

Planning, Taxi Licensing and Rights of Way Committee Report

Application No: 18/1070/REM **Grid Ref:** 283050.34 211312.71

Community Council: Tawe-Uchaf CC **Valid Date:** 03/12/18 **Officer:** Hugh Towns

Applicant: Celtic Energy Ltd

Location: Nant Helen Surface Mine, Coelbren, Neath

Proposal: Variation of condition 2 of planning approval P/2011/0217 to allow an extension of time to allow extraction of all the coal and completion of restoration.

Application Type: Variation of Condition

The reason for Committee determination

The application is accompanied by an Environmental Statement.

Site Location and Description

The Nant Helen Surface Mine covers an area of some 345 hectares and is located approximately 200m east of Penrhos; 350m south east of Cae'r-bont; 350m south of Caehopkin; 750m south of Abercrave; 725m west of Coelbren; 900m north-west of Onllwyn and 650m north of Seven Sisters.

The north and west of the working area is covered by woodland, whereas the land to the south and east is open upland common land forming part of Mynydd-Y-Drum. A significant part of the site itself (184 hectares) also falls within the Mynydd-y-Drum Common. The Sustrans National Cycle Route 43 Celtic Trail East follows the northern and western boundary of the site.

The opencast void has moved in a westerly direction during the operation of the Nant Helen series of sites, which began operations in 1986. The current void is located at the western end of the development within the area of Nant Helen Remainder. The overburden storage mounds are to the east of the void with the coal preparation plant, stocking area, offices and workshops located further to the east.

Access to the site is gained from the A4221 at Coelbren, along a 1.2km access road which heads west before turning south towards the office/workshop area. There is also an internal haul road link which runs south from the office/workshop area before turning east towards Onllwyn Washery.

The site itself, apart from the section of internal haul road to Onllwyn Washery, is within Powys but much of the land to the south of the site is within Neath Port Talbot.

The planning permission for Nant Helen Remainder, granted in 2012, was granted subject to 65 conditions and a Section 106 Agreement which covered a mechanism for the provision of a Financial Restoration Guarantee Bond eventually rising to £30 million (paid at £1.5 million per quarter), and extended the aftercare period from 5 to 10 years on all areas of the site. Payments into the Restoration Guarantee Fund currently stand at £19.5 million, whereas it should have been at £30.28 million by September 2017 – Celtic Energy has not been in a position to meet the quarterly payments since December 2015.

Celtic Energy submitted revised restoration details in August 2016 to discharge the requirements of Condition 54 of the planning permission. The 2012 planning permission contained a restoration strategy for the site but Condition 54 required a detailed restoration scheme for the whole site to be submitted to and approved by the Local Planning Authority.

The Restoration Strategy approved in 2012 sought to restore the site to predominantly upland common with enclosed agricultural pasture (including species rich grassland) on lower slopes and broadleaf woodland planting on the western side and along the corridor of the restored small watercourses which will drain the area naturally. The landscape was intended to reflect that which is likely to have existed prior to the large scale mining activity that has taken place in this area. The area where the overburden mound is located was to be reduced to a summit level of 296m AOD and reshaped to remove the engineered profile, with the surrounding land sloping away from the summit.

The detailed restoration scheme was broadly similar in terms of the restored land uses. These remain as primarily upland common, enclosed pasture but with areas of marshy grassland rather than species rich grassland and slightly reduced areas of woodland planting. In addition, there were amendments to the proposed watercourses and drainage system.

The most significant change to the approved restoration strategy was in terms of the landform to be created following completion of the development. Essentially it involved an increase in the height of the final summit of the overburden mound area from 296m to 305m with slightly steeper slopes in the surrounding land, although the engineered slopes are still to be re-profiled. The increase in height of the summit has the knock-on effect of reducing the amount of material available to fill the final void and results in a valley feature being created within the final void rather than restoration to the original approved profile. The height of the current overburden mound is approximately 338m AOD so it will be reduced by over 30m. The main driver for the change in landform is the reduction in movement of overburden materials required for restoration and the consequent reduction in liability. The change results in the movement of approximately 10 million m³ less overburden and a reduction in liability of some £16 million.

Celtic Energy Ltd submitted an application to further vary the restoration profiles at the same time as they submitted this application (Ref: 18/1071/DIS). However, that application (and the appendix to this application that contained the revised restoration proposals) has been withdrawn. The approved restoration scheme therefore remains the scheme approved in February 2017.

This application relates only to the variation of condition 2 of the planning permission P/2011/0217 to allow an extension of the time period to remove the remaining 800,000 tonnes of coal at this site and to complete the approved restoration.

Condition 2 of planning permission P/2011/0217 requires the extraction of minerals to cease by 31st December 2018 and restoration to be completed by 30th June 2021. This application seeks to extend the period for the extraction of minerals up to 31st December 2021 with the completion of restoration by 30th June 2023.

Consultee Response

Tawe-Uchaf CC

The Council has no comments to make on the above proposal

Ystradgynlais Town Council

Please be aware this application lies in part in the Abercrave Ward of Ystradgynlais Town Council and it is of concern that the council itself have not been formally consulted as is its statutory function.

