

SECTION A – MATTERS FOR DECISION

Planning Applications Recommended For Approval

<u>APPLICATION NO:</u> P2014/0729	<u>DATE:</u> 23/07/2014
PROPOSAL: Application for an extension to and reconfiguration of the underground coal workings; Creation of a mine waste repository with the retention and improvement of the associated haul road (to dispose of mine waste and discard from coal preparation at the mine) and the delivery of further peat habitat mitigation works; Mine Surface development, including - regularisation and time extension of existing mine related operations and mine surface development, consolidation of existing planning permissions and planning controls, construction of infrastructure/buildings, formation of materials storage and stocking areas, drainage works, and landscaping.(Further information received 18/05/15)	
LOCATION:	Aberpergwm Colliery, Glynneath, Neath SA11 5SF
APPLICANT:	Energybuild Ltd
TYPE:	Minerals
WARD:	Glynneath

BACKGROUND INFORMATION : UPDATE

This application was reported to Planning Committee on 22nd December 2015 where it was resolved to grant planning permission subject to conditions and a Section 106 Agreement securing a Financial Restoration Guarantee to ensure the restoration and aftercare of the entire site and securing an extended aftercare period for the peat mitigation area.

In the intervening period there have been changes in the market for coal which have affected this site and its ownership, with the underground mine having been in care and maintenance for over two years. As a consequence, the required Section 106 Agreement has not been completed to date.

In recent months there have been ongoing discussions with prospective new developers which are seeking to get the required planning permission in place to facilitate a recommencement of coaling at the site, including progression of the required section 106 legal agreement.

Since the previous resolution, there have been material changes in circumstances relating, amongst other things, to local Policy (the LDP has been formally adopted) and the market for coal, which also influences matters relating to coal production, transportation and numbers of jobs to be created (compared to the December 2015 report).

Accordingly, it is necessary for the application to be reported to Committee for re-determination, with the report below comprising the December 2015 report, with the information and assessment updated to reflect the change in circumstances.

SITE BACKGROUND:

The Aberpergwm Drift mine was operated by British Coal before it closed in 1985. It was then re-opened in 1993 by Glotech Mining under a planning permission granted in November 1993. The underground take area was extended in 1996.

The time period of both these permissions was extended to 30th September 2013 by planning permissions granted in February 2004. A number of subsequent permissions for a new access drift, extension of underground take and surface developments were also time limited to 30th September 2013.

Prior to the expiry of these permissions the applicants submitted planning applications to extend them by a further 5 years, i.e. up to 30th September 2018. However, these applications are being held in abeyance pending the decision on this application which seeks to consolidate all the previous permissions into a single permission which will be simpler to administer. If this permission is granted then these applications will be withdrawn but if this permission is refused the applications will be progressed.

Operations have continued both underground and on the surface since September 2013 without planning permission, although the underground mine has been in care and maintenance for over two years. Surface activity, primarily sales of stocks have been undertaken but the stocks are now exhausted.

The mining activity at Aberpergwm has been supplemented since 2005 by opencast coal developments on the high ground above the mine site,

firstly at Nant y mynydd and subsequently at Forest Quarry, Forest Quarry Area 2 and Forest Quarry Area 2 extension. These sites are now worked out and are at different stages of re-instatement and restoration. The output from these sites utilised the haul road through the mine surface and onto the B4242 through the mine access point.

DESCRIPTION OF SITE AND ITS SURROUNDINGS

The Aberpergwm Mine Surface Area is located immediately to the north of the B4242 approximately 100m south-west of Morfa Glas. Glynneath lies to the east with Blaengwrach and Cwmgwrach approximately 500m to the south on the opposite side of the valley. The A465 Heads of the Valleys Road and the River Neath lie between the site and Blaengwrach/Cwmgwrach.

The Mine Surface Area contains the mine entries, processing plant, stocking areas, water treatment areas, offices, weighbridge, welfare and ancillary facilities. The car parking area is located on the south side of the B4242 some 200m west of the Mine access point. The mine access crosses the Neath Canal on a low bridge. Traffic from the site exits onto the B4242 and travels 200m east before turning south for 300m before connecting with the A465 at a roundabout.

The underground extraction area covers approximately 2,318 hectares of land to the north and east of the mine surface area. This is divided into 7 phases of development from Z0 to Z6. Much of the surface is upland with large parts covered in woodland and only isolated properties. However, Z4, Z5 and Z6 contain the villages of Crynant, Treforgan and the southern part of Seven Sisters.

The proposed Mine Waste Repository (MWR) is situated on high ground on the Hirfynydd Mountain approximately 2km west of Glynneath and 3km to the south east of Seven Sisters. Approximately 70% (58ha) of the repository site has been surface mined (Forest Quarry series of sites) whilst the remainder (25ha) of the area is comprised of part harvested, commercial forestry blocks. A void from the surface mining of Forest Quarry Area 2 Extension remains and is proposed to be infilled as part of the development. The original Forest Quarry OCCS has been restored and planted with trees. This area will be cleared and tipped upon in the later stages of the development. The site also includes the Peat Conservation Area within the former Nant-y-mynydd Opencast Coal Site.

The mine surface area is linked to the MWR site and the former opencast coal sites by a haul road which snakes up the side of the valley for approximately 5.4km.

BRIEF DESCRIPTION OF PROPOSAL:

The application comprises three elements

- A consolidation and time extension of the existing planning permissions for surface development and operations at Aberpergwm Mine (partly retrospective)
- Use of land to the north of the site (formerly Forest Quarry, Forest Quarry 2 and Forest Quarry 2 Extension area) as a mine waste repository (MWR), together with peat mitigation areas and with retention of the associated haul road, to dispose of colliery mine waste and discard from coal preparation at Aberpergwm Mine
- Extension to and reconfiguration of the underground coal workings at Aberpergwm Mine

It is proposed to provide for the extraction of approximately 70 million tonnes of run of mine coal over a period in excess of 25 years, of which it is estimated that approximately 42 million tonnes will be saleable coal.

At the time of the previous report (December 2015), the applicant proposed to increase production at the mine from 233,000 tonnes (run of mine) in the first year up to 1 million tonnes per annum by Year 5 and to 2.5 million tonnes per annum by Year 7 and beyond. However, since that time there is no longer the opportunity to sell the coal for the power station market at Aberthaw. Accordingly, the applicants have now revised their estimate of production, which will be similar in Year 1 to Year 5, but beyond Year 5 it will be determined by market forces. It is anticipated that 115 jobs will be created in Year 1, increasing to 200 jobs by Year 5 and beyond.

It is estimated that the amount of mine waste generated over the life of the mine will total approximately 10.4 million m³ which will be transported by dump truck along the internal haul road which leads up the mountain to the MWR.

The MWR will be developed in a series of 7 phased areas commencing with the filling of the void of the Forest Quarry Area 2 Extension and generally working in layers from south to north. The composition of the

discard is generally 70% shales and 30% filter cake and will be tipped in a manner as to ensure stability in the final landform.

The MWR will result in a domed landform with its northern extremity blending into the natural topography. The final aftercare elements will include areas of mixed coniferous plantation, acid grassland/heathland mosaic and commercial forestry plantation which will promote suitable habitat for Skylark, Meadow Pipit and Nightjar. Ephemeral ponds will also be created to promote colonisation by frogs and newts which in turn will be beneficial for Honey Buzzard.

Peat deposits exist in the eastern part of the site which will be translocated to four additional peat mitigation areas, similar to those already existing as a result of previous opencast operations. The MWR will be provided with additional and improved water treatment areas and associated drainage channels.

The haul road will be improved, including the drainage regime. Although it has been utilised for mine traffic and opencast coal traffic for past 20 years it is in need of improvements in surface durability and widening in some areas especially as the production increases. The lower section is only wide enough for single-way traffic and needs to be widened to 9m so as to cater for full two-way operation of 40 tonne dump trucks. At a production level of 2.5 million tonnes per annum, approximately 9 loaded trucks per hour would be using the haul road. The likelihood is that the production level will be around 1 million tonnes per annum and that approximately 4 loaded trucks per hour will be using the haul road. Notwithstanding that, it is considered that the haul road should be improved at a point where 95,000 tonnes per annum is being transported to the MWR. By this time some finance will have been generated to fund the improvements.

The target coal seams are the 9ft and the 18ft seams in Zones 0-3 and the 9ft seam in Zones 4 -6. These seams contain high quality anthracite coal which is ideally suited for pulverised coal injection techniques used at TATA steel works at Port Talbot. It can also be used as a filtration medium, in cement and brick making and for domestic use.

The applicants propose to employ a range of underground mining methods to allow for maximum coal exploitation depending on the geological/hydrogeological conditions encountered. A mix of longwall,

shortwall, multi-entry and multi-entry pillar working techniques will be utilised depending on underground conditions and surface constraints.

It is intended to work Zones 1, 2 and 3 during the first 10 years with Zones 4 – 6 being worked for the remaining life of the mine. Despite the proposed output there are no proposals to increase the hours of operation beyond the currently permitted hours which are 7am to 7pm Monday to Friday, 7am to 4pm on Saturday (washery operation and haulage limited to 12 noon) with no surface working on Sundays and Public Holidays. Operations at the MWR are proposed as 7am to 7pm Monday to Saturday. No surface operations are proposed on Sundays or Public Holidays.

The final element is the consolidation of a number of planning permissions for surface development and operations together with regularisation of unauthorised developments (e.g. structures, storage areas) into a single planning permission which it is proposed to extend for a further 25 years.

This proposal also provides for additional coal stocking areas to allow for increased production levels and fluctuations in demand and also includes some areas within the site not previously covered by any planning permissions.

Environmental Impact Assessment

The application is accompanied by an Environmental Statement prepared in accordance with the Town and Country Planning (Wales and England) Regulations 1999. The Regulations set out procedures for an Environmental Impact Assessment which applies to certain developments and is a means of drawing together in a systematic way an assessment of the likely significant environmental effects of the development. The Environmental Statement accompanied by the application is a series of documents describing the site and its surroundings a description of the development, an assessment of the environmental effects, proposed mitigation and residual effects along with an assessment of health impacts and planning policy. The Environmental Statement has been supplemented in this case by a Regulation 19 Submission providing additional information requested by the LPA.

Planning History:

The site has an extensive planning history in respect of the following areas: -

- Surface mine
- Nant y Mynydd Opencast Coal Site
- Forest Quarry Opencast Coal Site
- Forest Quarry Area 2 Opencast Coal Site

A list of the detailed planning history is provided at Appendix A.

Publicity and Responses:

The application has been publicised by the display of Site Notices and by advertisement in the Local Press initially in August 2014 and again in June 2015. No responses have been received as a result.

Statutory Consultees

Natural Resources Wales – does not object to the application provided a number of conditions are placed on any planning permission in order to protect controlled waters within Mining Zones 4-6. Requests a condition is attached to any planning permission in relation to maintenance of the haul roads and their associated drainage systems and request conditions in relation to restoration and peat mitigation.

Head of Engineering & Transport (Drainage) – the information/calculations submitted by the developer with regard to the existing and proposed haul road drainage is acceptable. All outstanding information regarding drainage should be conditioned as part of any grant of planning permission.

Biodiversity Unit – the Maclean Tip supports previously developed land of biodiversity interest some of which will be lost to the scheme. However, this could be replaced as part of the restoration and landscaping schemes. No loss of ancient woodland is reported and the section of the Nant Ysgwrfa to be realigned is already a modified section. The information provided suggests that there could be impacts, adverse and positive, upon sensitive ecological receptors due to subsidence. A mechanism for assessment of such potential impacts as each mining zone progresses can be provided and mitigation proposed and implemented where necessary. There is some inconsistency in the

restoration schemes but this can be addressed through the future submission of detailed schemes. A number of conditions and informatives are requested to be attached to any grant of planning permission.

Contaminated Land Unit – no objections but suggest conditions in relation to remediation of any contaminated land encountered during development.

Head of Business Strategy & Public Protection (Environmental Health) – from the information received the revised proposals are unlikely to have a significant effect on nearby receptors in terms of noise. The existing controls are sufficient.

The Air Quality submission is quite comprehensive. Measurements of wind speed and direction should be made in a location with a suitably open aspect and on a mast which is of the appropriate height so that they are meaningful. A Dust Management Plan should be required as a condition of any planning permission granted.

Public Health Service for Wales – the LPA must satisfy themselves that assumptions made in relation to noise and dust are correct, existing controls should remain in place or be increased as necessary, noise and dust action plans are reviewed as production is increased, specific conditions are attached in relation to noise and dust, cumulative impact is considered, impacts on private water supplies are considered and Community Liaison is encouraged.

Head of Engineering & Transport (Highways) – No objections but advise that the highway improvements will have to be implemented as proposed in the application.

Welsh Government Transport – no objections

Footpaths – no registered public right of way affects the site in question.

CADW – no objections. The works will not have a significant impact.

GGAT – recommend planning condition requiring a written scheme of archaeological investigation.

Arboricultural Officer – The Arboricultural assessment is a comprehensive and accurate tree survey. The effects of the development on individual tree areas have been identified with the requirement for the calculation of root protection zones when the exact scale of road and track upgrading is known. Recommends that the proposals in the survey are followed during all phases of the development

Network Rail – has no objection to the proposed underground extension. There are Acts, Codes and the potential for agreements which the developer must adhere to. Request a condition to be attached to any permission granted.

Mid & West Wales Fire & Rescue – the developer should consider the need to provide adequate water supplies for firefighting purposes.

Wales & West Utilities – no objections but apparatus may be at risk during construction works and the developer should make direct contact to discuss requirements to safeguard apparatus in detail.

DCWW – no objections

Mineral Valuer – no observations

The Coal Authority – supports the application

National Grid – supplied a plan indicating power distribution in the vicinity of the works.

Neath & Tenant Canals Preservation Society – no observations received.

HSE – no observations received.

RSPB – no observations received.

NPT Badger Group – no observations received to date

Cilybebyll Community Council – no objections

Onllwyn Community Council – no observations received therefore no comments to make.

Seven Sisters Community Council – no observations received therefore no comments to make.

Crynant Community Council – no observations received therefore no comments to make.

Resolven Community Council – no observations received therefore no comments to make.

Glynneath Town Council – no observations received therefore no comments to make.

Material Considerations:

The main issue for consideration is the balance between the need for coal in the UK and the potential socio-economic benefits of the development when weighted against any potential adverse impacts on the environment, transport network and amenity having regard to current planning policy.

Policy Context:

National Policy

The Well-being of Future Generations (Wales) Act 2015 imposes a duty on public bodies to carry out ‘sustainable development’ in accordance with the ‘sustainable development principle’.

“Sustainable development” means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the well-being goals.

‘Sustainable development principle’ means that Local Authorities must act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

In order to achieve this principle the Act introduces five ways of working to support decision making which ensures public bodies take account of:

- a. Long-term thinking – balancing the need to take action to address current issues with the need to meet long term needs of Wales.
- b. An integrated approach – considering how a body’s objectives may impact upon the social, economic, environmental and cultural well-being and considering how an individual body’s objectives impact upon other public bodies’ objectives.
- c. Engagement – involving the people and communities with an interest in the wellbeing objectives, engaging them in finding sustainable solutions.
- d. Collaboration – acting collaboratively with other bodies, or different parts of a body acting together in a co-productive way, to assist in the achievement of the body’s objectives.
- e. Preventative action – deploying resources to undertake action now in order to prevent problems occurring or getting worse.

7 Well-being goals are identified in the Act which are:

- A prosperous Wales
- A resilient Wales
- A healthier Wales
- A more equal Wales
- A Wales of cohesive communities
- A Wales of vibrant culture and thriving Welsh language
- A globally responsible Wales

The Environment (Wales) Act 2016 has been designed to complement the Wellbeing of Future Generations (Wales) Act 2015 by applying the principles of sustainable development to the management of Wales’ natural resources.

The “sustainable management of natural resources” means—

- (a) using natural resources in a way and at a rate that promotes achievement of sustainable development and the well-being goals
- (b) taking other action that promotes achievement of that objective, and
- (c) not taking action that hinders achievement of that objective.

The Environment Act imposes a duty to require all public authorities, when carrying out their functions in Wales, to seek to “maintain and enhance biodiversity” where it is within the proper exercise of their functions. In doing so, public authorities must also seek to “promote the

resilience of ecosystems”. This new duty under Section 6 of the Environment Act came into force in May 2016.

