary of the adjacent Nant Morlais watercourse. The proposed variation of conditions would not affect this current risk and is considered negligible.

Figure 2: Natural Resources Wales Extract – Flood Risk



- 3.14 A number of small watercourses and drains cross the site, including a section of the headwaters of the Bargoed Taf which enters the site in the north through a culvert beneath the Bogey Road, and leaves through a culvert under the railway line to the south.

Geology

Solid Strata

- 3.15 The site works strata of the South Wales Middle and Lower Coal Measures Formation, which comprise predominantly mudstones with subordinate coal seams, seat earths, sandstones and ironstones.
- 3.16 The overburden storage area is partly underlain by strata of the Llynfi Member sandstones and mudstones (of the Pennant Formation).

Coal Seams

- 3.17 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 names coal seams identified within the sequence, and numerous discrete and/or discontinuous partings which may be encountered during ongoing excavations.

Structure

- 3.18 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 Pen-y-darren Fault and the Dowlais Fault.

4.0 Environmental Considerations

- 4.1 The range of environmental topics addressed in this ESA is referred to as the technical scope. The technical scope of the ESA has been formulated through an understanding of the content of the original ES, the scope of the proposed variation, and the undertaking of informal conversations with professional officers from Merthyr Tydfil County Borough Council.
- 4.2 On this basis, the ESA includes chapters on the following topics:

Table 1: Technical Scope of ESA

Topic / Technical Chapter	Chapter within Original ES	Chapter within ESA
Utilities	6	6
Footpath, Bridleway and Urban Common	7	7
Traffic and Transport	8	8
Soils	9	9
Hydrology	10	10
Geology	11	11
Hydrogeology	12	12
Geotechnical	13	13
Archaeology and Heritage	14	14
Ecology	15	15
Visual Impact	16	16
Noise	17	17
Waste	18	18
Air Quality	19	19
Blasting	20	20
Socio-Economic	22	21

- 4.3 As outlined above, the content of the technical scope contained within the ESA has been limited to a compliance review of the content of the original ES. These compliance reviews seek to confirm that the proposed variations to Conditions 3 and 4 does not raise further likely significant effects for the environmental topics beyond those identified within the original ES.

5.0 ESA Findings

Utilities

- 5.1 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

- 5.2 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

- 5.3 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.
- 5.4 It has been demonstrated that the proposed extension to operations would have a negligible effect on the local transport network.
- 5.5 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

- 5.6 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

- 5.7 A review of the original ES has concluded that the hydrology baseline developed against which potential effects were assessed remains valid.
- 5.8 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.
- 5.9 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.
- 5.10 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.

- 5.11 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

- 5.12 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

- 5.13 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.
- 5.14 Impacts on water quality and from acid rock drainage were not considered significant.
- 5.15 A groundwater monitoring schedule was submitted, and monitoring is ongoing and does not show any significant adverse impacts.

Geotechnical

- 5.16 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.
- 5.17 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

- 5.18 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

- 5.19 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

- 5.20 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.
- 5.21 If the original ES was reassessed with the proposed increased timescales no increase in effects would

be predicted.

Noise

- 5.22 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.
- 5.23 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

- 5.24 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

- 5.25 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.
- 5.26 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

- 5.27 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.
- 5.28 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

- 5.29 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.

Summary

- 5.30 The findings within each Environmental Considerations above noted that the proposed extension of time of the extraction and restoration of the site would not alter the findings and the measures set

out within the original Environmental Statement. It was concluded that the extension of time frame would not cause a significant adverse impact on the environmental constraints of the site and local area.

- 5.31 No additional mitigation is proposed for this application, and it is noted that existing and established mitigation will continue in accordance with the requirements set out within the original Environmental Statement and subsequent information provided in pursuant to discharging conditions.

6.0 Mitigation and Monitoring

- 6.1 A range of mitigation and monitoring was proposed within the original ES and/or required by planning condition. These are summarised within the individual chapters of the ESA and are actively undertaken as part of the ongoing minerals extraction operations at the site.
- 6.2 Table 2 below provides a summary of the additional mitigation or monitoring proposed as a result of the proposed S.73 application.

Table 2: Summary of Additional Mitigation or Monitoring

ESA Chapter	Environmental Topic	Additional Mitigation or Monitoring
6	Utilities	No further mitigation required
7	Footpaths, Bridleways and Urban Common	No further mitigation required
8	Traffic and Transport	No further mitigation required
9	Soils	No further mitigation required
10	Hydrology	No further mitigation required
11	Geology	No further mitigation required
12	Hydrogeology	No further mitigation required
13	Geotechnical	No further mitigation required
14	Archaeology and Heritage	No further mitigation required
15	Ecology	No further mitigation required
16	Landscape and Visual Impact	A longer aftercare period is recommended subject to consideration by the Council
17	Noise	No further mitigation required
18	Waste	No further mitigation required
19	Air Quality	No further mitigation required
20	Blasting	No further mitigation required
21	Socio-Economic	No further mitigation required

7.0 Summary and Closure

Summary

- 7.1 SLR Consulting Limited has been instructed by Merthyr (South Wales) Limited to prepare a S.73 planning application submission to Merthyr Tydfil County Borough Council for the:

“Variation of Conditions 3 and 4 of planning permission APP/U6925/A/10/2129921 to allow for coal mining operations to continue beyond the 6th of September 2022, and to extend the final restoration of the land beyond the 6th of December, at the Ffos-y-Fran Land Reclamation Scheme, Merthyr Tydfil, CF48 3HG.”

- 7.2 The proposed development is in line with both national and local planning policy and aims to ensure the final restoration is of value to the surround landscape, community and visitors alike, whilst also aiming to ensure the mining of coal has been considered viable and necessary reflective of reasoning and exceptions explored in this S.73.
- 7.3 The ESA has concluded that the proposal would not alter the findings of the original Environmental Statement and its mitigation. Additionally, it is noted that no further mitigation is proposed to support this S.73 application as there are no additional significant adverse impacts predicted as a result of this proposal to extend the duration of extraction and restoration.
- 7.4 The applicant has also demonstrated that a number of conditions have been lawfully discharged and that the monitoring requirements (through various conditions) have been undertaken and records kept in full. It is considered that should this application is permitted then the monitoring requirements would continue until the extraction ceases and the restoration (where necessary) is complete.

Closure

- 7.5 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act, the development proposals are in line with the development plan and we trust that this planning statement and the supporting drawings are sufficient to allow a positive determination of the application.
- 7.6 Should you have any queries regarding the content of this NTS or the wider S.73 application submission, please do not hesitate to contact Edward Bright (Technical Director) directly via the following contact details:

Edward Bright

Technical Director - Planning

+44 117 906 4280

ebright@slrconsulting.com

SLR Consulting Limited
3rd Floor, Brew House, Jacob Street, Bristol, BS2 0EQ

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