For information the Ystradgynlais Town Council having been made aware of the application nevertheless considered the application at its meeting held on 3rd January 2019. The consensus view with regard to the application itself was whilst it is accepted that coaling should recommence there are strong concerns over the proposed changes to the restoration in the discharging of Condition 54. The provision of what appears to be a 30m + deep lagoon (termed a water feature on plans) is considered unacceptable. A particular concern was that if any significant breach of the proposed water feature occurred the Caerbont area could be imperilled. The Town Council is of a view that the restoration should revert to that previously proposed and it is not accepted that the reduction of one year on the restoration period through the proposed discharge notice is of benefit to the public at large - indeed the main beneficiary will be the applicant who will presumably reduce significantly their unproductive costs.

Natural Resources Wales

Thank you for consulting Natural Resources Wales (letter dated 07/12/2018) regarding the above.

NRW does not object to the proposal. In our opinion, as explained below, the proposal is not likely to adversely affect any of the interests listed.

Landscape

The landscape and visual effects would remain unaltered by the extension of time as the extraction area and extent of working would be the same. These effects, which are considered moderate adverse on the National Park, would however continue for a further 3 years plus 1.5 years restoration and would include the adverse effect of lighting on the area's dark skies. In the context of the life of the scheme, these effects are considered acceptable.

Please do not hesitate to contact us if you require further information or clarification of any of the above.

Our comments above only relate specifically to matters that are listed in our 'Consultation Topics' document (September 2018) which is published on our website: (<https://cdn.naturalresources.wales/media/686847/dpas-consultation-topics-august-2018-eng.pdf?mode=pad&rnd=131819256840000000>). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance.

Advice for the developer:

The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

Water Resource License

If dewatering during the extended operational phase is required, then a new application for a transitional water resources licence will be required to continue abstraction beyond 31 December 2019. See the link below for more details.

<https://naturalresourceswales.gov.uk/permits-and-permissions/water-abstraction-andimpoundment/changes-to-water-abstraction-licensing-exemptions/?lang=en>

Welsh Government Agricultural Advisor

No response received to date

Neath Port Talbot County Borough Council

No comments received to date

Clwyd Powys Archaeological Trust

Thank you for the consultation on this application.

The variation of Condition 2 does not seem to have any impact on the archaeological conditions (44 and 45) attached to this consent.

It should be noted that in relation to conditions 44 and 45 we are aware that Cotswold Archaeology were engaged to complete the archaeological investigation and watching brief. Our last correspondence with them was in February 2013 and we have not received any reports to approve relating to any completed watching brief. It was clear

in 2013 that at least part of the extension area had been heavily disturbed in the 20th century and this area did not require any watching brief.

The Coal Authority

Thank you for your notification of 7 December 2018 seeking the views of The Coal Authority on the above.

The Coal Authority is a non-departmental public body sponsored by the Department of Business, Energy & Industrial Strategy. As a statutory consultee, The Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.

I can confirm that there would be no objection to the variation of Condition 2 as proposed.

Please do not hesitate to contact me if you would like to discuss this matter further.

Wales & West Utilities

Wales & West Utilities acknowledge receipt of your notice received on 07.12.2018, advising us of the proposals for:

Nant Helen Surface Mine, Coelbren, NEATH, West Glamorgan, SA10 9PD

According to our mains records Wales & West Utilities has no apparatus in the area of your enquiry. However Gas pipes owned by other GT's and also privately owned may be present in this area. Information with regard to such pipes should be obtained from the owners.

Safe digging practices, in accordance with HS (G) 47, must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all persons (either direct labour or contractors) working for you on or near gas apparatus.

Please note that the plans are only valid for 28 days from the date of issue and updated plans must be requested before any work commences on site if this period has expired.

Any information you provide as part of this application process for our services will only be used in accordance with our privacy notice statement which can be found on our website www.wwutilities.co.uk. Alternatively a paper copy can be provided to you on your request by contacting our Data protection Officer at DataProtection@wwutilities.co.uk

CADW

Thank you for your letter inviting our comments on the information submitted for the above application.

Advice

Having carefully considered the information provided, we have no objections to the impact of the proposal on the scheduled monuments listed in our assessment below.

Assessment

BR074 Section of Road NE of Coelbren Fort

BR198 Ynysgedwyn Colliery, Fan House

BR201 Lefel Fawr Coal Adit

BR222 Abercrave Ironworks

BR237 Cribarth Limestone Quarries and Tramroads

BR327 Bryn Llechwen ring cairn

GM146 Coelbren Fort

GM343 Roman Marching Camp South East of Coelbren Fort

GM399 Tramroad at Ystradgynlais

GM420 Remains of Blast Furnaces at Banwen

The above scheduled monuments are located inside 3km of the mine. When detailed analysis was carried out to inform the response to the original planning application (P/2011/0217) it was determined that the proposed works would only have a potential impact on the settings of scheduled monuments, BR198 Ynysgedwyn Colliery, Fan House, BR327 Bryn Llechwen ring cairn and GM399 Tramroad at Ystradgynlais. This analysis remains valid.

Our assessment determined that the proposed mine would have no impact on the settings of BR198 and GM399 but that the extraction process would have some adverse impact upon the setting of BR327 Bryn Llechwen Ring Cairn and a series of broadly contemporary cairns further to the south-west along the ridge. This impact would be principally concerned with the view of Bryn Llechwen from the unscheduled contemporary cairns to the southwest and the imposition of the mining activity in the background: however previous mining had already significantly compromised this view by the removal of much of the ridge to the east of Bryn Llechwen which included the destruction of the Garn Goch cairn. As such it was concluded that the impact on the setting of scheduled monument BR327 would not be significant.