Planning Policy Wales (PPW) Edition 9 – November 2016 makes it clear that the planning system has a fundamental role in delivering sustainable development in Wales. It must help in the process of balancing and integrating the competing objectives of sustainable development in order to meet current development needs whilst safeguarding those of the future. These principles are

- Living within environmental limits
- Tackling climate change
- Ensuring a strong, healthy and just society
- Achieve a sustainable economy
- Using sound science responsibly
- Applying the precautionary principle
- Applying the proximity principle
- Applying the polluter pays principle

PPW Chapter 14 sets out the Welsh Government’s land use planning policies for mineral extraction and related development. Paragraph 14.1.1 states: -

“Mineral working is different from other forms of development in that:

- extraction can only take place where mineral is found to occur;
- it is transitional and cannot be regarded as a permanent land use even though operations may occur over a long period of time;
- wherever possible any mineral workings should avoid any adverse environmental or amenity impact; where this is not possible working needs to be carefully controlled and monitored so that any adverse effects on local communities and the environment are mitigated to acceptable limits;
- when operations cease land needs to be reclaimed to a high standard and to a beneficial and sustainable after-use so as to avoid dereliction and to bring discernible benefits to communities and/or wildlife”

PPW recognises that it is likely that society needs, and will continue to need for the foreseeable future, a wide range of minerals. The essential role of Local Planning Authorities in relation to mineral working is to ensure that a proper balance is struck between this fundamental

requirement, the need to ensure a prudent use of finite resources, and the protection of existing amenity and the environment.

PPW states that the overriding objective is to provide a sustainable pattern of mineral extraction by adhering to the following key principles that Authorities must take into account in making decisions on planning applications. These are to:

- to provide for an adequate supply of minerals that society needs now and in the future, together with protecting and improving amenity;
- to protect things that are highly cherished for their intrinsic qualities, such as wildlife, landscapes and historic features; and to protect human health and safety by ensuring that environmental impacts caused by mineral extraction and transportation are within acceptable limits; and to secure, without compromise, restoration and aftercare to provide for appropriate and beneficial after-use;
- to help conserve non-renewable resources for future generations through efficient use, recycling and waste prevention; to protect renewable resources from serious harm or pollution; and to promote the use of appropriate alternative materials;
- to ensure an adequate supply of minerals that are needed at prices that are reasonable; and to safeguard mineral resources for future generations.

Paragraph 14.8.4 of PPW states that proposals for opencast or deep mine coal will be expected to meet the following requirements:

- The proposal should be environmentally acceptable or can be made so by planning conditions or obligations, and there must be no lasting environmental damage;
- If this cannot be achieved, it should provide local or community benefits which clearly outweigh the disbenefits of likely impacts to justify the grant of planning permission;
- In National Parks and Areas of Outstanding Natural Beauty (AONBs), proposals must also meet the additional tests set out in paragraph 14.3.2;
- Proposals within or likely to affect Sites of Special Scientific Interest (SSSIs), National Nature Reserves (NNRs), Special Protection Areas (SPAs), Special Areas of Conservation (SACs)

and Ramsar Sites must meet the additional tests of exceptional circumstances

- Land will be restored to a high standard and to a beneficial and suitable after-use

National Guidance

MTAN (Wales) 2: Coal was published in January 2009 and sets out detailed advice on the mechanisms for delivering the policy for coal extraction through surface and underground working. This includes advice on providing coal resources to meet society's needs, the Local Development Plan, protecting areas of importance, reducing the impact of coal extraction, underground coal working and achieving high standards of restoration, aftercare and after use. Extensive advice on best practice is also provided as a means of assessing and controlling coal operations.

Local Development Plan

The Neath Port Talbot Local Development Plan was adopted in January 2016 and sets out the policies and objectives for the County Borough for the period from 2011 to 2026.

The Plan objectives seek to minimise the causes and consequences of climate change; reduce people's exposure to the determinants of poor health; deliver sustainable, safe and confident communities and develop vibrant settlements; reinvigorate the Valley areas and improve economic prospects, recognising the role of Glynneath in delivering sustainable growth; to promote and protect a diverse portfolio of employment land and employment opportunities to meet the needs of residents and businesses and stimulate economic growth; improve and strengthen the economic base of Neath Port Talbot to increase economic activity, reduce the unemployment rate in line with the Welsh average and negate some of the impacts of a reduced working age population; conserve Neath Port Talbot's important landscapes, important wildlife habitats and geodiversity sites; address air quality issues and minimise the adverse impacts from noise generating and polluting activities; safeguard the County Borough's mineral resource and make a proportionate contribution to the supply of mineral reserves to meet local, regional and national demand whilst ensuring adverse impacts are minimised; and to make a proportionate contribution towards the energy needs of Wales with a focus on renewable energy.

The Plan recognises that the County Borough contains mineral resources, both coal and aggregate, which are significant on a UK scale. They are also important both in terms of their contribution to the Welsh economy and more locally in terms of employment. Virtually the whole of the County Borough is underlain by coal resources. The coal is recognised as being of high quality with anthracite in the north and, somewhat less widespread, steam coals in the south east. Coal has been mined extensively within the area for centuries and has contributed significantly to the creation and sustenance of many of the valley communities. There has been a decline in traditional industries and a reduction in some facilities and services in certain communities but these communities have retained a strong community spirit and are rich in cultural and natural heritage.

The Plan Strategy is to facilitate growth within Neath Port Talbot, with a focus on the coastal corridor whilst reinvigorating the valley communities. This means identifying Pontardawe and the Upper Neath Valley as strategic growth areas in the valleys and providing a flexible approach to development within the valley communities in order to build sustainable, resilient communities with an aim to halt the process of depopulation and decline.

Policy SP 6 states that in the Valleys Strategy Area, the local economy and communities will be enhanced and reinvigorated and the distinctive environment will be protected through identifying the Upper Neath Valley as Strategic Growth Areas (SGAs); safeguarding employment sites and uses; taking a flexible approach to encourage employment uses and protecting cultural identity including areas of importance for the Welsh language. Policy SP11 takes a similar approach.

Policy EN 2 and the Proposals Map identify the site as being partly within the Vale of Neath Special Landscape Area. Development within the designated Special Landscape Areas will only be permitted where it is demonstrated that there will be no significant adverse impacts on the features and characteristics for which the Special Landscape Area has been designated. The Proposals Map also identifies the existing site as an operational coal site so recognising that it is already an element within the landscape. The main concern in such circumstances is that the landscape is restored.

Policy EN 6 states that development proposals that would affect Regionally Important Geodiversity Sites (RIGS), Local Nature Reserves (LNRs), Sites of Interest for Nature Conservation (SINCs), sites meeting

SINC criteria or sites supporting Local Biodiversity Action Plan (LBAP) or S42 habitats or species will only be permitted where they conserve and where possible enhance the natural heritage importance of the site or the development could not reasonably be located elsewhere, and the benefits of the development outweigh the natural heritage importance of the site. Mitigation and/or compensation measures will need to be agreed where adverse effects are unavoidable.

Policy EN 7 states that development proposals that would adversely affect ecologically or visually important natural features such as trees, woodlands, hedgerows / field boundaries, watercourses or ponds will only be permitted where full account has been taken of the relevant features in the design of the development, with measures put in place to ensure that they are retained and protected wherever possible or the biodiversity value and role of the relevant feature has been taken into account and where removal is unavoidable, mitigation measures are agreed.

Policy SP 16 seeks to protect and where feasible improve the air, water and ground quality and the environment generally by ensuring that proposals have no significant adverse effects.

Policy EN 8 states that proposals which would be likely to have an unacceptable adverse effect on health, biodiversity and/or local amenity or would expose people to unacceptable risk due to air pollution; noise pollution; light pollution; contamination; land instability; and water (including groundwater) pollution will not be permitted.

Policy SP 17 states that the Authority will make a proportionate contribution to meeting national, regional and local demand for a continuous supply of minerals will be made while balancing the impact of development on the environment and communities.

Policy M 2 states that surface coal operations will be considered unacceptable in principle where they are within 500 metres of a settlement (unless there are deemed to be exceptional circumstances by the Council); they are within or adversely affect any International and National areas of environmental importance; or are within or adversely affect any International and National areas of cultural importance.

Policy M 4 sets out the criteria for the assessment of mineral development.

Policy SP 20 states that the transport system and infrastructure will be developed in a safe, efficient and sustainable manner through restricting development which would have an unacceptable impact on highway safety; requiring development proposals to be designed to provide safe and efficient access and promote sustainable transport; requiring appropriate parking provision; and facilitating movement of freight by means other than road.

Policy TR 2 indicates that development proposals will only be permitted where the development does not compromise the safe, effective and efficient use of the highway network and does not have an adverse impact on highway safety or create unacceptable levels of traffic generation; appropriate levels of parking and cycling facilities are provided and the access arrangements for the site allow for the safe manoeuvring of any service vehicles associated with the planned use; the development is accessible by a range of travel means, including public transport and safe cycle and pedestrian routes; Transport Assessments and Travel Plans are provided for developments that are likely to create significant traffic generation.

Policy SP 21 seeks to protect and safeguard features of historic and cultural importance.

Appraisal and Assessment

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the content of the development plan unless material considerations indicate otherwise. The Neath Port Talbot Local Development Plan consist of a number of policies that relate directly or indirectly to the consideration of coal working proposals which have been summarised above.

The relevant issues are considered and assessed below in relation to LDP policies, National Policy guidelines and other material considerations.

Hydrogeology, Hydrology and Drainage

The coal measures strata are classified by NRW as minor aquifer which has no strategic significance as a groundwater resource but can have importance at a local level. However, there are no licensed or unlicensed surface or groundwater abstractions within the application area.

The upper sections of the geological sequence comprise the Rhondda and Llynfi sandstone beds with poor primary permeability and fairly low storativity, containing minor perched aquifers with limited hydraulic potential. The lower section, extending below the Llynfi beds to the lowest target seam is dominated by argillaceous strata with the potential for limited, only very minor, perched aquifers of no consequence. The unit is considered to have virtually no permeability especially vertically and essentially presents a barrier to downwards water flow.

The locations of the main aquifers are in the upper levels of the stratigraphy in the Llynfi and Rhondda sandstone beds and occur when mining is at its deepest and subsidence at its least. Given the impact of depth and the nature of the perched aquifers (contained within thick units of sandstone with low secondary permeability characteristics), it is considered unlikely that any significant impacts will be experienced. Subsidence and the incidence of old workings and fault lines can lead to connections which facilitate groundwater movement. However, in this case it is not considered that such groundwater movements would be large given the geology.

The surface mine, the MWR and the haul road fall within the catchment of the River Neath. The underground take area is split by the Hirfynydd ridge which separates the catchments of the River Neath and the River Dulais.

When the mine was closed between 1985 and 1993 the mine filled up with water up to the 41m AOD level and flowed out of the 'Quakers Level' via a culvert into the Neath Canal. When the mine re-opened the flow stopped. It is anticipated that at the final cessation of working the mine will gradually fill up with water and the flow will resume. The 41m AOD level is also the level that marks the 'overspill' point in the mine whereby water flows to the west over the intersection point between the 9 feet seam and the Pentreclwydau Fault.

Hydrogeologically the mining Zones Z1, Z2 and Z3 are isolated as a distinct area with the only possible connection to surface being the various openings in the Aberpergwm Drift Mine area. The area is hydrogeologically isolated from abandoned mineworkings along the northern and southern limits by in-situ blocks of solid, unworked ground which act as a barrier to underground groundwater/minewater flow. On completion of working of all the mining zones it is proposed to install a 'stopping' in the roadways in the western side of the Pentreclwydau

Fault in order to isolate the minewater and to re-instate the existing groundwater regimes to the east and west of the fault.

During mine operations the amount of minewater pumped to the surface is likely to increase. This will be directed into the existing drainage system at the site and will have to comply with the abstraction/discharge limits set out in the Environmental Permit issued by NRW. The dewatering of Zones 4, 5 and 6 is difficult to predict at this stage but will become more evident once more is understood about the geology. NRW have requested that planning conditions be imposed on any grant of planning permission requiring method statements and control measures to be approved prior to working in these zones.

Surface water run-off from the original mine surface area is collected into an attenuation pond within the site, released into two settlement lagoons and then discharged to an unnamed watercourse that runs along the southern boundary of the site. The flows enter a culvert that crosses under the Neath Canal and the B4232, passes under the temporary car parking area and then discharges into the River Neath approximately 120m to the south of the canal. The discharge consent requires a maximum discharge rate of 19 l/sec in order to protect the receiving watercourses against any potential deterioration in water quality and/or increase in surface water run-off.

The Cae Capel site area surface water is collected into an attenuation pond via a silt trap and primary settlement lagoons, released at a controlled rate to two settlement lagoons and then discharged into the unnamed watercourse after passing through an oil separator. The discharge is controlled by an Environmental Permit at a maximum discharge rate of 137 l/sec. The lower part of the Cae Capel field, including the site access, and the Nant Pergwm have been identified as being subject to some potential flood risk. A Flood Consequence Assessment has been submitted in support of the planning application and has concluded that the flood risk can be managed to an acceptable level for the type of development proposed.

The 'Pwllfaron' lagoons receive surface water run-off from the lower haul road and pumped minewater from underground. The combined discharge from this area to the Nant Ysgwrfa is limited to 60 l/sec. The current proposal seeks to split this discharge into two separate systems with a maximum discharge of 38 l/sec for the haul road surface water and 22 l/sec for the pumped underground mine water. This will have the benefit of not mixing the clean minewater with the suspended solids in

the haul road drainage system. This will involve the construction of two additional lagoons to the north east of the current lagoons where the mine water will be pumped.

The MWR area currently has two water treatment outlets associated with the former opencast workings. Discharge rates are limited to 470 l/sec at outlet 1 and 406 l/sec at outlet 2. Some works are proposed to these treatment areas to increase the attenuation volumes and improve the settlement capabilities. An additional attenuation pond is also to be constructed to the south of the MWR site. Potential impacts from the MWR on water quality are sediment from earth moving operations, sediment from the haul road, oil leaks and the discharge of foul drainage.

Surface water from the haul road generally drains to open drainage channels to the side of the road. There is potential given the road construction for suspended solids and therefore the water is directed into existing settling lagoons before being discharged back into the receiving watercourses. There have been concerns about the drainage system along the haul road but the Head of Engineering & Transport (Drainage) has indicated that the proposed improvements are acceptable.

Improvements to the surface water drainage regime are proposed and to ensure that they are implemented within a reasonable timeframe a condition is necessary requiring the improvements within 12 months of re-commencement of underground operations. It is considered that 12 months is appropriate as the mine will take some time to establish and generate some funds to carry out the works. It is unlikely that the scale of works within the initial 12 months will lead to issues which cannot be adequately controlled by the current surface water drainage systems. The systems will have to be adequately managed during the life of the mine and a management plan can be required by condition.

Surface water features and watercourses have the potential to be affected by subsidence. The gradients of the watercourses within the application area are such that the anticipated range of subsidence impacts is unlikely to have any significant negative effects. The worst case situation would be the development of fissures at surface which intercept water flows. This can be remedied by temporarily diverting the flow and sealing the fissures. This would be controlled by condition. The ES concludes that the potential impact of mining and subsidence on the hydrogeology and hydrology is limited.

It is considered that the proposals will not lead to any adverse effects on ground and surface water drainage. It will result in some improvement to the current surface water drainage controls at the MWR and along the haul road and the separation of clean pumped minewater from haul road drainage. The development will not lead to additional flooding impacts or adverse effects on water supply. The proposal is not therefore contrary to Policies M4(3), SP16(1) and EN8 of the LDP.

Landscape Character and Visual Impact:

The ES has evaluated the Landscape Character using the LANDMAP database which evaluates the landscape in terms of five aspect areas - Cultural, Visual & Sensory, Landscape Habitats, Historic Landscape and Geological Landscape. The evaluation for the different aspects of the site is set out below.

Area	MWR	Mine Surface Area	Car Park
Cultural Landscape	High	High	Outstanding
Visual & Sensory	Moderate	Moderate	Moderate
Landscape Habitats	Moderate	High	High
Historic Landscape	Outstanding	High	Outstanding
Geological Landscape	High	High	High

The sensitivity of the landscape to change and the Impact/Significance is set out below. This indicates that the proposed development would not result in significant adverse effects on the landscape character of the area as there are at worst only minor impacts. The mine site has limited inter-visibility with its context, the site has previously been developed in a functional and industrial manner and lacks landscape features of any particular note, it would be possible to restore the mine surface to something close to its former pre-development state and the MWR will not be wholly at odds with the character of the receiving landscape.

MWR

Area	Sensitivity to Change	Impact/Significance
Cultural Landscape	Very Low	Minor
Visual & Sensory	Medium	Minor
Landscape Habitats	Very Low	Minor
Historic Landscape	Medium	Minor
Geological Landscape	Low to Medium	Minor

Mine Surface

Area	Sensitivity to Change	Impact/Significance
Cultural Landscape	Very Low	Minor
Visual & Sensory	Low	Minor
Landscape Habitats	Low to Medium	Minor
Historic Landscape	Medium	Minor
Geological Landscape	Low	Negligible

Car Park Area

Area	Sensitivity to Change	Impact/Significance
Cultural Landscape	Low	Minor
Visual & Sensory	Low to Medium	Minor
Landscape Habitats	Low to Medium	Minor
Historic Landscape	Low to Medium	Minor
Geological Landscape	Low	Negligible

In visual terms a total of 22 viewpoints were initially assessed and a further 9 viewpoints were assessed in the Regulation 19 submission. Visual impacts vary depending on the proximity of the viewpoint. Due to topography and intervening vegetation there are only a limited number of viewpoints where the site can be seen. Central sections and the lower sections of the haul road are visible from some residential areas of Glynneath and from the A465. The taller elements on the mine surface area are also visible from Cwmgwrach and Blaengwrach across the valley. Whilst visible from some areas the visual impact is evaluated as slight adverse over the life of the mine with some views tending towards moderate adverse. However, when works are completed the visual impact will reduce to negligible or minor beneficial with the removal of a visual detractor.

The visibility of the MWR is likely to be at distance. The closest potential views are from Sarn Helen Roman Road located approximately 100m to the north. This route is a byway but is used primarily for recreational purposes. The topography of the area is such that views look over the MWR to the wider panorama rather than into it.

The haul road snakes up the mountainside through heavily wooded areas and is only perceptible from limited locations in Glynneath and the A465 and from parts of Blaengwrach. The widening of the haul road will result in it becoming more visible but this will be mitigated by distance and will not result in an unacceptable impact.

The mine surface area location and configuration is such that it is well screened from view to all but the closest viewpoints. It is important that

the screening vegetation along the southern boundary of the mine surface is retained and supplemented. This can be secured by appropriately worded conditions. External views of the MWR are also limited due to its topography and relative remoteness from visual receptors. As a consequence the proposal does not result in any significant adverse visual effects.

It is acknowledged that the site straddles the Vale of Neath Special Landscape Area but the LDP recognises the existing mining sites as an element within the landscape. The restoration proposals seek to integrate the site back into the surrounding landscape post-restoration and therefore there are no additional significant adverse impacts as a result of the development.

The impacts on landscape character and visual amenity are acceptable and the development is not therefore contrary to Policies M4(3), EN2 and EN7 of the LDP.

Ecology and Biodiversity

No statutory or non-statutory protected sites occur within or adjacent to the application site. No Annex 1 habitats or protected plant species were recorded.

Much of the application site for surface development has been disturbed by former mining operations and by forestry operations. However, some areas of deciduous woodland, coniferous plantation, scrub and secondary grassland on spoil, watercourses and bare ground along tracks are evident. The small areas of secondary grassland on spoil provide the greatest diversity.

Most of the 2.25 hectares of Restored Ancient Woodland (RAWS) along the northern boundary, the 0.61 hectares of Plantation on Ancient Woodland Site (PAWS) along the Nant Ysgwrfa and the 0.33 hectares of Ancient Woodland along the southern boundary are of a secondary nature and in poor condition. None of these woodland areas are directly affected by the proposals but there may be indirect impacts from pollution if not controlled. There may be opportunities to establish areas of lowland mixed deciduous woodland in the long term as part of the restoration and aftercare of the site.

Surveys indicate that the use of the site by badger is likely to be very limited and that only seasonal hunting opportunities for otter occur away

from the River Neath and the Neath Canal. Otter may travel along the corridors of the Nant Ysgwrach and the Nant Clwyd and hunt around the ponds at the lower levels of the haul road. A single brown hare was observed during survey work but the site provides sub-optimal habitat for the species. Impact on badger, otter and brown hare is considered to be negligible.

The two pipistrelle bat species are widespread and abundant throughout NPT and were observed during the survey. Maternity roosts are invariably in buildings and four such roosts are known within 800m of the mine surface. All observations were consistent with movements from the known roosts and impact is considered to be negligible.

Whiskered bats are also commonly found roosting within buildings but roosts in trees cannot be discounted although numbers observed do not suggest a nearby roost site. The species is unlikely to forage in the nearby woodland which is considered to be too dense. Impact is considered to be minor.

Daubentons bat is a specialist over-water forager and is rarely encountered away from water features. Roosts are normally within 100m of significant water features. Roosts in trees surrounding the site whilst unlikely cannot be discounted but impact is considered to be negligible.

Noctule bats preferentially roosts in trees but no tree roost features were observed on site. Impact is considered to be negligible.

Birdlife at Aberpergwm is diverse and in good health. The development is located in an area with suitable breeding habitat for Honey Buzzard which has a vulnerable population in NPT. Disturbance of nest sites would have a major adverse impact so to guard against disturbing Honey Buzzard nests the removal of trees should be limited to the October to December period unless it can be proven that no nests exist. This will also similarly protect Goshawk and Hobby.

It would be possible to contribute to the overall value of the site to Honey Buzzard by introducing ponds, log piles and leaving dead wood to decay naturally. This will introduce foraging habitat for Honey Buzzard and would be a potential gain. Such opportunities will form part of the detailed restoration plan.

Peregrines have nested locally in the past but these sites are sufficiently well buffered from the development not to affect the nest sites.

The most important recorded feature was the breeding population of Nightjar. These birds favour the small area of habitat that occurs on the eastern boundary of the MWR site. With the exception of Nightjar it is predicted that operational activities should produce few negative impacts on birdlife. Opportunities exist to mitigate losses by means of introducing ponds, woodpiles and nest boxes. However, maintaining a mosaic of clearings, sparsely vegetated ground and young plantations will support the most significant bird species. The predicted impact on nesting birds provided appropriate mitigation is implemented is considered to be minor adverse at worst. Conditions can be imposed to mitigate impact and to monitor the impact of the development on important species such as Honey Buzzard and Nightjar.

On site conifer plantations are too heavily shaded to support reptiles. Clear felled and recently reinstated areas can be expected to become progressively more attractive to reptiles as ground flora establishes and the presence of slow worm and common lizard indicate there is a population of these species which would be expected to colonise these areas. The bank of the canal is well populated with slow worm. No amphibians were seen within water bodies on site and the habitat is sub-optimal for amphibians but there are opportunities to improve the habitat for amphibians. Potential impact on reptiles and amphibians is considered to be negligible although schemes for their protection and translocation, if found, can be secured by condition.

Peat has previously been removed from the former Opencast Coal Sites and translocated to peat bog mitigation areas. Further peat translocation is proposed within this development together with a management regime for all the bogs extended for the lifetime of the mine. This management regime will need to be secured under the terms of a Section 106 Agreement.

SINC's have been designated for Riparian Woodland along the Neath River and Sarn Helen Ridgeway. The applicants have been asked to assess the impact of subsidence on these SINC areas and sensitive ecological habitats dependent on hydrology. This assessment has indicated that there could be impacts, adverse and positive, on these sensitive ecological receptors from subsidence. However, further assessment of these potential impacts as each mining zone comes

forward, as part of a wider subsidence assessment, together with mitigation/compensation and implementation would address these concerns. This can be secured by condition.

There are no sites or species of national or international importance adversely affected by the development. The potential adverse impacts on biodiversity are localised and are reversible by appropriate mitigation. Subsidence impacts will be assessed further as underground operations progress and appropriate mitigation/compensation is achievable. There are opportunities to enhance the site for biodiversity in the longer term through detailed restoration and aftercare plans. The proposal does not therefore conflict with Policies M4(3), M4(5), EN6 and EN7 of the LDP.

Archaeology and Cultural Heritage

Four SAM's lie within the Z0 - Z3 area – Carn Cornel Cairn, Coed Du Cairn, Coed Du House platforms and enclosure and Hirfynydd Roman Earthwork. A further nine National Sites and Monuments have been identified. The assessment concludes that the level of impact on assets of archaeological significance in Zones 1 to 3 is negligible. There are a limited number of features, and these features by reason of their being low level earthworks have a low sensitivity to development and the subsidence that may occur as a result of deep mining operations.

Zones 4-6 contain a greater number of surface constraints, including features of archaeological and cultural significance. These areas, especially under the village of Crynant are likely to be more susceptible to underground mining subsidence and the potential for adverse impact is greater. The increase in sensitivity would result in additional mitigation being required in the form of mine design to ensure the potential impact is minimised. The applicants are proposing a zone of limited working beneath the settlement of Crynant and the corridor along the valley to Seven Sisters. A condition can be imposed requiring further subsidence assessments to be undertaken prior to large scale mining operations where these are proposed beneath sensitive land-uses so as to ensure the potential impacts are adequately mitigated.

There are no recorded sites located within the MWR study area although the Sarn Helen Roman Road runs approximately 100m to the north. The assessment of the potential for impact on features of cultural heritage concluded that it was limited to visual impact. The feature most susceptible to a higher degree of visual impact would be the section of

Sarn Helen Roman Road to the north of the application area. However, visual impact is mitigated by tree cover, distance and the presence of the current opencast overburden mound. The significance of the impact is considered to be slight.

Glamorgan Gwent Archaeological Trust agree with the conclusion of the assessment submitted by the applicants which recommends a written scheme of archaeological evaluation for the previously undisturbed areas of the MWR. This written scheme of archaeological evaluation can be secured by condition. CADW indicated no objections to the development on the basis that in their view the works would not have a significant impact on protected features.

The proposal does not therefore conflict with Policy SP21 of the LDP.

Land Stability

Underground working in the 9ft and the 18ft coal seams will cause varying magnitudes of ground movement.

The underground working area has been divided into zones – Z0 to Z6. In Z0 – Z3 there are a limited number of surface constraints and a relatively low sensitivity to subsidence. However, Zones 4 – 6 contain a greater number of surface constraints in terms of subsidence such as areas of population i.e. Crynant, but only one seam is to be worked in these areas whereas two seams are to be worked in Mining Zones Z0-Z3.

The applicant's proposals involve a variety of mining methods including longwall, shortwall, multi-entry and multi-entry with pillar extraction. These methods will result in varying degrees of ground movement and subsidence governed by a number of factors i.e. extraction thickness, geometry of the worked out area, depth of working, nature of overlying strata.

Estimates of the potential subsidence risk have been prepared using the Subsidence Engineers Handbook. Subsidence at the surface in Zone 1 from combined working of the 9ft and 18ft seam is estimated as 0.75m (multi entry) to 1.2m (longwall/shortwall). Multi entry working beneath the village of Tynewydd and the mineral rail line will produce only low orders of ground movement. Longwall mining beneath the landslip areas on the western boundary would tend to increase the landslip risk but there is no development at risk from a landslip. A

number of minor watercourses are present but the surface contours are steep so drainage regimes are unlikely to be significantly impacted by subsidence.

Subsidence in Zone 2 from combined working of the 9ft and 18ft seam is estimated between 0.6m (multi entry) and 2.7m (longwall/shortwall). Mining parameters in this Zone range between depths of 225m and 685m. There are watercourses and tracks traversing the area. A SAM is located in the north eastern section but it is a ground earthwork feature which CADW has confirmed is not sensitive to ground disturbance.

Subsidence in Zone 3 from the working of longwall panels in the 9ft seam only is estimated to be in excess of 0.85m with similar magnitudes if the 18ft seam is worked in the longer term. Working depths in this phase range from 360m to 685m. Similar to Z1 and Z2 there is an absence of development at the surface in Z3. Again minor watercourses, tracks and a SAM are present but these are not at significant risk from subsidence.

The applicants are proposing areas beneath Crynant and along the valley to Seven Sisters in Z4-Z6 where they would not work coal, apart from a drivage with some multi entry coal production to access the 9ft seam in Z4 and Z5. On that basis the potential for subsidence damage is limited. Areas of Z4 – Z6 outside of that 'sensitive' area would be worked by a mix of longwall/ shortwall/multi-entry methods in the 9ft seam only and result in subsidence of between 1.5m and 2m.

It is acknowledged that pillar and stall mining techniques, which remove approximately 50% of the coal and leave the other 50% as support pillars, are unlikely to result in significant subsidence. However, longwall, shortwall and multi-entry with pillar removal could result in subsidence impacts on sensitive features such as buildings, landslip areas or sensitive habitats. Given the sensitivity of such areas it would be necessary to ensure further assessment of subsidence impacts if large scale mining techniques were to be proposed under any such sensitive features. This can be secured by condition.

The MWR area is underlain by strata which belong to the Lower Pennant Measures comprising the Rhondda beds. The Rhondda No1 and Rhondda No2 coal seams have been extensively worked beneath the site as has the Red Vein. The Rhondda No 1 seam has been worked by the former opencast coal sites. The Rhondda No 2 and Red Vein have been worked by underground small mines which are no

longer operational. Operations were by pillar and stall which will give rise to very little identified mining related disturbance at the surface.

Mining in the 9ft and 18ft seams has been undertaken at depth at Aberpergwm by a mixture of pillar and stall with some longwall working. It is unlikely that any current or future working will have any impact on the structural integrity of the MWR given methods of working and the nature of the geological sequence.

Stability analysis has driven the structural design of the MWR with shear keys being installed in some areas and the removal of low shear strength clays from eastern and southern boundaries prior to filling. The tip will be constructed in layers and compacted with a roller. Where moisture content is too high to enable the defined tipping method to be followed the material will be stored in a specific temporary holding area.

On the basis of the above, there are no significant adverse impacts from subsidence or land stability but as operations progress further detailed analysis of the potential impact of subsidence on sensitive features, buildings and habitats will be required. This can be secured by condition. The proposal does not therefore conflict with Policies M4(3), SP16 or EN8 of the LDP.

Land Contamination

The submitted reports identify a risk to end users of the site from potential exposure to contaminated soils if works are done to the car park area. A remediation scheme is recommended for areas where ground contamination is encountered. This can be ensured by the imposition of planning conditions on any grant of planning permission. With the conditions in place the development would not conflict with Policies SP16 and EN8 of the LDP.

Noise

Noise can have a significant impact on the amenities and potentially the quality of life of residents and users of the land surrounding a coal site. Paragraph 168 of MTAN2 notes that environmental noise caused by traffic and industry is the source of an increasing number of complaints from the public. It goes on to say that it can have a significant impact on the quality of life, to the extent of harming well-being.

A noise assessment has been undertaken at eight locations – Engine Cottage; Elmwood; Manor Drive; Chain Road; St Cadocs Church; Roman Road, Banwen; Sarn Helen Roman Road and Roman Fortlet SAM. Background noise levels have been obtained at Engine Cottage; Elmwood; Manor Drive; Chain Road; St Cadocs Church and range from 44 dB at Engine Cottage to 37 dB at Manor Drive and St Cadocs Church.

Paragraph 173 of MTAN2 requires that Mineral Planning Authorities (MPAs) should establish a noise limit at sensitive locations of background [LA90] plus 10dB LAeq 1hr or 55dB LAeq 1hr (free field), whichever is the lesser, during normal working hours (0700-1900hrs Monday to Friday excluding Bank Holidays). For all other times MTAN 2 states that operational noise should not exceed 42dB LAeq 1hr (free field) at sensitive locations.

The calculated hourly noise levels for the routine operations at the site range from 54dB at Engine Cottage to 42 dB at Chain Road and St Cadoc's Church. These predictions are not in excess of MTAN2 derived noise limits during daytime working hours, and are typically considerably lower, except for Engine Cottage which is on the +10dB limit. Noise limits can therefore be set within any planning permission granted which reduce the noise limits below the current limit of 55dB. This will be an improvement on the current situation. The assessment also confirms that the criterion of 42dB can be met outside the normal daytime working hours. A Noise Management Plan forms part of the submission which is acceptable to Pollution Control Officers.

An assessment has been made of the potential change in traffic noise levels as a result of the development. This assessment has concluded that the impact will be minor, negligible or none.

It is considered the development can be operated well within the general criteria for noise set out in MTAN2 and therefore the proposal is not in conflict with Policies M4(3), SP16 and EN8 of the LDP.

Dust and Air Quality

There is potential for dust as a result of operations at the mine surface and from stockpiles of material. There is also potential for dust from haul roads and from the deposition of material and stripping of soils at the MWR. Coal stocking and windblow across disturbed surfaces can also contribute to the potential for the generation of dust.

MTAN2 makes reference to the dispersal of dust which is described in 'The Environmental Effects of Dust from Surface Mineral Workings' (DoE). It was found that for dust emitted from surface mineral workings 95% of particles are between 30µm and 75µm which generally deposit within 100m of their source. Particles in the range of 10µm to 30µm make up a minor proportion of dust from mineral sites and these will tend to deposit within 250m of the source.

The closest potential receptors within 100m of the Mine Surface Area are Aberpergwm House, 1 Manor Drive, Elmwood and the (approved but not built) Healthcare Centre. Engine Cottage is within 60m of the haul road and there are no residential receptors within 1km of the MWR. Sensitive ecological receptors such as lowland mixed deciduous woodland, Neath Canal and Nant Pergwm are located adjacent to the Mine Surface Area.

Dust suppression is currently undertaken in accordance with the previously approved scheme and a revised Operational Dust Management Plan has been submitted as part of the Regulation 19 submission. The Plan is acceptable to Pollution Control Officers.

Air Quality Regulations prescribe National Air Quality Strategy (NAQS) - objectives to be achieved for a range of pollutants and in respect of coal mining development pollutants such as PM₁₀ and PM_{2.5} particulates are relevant and NO₂ is relevant for HGV emissions. It should be noted that NAQS objective levels are set at thresholds at which the risk of adverse health effects to any individual would be very small.