The current application is for an extension of time to extract coal from the mine, as such there is no material change that will affect the assessment carried out previously in order to determine the impact of the mine on the setting of the scheduled monuments.

Powys Ramblers

Powys Ramblers wish to make the same comment on this application as for 1071 – Appendix 2 of the paperwork refers to rights of way being reinstated and this should continue to be the case if this application is approved.

PCC Contaminated Land Officer

In respect of the above application I have no objection

PCC Built Heritage Officer

No objection

PCC Highways

Does not wish to comment on the application

PCC Environmental Health Service

I have no objection to the above application

Representations

The application has been publicised by display of site notices and in the press, to date four letters of objection have been received from members of the public.

These letters highlight the following points

- The revised restoration scheme with a lake will be a serious risk to safety in the surrounding residential areas due to flood risk
- Local ecology will be affected
- The proposal is out of keeping with the local area and the land should be restored to its original condition
- The proposal conflicts with the Local Plan
- The proposal is contrary to Welsh Government policy for opencast or deep-mine development
- Impact on the landscape
- The land is potentially contaminated
- Impact from dust and noise has a negative effect on health and living conditions

Planning History

18/1071/DIS – Discharge of Condition 54 of planning consent P2011/0217 in relation to revised restoration scheme - Withdrawn

DIS/2016/0153 - Discharge of condition 54 of planning approval P/2011/0217 - provision of detailed restoration scheme – Approved – 2nd February 2017

P/2011/0217 - Western extension to Nant Helen surface mine for the purposes of coal extraction along with completion of coaling at existing site and associated ancillary development including restoration and subsequent aftercare of the full development site - Planning Permission Granted subject to S106 Agreement – 9th March 2012

P2008/0850 – Construction of drainage channel – Planning permission granted – 16th November 2011

PP 106-98-005/PP 106-12-001 - Nant Helen Extension – Planning permission
Granted at Appeal – 21st July 1998

Principal Planning Constraints

Potential impact on the landscape

Potential impacts on the water environment

Potential impact on biodiversity and the natural environment

Potential impacts on amenity as a result of noise, air quality, transportation and light pollution

Principal Planning Policies

National

The Well-being of Future Generations (Wales) Act 2015

The Environment (Wales) Act 2016

Planning Policy Wales (Edition 10, 2018)

Mineral Technical Advice Note 2 - Coal (2009)

Technical Advice Note 5 – Nature Conservation and Planning (2009)

Technical Advice Note 11 – Noise (1997)

Local Planning Policy

Powys Local Development Plan (April 2018)

Strategic Policy SP7 - Safeguarding of Strategic Resources and Assets

Policy DM1 – Planning Obligations

Policy DM2 – The Natural Environment

Policy DM4 – Landscape

Policy DM6 – Flood Prevention Measures and Land Drainage

Policy DM7 – Dark Skies and External Lighting

Policy DM10 – Contaminated and Unstable Land

Policy DM14 – Air Quality Management

Policy T1 – Travel, Traffic and Transport Infrastructure

Policy M1 – Existing Minerals Sites

Policy M4 – Minerals Proposals

Policy M5 – Restoration and Aftercare

Supplementary Planning Guidance: Biodiversity and Geodiversity (October 2018)

Supplementary Planning Guidance: Planning Obligations (October 2018)

Officer Appraisal

The Well-being of Future Generations (Wales) Act 2015 (WFG) 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.

Well-being goals identified in the Act 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 2015 has been designed to complement the WFG Act 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 also 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”.

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise. For the avoidance of doubt, the development plan in this instance is the Powys Local Development Plan 2011-2026.

Principle of Development/Need

The principle of the development of the Nant Helen Surface Mine was established by the grant of planning permission in March 2012. Nothing in this application allows for additional coaling or excavation that hasn't already been approved. The application is for the extension of the time period allowed to complete the extraction of coal (3 more years) and the restoration of the site (two more years). Initially, this application contained revised restoration proposals but these have subsequently been withdrawn from consideration by the applicant.

PPW10 states that it is part of UK and Welsh Government Energy Policy to remove coal from energy generation in order to meet climate change and carbon reduction targets. Currently the plan is to phase out coal fired generation of electricity by 2025. It is therefore Welsh Government Policy that proposals for opencast, deep mine development or colliery spoil disposal should not be permitted except in ‘wholly exceptional circumstances’ where it can be clearly demonstrated why they are needed in the context of climate change emission reduction targets and/or for reasons of national energy security. Whilst this is a material change in circumstances since the 2012 decision the weight to be given to the policy change would be greater for new sites and extensions to existing sites rather than for extensions of time to complete already permitted operations, especially as those operations would be completed well before 2025.

PPW10 however recognises that coal has other specific uses other than energy generation. These include use for industrial purposes in the steel industry, in speciality carbon markets, in the making of concrete and for domestic use. Therefore, whilst the use of coal for energy generation should not be permitted, if planning applications come forward for industrial uses for coal then each case would need to be considered individually and the policies contained in MTAN 2: Coal applied, including the test outlined in paragraph 45 of MTAN 2.