PM₁₀ data show that the current average PM₁₀ concentrations in the area occupied by the application site in 2013 ranged from 12.64 to 12.83µg/m³, 32% of the annual average NAQS objective of 40µg/m³. The background level by 2018 has risen slightly to 14.66µg/m³ but is still well within NAQS objective levels.

The mapped level for PM_{2.5} for 2013 is 8.59µg/m³, 34.36% of the NAQS average annual objective of 25µg/m³. By 2018 this has risen to 10.48µg/m³. NO₂ concentrations ranged from 7.98 to 10.58µg/m³ which is well below the NAQS annual average limit of 40µg/m³. By 2018 there was little change at 10.56µg/m³.

Surface related mining operations are generally associated with very small increases in mean concentration of PM₁₀ particles (2µg/m³) and

on that basis the concentration would still be well below half the annual mean threshold.

Dust can also be a source of complaint as a visual impact on surfaces. There are no UK Statutory Standards recommended for dust deposition rates however MTAN2 suggests that for high-contrast dust such as coal, conditions should be set at a maximum of 80mg/m²/day (as a weekly average) or as a combination of 100% AAC (actual area coverage) across a single 45° sector over a 7 day period or the dust effect or discolouration is greater than 25% for a single sector within the same period. It is unclear if the limit of 80mg/m²/day relates to all dust or just the coal component.

Dust monitoring has been undertaken at three locations from March 2012 to March 2014. The range of deposition rate for Location 1 (adjacent to new drift mine entrance) ranged between 13 mg/m²/d to 135 mg/m²/d with 6 of the 20 measurements being above 80 mg/m²/d. The average over the period was 57 mg/m²/d. Location 2 (east of the attenuation pond) had deposition rates ranging between 7 mg/m²/d and 36 mg/m²/d. Location 3 (south western corner of soil storage area) has deposition rates of between 7 mg/m²/d and 96 mg/m²/d with 2 of the 20 measurements exceeding 80 mg/m²/d. Background measurements at Llygad yr haul, 250m to the north east of the site indicate low background levels of dust deposition of 18 mg/m²/d. This confirms that although rates are generally low, mitigation is required by condition in order to minimise dust deposition rates as far as possible and prevent some of the high readings experienced previously which do tend to be in the spring/summer months.

Monitoring at the MWR between March 2012 and March 2013 indicated that dust levels were high for much of the period at Forest Quarry Area 2 but started to drop away when opencast excavations ceased. The levels at Nantymynydd were relatively low.

In addition to planning conditions and controls for the mitigation of dust and its monitoring, operations for coal processing and stocking will be regulated by an Environmental Permit. Paragraph 13.10.2 of PPW indicates that planning authorities should not seek to control matters that are the proper control of pollution control authorities and are covered by separate legislation. They must operate on the basis that these other regimes will be properly applied and enforced.

Whilst it is inevitable some dust will be released to the atmosphere from such operations given the nature of the controls put forward and the distance between any dust sensitive properties and associated land uses, it is considered that the proposal can comply with modern standards of control and dust reduction and is therefore not in conflict with Policies M4(3), SP16 and EN8 of the LDP.

Lighting

Lighting will be required during periods of darkness to conform to Health and Safety requirements. Poorly designed lighting can have an adverse effect on the local environment and the amenity of the area. Therefore, sensitive and well-designed lighting provisions would need to take account of safety but also to protect the natural environment and prevent glare and respect the amenity of the area. A condition requiring a lighting scheme for the mine surface area is justified.

Some impacts would inevitably be experienced during the operation of the site. However, most of this would be in the form of a general light haze as opposed to direct light installations. Lighting along the haul road and at the MWR would be an unacceptable intrusion into the countryside and can be prevented by condition.

A mitigation strategy should reduce the incidents of light pollution and unwanted light. General review and adjustment of lighting at the site should secure a reduction and control of light intrusion to local residents. It is therefore considered that the development would not have an adverse effect by way of light and illumination on the living conditions of local residents subject to adequate review and management under a condition. The issue of illumination is therefore not in conflict with Policies M4(3), SP16 and EN8 of the LDP.

Health

Paragraph 121 of MTAN2 states in part

“A planning application for coal working that may have significant effects on human health should be accompanied by HIA as part of the EIA. This does not in itself mean that such developments have unique, significant, or necessarily negative health impacts. It does recognise, however, that to meet expressed concerns, not only should the technical evidence be rigorously assessed, but also the local

community should be properly informed and involved and people's views heard about the application."

Paragraph 122 goes on

"HIA should assess the potential direct and indirect effect on the health of a population and the distribution of those effects within that population; it is a flexible but systematic way of considering the possible impacts of developments on people's health. The public seeks a certain level of scrutiny to provide assurance that the potential risks to health have been considered and can be adequately controlled. HIA will provide this scrutiny."

The determinants of health as identified by WHIASU are environment, income, employment, education, the organisation of transport, the design and condition of houses, crime, and the social and physical condition of local neighbourhoods.

A statement in relation to the potential health effects of the development has been submitted. The screening exercise undertaken in accordance with WHIASU guidance finds that the application is unlikely to have adverse effects on wider health and wellbeing as the activities will be distant to populated areas. However, there may be greater risks of noise, air quality and pollution.

The major health effect that can be expected will come as a result of the provision of employment and training at the mine. This is expected to be beneficial to the health and wellbeing of the employees and their families. The activity will also be beneficial to the local economy and the sustenance of the local community.

Having regard to the strategy for Health, Social Care and Well Being it is recorded that the population in NPT has the worst health record in Wales. However, the elements of a complex matrix of issues do not indicate any specific links to any site, any specific activity or development.

Public Health Wales (PHW) considers that the main impacts are overall health impact, noise and vibration, dust nuisance and air quality and impact on water supplies. PHW recommends that the LPA are satisfied by the underpinning assumptions, especially with regard to noise and air quality at the nearest sensitive receptors; existing regulatory controls and permits remain in place or are amended in line with increasing

production; the Noise and Dust Management Plans are agreed and modified as production increases; planning conditions are specifically set for noise and dust; adverse impacts on potable water supplies should be considered; cumulative impact of noise and dust from other sources should be considered and public liaison groups are encouraged to discuss any local issue and concern. These matters can be covered by the imposition of planning conditions.

Levels of particulate matter, PM₁₀ have been measured to inform the preparation of the ES. There is no evidence from the monitoring undertaken at the site and at other sites in the Authority's area that there is any measurable significant contribution from coal working to local PM₁₀ levels that could affect National Air Quality Standards. Mapped levels of PM_{2.5} indicate levels substantially lower than the NAQS objective.

Nuisance dust can have an effect on the amenity of the closest residents however there is no evidence of any indirect effect on health from nuisance dust. The levels anticipated and controls put forward have been considered above. In addition, there have been no complaints regarding dust from the site over the last 10 years.

In certain concentrations Nitrogen Oxide in the atmosphere are an irritant to the human respiratory system, which can lead to serious health effects for asthma sufferers in particular. In Wales the main producers of Nox are energy producers (36%), followed by exhaust fumes from transport (34%). Nox levels for the site are 11.66µg/m³ in 2013 and 14.17 in 2018. This is well below the recommended guideline of 40µg/m³.

Noise at a certain level is considered to be a nuisance and noise has been recognised as having a possible indirect effect on health. However based on the assessment of noise impacts outlined above, all noise levels are likely to be within a range that should not cause serious annoyance or above the criteria of the World Health Organisation by limiting levels to a maximum of 54 dB LAeq.

It is fully recognised that the well-being of the local population must be given due regard within the determination of the application. An appropriate level of assessment has been undertaken on the range of criteria considered relevant to health particularly in respect to air quality measurements.

The results of such as assessment conclude that PM₁₀ concentrations would be well within AQS objective levels under worst case scenarios and PM_{2.5} concentrations would be the same. Other criteria indicate acceptable levels of impact. The Pollution Control officers have not raised any serious concerns on the relative impacts of the development and any consequential impacts on health. It should also be noted that no objections have been received from members of the public.

Having full regard of the importance of the HIA and health assessment within the planning process and the advice set out in paragraph 122 of MTAN 2, it is considered that there are no health grounds to justify refusing the application, subject to continuous monitoring of noise, air quality and other impacts to ensure compliance to recognised standards. However, there may well be health and well-being benefits from the employment created. There is therefore no conflict with Policies M4(3), SP16 and EN8 of the LDP.

Transportation & Highway Safety (e.g. Parking and Access):

The mine is located approximately 500m from the A465 Heads of the Valleys route, which is a major east west trunk road artery.

The application has been accompanied by a Transport Assessment and an Addendum which has analysed the likely impact of the development based on the original objectives of the Mine to increase production of coal year on year producing 1 million tonnes of coal by Year 7, with maximum production being sustained beyond that date. However, the revised proposals have indicated production of less than half that amount although the original assessment is still valid given that it is for a higher figure which in theory could be achieved should the markets become available.

	<i>Annual ROM (tonnes)</i>	<i>Saleable Product</i>	<i>Discard</i>
Year 1 - 2018	222,785	100,000	122,785
Year 2 – 2019	406,300	203,700	202,600
Year 3 – 2020	483,941	241,000	242,941
Year 4 – 2021	820,465	400,000	420,865
Year 5 – 2022	990,224	480,000	510,224

The 'worst-case' scenario is that the proposed development (when at maximum capacity of 2.5m tonnes ROM) could generate up to 237 HGVs (one-way) per working day (and therefore up to 474 2-way movements) although it is anticipated that the number of HGV's in the first 5 years will be:-

	HGV with carrying capacity of 16 tonnes	HGV with carrying capacity of 30 tonnes
Year 1 - 2018	23	13
Year 2 – 2019	47	25
Year 3 – 2020	55	30
Year 4 – 2021	91	49
Year 5 – 2022	110	58

The junction capacity analysis within the TA states that the existing/proposed highway infrastructure (which includes a proposal for the existing access to the mine over a bridge spanning the Neath Canal to be upgraded to include traffic signal controls) has sufficient capacity to accommodate base traffic flows plus development generated traffic beyond 2029, with marginal increases in queues and delays at each of the five junctions within the study area and minor adverse impact from traffic noise. The anticipated traffic in the first five years is less than previously anticipated but in theory the figures in the original TA could be achieved. The TA therefore remains valid. The Highways Officer has raised no objection based on the TA.

The TA, however, is based on approximately 70% of HGVs travelling the short distance to the rail head at Unity Mine for onward transmission by rail with approximately 30% travelling by lorry to TATA in Port Talbot. In this regard the TA stated that the applicants have an agreement with Unity Mine to use the railhead (although subsequent Regulation 19 submissions include a TA Addendum which now indicates that there is no current agreement in place). It is understood that the Unity Mine site has been sold and that it is due to re-open in competition with Aberpergwm.

TAN18 – Transport states that where possible local planning authorities should promote the carriage of freight by rail, water or pipeline rather than by road, where it forms a feasible alternative for all or part of the journey. Given the relatively close proximity of the railhead to the site, there are clear and obvious benefits of using the railhead for distribution of coal, in order to minimise the impact on the wider highway network.

It is also noted that the transportation impacts on the highway network extend beyond Neath Port Talbot and, for example, the impacts of all coal sent by road would have potentially extensive highway impacts on the more rural road network in that part of South Wales.

The applicant has also stated in their initial TA that their analysis represents a 'worst-case' scenario, with all saleable product transferred by road, either to the rail head at Unity Mine, or to Tata Steel (in Port Talbot). In practice, however, they anticipate that a corridor to facilitate the transport of coal could be provided (between Aberpergwm Mine and the rail head at Unity). This, they state, will significantly reduce the volume of HGV traffic generated by the proposed development. It is noted, however, that the TA Addendum now omits such a suggestion (which in any event would require a separate planning permission alongside a railhead agreement).

Having regard to the above, the matter of rail transportation was discussed with the previous agent. He noted that Energybuild Limited has no direct access to the rail network, and their only means of securing rail movements at present is to haul the coal by road initially, deposit it at a local rail head for it then to be loaded on to trains. At higher tonnages (e.g. over 1 million tonnes coal export per annum) there is attraction (environmental, logistical, commercial - under the sustainability umbrella) to hauling more coal by rail. He also considers the evidence does not indicate any wider environmental unacceptability of transportation solely by road.

While it is noted that access to a nearby railhead cannot be guaranteed, it is nevertheless considered appropriate to place some requirement on the applicant to explore the potential for a proportion of the coal produced at the site to be transported by rail, having regard to national guidance and potential wider implications on the highway network. It is accepted, however, that the use of rail – while encouraged from the outset – may not reasonably be restricted based on the initial years of production, which could be undertaken without significant detriment to the highway network/ capacity. For example, based on 990,000 tonnes ROM (480,000 tonnes product), then the HGV movements by road (based on 30 tonne loaded coal HGVs) would equate to approximately 58 (one-way) movements a day based on 30 tonne HGV's and 110 (one way) movements per day based on 16 tonne vehicles. The reality is that movements will be somewhere between those two figures based on the mix of vehicles utilised.

In this respect, rather than an absolute requirement to transport a proportion by rail (such as that in place at East Pit), a condition is recommended which states that no more than 480,000 tonnes (equating to almost 1m tonnes ROM) of coal shall be exported from the site until such time as a scheme is submitted to explore the viability of, and demonstrate the ability to, transport coal from the site by rail. Such scheme would need to be submitted to and approved in writing by the LPA before any coal above 480,000 tonnes could be exported.

The above conclusions are reached in full knowledge that the previous planning permissions for the mine contain conditions setting vehicle limits of 180 vehicles per day. In addition, although traffic from the Opencast Coal sites has now ceased, their planning permissions included limits ranging from 70 to 110 vehicles per day. Nevertheless, given the potentially significant ROM output, it is considered essential to require detailed consideration of potential for a rail transportation scheme as outlined above, which accords fully with National Policy and guidance.

In conjunction with the above condition, it is also recommended that a condition is attached restricting the number of HGVs leaving the site to a maximum of 237 loaded HGV's per weekday by condition and 100 on a Saturday, notwithstanding the fact that the expected levels of movement from the site are likely to fall significantly lower.

As referred to above, the existing access to the mine over a bridge spanning the Neath Canal is to be upgraded to include traffic signal controls together with a formal pedestrian crossing of the B4242 in order to accommodate the movement of miners between the site and the car park. Having regard to the submissions in the TA, the lower level of movements in the initial period, and the planned intensification in output and associated HGV movements, the Head of Engineering and Transport considers that an appropriate trigger for such works to be implemented would be 18 months from date of re-commencement of mining at the site. This is based on the TA and amount of coal product to be output from the site. In this regard, it is considered more appropriate to impose a condition restricting output from the site to a maximum of 140,000 tonnes coal product until such time as the scheme has been implemented.

In concluding on transport issues, it is concluded that subject to the conditions and controls referred to above, that the proposed development would have no unacceptable impact on the local highway network or upon highway safety. On that basis the proposal does not conflict with Policies SP20, TR2 and M4(4) of the LDP.

Soils and Restoration

Coal developments must meet the restoration and aftercare requirements of PPW and ensure that land is restored to sustainable and beneficial after use. After-use and reclamation methods should be addressed and set out in a reclamation strategy and should be agreed at the time that planning permission is granted. Further details can be provided as development progresses. Achieving a high standard of restoration, aftercare and after-use is one of the key principles of sustainable mineral extraction set out in PPW. MTAN2 provides further advice and guidance on the standards required of reclamation proposals and after-use. Schemes should seek to maintain or enhance the environment for the benefits of local communities and the long term quality of the land for the intended use.

Ecological interests and the enhancement of bio-diversity is one of the main objectives when restoring mineral sites. Paragraph 282 of MTAN2 states in reinstating land following opencast working, the opportunity exists to improve the local environment, enhance landscape and bio-diversity and make provision for public access.

Paragraph 258 of MTAN2 states if there is any significant doubt about whether satisfactory reclamation can be achieved at the site, planning permission should be refused. The provisions of a financial guarantee for the future restoration of the site are considered further below.

It is proposed to restore the MWR to commercial forestry plantation (30.4ha), conservation grassland (26.9ha), amenity woodland (8.9ha) and peat bog (1.2ha).

At the MWR there are stored soils available for use which came from the previous opencast coal working area and there are soils available from the restored and undisturbed areas as well as a quantity of soil forming material. Analysis of the soils available indicates that the soil resource is sufficient to provide a depth of 950mm for both the commercial plantation and amenity woodland and 400mm for the conservation grassland (a combination of wet and dry acid grassland).

There are identified areas of peat on the undisturbed ground up to 2.8m thick. The peat resource identified presents an opportunity to build upon the success of the peat translocation and mitigation scheme which was implemented as part of the Forest Quarry 2 Extension. A number of opportunities for peat bog construction have been identified. Peat Bog 2 could be extended. A new Peat Bog 5 (within the MWR site) and Peat Bog 1 (together with a satellite) could also be developed.

The mine surface area will be restored to a mixture of reed beds and grassland with the retention of one of the lagoons as a water feature.

The Biodiversity Unit of the Authority have no significant objections to the proposed restoration element of the application subject to appropriate schemes and commitments to manage the restored areas. The applicant has indicated a willingness to undertake extended aftercare on peat mitigation areas, along with an extended management regime within a dedicated Ecological Steering Committee. These provisions, in part, would be the subject of the requirements of a Section 106 Agreement and also under specific conditions and schemes of any permission. There is no indication therefore that satisfactory restoration cannot be achieved.

The provision of adequate restoration with enhanced biodiversity objectives forms a cornerstone to the consideration of this application and any short term conflict with any nature conservation policies, both nationally, and within LBAP targets and within the LDP, must be balanced against the benefits of the proposal. In this case it is not considered that there are any adverse effects on biodiversity and nature conservation that have not been mitigated to an acceptable degree. The restoration strategy is acceptable, ensures a beneficial after-use and takes account of the potential to create biodiverse habitat. Further detailed schemes will be required for the Mine Waste Repository, Mine surface area and the haul road at the appropriate time. For the mine waste repository this would be 5 years after commencement and for the mine surface area and haul road it would be 15 years after commencement, unless the mine closes permanently before those dates. The proposal does not therefore conflict with Policy M4(5)(d) of the LDP.

Cumulative Impact

Surface coal mining has taken place in the general locality for some considerable time with the largest opencast operations of recent times being the Derlwyn site operated to the north east of Glynneath between 1989 and 1996. The Selar operation started in 1997 but has recently stopped due to market conditions. Previous to this, during the late 1980s, operations came to an end at the Ffyndaff site east of the current operations whilst the previous Dunraven opencast occupied the same site during the 1960s to 70s. Smaller and more sporadic coal mining operations have been undertaken at Fforch y Garn which completed operations in the late 1990s. Nant Helen has previously been mothballed but is currently due to restart coaling in mid-2018 for approx. 3 years.

There is no clear and defined definition of cumulative impact, however, it is considered that continuous and persistent development of broadly a similar nature could inflict a cumulative impact on a locality.

The nearest communities in Neath Port Talbot in particular may have witnessed temporary changes to the landscape and recorded some impacts in the form of noise, dust, blasting, light pollution, and associated transportation movements in association with these developments. Additionally, the surface facilities for underground working at Aberpergwm and the Unity mine and Cwmgwrach railhead complex will have had some defining impacts on the general area.

It is recognised that the overall levels of complaint from working at Aberpergwm have been very low. This may be an acceptance of any perceived disturbance by the local residents of the area, however, it is more likely to relate to the recorded levels of noise and dust that has emanated from the site during its life.

MTAN2 refers commonly to the potential cumulative impacts of successive mineral developments. However, on the basis of the scale and further duration of mining at Aberpergwm, it is considered that the proposal does not inflict serious, continuous harm that merits significant weight to be given to the cumulative impact of the development.

Socio-economic considerations

Coal production at Aberpergwm has fluctuated over recent years. The site operated from 2007 until December 2012 when the mine was

placed on a care and maintenance footing until May 2013, with the loss of 240 jobs. Production recommenced in July 2013 at a reduced capacity and manpower increased from 31 to 65 employees. Unfortunately, the mine was placed on a care and maintenance footing again in 2015.

The applicants propose to invest an initial £10 million to develop the mine to production of 1 million tonnes per annum, and possibly more. The proposal allows for an incremental re-employment of 115 employees during Year 1, with employment eventually reaching 200 employees by Year 5. The initial proposal referred to an investment of £100 million over the life of the mine. The prospective owners have not indicated what further investment will be required, over and above the initial investment.

Although not at the same levels envisaged in December 2015 (when it was indicated that there would be 166 employees during Year 1, with employment eventually reaching 529 employees if the production level achieves full capacity), this level of employment would have a major beneficial effect at a sub-regional level in terms of the local economy, well-being and the sustenance of a community. There would also be benefits in terms of indirect jobs in terms of haulage and in supporting the jobs at customers such as TATA Steel in Port Talbot.

In NPT the number of economically active people in employment is lower than the national average. Glyncorwg, Onllwyn and Blaengwrach are in the top 40% of the most deprived wards in Wales and parts of Glynneath are in the top 20% most deprived wards in Wales. The potential for up to 200 jobs (even though much less than the 529 originally anticipated) in this part of NPT must still be given significant weight in that it would assist in achieving the objectives of the Local Development Plan in generating well paid employment and reducing the unemployment rate.

Energybuild also contributes to and participates in the administration of a Community Social Fund administered by a Community Funds Committee. The fund is available to support local causes. This has the potential to significantly contribute to the well-being of the adjacent communities by supporting community based ventures.

The applicant's agent has confirmed that these benefits can be secured through a section 106 agreement, the finer details of which will be negotiated post-Committee.

Members should however note that the applicant's willingness to make financial contributions to a community fund is not a material planning consideration and cannot be taken into account in the determination of this application.

Need for the Coal

One of the key principles of sustainable mineral extraction set out in PPW is to provide mineral resources to meet society's needs whilst at the same time avoiding adverse impacts on the environment and amenity. MTAN2 provides a policy background for the provision of coal resources to meet society's needs.

The UK Government's proposed closure of the coal fired power stations by 2025 has impacted on the proposals at Aberpergwm which have been scaled back based on the loss of demand for Welsh coal at Aberthaw Power Station.

At the time of the previous Committee resolution it was anticipated that output would grow such that by Year 7 the mine would be producing 1.5 million tonnes of coal per annum (900,000 to Aberthaw and 600,000 to TATA). The market at Aberthaw is no longer available and the existing suppliers have had to re-align their business and compete for the remaining markets in PCI and other speciality carbon sectors. This section has therefore been revised to take account of the changes in the market situation since the previous resolution was made.

There are existing markets for high grade anthracite (5-9% volatile) which are in short supply. The applicant claims that the only significant producers of high grade anthracite in Western Europe are currently Celtic Energy Ltd and Ibbenbühren in Germany (which sells very little into the UK and is due to close by December 2018.). There are also a small number of independent sites producing anthracite coal but not in significant quantities.

The market is currently estimated to be approximately 500,000 tonnes per annum and is dominated by Celtic Energy. The main market is briquetting and domestic coals which amount to approximately 260,000 tonnes. The remainder of the demand is made up of carbon electrode manufacture, filter media, sintering and PCI.

However, it is likely that Celtic Energy sites will be exhausted by 2021/22, by which time it is estimated that the demand for speciality carbons will be stable at approximately 400,000 tonnes per annum. The Aberpergwm Mine business plan is to provide sufficient coal to supply these markets by 2021, hence the anticipated production level of 400,000 tonnes per annum by that time. Imported coal from places such as Russia, Ukraine, Peru, US, Canada and South Africa are unlikely to be of sufficient quality and/or quantity to meet the demand for low volatile coals. In addition, it should be noted that the world coal market is notoriously volatile and there may be future opportunities for sales which cannot currently be predicted. The level of sales and consequent production will be dictated by the market but at the present time the applicants predictions indicate adequate markets for the product are potentially available.

As Celtic Energy's remaining sites are also in close proximity to the Upper Neath Valley, the loss of these sites will bring reductions in coal extraction and associated employment within the general area. The opportunity to provide employment at Aberpergwm will hopefully assist in offsetting those reductions in employment and the impact that would have on the local community and economy.

The proposal is therefore not considered to conflict with Policy M4(1) of the LDP.

Restoration and Aftercare Bonds and Financial Guarantees

Paragraph 14.5.5 and 14.5.6 of PPW state that properly worded and relevant planning conditions should be able to secure the restoration, aftercare and after-use of mineral sites. Operators and landowners should ensure that sufficient finance is set aside to enable them to meet restoration and aftercare obligations. The full cost of restoration does not need to be put on deposit at the outset, but it should build up commensurate with the programme of activity or extraction. For larger sites, progressive restoration should be achieved using a stream of funding required at various stages throughout the operation. Operators are encouraged, as a reasonable alternative, to participate in established mutual funding or guarantee schemes which safeguard against possible financial failure.

Sites left unrestored for a long period or delay in legitimate restoration is not acceptable. To address the uncertainty of local communities about the completion of restoration proposals and having regard to the

polluter pays principle, wherever it is reasonable to do so, authorities may require financial guarantees as a means of ensuring that sites will be restored properly and in a reasonable time period. An authority may require financial guarantees by way of a Section 106 planning obligation/agreement as part of the approval of planning permission to ensure that restoration will be fully achieved. Some authorities have local legislation to enable them to impose this provision by way of a condition attached to the planning permission. Mineral planning authorities should have regard to the need to avoid imposing costs that are larger or longer than strictly required to meet best standards.

The West Glamorgan County Council Act 1987 enables the Authority to attach a planning condition to any coal mining permission requiring the deposition of a financial bond to secure restoration and aftercare to any operator. However, in this case, due to the complexity associated with the eight existing Bonds for different parts of the mine surface area, the previous opencast working of the MWR site, the peat mitigation areas, and the haul road (included within the Nantymynydd Opencast Coal site), it is considered that a Section 106 Agreement would be a more appropriate mechanism within which to secure financial arrangements to ensure restoration of the entire site. There are also areas outside of the application site which are under the control of the applicant which are at different stages of restoration and aftercare which still require financial guarantees to be retained.

In accordance with government guidance, the Authority will require a Financial Guarantee in this case to ensure the restoration and aftercare of the MWR, the Mine Surface, Peat Mitigation Areas and the haul road. The proposed bond arrangements to be secured via a Section 106 are that the existing bonds totalling some £1,294,000 will be transferred into a new bond for the site at the outset and this will be supplemented annually for the first 6 years by an additional payment of £125,000. The final bond will be sufficient to cover the restoration and aftercare of the entire site.

The Insurance Guarantee Bond of £3.1 million on the adjacent Nant-y-Mynydd site remains intact and is not affected by these proposals.

Buffer Zones

MTAN2 indicates in paragraphs 26 to 29 that in relation to Local Development Plan preparation MPA's should take into account where areas of coal working will not be acceptable and also states within

paragraph 29 that coal working will generally not be acceptable within 500 metres of settlements, or within International or National Designations of environmental or cultural importance.

Paragraph 49 in MTAN2 goes on to say

“Exceptionally, having considered the evidence put forward with a surface or underground coal working application coal working may be permitted within 500 metres of settlements. Factors to be considered include:

- where coal working provides the most effective solution to prevent risks to health and safety arising from previous mineral working
- to remediate land damaged by shallow coal workings or mine waste, where coal extraction appears to be the most sustainable option
- where topography, natural features such as woodland, or existing development, would significantly and demonstrably mitigate impacts
- where major roads or railways lie between the settlement and the proposed operational area and coal working would not result in appreciable cumulative and in-combination effects
- where the surface expression of underground working does not include the significant handling or storage of the mineral or waste
- when the proposal is of overriding significance for regeneration, employment and economy in the local area; or
- where extraction would be in advance of other, permanent, development which cannot reasonably be located elsewhere.”

The above advice and guidelines set out in MTAN2 on the limits of coal working needs to be considered in this case.

The site boundary is well within 500m of settlements therefore Policy M2 of the LDP and Government Guidance would suggest that coal mining would generally be unacceptable in this location. However, it must be noted that the mine surface area pre-dates MTAN2 and the

LDP and the mine has been operating intermittently for more than 20 years. In addition, the impacts of the development, as assessed above, are considered to be acceptable, while the potential for 200 jobs to be created cannot be understated and is also considered to be of overriding significance to the economy of this part of the Borough.

In terms of the MWR and the haul road it is considered that topography, natural features such as woodland would significantly mitigate impacts. It must also be noted that there have been no objections to the working of the site on amenity grounds since 2005.

On the basis of the above it is considered that the exceptions apply in this case in that this is a development of overriding significance for regeneration, employment and economy in the local area as well as topography, natural features such as woodland, or existing development, significantly and demonstrably mitigating impacts. The development is therefore not contrary to guidance in MTAN2 or Policy M2(1) of the LDP.

Review of conditions on previous resolution and need for changes to reflect change in circumstances.

The proposed scale of operations has necessitated a re-assessment of the proposed planning conditions and a number of changes have been recommended as a result, especially in relation to the timing of schemes required by certain conditions. A summary of the changes is listed below.

Cond.	Original Requirement	Revised Requirement	Reason for Change
14	Limit of 600,000 tonnes output prior to consideration of using rail	Limit of 480,000 tonnes output prior to consideration of using rail	To reflect the proposed reduction in annual output and to minimise the impact on the highway network
40	Scheme of lighting within 3 months of re-commencement of underground operations	Scheme of lighting within 6 months of re-commencement of underground operations	To reflect the proposed operations and given that lighting is unlikely to be required in the first 6 months.
44	Scheme for the provision of bird boxes to be provided within 6 months	Scheme for the provision of bird boxes to be provided within 12 months	To align the timescale with the submission of an Ecological Management and Monitoring Plan (Condition 51)

46	Scheme for the eradication of invasive species within 6 months	Scheme for the eradication of invasive species within 12 months	To align the timescale with the submission of an Ecological Management and Monitoring Plan (Condition 51)
50	Bird Monitoring Programme required within 6 months	Bird Monitoring Programme required within 12 months	To align the timescale with the submission of an Ecological Management and Monitoring Plan (Condition 51)
55	Scheme for the protection of trees within 3 months	Scheme for the protection of trees within 6 months	To align the timescale with the scheme for supplementary planting of the mine surface area (Condition 53)
57	Mineral and waste stocking height limits above ground level ROM Coal Storage areas - 12 metres Sized coal products area - 12 metres Washed/High Ash Duff areas - 8 metres Discard/Filter cake - 8 metres	Mineral and waste stocking height limits above ground level ROM Coal Storage areas - 8 metres Sized coal products area - 8 metres Washed/High Ash Duff areas - 8 metres Discard/Filter cake - 8 metres	Storage heights reassessed and revised to align with previous planning permissions at the site, having regard to protection of local amenity, and the need to ensure stocking limits are controlled having regard also to the constrained size of storage areas at the site.
66	Scheme for the management of topsoil and subsoil storage mounds within 6 months	Scheme for the management of topsoil and subsoil storage mounds within 2 years	It is not anticipated that any topsoil and subsoil mounds will be needed within the first two years.
68	Report on soils and peat recovered, conserved or utilised within 6 months	Report on soils and peat recovered, conserved or utilised within 2 years	It is not anticipated that any soil or peat will be stripped within the first two years.
69	Restoration Scheme for the Mine Waste Repository within 3 years	Restoration Scheme for the Mine Waste Repository within 5 years	To reflect the change in the operations
72	Aftercare Scheme for the Mine Waste Repository within 3 years	Aftercare Scheme for the Mine Waste Repository within 5 years	To reflect the change in the operations

78	Site Ecological Steering Committee to be convened within 12 months	Site Ecological Steering Committee to be convened within 18 months	To be six months following the submission of the Ecological Management and Maintenance Plan
79	Scheme for monitoring groundwater and mine water discharge flows within 3 months	Scheme for monitoring groundwater and mine water discharge flows within 12 months	To allow for consideration of the implications of the Water Act and the need for an Environmental Permit.

CONCLUSION

This is a major application for a regularisation of and extension to an existing coal site and has been assessed against National Policy within PPW and all relevant policy considerations within the development plan. Relevant guidance has also been considered within the appraisal and the assessment has considered the relevant issues highlighted within MTAN2.

Coal deposits are relatively widespread in the County Borough. However, economic resources are dictated by the geological sequence and the position of such resources. They are also invariably in the open countryside. Coal can only be worked where the mineral exists but also is dependent on the geological arrangements and economic viability for working the resource.

Paragraph 14.4.2 of PPW states extensions to existing workings are often more generally acceptable than new green field sites. Extensions to existing sites have some clear benefits where associated ancillary and access facilities can be utilised. The Mine site has existing facilities which will adequately serve any extension proposals.

High quality anthracite coal contributes to the national, regional and local economy and policy generally states that it is right to make the best use of UK resources including coal reserves where it is economically viable and environmentally acceptable to do so.

The coal produced from the site would contribute to the coal requirements at TATA Steelworks, and some ancillary domestic supplies and cement/brick manufacture. Whilst the extraction rate and total reserve is relatively large in regional terms, it is also recognised

that a potential market exists for the product especially post 2021. The Well-being of Future Generations Act requires LPA's to think long term and balance the need to address current issues with the long term needs of Wales. This development is an opportunity to think long term about the economic prospects of the local community and to develop a strategy for planning for the closure of existing sources of supply.

PPW advises that extensions to existing mineral workings should not be designed to protect existing suppliers. The coal from this site could contribute to some of national and local supplies and would provide a number of economic benefits in terms of the provision of employment and spin off economic benefits in related industries within the context of an environmentally acceptable development.