The test outlined in Paragraph 45 of MTAN 2 states

- 1) The proposal should be environmentally acceptable or can be made so by planning conditions or obligations, and there must be no lasting environmental damage.
- 2) If this cannot be achieved, it should provide local or community benefits which clearly outweigh the dis-benefits of likely impacts to justify the grant of planning permission.

Policy M1 of the LDP specifically relates to extensions (including duration) to existing mineral/coal sites and states that for all minerals, proposals will be permitted where they would bring clear environmental, economic or social benefits. These factors are considered below and are reflective of the duty on public bodies to carry out sustainable development in accordance with the sustainable development principle, aimed at achieving the well-being goals set out in the Well-being of Future Generations (Wales) Act 2015.

Environmental factors

Landscape and visual impacts

LDP Policy DM4 states that proposals must not, individually or cumulatively, have an unacceptable adverse effect, on the valued characteristics and qualities of the Powys landscape. It goes on to state that all proposals will need to:

1. Be appropriate and sensitive in terms of integration, siting, scale and design to the characteristics and qualities of the landscape including it's: topography; development pattern and features; historical and ecological qualities; open views; and tranquillity; and
2. Have regard to LANDMAP, Registered Historic Landscapes, adjacent protected landscapes (National Parks and Areas of Outstanding Natural Beauty) and the visual amenity enjoyed by users of both Powys landscapes and adjoining areas'.

In terms of LANDMAP, the Visual and Sensory Aspect Area is mainly the Nant Helen Opencast/Restoration Aspect Area (BRCKNVS926) which has a low evaluation. The justification for the evaluation states that the area has been reclaimed in a way to minimise topographical intrusion, although the overburden tip is still visible to the west. There is a distinct lack of tree/woodland/hedgerow planting which means the landscape appears visually sterile and unlike the surrounding pastoral landscape. The principal management recommendation is to increase woodland and boundary planting, planting hedgerows with trees, planting woodland copses in valleys to echo

the surrounding landscape and in the long term remove/regrade the overburden spoil tip to reflect a natural landform.

The north western part of the site falls at the eastern extremity of the Tawe Valley and Cwm Twrch Visual and Sensory Aspect Area (The river corridor and mosaic of pasture and deciduous woodlands) and is evaluated as moderate and the south western part of the site forms part of the Twyn Eithinog Visual and Sensory Aspect Area (Small relatively featureless area of upland with residual mining remains) which is also evaluated as moderate.

The Landscape and Visual Impact Assessment considered as part of the 2012 planning permission accepted that there would be adverse visual impacts in the short term but the restoration proposals would result in substantial landscape benefit within the site in the medium to long term and moderate beneficial effects on the landscape setting and visual amenity of nearby settlements and rights of way.

The most visible element of the Nant Helen site is the overburden mound which is referred to locally as the 'wedding cake' due to its layered profiles. The top of the mound is currently at approximately 338m AOD. The currently approved restoration details propose to reduce the summit level to 305m AOD and to re-profile the outer slopes to form a more natural profile in accordance with the LANDMAP recommendation.

The other principal management recommendation of LANDMAP is to increase woodland and boundary planting, planting hedgerows with trees and planting woodland copses in valleys to echo the surrounding landscape. This is reflected in the approved restoration details.

There are therefore landscape benefits associated with the restoration of the site.

Hydrology and Hydrogeology

The site is located almost entirely in the headwaters of the Afon Tawe and Afon Dulais catchments, with a very small area to the east of the site draining to the Afon Pyrddin catchment. The larger part of the site drains towards the Afon Tawe to the north, with the southern part of the site draining to the Afon Dulais to the south.

The drainage from the existing site is managed via a series of lagoons and settlement ponds prior to discharge into surrounding watercourses. These discharges are controlled by NRW under a Permit.

LDP Policy DM6 states that development proposals must avoid unnecessary flood risk by assessing the implications of development within areas susceptible to all types of flooding; any development that unacceptably increases risk will be refused.

The approved restoration details include provision for the restoration of watercourses, ponds and attenuation features. The design has incorporated attenuation ponds, wetlands and rush-lined channel beds which will slow down and reduce surface water flows away from the site.

Essentially the watercourses will be created to connect with the natural drainage features beyond the site boundary. The reinstated watercourses will, where

practicable, be constructed using a natural clay bed lined with loose stone and with variable bank profiles, channel widths, small waterfalls and pools in order to create landscape and habitat diversity as well as control flows. This is supported by NRW.

However, where gradients exceed 1 in 12 the channel beds will need to be reinforced with rock. These sections will be stepped and formed with backfall areas to provide small pools and help to slow down flows. An estimated 26% of restored watercourses will be rush-lined, 35% lined with gravel beds and 39% reinforced with rock.

In terms of groundwater, it is expected that the restoration scheme will have no adverse impact and on that basis the drainage element of the restoration scheme is beneficial.

Impact on Ecology and Biodiversity

LDP Policy DM2 requires development proposals to demonstrate how they protect, positively manage and enhance biodiversity and geodiversity interests including improving the resilience of biodiversity through the enhanced connectivity of habitats within, and beyond the site.