One of the main objectives in relation to sustainable mineral development is to ensure an adequate supply to meet the needs of society. Appropriate weight therefore needs to be given to the requirement of the mineral and notwithstanding the broader change to renewable energy resources there is a reasonable requirement to maintain coal production from indigenous resources for some time.

The assessment of the potential impacts on health, a fundamental requirement for coal development in Wales, concludes that there are no overriding reasons or impacts that would inflict any injurious effects on the local population in respect of health to warrant a refusal.

The ecological impacts of the development have been balanced against the benefits of the wider enhancement of biodiversity habitats in the restoration strategy for the site. It is considered that sufficient ecological benefit will accrue in the longer term secured by extended aftercare and management techniques.

The impact of transportation can be managed to an acceptable level by requiring a scheme to explore the sustainable delivery of coal by rail once output reaches 480,000 tonnes per annum, if the output reaches that level. This accords with National Planning Policy and sustainable development principles.

There are no recorded objections from any statutory consultee. This broadly leads to a conclusion that the proposal can be worked in an environmentally acceptable manner subject to conditions and other controls.

All potentially negative aspects of the proposed development have been considered. It is considered that these carry insufficient weight, either individually or collectively to outweigh the acceptability of the proposal.

Therefore it is considered that the proposed development accords with the general policies of the Local Development Plan, and the requirements contained in national and regional planning policy and that the balance is in favour of the proposal.

All environmental information submitted within the ES and additional information along with the comments of statutory consultees on the information supplied has been taken into account. The economic, social, environmental and cultural well-being of Wales has been taken into account. In addition, all relevant European directives, legislation and regulations have been taken into account.

RECOMMENDATION:

Approval subject to the revised conditions set out below and a Section 106 Agreement securing a Financial Restoration Guarantee to ensure the restoration and aftercare of the entire site and securing an extended aftercare period for the peat mitigation area.

CONDITIONS

Time limits

(1) Extraction of coal shall cease by 31st December 2039, buildings to which this permission relates shall be removed and the approved restoration shall be completed by 31st December 2041. For a period of five years from the date of completion of restoration on any part of the site the restored area shall be managed in accordance with the approved aftercare scheme. The planning permission shall expire following the complete restoration and aftercare of the areas of surface development in accordance with the approved restoration and aftercare schemes.

Reason

The application refers to the 'regularisation' and 'retention' of development and has sought a planning permission for 25 years. As the implementation of the permission will therefore occur on the date this decision is issued, the permission is limited to 25 years from the end of

the year in which it was submitted in order to minimise the duration of disturbance.

Working Programme, Phasing and Direction of Working

(2) The underground extraction of coal from the site shall take place only in the 9 feet coal seam in Mining Zones Z0-Z6 and in the 18 feet coal seam in Mining Zones Z0-Z3 as shown on the Underground Mining Parameters Plan AC/UWPP/215/001.

Reason

The assessment of environmental impacts and particularly subsidence impacts is based only on extraction of coal within the 9 feet and 18 feet seams.

(3) Written notification of the date of re-commencement of underground operations at the mine shall be sent to the Local Planning Authority a minimum of 7 days prior to any such re-commencement.

Reason

To allow the Local Planning Authority an adequate period of time to ensure that all necessary site monitoring arrangements and controls are in place.

(4) All large scale underground extraction (i.e. any method of underground mining in which less than 50% of the coal is left in place to support the roof of the active mining area) shall only take place within the application site in accordance with a Large Scale Mining Scheme which shall first have been submitted to and approved in writing by the Local Planning Authority. The scheme shall as a minimum include:

- a) The proposed large scale underground extraction layout.
- b) The predicted amount of mining related subsidence resulting from the layout and methods identified in a) above, based on the subsidence calculation methodology set out in the Subsidence Engineers Handbook and applying a 20% South Wales factor.
- c) An assessment of the potential impact of predicted subsidence on any buildings and the areas hatched red on Drawing Number AC/UWPP/215/001 if such areas fall within the proposed extraction area

- d) An assessment of the potential impact of predicted subsidence on any landslip areas identified on Drawing No CA10601-004 if such areas fall within the proposed extraction area.
- e) An assessment of the potential impacts of predicted mining subsidence on sensitive ecological features identified as being at potential risk of adverse impacts from subsidence, as detailed in plan 'Ecological designated & sensitive sites Rev2' submitted on 9th December 2015, if such habitats fall within the proposed extraction area.
- f) Details of any mitigation, remedial action or compensation for unmitigated subsidence proposed to be implemented to protect/enhance any habitats, falling within the proposed extraction area and identified as being at risk of adverse impacts from the subsidence assessment carried out under e) above. Where compensation is required as a last resort this should be based on the ecological mitigation opportunities set out in the submission dated 9th December 2015 within 'Aberpergwm ecological mitigation opportunities 08dec15' and plan 'Aberpergwm mitigation zones'.
- g) Details of any mitigation proposed to be implemented to protect/enhance any buildings and features falling within the proposed extraction area identified as being at risk of adverse impacts from subsidence
- h) The mechanism and timetable for implementing any mitigation identified in f) and/or g) above.
- i) The proposed arrangements for monitoring of subsidence predicted together with the reporting mechanism for annual subsidence monitoring reports for large scale underground extraction areas mined in the preceding 12 months.

The Scheme shall be implemented as approved.

Reason

To enable the Local Planning Authority to control the impact of subsidence from the underground development and minimise its impact on the environment and the amenities of the local area

(5) The development of the Mine Waste Repository shall be carried out strictly in accordance with the following Drawing Numbers

JA-034-012-001 - Mine Waste Repository Design

JA-034-012-003.1 - Phasing Design

JA-034-012-003.2 - Phasing Design Cross Sections

JA-034-012-003.3 - Phasing Design Year 5

JA-034-012-003.4 - Phasing Design Year 10

JA-034-012-003.5 - Phasing Design Year 15

JA-034-012-003.10 - Mine Waste Repository Cross Sections

CA10649-006A - Final Landform, Slope Gradients, Surface Water Drainage System and Access Arrangements

CA10649-007A - Landscaping Scheme

CA10649-008A - Restored Soil Profiles

Reason

To ensure that the Mine Waste Repository is developed and engineered to ensure its long term stability and is properly restored so as to minimise the impact on the environment and local amenity.

(6) Within twelve months of the date of the re-commencement of underground operations at the mine as notified in accordance with Condition 3 above, and at intervals of twelve months thereafter, detailed surveys, sectional details and calculations shall be submitted to the Local Planning Authority to show the volume of material tipped in the Mine Waste Repository

Reason

In order that the local planning authority has sufficient information to monitor the development of the site.

(7) No more than 95,000 tonnes per annum shall be transported from the Mine Surface Area to the Mine Waste Repository until such time as the improvements to the haul road have been carried out strictly in accordance with the following Drawing Numbers

Figure 9.21 - Mine Haul Road Layout 1

Figure 9.22 - Mine Haul Road Layout 2

Figure 9.23 - Mine Haul Road Layout 3

Figure 9.24 - Mine Haul Road Layout 4

Figure 9.25 - Mine Haul Road Layout 5

Figure 9.26 - Mine Haul Road Layout 6

Figure 9.27 - Mine Haul Road Layout 7

Figure 9.28 - Mine Haul Road Layout 8

Figure 9.29 - Mine Haul Road Layout 9

Reason

To ensure that the standard of the haul road is improved to a condition to facilitate the passage of the number of HGV/ADT vehicles at the time those improvements are necessary and to minimise the potential for pollution of the water environment and the impact on local amenity

(8) A Haul Road Management and Maintenance Plan shall be submitted to and approved in writing by the Local Planning Authority within 12 months of the date of re-commencement of underground operations at the mine as notified in accordance with Condition 3 above. The scheme shall be implemented as approved.

Reason

The prevention of pollution from surface water drainage and to ensure the integrity of the road is sufficient to cater for the vehicular traffic along its length.

(9) From the date of re-commencement of underground operations at the mine (as notified in accordance with Condition 3 above) to the completion of restoration, a copy of this permission including all documents hereby approved and any other documents subsequently approved in accordance with this permission shall be permanently maintained and be available for inspection at the site offices utilised for Aberpergwm Mine.

Reason

To ensure that the operators of the site and any site contractors are aware of the working programme and the conditions attached to carrying out the development.

Restriction of Permitted Development Rights

(10) Notwithstanding the provisions of parts 4, 19, 20 and 21 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending or re-enacting that Order), no fixed plant or machinery, buildings or structures and erections, except for the plant, machinery, buildings and structures hereby approved and itemised on Drawing Number JNP/SRP/13-REV01, shall be erected, extended, installed or replaced at the site without the prior written approval of the Local Planning Authority,

Reason

In the interest of the amenities of the area and to ensure adequate space is maintained within the site to carry out the development proposed.

(11) The external walls and roofs of buildings and the external surface of structures shall be dark green in colour and shall be maintained in such colour for the duration of operations.

Reason

In the interests of visual amenity

Production Limits

(12) The only coal to be processed and/or stocked at the site shall be coal extracted from the 9ft and 18ft seams at Aberpergwm Mine.

Reason

The capacity of the site for processing coal and the potential impacts on amenity and traffic generation is based on the use of coal from the mine only. The impact of processing additional coal from other sources has not been assessed.

(13) From the date of re-commencement of underground operations at the mine as notified in accordance with Condition 3 above, the developer shall maintain records of their monthly run of mine production and shall make them available to the Local Planning Authority within 14 days of a written request.

Reason: In order that the Local Planning Authority can monitor the run of mine production at the site

(14) No more than 480,000 tonnes of coal per annum shall be transported from the site by HGV until such time as a scheme to explore the viability of, and demonstrate the ability to, transport coal from the site by rail has been submitted to and approved in writing by the local planning authority. Thereafter, all coal shall be transported in accordance with the approved scheme.

Reason

In order to minimise the impact of the development on the wider highway network and to ensure a sustainable delivery strategy in accordance with National Minerals Planning Policy.

(15) The number of Heavy Goods Vehicles (more than 7.5 tonnes gross weight) loaded with coal leaving the site shall not exceed the following

- a) No more than 237 per day Monday to Friday, inclusive.
- b) No more than 100 per day on Saturday
- c) None on Sundays or Public Holidays

Reason

In the interests of highway safety and local amenity.

(16) A written record shall be maintained at the site office of all movements out of the site by Heavy Goods Vehicles (more than 7.5 tonnes gross weight); such records to include the vehicles loaded weight, registration number and the time/date of the movement and shall be made available for inspection by the Local Planning Authority within 14 days of a written request.

Reason

In order that the Local Planning Authority can monitor output of coal from the site and the number of HGV's loaded with coal leaving the site.

Hours of Working

(17) Except in an emergency, which shall be notified to the Local Planning Authority as soon as practicable, no surface operations within the Mine Surface Area (other than activity ancillary to underground operations, water pumping, servicing, environmental monitoring, maintenance and/or repair and testing of plant) shall be carried out on the site except between the following times:

0700 to 1900 hours Mondays to Fridays.

0700 to 1600 hours Saturdays (Washery operation limited to 0700 to 1200 hours)

There shall be no development or other activities other than those in relation to water pumping, servicing, environmental monitoring, maintenance and the testing of plant undertaken on Sundays, Bank or Public Holidays.

Reason

In the interests of the amenity of local residents

(18) Except in an emergency, which shall be notified to the Local Planning Authority as soon as practicable, no operations within the Mine Waste Repository (other than water pumping, servicing, environmental monitoring, maintenance and testing of plant) shall be carried out on the site except between the following times:

07.00 to 19.00 hours Mondays to Saturday.

There shall be no development or other activities other than those in relation to water pumping, servicing, environmental monitoring, maintenance and the testing of plant undertaken on Sundays, Bank or Public Holidays.

Reason

In the interests of the amenity of local residents

(19) Except in an emergency, which shall be notified to the Local Planning Authority as soon as practicable, no HGVs loaded with coal shall leave the Mine Site except between the following times:

07.00 to 19.00 hours Mondays to Fridays.

07.00 to 12.00 hours Saturdays

There shall be no loaded HGV movements on Sundays, Bank or Public Holidays.

Reason

In the interests of the amenity of local residents

Access and Parking

(20) No more than 140,000 tonnes of coal per annum shall be transported from the site until such time as the traffic light controlled junction and all works along the B4242 identified on Figures 14.26, 14.27, 14.28 and 14.29 contained within the Transport Assessment (dated May 2014) has been fully implemented.

Reason

In the interests of highway and pedestrian safety.

(21) Before entering the public highway the wheels, undersides and bodies of all vehicles transporting any coal from the site and exiting onto the B4242 shall be cleaned and their loads shall be secured and fully covered by sheeting and in such a condition as to avoid the deposit of slurry, mud, coal or other material upon the public highway. The mine operator shall also ensure that the B4242 is kept clear of any such material for a minimum of 150 metres each side of the access point.

Reason

To ensure that such reasonable precautions are taken and provision is made as necessary to prevent the exit of vehicles onto the public highway which would be likely to deposit material on the public highway to the detriment of highway safety and amenity.

(22) All vehicles transporting coal from the site shall turn left as they emerge at the junction of the access point with the B4242. In the event of exceptional circumstances when other highway routes are unavailable, vehicles transporting coal may turn in either direction for a temporary period only. Such events shall be notified in writing to the Local Planning Authority within 24 hours of such an occurrence. In any event such temporary periods shall not last for more than 5 days at any one time.

Reason

In the interests of highway safety

Dust

(23) The Operational Dust Management Plan Reference AC/EP/DMP/001 dated April 2015 shall be complied with at all times until the expiry of the permission. The Plan shall be reviewed annually by the Technical Working Party, and revised if considered necessary

following the annual review to ensure the measures contained within it remain effective. All revisions shall be submitted to the Local Planning Authority for their written approval within 1 month of such revisions being made.

Reason

In the interests of the environment and local amenity

Noise

(24) Between 0700 and 1900 hours Monday to Friday and 0700 to 1200 hours on Saturday the noise levels arising from the development shall not exceed the following levels measured as dBLAeq (1 hour) freefield under the measurement criteria of BS4142:

Engine Cottage - 54dB

Elmwood - 52dB

10 Chain Road - 52dB

1 Manor Drive - 47dB

St Cadocs Church - 47dB

Reason

In the interests of the amenity of the area

(25) At all other times outside of the hours specified in condition 24 above the noise levels arising from the operations at the site shall not exceed 42 dBLAeq (1 hour) freefield under the measurement criteria of BS4142 and as measured at any noise sensitive property.

Reason

In the interest of the amenities of the area

(26) The best practical measures shall be used to minimise noise from reverse warning devices fitted to mobile plant and vehicles on site.

Reason

In the interest of the amenities of the area.

(27) All vehicles, plant and machinery operated on the site shall be maintained in accordance with the manufacturer's specification at all times, and shall be fitted with and use effective silencers.

Reason

In the interest of the amenities of the area

(28) The Noise Management Plan Reference AC/EP/NMP/001 dated April 2015 shall be complied with at all times until the expiry of the permission. The Plan shall be reviewed annually by the Technical Working Party, and revised if considered necessary following the annual review to ensure the measures contained within it remain effective. All revisions shall be submitted to the Local Planning Authority for their written approval within 1 month of such revisions being made.

Reason

In the interests of the environment and local amenity

(29) The processing yard acoustic fencing as indicated on Drawing Number JNP/SRP/13-REV01 shall be the subject of an inspection on a weekly basis for the duration of the operations at the site. Any damage or missing panels shall be repaired or replaced in accordance with the approved specification within 5 working days of the inspection. Details of the inspections shall be retained on site for the duration of the planning permission and shall be made available to the Local Planning Authority within 14 days of a written request.

Reason

To ensure that the attenuation fencing is maintained in an effective condition and in the interest of the amenity of the area.

Water Environment and Drainage

(30) Prior to the commencement of underground operations at the mine within Zone 4 (as defined in Drawing Number JA-034-001-030, dated March 2015) the developer shall submit plans and define control measures for working within Zone 4 to be protective of controlled waters and the River Dulais. These details shall be submitted to and be approved by the Local Planning Authority prior to any underground operations at the mine within Zone 4.

Reason: To protect controlled water (i.e. River Dulais) from underground mining of the 9 feet and 18 feet seam from the drift mining at Aberpergwm

(31) Prior to commencement of underground operations at the mine within Zones 4, 5 and 6 (as defined in Drawing Number JA-034-001-030, dated March 2015) the developer shall submit plans, method statements (to include volumes, locations, treatment and discharge locations) and quantitative assessment of the dewatering required to work these zones. These details shall be submitted to and be approved by the Local Planning Authority prior to commencement of underground operations at the mine within Zones 4, 5 and 6.

Reason

To ensure protection of controlled water in the local area

(32) The improvements to the surface water and mine water drainage regime shall be carried out strictly in accordance with the following Drawing Numbers within 12 months of re-commencement of underground operations at the mine as notified in accordance with Condition 3 above

Figure 9.1 - Cae Capel Surface Water Drainage Layout

Figure 9.2 - Existing Yard Surface Water Drainage Layout

Figure 9.3 - Pwllfaron Surface Water Drainage Layout

Figure 9.10 - Existing Mine Water Treatment Area

Figure 9.11 - Proposed Minewater Treatment Area

Figure 9.13 - MWR Surface Water Drainage Layout

Figure 9.15 - MWR SW Management Plan

Figure 9.16 - MWR WTA2A Layout

Figure 9.17 - MWR WTA 2B Layout

Figure 9.18 - MWR Attenuation Pond

Figure 9.30 - Mine Haul Road Lagoon System 1

Figure 9.31 - Mine Haul Road Lagoon System 2

Figure 9.32 - Preliminary Drainage Details

Reason

To reduce the risk of flooding and the prevention of pollution

(33) The surface water drainage arrangements at the site shall be monitored in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority within 12 months of the date of re-commencement of underground operations at the mine as notified in accordance with Condition 3 above. The scheme shall be implemented as approved and shall include remedial measures as necessary to ensure effective control of surface water.

Reason

The prevention of pollution of the water environment

(34) Drainage ditches, attenuation ponds, settling ponds and lagoons shall be regularly de-silted and maintained in such a condition that they are able to perform effectively and efficiently the purpose for which they have been provided.

Reason

To ensure that these facilities continue to function effectively and efficiently throughout the operational, restoration and after care period.

(35) Any facilities for the storage of oils, fuel or chemicals shall be on impervious bases and surround by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vent, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All points and tank overflow pipes should be detailed to discharge downwards into the bund.

Reason

To prevent pollution of watercourses.

(36) Foul water and surface water discharge shall be drained separately from the site.

Reason

To protect the integrity of the public sewerage system.

(37) No surface water or land drainage run off shall be allowed to connect, either directly or indirectly to the public sewerage system.

Reason

To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.

(38) All surface water flows within the site and north of the access bridge over the Neath Canal shall be prevented from flowing onto the public highway along the access point.

Reason

To prevent excessive flows of surface water flowing onto the public highway and in the interest of highway safety.

(39) The storage of mining equipment and materials within the Materials Storage Areas defined on Drawing Number JNP/SRP/13-REV01 shall not occur within 7 metres of any water course, and within 1 metre of any tree, and shall not exceed a height of 3 metres from ground level. At no time shall chemicals or substances that have the potential to cause pollution or contamination be stored in these areas. On no account shall mining equipment or any other ancillary equipment or materials be stored on the application site other than within those areas identified on Drawing Number JNP/SRP/13-REV01.

Reason: to ensure that materials are stored within areas specifically allocated for that purpose and in the interests of visual amenity.

Lighting

(40) Within 6 months of the re-commencement of underground operations at the mine as notified in accordance with Condition 3 above, a scheme for the mitigation of light pollution at the Mine Surface Area shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the nature of the management and control of lighting proposed for the site, including the level of lighting and the timing mechanisms proposed on any working day. The scheme shall be fully implemented on the completion of the construction works at the site or before the beneficial use of the coal preparation plant building, whichever is the sooner and shall be maintained as such for the duration of the development.

Reason

To minimise the disturbance to neighbours, the surrounding area and in the interests of highway safety

(41) No lighting or floodlighting whether fixed or portable shall be used at the Mine Waste Repository Site or the Peat Mitigation Area

Reason

The use of lighting at this remote and elevated location would have an adverse impact on the amenity of the area and would be detrimental to the environment and species, especially bats.

Archaeology

(42) No excavation of soils shall take place in any previously undisturbed areas of the site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

Reason

To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.

Ecology and Biodiversity

(43) The Myotis bat light mitigation scheme, as approved under application P2011/0319 on 07th November 2011 shall be fully implemented on site throughout the operational phase of the development, and retained as such thereafter.

Reason

To limit the impact of lighting on bat flight corridors.

(44) Within 12 months of the commencement of underground operations at the mine as notified in accordance with Condition 3 above, a scheme for the provision of bird boxes/artificial nests shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.

Reason

To provide bird mitigation within the development site.

(45) During all stages of site clearance and vegetation clearance an ecological watching brief shall be undertaken. If any reptiles are encountered during these activities they should be carefully captured and relocated to a suitable habitat in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to any vegetation clearance.

Reason

In the interest of nature conservation.

(46) Within 12 months of the date this permission a scheme shall to be submitted to and approved in writing by the Local Planning Authority for the eradication of all invasive species listed under Section 9 of the Wildlife and Countryside Act 1981 that are located on the site. The scheme shall be implemented as approved.

Reason

In the interests of amenity, and to ensure that the treatment is carried out in accordance with recognised good practice.

(47) Prior to the stripping of any peat from the Mine Waste Repository site full details of the peat bog construction and mitigation together with method statements, restoration and aftercare management of those areas shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.

Reason

To ensure adequate restoration and aftercare and ecological mitigation.

(48) Prior to any works to any existing ponds on site or the movement of any peat into Peat Bog 1 as labelled on Drawing Number CA10649-005A, an amphibian survey of those areas shall be undertaken by a suitably qualified ecologist and any amphibians identified shall be captured and relocated to an appropriate pond on the site.

Reason

In the interests of biodiversity and ecology

(49) Prior to the removal of any vegetation on the site the operator shall check that there are no breeding birds or protected species on that part of the site. The results of the checks (which must be undertaken by a suitably qualified ecologist) shall be submitted to the Local Planning Authority, together with any mitigation proposals for approval if species are recorded. Mitigation shall be implemented as approved.

Reason

In the interests of the biodiversity

(50) Within 12 months of the re-commencement of underground operations a Bird Monitoring Programme shall be submitted to the Local Planning Authority for approval. The Programme shall detail annual surveys to monitor nesting Schedule 1 birds, particularly Honey Buzzard and Nightjar and mitigation measures if any nesting birds are encountered.

Reason:

In the interests of ecology and biodiversity

(51) Within 12 months of the re-commencement of underground operations at the mine as notified in accordance with Condition 3 above, an Ecological Management and Monitoring Plan for the entire site shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include all details of all proposed habitat management works, enhancements and monitoring and include a commitment to take remedial action in light of monitoring results indicate they are required. The Plan shall be implemented as approved.

Reason

To allow the identification of positive and negative indicators in restored habitats and to allow adjustments to aftercare operations as necessary to achieve the objectives of the aftercare scheme.

(52) Where any species listed under Schedules 2 or 5 of the Conservation of Habitats and Species Regulations 2010 is present on the surface land and structures of the site in respect of which permission is hereby granted, no works of site clearance, demolition or construction shall take place in pursuance of this permission unless a license to disturb any such species has been granted in accordance with the aforementioned Regulations and a copy provided to the Local Planning Authority.

Reason

In the interests of ecology and biodiversity

Landscaping

(53) Within 6 months of the date of this permission a scheme for supplementary planting of the Mine Surface Area and in particular along the southern boundary shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved in the first planting season following such approval.

Reason

To diversify plant species, improve structural integrity and to provide additional screening from the B4242

(54) All existing deciduous trees, bushes and hedgerows within and bounding the site or within the developer/operators control (including their root systems) shall be retained and protected and shall not be lopped, topped, removed or felled without the prior written approval of the Local Planning Authority. Any requests for approval to remove, lop, top or fell deciduous trees, bushes or hedgerows must be supported by an Arboricultural Method Statement.

Reason

The protection of the environment and protected species such as bats, in the interests of visual amenity and to ensure the development is adequately screened by natural vegetation.

(55) Within 6 months of the commencement of underground operations at the mine as notified in accordance with Condition 3 above, details of measures for the protection of trees from damage shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved and be maintained for the duration of mining activity at the site.

Reason

The protection of the environment

(56) All trees and shrubs planted in accordance with an approved scheme shall be maintained and any plants which within 5 years of planting die, are removed or become seriously damaged or diseased

shall be replaced in the next planting season with others of a similar size and species.

Reason

In the interests of amenity, the environment and to ensure the site is adequately restored.

Site Management

(57) Mineral and waste stocking at the site shall be restricted to the following height limits above ground level at each specified location.

ROM Coal Storage areas	- 8 metres
Sized coal products area	- 8 metres
Washed/High Ash Duff areas	- 8 metres
Discard/Filter cake	- 8 metres

Reason

To protect the living conditions of nearby residents and visual amenity.

(58) ROM coal, coal product and discard shall only be stocked within the areas of the mine surface shown for bulk coal stocking and discard stocking on Drawing JNP/SRP/13-REV1 and at no time shall any coal or discard be stocked on any other areas of the mine surface.

Reason

To protect the living conditions of nearby residents and visual amenity.

Potential Land Contamination – Car Park Area

(59) Prior to the commencement of any groundwork on the car park site a remediation scheme to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, buildings, other property and the natural and historical environment shall be prepared and submitted to and agreed in writing with the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives, remediation criteria and site management procedures. The measures proposed within the remediation scheme shall be implemented in accordance with an agreed programme of works.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

(60) Prior to the use of the car park site for any other purpose commencing, a verification report which demonstrates the effectiveness of the agreed remediation works carried out in accordance with condition 60 shall be submitted to and agreed in writing with the Local Planning Authority.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

(61) In the event that contamination is found at any time when carrying out the approved car park development that was not previously identified, work on site shall cease immediately and shall be reported in writing to the Local Planning Authority. A Desk Study, Site Investigation, Risk Assessment and where necessary a Remediation Strategy must be undertaken in accordance with the following document:- Land Contamination: A Guide for Developers (WLGA, WAG & EAW, July 2006). This document shall be submitted to and agreed in writing with the Local Planning Authority. Prior to occupation of the development, a verification report which demonstrates the effectiveness of the agreed remediation, shall be submitted to and agreed in writing with the Local Planning Authority.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors.

Soil Stripping, Handling & Storage

(62) All turf, topsoil, subsoil and peat deposits shall be stripped from any areas used for the Mine Waste Repository, those areas used for the storage of topsoils, subsoils and all those areas to be traversed by heavy machinery or other vehicles. Wherever possible these resources shall be directly placed as part of the restoration or peat mitigation scheme; where this is not reasonably practicable, they should be stored separately in mounds within the site until required for restoration. Topsoil mounds shall not exceed 3m in height and subsoil mounds shall not exceed 4m in height as measured from adjoining ground.

Reason

To ensure satisfactory preservation, conservation and restoration of soil and peat resources.

(63) All turf and topsoil, subsoil, peat and soil forming material shall remain on site for use in the restoration of the site.

Reason

To ensure satisfactory preservation, conservation and restoration of soils and peat resources.

(64) In any calendar year, soil stripping shall not commence on any phase until any standing crop of vegetation has been cut and removed

Reason

To avoid incorporation of concentrations of decaying vegetation in soil

(65) Topsoil, subsoil and soil making material shall only be stripped when they are in a dry and friable condition.

Reason

To ensure that the soils are not damaged during the process of their stripping and handling.

(66) Topsoil and subsoil storage mounds that will remain in situ for more than 3 months shall be seeded and managed in accordance with a scheme submitted to and approved in writing by the Local Planning Authority within 24 months of the date of commencement of underground operations at the mine as notified in accordance with condition 3 above.

Reason

To protect mounds from erosion and prevent the build up of weeds in the soil

(67) All disturbed areas of the site and all topsoil, subsoil and peat storage mounds shall be kept free of weeds.

Reason

To prevent a build-up of harmful weed seeds in soils

(68) Within 24 months of the re-commencement of mining and every 6 months thereafter a report shall be submitted to and approved by the Local Planning Authority prepared by a suitably qualified soil scientist of the soils and peat resources recovered, conserved and/or utilised at the site identifying the procedures and inspections undertaken and the quantities recovered and the nature and suitability of the material for the restoration and afteruse of the site.

Reason

To ensure adequate restoration and aftercare of the site.

Restoration

(69) Within 5 years of the date of commencement of underground operations at the mine as notified in accordance with Condition 3 above, or the cessation of winning and working of minerals which in the opinion of the local planning authority constitutes a permanent cessation within the terms of paragraph 3(2) of Schedule 9 of the Town and Country Planning Act 1990, whichever is the sooner, a restoration scheme for the Mine Waste Repository, in the form of a written statement and plans shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of:

a. The removal of buildings, plant and machinery and the reinstatement of the site

b. Details of the respreading of peat, subsoil and topsoil previously stripped from the site, specifying depths and placement.

c. The ripping of any compacted layers of final cover to ensure adequate drainage and aeration, such ripping should normally take place before placing the topsoil.

- d. The machinery to be used in soil spreading operations.
- e. The final levels of the reclaimed land and the gradient of the slopes which shall be graded to prevent ponding of surface water.
- f. The drainage of the reclaimed land including the formation of suitably graded contours to promote natural drainage and the installation of artificial drainage where necessary, and the position of main outfall ditches and watercourses.
- g. The position and erection of fencing, hedgebank constructions, gates and cattle grids as necessary.
- h. The creation of any attenuation ponds or water features.
- i. Provision of and position of any footpaths/bridleways to link with existing Public Rights of Way.

The restoration of the site shall be carried out in accordance with the terms of such approval.

Reason

To ensure that the site is reclaimed in an orderly manner to a condition suitable for after use and in the interest of the amenities of the area.

(70) Within 15 years of the date of commencement of underground operations at the mine as notified in accordance with Condition 3 above, or the cessation of winning and working of minerals which in the opinion of the local planning authority constitutes a permanent cessation within the terms of paragraph 3(2) of Schedule 9 of the Town and Country Planning Act 1990, whichever is the sooner, a restoration scheme for the Mine Surface Area and haul road, in the form of a written statement and plans shall be submitted to and approved in writing by the Local Planning Authority f. The scheme shall include details of:

- a. The removal of buildings, plant and machinery, drainage features and access/haul roads and the reinstatement of the site
- b. Details of the re-spreading of subsoil and topsoil and soil forming material, specifying depths and placement.
- c. The ripping of any compacted layers of final cover to ensure adequate drainage and aeration, such ripping should normally take place before placing the topsoil.

- d. The machinery to be used in soil spreading operations.
- e. The final levels of the reclaimed land and the gradient of the slopes which shall be graded to prevent ponding of surface water.
- f. The drainage of the reclaimed land including the formation of suitably graded contours to promote natural drainage and the installation of artificial drainage where necessary, and the position of main outfall ditches and watercourses.
- g. The position and erection of fencing, hedgebank constructions, gates and cattle grids as necessary.
- h. The creation of any attenuation ponds or water features.
- i. Provision of and position of any footpaths/bridleways to link with existing Public Rights of Way.

The restoration of the site shall be carried out in accordance with the terms of such approval.

Reason

To ensure that the site is reclaimed in an orderly manner to a condition suitable for after use and in the interest of the amenities of the area.

(71) Within 12 months of the date of re-commencement of underground operations at the mine as notified in accordance with Condition 3 above, a remediation plan for the Rock Tip (shown coloured blue on Drawing Number CA10605-002) shall be submitted to and approved in writing by the Local Planning Authority. The remediation plan shall include inter alia a scheme of surface water drainage control and shall be implemented as approved.

Reason

To address an outstanding liability in the interests of the environment

Aftercare

(72) No later than 5 years from the date of commencement of underground operations at the mine as notified in accordance with condition 3 above, or in the event of a cessation of winning and working of minerals, which in the opinion of the Local Planning Authority constitutes a permanent cessation within the terms of Paragraph 3(2) of Schedule 9 of the Town and Country Planning Act 1990 within 3 months

thereof, whichever is the sooner, an aftercare scheme for the Mine Waste Repository setting out in detail the requirements as may be necessary to bring the land to the required standard for use for amenity and forestry i.e. when it is reasonably fit for those uses, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the following:

(a) Cultivation practices for the preparation of the soils, subsoils or colliery shale.

(b) The timing and pattern of vegetation establishment including species to be planted grass seeding mixtures, stock, type and size, spacing, method and position of planting.

(c) Secondary treatments such as moling, subsoiling, discing, stone picking as necessary.

(d) The provision of the treatment of the land to introduce enhanced biodiversity to the restored land.

(e) Drainage including timing of installation work, maintenance works or temporary drainage methods.

(f) Fertilizer and weed control to improve soil fertility and control of weeds to be based on soil/shale and sampling analysis.

(g) A detailed Annual Programme for the first and subsequent 4 years for the

Aftercare of the site which shall include:

(i) Identify the person(s) responsible for the succeeding years programme.

(ii) Vegetation establishment and layout.

(iii) Secondary treatments such as further moling, subsoiling or fertilising requirements.

(iv) Field drainage requirements and maintenance.

(v) Tree and hedge establishment for the year including maintenance such as beating up, weed control fertiliser application, cutting and pruning.

The aftercare of the site shall be carried out in accordance with the scheme as may be approved.