During the consideration of the Nant Helen Remainder application in 2012, the impact of the development on biodiversity and ecology was an important consideration. The ecological impacts of the proposal were balanced against the benefits of the wider enhancement of biodiverse habitats contained within the restoration strategy and it was considered that there was sufficient ecological benefit from the restoration of the site in the longer term.

There is little scope to introduce biodiversity within the Mynydd-Y-Drum Common which covers just over 50% of the site. The Common is to be restored as upland acid grassland (with a small area of species rich acidic grassland) watercourses and wetland areas.

The remainder of the land to the north and west of the common is shown in the approved restoration details to be restored to a mix of enclosed agricultural land bounded by hedgerows, including areas of marshy grassland; broadleaf woodland planting areas; watercourses with woodland corridors and wetlands/ponds. The enclosed pasture to be created with boundary hedgebanks and stream corridors contribute to landscape integration and nature conservation.

Purple moor grass and rush pasture, hedgerows and ponds are included as Section 7 habitat of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales under the Environment (Wales) Act 2016. Linear habitat such as hedgerows, and rhos pasture (purple moor grass and rush pasture) are also Powys LBAP habitat with defined action plans.

The Powys LBAP Linear Habitats Action Plan states as Target 2 that it will – ensure that there is no net loss of species-rich hedgerows and verges in Powys. It encourages replacement of hedgerows lost through development or agricultural activity and seeks to maintain local distinctiveness of traditional hedgerows. This restoration scheme seeks to re-instate hedgerows and complies with this target.

Target 1 of the Rhos pastures Action Plan seeks to – ‘Maintain, and where possible, enhance the current extent, condition and availability to key species, of rhôs pasture in Powys’. This restoration scheme meets that aim.

For the above reasons it is considered that the proposals maintain biodiversity and the nature conservation and amenity value of habitats and features that are important for wild flora and fauna and the planting of broadleaf woodland in appropriate locations is encouraged. The scheme places a heavy emphasis upon the creation of wildlife habitat that complements the surrounding land and is therefore beneficial in biodiversity terms.

Amenity Impacts – noise, air quality, blasting, external lighting

LDP Policy M4 states that development proposals for mineral extraction will be permitted where they would not result in any significant adverse impacts upon public health, the environment, local amenity and the local transport network and where noise is demonstrated to be within acceptable levels; the best practicable means are identified to control dust, smoke, fumes and to ensure that operations do not cause a deterioration in local air quality; and blasting is controlled within acceptable levels.

In terms of noise, Condition 17 of the current planning permission sets out the acceptable noise limits to be achieved at all times during the development. The terms of the condition accord with Welsh Government guidelines in relation to appropriate noise limits as set out in paragraph 173 of MTAN2: Coal. There is no proposal to amend these limits as part of this application.

LDP Policy DM14 states that development proposals will only be permitted where any resultant air pollution does not cause or lead to an unacceptable risk of harm to human health or the natural environment. Proposals will need to demonstrate that measures can be taken to overcome any significant adverse risk, with particular attention being paid to National Air Quality Strategy objectives.

Potential sources of dust emissions to air likely to occur as a result of surface operations undertaken at the site include stripping, storage and replacement of soils; extraction and loading/unloading of coal; crushing and screening; stockpiling of coal; and internal haulage on un-surfaced roads.

The applicant has undertaken an assessment of air quality impacts and in particular PM₁₀ ‘suspended dust’ related to potential health effects and ‘deposited dust’ with diameters between 10µm and 75µm, related to potential nuisance effects.

The UK has published National Air Quality Objectives in relation to PM₁₀ dust of 40µg/m³ as an annual mean and 50µg/m³ as a 24-hour mean (not to be exceeded more than 35 times per year). Whilst the Welsh Government acknowledges in MTAN2 that there is no known safe level of exposure to PM₁₀ particles, the annual mean threshold value has been set at a level at which the risk of adverse health effects to any individual would be very small.

The 2019 levels of PM₁₀ projected at the site are around 12µg/m³, 30% of the NAQ thresholds. Analysis of PM₁₀ monitoring data between September 2015 and

September 2016 (when the site was last working) indicated a maximum PM₁₀ concentration on 17.23µg/m³, 43% of the NAQ threshold.

In terms of nuisance dust 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. Deposit dust gauge data between September 2015 and September 2016 shows that the average deposition rate was 41.3 mg/m²/day.

MTAN2 states that medium-size particles (10-30µm) will generally travel 100-250m from the source under normal conditions. In adverse weather conditions coarse dust travels 500m from the source. However, such events will be infrequent and continual or severe concerns about dust are most likely to be experienced near to dust sources (generally within 100m). There are no sensitive residential properties within 250m of the working areas and therefore significant adverse impact from nuisance dust is unlikely.

The proposed development involves blasting, currently blasting is taking place up to 3 times per day. Conditions 22 and 23 of the planning permission relate to blast vibration and air-overpressure limits respectively. The blast vibration limits in condition 22 are set lower than the guideline limits set out by Welsh Government in paragraph 164 of MTAN2: Coal and the air overpressure limits comply with the guideline limits.

LDP Policy DM7 states that proposals involving external lighting will only be permitted when it can be demonstrated that a lighting scheme will not individually or cumulatively cause unacceptable light pollution. There are no proposals to change the existing external lighting arrangements which are not considered to be unacceptable in terms of amenity, highway safety or ecological considerations.