Reason

To ensure satisfactory aftercare on site.

(73) No later than 15 years from the date of commencement of underground operations at the mine as notified in accordance with condition 3 above, or in the event of a cessation of winning and working of minerals, which in the opinion of the Local Planning Authority constitutes a permanent cessation within the terms of Paragraph 3(2) of Schedule 9 of the Town and Country Planning Act 1990 within 3 months thereof, whichever is the sooner, an aftercare scheme for the Mine Surface area and haul road setting out in detail the requirements as may be necessary to bring the land to the required standard for use for amenity, agriculture and forestry i.e. when it is reasonably fit for those uses, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the following:

(a) Cultivation practices for the preparation of the soils, subsoils or colliery shale.

(b) The timing and pattern of vegetation establishment including species to be planted grass seeding mixtures, stock, type and size, spacing, method and position of planting. Lowland deciduous woodland shall form part of the scheme.

(c) Secondary treatments such as moling, subsoiling, discing, stone picking as necessary.

(d) The provision of the treatment of the land to introduce enhanced biodiversity to the restored land i.e. provision of log piles, ponds and areas of bare ground

(e) Drainage including timing of installation work, maintenance works or temporary drainage methods.

(f) Fertilizer and weed control to improve soil fertility and control of weeds to be based on soil/shale and sampling analysis.

(g) A detailed Annual Programme for the first and subsequent 4 years for the

Aftercare of the site which shall include:

(i) Identify the person(s) responsible for the succeeding years programme.

(ii) Vegetation establishment and layout.

(iii) Secondary treatments such as further moling, subsoiling or fertilising requirements.

(iv) Field drainage requirements and maintenance.

(v) Tree and hedge establishment for the year including maintenance such as beating up, weed control fertiliser application, cutting and pruning.

The aftercare of the site shall be carried out in accordance with the scheme as may be approved.

Reason

To ensure satisfactory aftercare on site.

(74) Before 1st December of every year of the aftercare period, a site meeting shall be arranged by the operator, to which the Local Planning Authority and the landowner shall be invited, to monitor previous performance of aftercare requirements and to discuss future aftercare proposals. The meeting shall also be attended by the person(s) responsible for undertaking the aftercare steps.

Reason

To ensure the productive afteruse of the site in accordance with Policy M10 of the Neath Port Talbot Unitary Development Plan

(75) Before 1st November of every year of the aftercare period the operator shall provide the Local Planning Authority with the following

a) A record of the aftercare operations carried out on the land in the previous 12 months

b) An assessment of losses and replacements to be provided in woodland areas

c) Proposals for managing the land for the forthcoming 12 months including weed controls

Reason: To ensure the productive after-use of the site in accordance with Policy M10 of the Neath Port Talbot Unitary Development Plan

Community Liaison

(76) Within 1 month of the date of this permission a scheme shall be submitted to and approved in writing by the Local Planning Authority for the continuation of the existing Site Liaison Committee meetings for the duration of this permission. The scheme shall include the terms of reference, constitution and membership. The Committee shall meet on a quarterly basis or as frequently as the Committee shall otherwise determine. The first meeting shall be convened by the operator within 3 months of the date of this permission.

Reason

To ensure that the development is considered and discussed within the existing forum for the Aberpergwm Mine.

(77) Within 1 month of the date of this permission a scheme shall be submitted to and approved in writing by the Local Planning Authority for the continuation of the existing Technical Working Party meetings for the duration of this permission. The scheme shall include the terms of reference, constitution and membership. The TWP shall meet on a quarterly basis or as frequently as they shall otherwise determine. The first meeting shall be convened by the operator within 3 months of the date of this permission.

Reason

To ensure that the development is considered and discussed within the existing forum for the Aberpergwm Mine.

(78) Within 18 months of the date of re-commencement of underground operations at the mine as notified in accordance with Condition 3 above the operator shall convene a meeting of the Site Ecological Steering Committee which shall include representatives of the Local Planning Authority, the operator and the landowner. The Committee shall meet 6 monthly or as frequently as they shall otherwise determine and shall be responsible for monitoring the delivery of the Ecological Management and Monitoring Plan approved under Condition 52 above.

Reason

To ensure that the ecological and biodiversity opportunities at the site are maximised.

(79) Within 12 months of the date of this permission a scheme shall be submitted to the Local Planning Authority for its approval for the monitoring of ground water and mine water discharge flows from the Aberpergwm mine. The scheme shall include the provision of long term monitoring and maintenance and the provision of contingency plans and improvements to existing water treatment facilities that may be required based on the results of such monitoring. The scheme shall be implemented in accordance with the details as approved.

Reason

To prevent the pollution of receiving waters from the lagoon treatment system and from the recovery of groundwater levels following the completion of mining.

APPENDIX A

Planning History:

Surface Mine

2/3/93/0268 – Extraction of Coal by Underground Mining Methods – Approved – 25th November 1993

2/3/96/0065 – Proposed Extension of Underground Take Area – Approved – 13th March 1996

P2003/1048 – Washery and Land sales Operation under the provisions of Condition 20 of 2/3/93/0268 – Withdrawn – 6th October 2003

P2003/1498 – Vary Condition 1 of planning permission 2/3/96/0065 to allow an extension of time to 30th September 2013 – Approved - 24th February 2004

P2003/1500 – Vary Condition 1 of planning permission 2/3/93/0268 to allow an extension of time to 30th September 2013 – Approved – 24th February 2004

P2004/0093 – Construction of a Waste Tip for Mine and Washery Waste – Withdrawn -14th September 2010

P2004/1109 – Scheme for Dust Suppression under Condition 25 of planning permission P2003/1500 – Approved – 11th October 2004

P2004/1110 – Scheme for Noise Suppression under condition 26 of planning permission P2003/1500 – Approved – 11th October 2004

P2004/1112 – Scheme for Canal Bridge Parapets and Access Road under condition 8 of planning permission P2003/1500 – Approved – 12th October 2004

P2004/1113 - Scheme for surface water run-off and mine water discharge under condition 4 of previous planning permission P2003/1500 – Approved – 11th October 2004

P2004/1114 – Scheme for Surface Water Run-off and Mine water Discharge under Condition 14 of planning permission P2003/1500 – Approved – 11th October 2004

P2004/1115 – Scheme for Provision of Signs, safeguards and surfacing of public rights of way under Condition 32 of planning permission P2003/1500 – Approved – 11th October 2004

P2004/1339 – Scheme for landscaping under Condition 5 of planning permission P2003/1500 – Approved - 16th March 2005

P2004/1343 – Details of Buildings, Structures, Coal Stocking and Site Boundary under Condition 12 of planning permission P2003/1500 – Approved – 29th October 2004

P2004/1368 – Details relating to Site Liaison Committee under condition 29 of planning permission P2003/1500 – Approved – 25th November 2004

P2004/1395 – Details for the removal of scrap and redundant machinery under condition 28 of planning permission P2003/1500 – Approved – 29th October 2004

P2007/1309 – Variation of Condition 23 of planning permission P2003/1500 to extend hours of working – Approved – 28th May 2008

P/2007/1422 – Construction of a new access drift – Approved – 8th July 2008

P2008/0074 - Retention of new administration offices, baths and mine offices under condition 13 of planning permission P2003/1500 – Approved – 2nd July 2008

P2008/0414 – Retention of extension to existing substation together with a control room and engineers office – Approved 2nd May 2008

P2008/0494 – The retention of water treatment facilities and an explosives magazine and the inclusion of the land on which they are situated within the Colliery Surface Area – Approved 8th July 2008

P2008/0954 – Retrospective application for Car Park – Withdrawn – 14th November 2008

P2008/1088 – Extension to Colliery Surface area to incorporate a coal dry store, materials compound, surface water management areas and access road and construction of a building 80m by 30m together with ancillary works – Withdrawn – 7th May 2010

P2008/1290 – Retention and completion of electrical substation – Approved 10th November 2008

P2008/1469 – Retrospective application for boiler house under condition 13 of planning permission P2003/1500 – Approved - 3rd March 2009

P2008/1564 - Retrospective permission for fan house under condition 10 of planning application P2007/1422 – Approved – 6th March 2009

P2009/0429 – Extension of underground planning boundary – Approved – 23rd November 2010

P2009/0637 – New FSV Garage to maintain FSV under condition 13 of planning permission P2003/1500 – Approved 9th September 2009

P2010/0498 – Mine surface development to provide coal preparation, coal storage, coal handling and sales, welfare and bathing facilities, together with car parking, internal haul road, wheelwash, weighbridge, ancillary infrastructure and surface water control, attenuation and pollution prevention plus permission to increase the number and capacity of coal haulage vehicles per day and alterations to existing access – Approved - 23rd November 2010

P2010/1128 – Retention of a temporary car park with security cabin, boundary fencing, bunds and floodlighting plus an uncontrolled pedestrian crossing of the B4242, temporary footpath and footbridge of the Neath Canal for a period of 24 months – Approved – 6th September 2011

P2011/0116 – Workshop at Pwllfaron Surface under provisions of condition 13 of planning permission P2003/1500 – Approved – 4th May 2011

P2011/0180 - Proposed traffic light controlled junction at the B4242 at main entrance to Aberpergwm Colliery under condition 42 of planning permission P2010/0498 – Approved – 28th June 2011

P2011/0307 – Scheme for suppression, control and monitoring of airborne dust & particulates from site operations under condition 33 of planning permission P2010/0498 – Approved 20th October 2011

P2011/0308 – Scheme for provision of bird boxes under condition 63 of planning permission P2010/0498 – Approved – 8th September 2011

P2011/0309 – Scheme for mitigation of light pollution under Condition 64 of planning permission P2010/0498 – Approved – 20th June 2011

P2011/0319 – Scheme for the mitigation of light pollution on Myotis bats under Condition 60 of planning permission P2010/0498 – Approved – 3rd November 2011

P2011/0523 - Prior Notification under part 22 Class B of the Town and Country Planning (General Permitted Development) Order 1995. Proposed Seismic Survey – Approved 19th July 2011

P2011/0552 - Prior Notification under Part 22 Class B of the Town and Country Planning (General Permitted Development) Order 1995. Proposed drilling of boreholes – Approved – 9th September 2011

P2011/0708 – Retrospective application for the storage of mining equipment, diversion of access track, relocation of explosive store/security alarm cabin and slope stabilisation works and application for a fan house substation building and cable duct – Approved 30th May 2012

P2011/0852 – Retention and completion of electricity substation with associated access, enclosures and plant – Approved 7th September 2011

P2011/0945 – Noise Action Plan and Noise Monitoring Scheme under Conditions 39 and 41 of planning permission P2010/0498 – Approved – 5th December 2011

P2011/1094 - Request to defer completion of traffic signals, highway signage and road markings under condition 10 of planning permission P2010/1128 – Approved – 20th December 2011

P2012/0421 – Retrospective application for diversion of a watercourse – not determined

P2012/0768 - Prior notification under Part 22 Class B of the Town and Country Planning (General Permitted Development) Order 1995. Proposed drilling of borehole – Approved – 10th September 2012

P2012/0772 - Details to be agreed in association with condition 6 (monitoring of groundwater and mine water discharge flows) of planning permission P2009/0429 - Pending

P2012/0995 – Retention and completion of mine surface development comprising coal preparation plant and associated sub-station; coal storage, handling and sales facilities; welfare and laboratory facilities and store building; internal haul road, wheel wash and weighbridges; surface water control, attenuation and pollution prevention measures; as well as permission to increase the number and capacity of coal haulage vehicles per day and alterations to existing access, including footbridge over the Neath Canal; retention of temporary car park and security cabin; plus proposed additional Run of Mine Transfer Building and conveyor; hard surfacing and drainage works; weld mesh security fencing, security gatehouse and associated landscaping – Approved - 26th July 2013

P2013/0875 – Variation of Condition 1 to allow an extension of time of planning permission P2003/1498 until 30 September 2018 – Pending

P2013/0876 – Variation of Condition 1 to allow an extension of time of planning permission P2003/1500 until 30 September 2018 – Pending

P2013/0877 – Variation of Condition 1 to allow an extension of time of planning permission P2007/1422 until 30 September 2018 – Pending

P2013/0878 – Variation of Condition 1 to allow an extension of time of planning permission P2008/0494 until 30 September 2018 – Pending

P2013/0879 – Variation of Condition 1 to allow an extension of time of planning permission P2009/0429 until 30 September 2018 – Pending

P2013/0880 – Variation of Condition 1 to allow an extension of time of planning permission P2011/0708 until 30 September 2018 – Pending

P2013/0881 – Variation of Condition 1 to allow an extension of time of planning permission P2012/0995 until 30 September 2018 - Pending

Nant y mynydd Opencast Coal Site

P2004/0443 – Nant y mynydd Opencast Mining Scheme and Secondary High Quality Sandstone – Approved – 17th May 2005

P2005/1514 – Scheme for arrangements of foul and surface water and drainage facilities under condition 9 of planning permission P2004/0443 – Approved 12th July 2006

P2005/1516 – Scheme for Control of Dust under the provisions of Condition 23 of planning permission P2004/0443 – Approved – 25th November 2005

P2005/1518 – Scheme for Site Liaison Committee under condition 31 of planning permission P2004/0443 – Approved – 25th November 2005

P2005/1519 – Scheme for Technical Working Party under Condition 32 of Planning permission P2004/0443 – Approved – 25th November 2005

P2005/1520 – Scheme for a Warning System for Blasting under Condition 56 of planning permission P2004/0443 – Approved – 25th November 2005

P2005/1522 – Scheme for identification of soils and soil survey under Condition 37 of planning permission P20054/0443 – Approved – 16th December 2005

P2005/1523 – Scheme for Soil Stripping under Condition 37 of planning permission P2004/0443 – Approved – 16th December 2005

P2005/1524 – Scheme for Fencing under Condition 42 of planning permission P2004/0443 – Approved – 16th December 2005

P2005/1658 – Landscaping Scheme under Condition 20 of planning permission P2004/0443 – Approved – 3rd February 2006

P2005/1662 – Scheme for translocation of heathland and acid grassland habitats under Condition 50 of planning permission P2004/0443 – Approved – 27th March 2006

P2005/1663 – Importation of waste materials from Aberpergwm Colliery under condition 33 of planning permission P2004/0443 – Approved – 1st August 2006

P2005/1665 – Programme of Archaeological Work in accordance with a written scheme of investigation under Condition 30 of planning permission P2004/0443 – Approved – 16th December 2005

P2007/0499 – To extend period for restoration of the former Sarn Helen Overburden Mound under Condition 47 of planning permission P2004/0443 until 31st October 2008 – Approved – 11th October 2007

P2010/0306 - Proposed modification of ground contours and road layout under condition 48 of planning permission P2004/0443 – Approved – 8th October 2010

P2011/0613 - Variation of condition 3 of planning permission P2005/1663 to allow mineral waste to be deposited beneath 1m of soil & in accordance with the revised tipping strategy – Approved – 12th September 2011

P2011/1039 – Importation of overburden into Nant y mynydd OCCS from Forest Quarry 2 Extension OCCS for the purposes of restoration under condition 33 of planning permission – Approved – 23rd August 2012

P/2012/0120 – Proposed Restoration and Aftercare Scheme under Conditions 38 and 40 of planning permission P2004/0443 – Approved – 15th August 2012

Forest Quarry Opencast Coal Site

P2007/0502 – Opencast Mining Operation (Forest Quarry) – Approved – 20th November 2007

P2008/0055 – Proposed drainage scheme under condition 8 of previous planning permission P2007/0502 – Approved – 11th April 2008

P2008/0071 - Agree condition 27 (proposed programme of archaeological works) under planning permission P2007/0502 – Approved – 2nd May 2008

P2010/0309 - Proposed amendments to the restoration and aftercare schemes under conditions 41 and 42, relaxation of 3 hectare area of acidic grassland under condition 43 of previous planning consent P2007/0502 – Approved – 1st September 2010

P2010/0739 - Scheme for drainage details for the purposes of restoration under condition 44 of previous planning permission P2007/0502 – Approved – 1st September 2010

Forest Quarry Area 2 Opencast Coal Site

P2009/0216 – Opencast Mining Operation (Forest Quarry Area 2) – Approved – 22nd September 2009

P2010/0153 - Proposed habitat monitoring plan under condition 46 of planning permission P2009/0216 – Approved – 25th March 2010

P2010/0666 - Proposed extension to Forest Quarry Area 2 OCCS and subsequent restoration – Approved – 20th October 2010

P2012/1258 - Scheme for monitoring watercourses and water features under Condition 21 of Planning permission P2010/0666 – Approved – 20th December 2011

P2010/1259 – Scheme for monitoring of water quality, water movement and water levels within the restored peat bog area under Condition 41 of Planning permission P2010/0666 – Approved – 13th January 2012

P2010/1260 – Scheme for the protection and conservation of soils under Condition 22 of Planning permission P2010/0666 – Approved – 13th January 2012