Economic, Social and Cultural factors

The site contains approximately 800,000 tonnes of coal which has yet to be removed. This is not additional coal to that permitted for extraction in 2012.

The remaining coal has not been extracted to date primarily due to the loss of demand for Welsh anthracite coal from Aberthaw B power station which was taking up about 50% of Celtic Energy's output. Celtic Energy's coal market, following the loss of Aberthaw B, amounted to some 400,000 tonnes per annum so it was not economically feasible to operate Nant Helen and the site at East Pit, Tairgwaith at the same time as only one site was necessary to produce this amount. Consequently, Nant Helen was mothballed in October 2016.

Coal extraction at East Pit is now drawing to a close and therefore Nant Helen is required to re-commence in order to satisfy Celtic Energy's remaining coal markets.

The re-commencement of coal extraction operations at Nant Helen will lead to over 100 direct jobs for three years and a lower number during restoration which will help to support the local economy. There will also inevitably be indirect jobs in support industries.

The importance of these jobs in this area should not be overstated given that part of Ystradgynlais is within the top 10% most deprived areas in Wales and Abercrave and Tawe Uchaf are in the 30-50% most deprived areas in Wales based on the Welsh Index of Multiple Deprivation.

Part of Ystradgynlais also has a percentage of the population suffering income deprivation of almost twice the national average and is also the only area in Powys where 25% of the working age population are in employment deprivation. Surrounding areas of Onllwyn, Seven Sisters also have a percentage of the population suffering income deprivation higher than the national average.

Additional incomes for some families as a result of the site working will bring with it social benefits. The vast majority of employees at the site will live within 10 miles of the site.

In addition to the re-instatement of the common land, the proposal provides for the re-instatement of the public rights of way within the site. This will provide greater public access to the countryside which brings with it opportunities for significant health benefits in the future.

Financial Guarantee

LDP Policy DM1 states that planning obligations will be sought where necessary to ensure that, amongst other things, restoration arrangements are achieved. LDP Policy M5 also states that financial bonds will be sought to secure the necessary works for restoration and aftercare.

As stated above, the current planning permission for this site is subject to a Section 106 Agreement which covered Community Benefits, a mechanism for the provision of a Financial Restoration Guarantee Bond eventually rising to £30.28 million (paid at £1.5 million per quarter), and extended the aftercare period from 5 to 10 years on all areas of the site.

Payments into the Restoration Guarantee Fund currently stand at £19.5 million – Celtic Energy has not made payments since December 2015. However, given that the revised restoration proposals approved in 2017 reduced the liability by approximately £16 million in the event of a default by the operator the Authority were subsequent to that, in a far better position to complete the restoration and aftercare works.

As this application is for the variation of a condition and would result in a new planning permission being issued the Authority will need to vary the Section 106 Agreement to run alongside the new permission.

Conclusion

The coal being produced at the site is not destined for the energy generation market and therefore has no significant adverse impact in that regard on climate change.

The test that is to be applied is that the proposal should be environmentally acceptable or can be made so by planning conditions or obligations, and there must be no lasting environmental damage.

In this case, there are landscape, biodiversity and hydrological benefits associated with the restoration of the site as well as there being economic, social and cultural benefits from the continued extraction of the coal.

Conditions can be imposed to minimise amenity impacts to an acceptable level and a revised Section 106 Agreement will be required in order to secure restoration and aftercare.

On that basis, the proposal is not considered to conflict with national legislation, national policy and guidance or local planning policy.

Recommendation

It is recommended that the application be approved subject to the following conditions and subject to a Section 106 Agreement being entered into which safeguards restoration and aftercare of the site, which is to be secured by the Professional Lead for Development Management in consultation with the Chair and Vice Chair of the Planning, Taxi licencing and Rights of way Committee.

Environmental information has been taken into consideration when processing this planning application.

CONDITIONS

1. Extraction of minerals shall cease by 31st December 2021, restoration shall be completed by 30th June 2023 and ancillary buildings to which this permission relates (other than those shown as being retained as part of the restoration scheme) shall be removed by 30th September 2023.

Except as modified within the Section 106 Agreement relating to this permission, the site shall be subject to aftercare for a period of 5 years in accordance with the provisions of an aftercare scheme approved by the Local Planning Authority.

Reason – mineral extraction is temporary in nature and to protect the character and appearance of the site and the surrounding area.

2. The development hereby permitted shall be carried out in accordance with the following documents and plans or as otherwise modified by any revisions or by other conditions, schemes or approvals by the Local Planning Authority:

- Planning Application Validated on 3rd December 2018.
- Environmental Statement – February 2011.
- Addendum to Original Environmental Statement and Supporting Information – November 2018
- Addendum to Original Environmental Statement and Supporting Information – Appendices - November 2018

Reason: To enable the Local Planning Authority to control the development and to minimise its impact on the amenities of the local area.

3. A copy of this permission and the approved plans showing the method and direction of working and restoration shall be displayed in the operator's site office at all times during the life of the site. Any subsequent approved amendments shall also be displayed.

Reason: To ensure that the developer and site contractors are aware of the working programme and the conditions attached to carrying out the development.

4. From the date of the commencement of coaling the site operator shall maintain records of the monthly output of coal and shall make them available to the local planning authority at any reasonable time upon request. These records shall be kept for the duration of coaling operations at the site.

Reason - In order that the local planning authority can monitor output at the site.

5. At intervals of 6 months, details, in the form of a land survey, sectional details and calculations, shall be provided to the Local Planning Authority indicating the extent and volume of the extraction void and the overburden mound at each such interval.

Reason - To aid in the monitoring of the site.

Hours of operation

6. Except in an emergency which shall be notified to the Local Planning Authority as soon as practicable, no development, which includes the starting up of plant and machinery, or other activities associated with the development (other than water pumping, servicing, environmental monitoring, maintenance and testing of plant) authorised or required by this permission shall be limited to 0600 - 2200hrs Monday to Friday and 0700 - 1300hrs on Saturdays.

Reason - To protect the living conditions of nearby residents.

7. Notwithstanding condition 6 above, no soils shall be stripped or replaced, no topsoil or subsoil mounds shall be formed or removed and no water treatment areas shall be constructed or removed except between the following times 08.00 to 17.00 hours Mondays to Fridays (excluding Bank/Public Holidays) and 08.00 to 13.00 hours on Saturdays.

Reason - To protect the living conditions of nearby residents.

8. No coal shall be transported from the site except between the hours of 0700 and 1800 on weekdays (excluding bank holidays) and 0700 and 1300 hours on Saturdays.

Reason – In the interests of amenity

Access

9. There shall be no vehicular access to the site, other than from the two points marked “X” shown on Figure 5.01 of the Environmental Statement. No coal traffic shall use the access on to the A4221 for either ingress or egress.

Reason – In the interests of highway safety

10. The existing wheel cleaning facilities, consisting of a fully automatic wheel wash, supplemented as required by a high pressure hose, shall be retained and all coal lorries shall be washed before travelling along the coal haul route to the public highway.

Reason – To protect the living conditions of nearby residents.

Dust

11. The approved Dust Management Action Plan (submitted in respect of Condition 25 of planning permission P/2011/0217) shall be implemented at all times for the duration of operations at the site, including restoration and aftercare

Reason – To protect the living conditions of nearby residents.

12. All permanent roads within the site shall be hard surfaced and such roads shall be swept and watered regularly and, wherever practicable, site traffic will be prohibited from using such roads unless the vehicle has been washed at a wash bay beforehand.

Reason – To protect the living conditions of nearby residents.

13. Dust on internal haul roads and other areas of the site traversed by vehicles to be suppressed by means of water bowsers.

Reason – To protect the living conditions of nearby residents.

14. No coal shall be stocked on the site other than within the area designated in Figure 5.01 of the Environmental Statement, unless otherwise agreed in writing by the local planning authority.

Reason - To ensure adequate management of resources.

Blasting and Vibration

15. The approved Blasting Management Action Plan (submitted in respect of Condition 19 of planning permission P/2011/0217) shall be implemented at all times for the duration of operations at the site, including restoration and aftercare

Reason – To protect the living conditions of nearby residents.

16. Blasting shall be confined (except in the case of an emergency or as otherwise agreed with the Local Authority) to between 1000 and 1300 hours and between 1400 to 1600 hours Monday to Friday (excluding Bank/Public Holidays) and 1000 to 1300 hours on Saturdays. Notices highlighting these blasting times shall be displayed at the site entrance.

Reason - To protect the living conditions of nearby residents.

17. Each blast shall be preceded by an audible and visual warning to persons on or in the vicinity of the site. The warning methods used shall be displayed at the site entrance. Sentries shall be posted at any possible access points to prevent trespass during blasting operations.

Reason - To protect the living conditions of nearby residents.

18. No blasting operations shall be carried out which would result in any component of the peak particle velocity attributable to the blast exceeding 4mm/sec at 95% confidence and 6mm/sec at 100% confidence as measured at any occupied property.

Reason - To protect the living conditions of nearby residents.

19. All practicable steps shall be undertaken by careful design of blasting operation to limit air overpressure. Where air overpressure exceeds 120dB, as measured at the nearest noise sensitive property, the operator shall review the blast design and make such amendments (prior to the next blast) that are considered necessary to the blast design in order to reduce air overpressure below 120dB.

Reason - To protect the living conditions of nearby residents.

Noise

20. The approved Noise Management Action Plan (submitted in respect of Condition 16 of planning permission P/2011/0217) shall be implemented at all

times for the duration of operations at the site, including restoration and aftercare

Reason – To protect the living conditions of nearby residents.

21. Noise arising from operations at the site as measured at any noise sensitive location shall not exceed background (LA90) plus 10dB LAeq,1hr or 55dB LAeq,1hr (free field), whichever is the lesser, during normal working hours (0700 to 1900 hours Monday to Friday excluding Bank/Public Holidays and 08.00 and 12.00 hours on Saturdays). At all other times the noise arising from operations at the site shall not exceed 42dB LAeq, 1hr (free field) at any noise sensitive location.

Reason - To protect the living conditions of nearby residents.

22. Notwithstanding the noise level limits set out in Condition 21, the level of noise from operations consisting of the stripping of soils and the construction and removal of soil mounds, baffle mounds and water treatment areas, measured at any noise sensitive property, shall not exceed 67dB LAeq 1hr (free field) between 1000 to 1600 hours on Monday to Friday excluding Bank/Public Holidays and for a period of up to 8 weeks in a year.

Reason - To protect the living conditions of nearby residents.

Water Management

23. Drainage ditches, settling ponds and lagoons shall be de-silted and maintained in such condition that they are able to perform effectively for the purpose for which they have been provided.

Reason - To protect the water environment.

24. Unless otherwise approved in writing by the Local Planning Authority, any ditch, watercourse or culverts passing through the site shall be protected, supported or diverted so as to not impair the flow or to render less effective drainage onto and from adjoining land.

Reason - To protect the water environment.

25. The site shall continue to utilise the existing water discharge points and treatment areas as identified in Figure 13.05 of the Environmental Statement, unless otherwise agreed in writing by the Local Planning Authority.

Reason - To protect the water environment.

26. The approved scheme for the monitoring of local watercourses (submitted in respect of Condition 33 of planning permission P/2011/0217) shall be implemented at all times for the duration of operations at the site, including restoration and aftercare

Reason - To monitor and protect the water environment.

27. The approved scheme for the protection and conservation of soil to prevent the pollution of the water environment (submitted in respect of Condition 34 of planning permission P/2011/0217) shall be implemented at all times for the duration of operations at the site, including restoration and aftercare

Reason - To monitor and protect the water environment.

28. The approved scheme for groundwater monitoring (submitted in respect of Condition 35 of planning permission P/2011/0217) shall be implemented at all times for the duration of operations at the site, including restoration and aftercare

Reason - To monitor and protect the water environment.

29. The approved method statement for the pollution prevention measures during operational and post operational phases of the development (submitted in respect of Condition 36 of planning permission P/2011/0217) shall be implemented at all times for the duration of operations at the site, including restoration and aftercare

Reason - To monitor and protect the water environment.

Lighting

30. External lighting sets to be erected or used on the site in accordance with the following provisions:
- a. All site lighting shall be reviewed and where necessary fitted with additional cowlings/shrouds to ensure all lights are directed downwards.
 - b. Lighting towers equipped with lights on more than one side shall have switches fitted that allow lights not required for Health and Safety purposes to be switched off.
 - c. Lights within the administration and workshop areas shall be connected to PIR sensors after 10pm to ensure that when not required for Health, Safety or Security reasons they will remain turned off.
 - d. All new lighting equipment shall be fitted with shrouds and maximum height of equipment when at surface to be no more than 5m.
 - e. At all times lights shall be directed away from light sensitive areas.
 - f. Half yearly surveys of site lighting shall be conducted at locations to be agreed with the Local Authority within the Site Technical Working

Party. The results shall be made available to the Local Authority and reported at the Site Technical Working Party.

- g. Monitoring of complaints shall be undertaken through a documented complaints procedure together with reports received during Technical Working Party and Site Liaison Committee meetings.

Reason - To protect the living conditions of nearby residents.

Archaeology

- 31. The approved programme detailing a written scheme of archaeological investigation for an archaeological watching brief (submitted in respect of Conditions 44 and 45 of planning permission P/2011/0217) shall be implemented at all times for the duration of operations at the site, including restoration and aftercare

Reason - To protect the historic environment.

Ecology

- 32. Within 6 months of the date of this permission an Ecological and Habitat Monitoring and Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The details shall include, inter alia, the following:-

- a. detailed provisions for the enhancement of biodiversity for all areas of the site subject to extended aftercare;
- b. calculation and estimates of the loss of BAP habitats and the proposed minimum provisions within the aftercare scheme;
- c. the monitoring and management of habitats until the completion of aftercare including the extended aftercare as agreed in the Section 106 Agreement. This shall include annual reports and proposed mitigation, and detail the process to implement any remedial action that is identified from the monitoring results to deliver the agreed habitat type and quality.

The scheme shall be implemented in accordance with the approved details.

Reason - In the interests of nature conservation and visual amenity

- 33. The approved scheme for the phased removal of vegetation and woodland areas (submitted in respect of Condition 7 of planning permission P/2011/0217) shall be implemented at all times for the duration of operations at the site, including restoration and aftercare

Reason - To protect the character and appearance of the area in the interest of amenity.

34. Prior to the commencement of any phase of tree felling or vegetation clearance during the development further checks and surveys shall be undertaken to ensure that there is no presence of Crossbills, Honey buzzard, Goshawk, Peregrine falcon, Red kite, nesting birds, Marsh fritillary, Otter or Badger within the areas to be developed.

Reason - To ensure that the species are not present following initial surveys

35. The Reptile Mitigation and Translocation scheme submitted on 4th July 2011 shall be adhered to and implemented in full unless otherwise agreed in writing with the LPA.

Reason - To protect the reptile population.

36. The approved bat survey report and tree survey report (submitted in respect of Condition 49 of planning permission P/2011/0217) shall be implemented at all times for the duration of operations at the site, including restoration and aftercare

Reason - To ensure further inspection and survey is undertaken to ensure no bat roosts have been created following initial survey for bats.

37. Prior to commencement of development that would result in the loss or major disturbance of any waterbodies a detailed amphibian translocation scheme shall be submitted to and approved in writing by the Local Planning Authority.

Reason - To protect the amphibian population.

38. The approved Ecological Monitoring Schedule (submitted in respect of Condition 65 of planning permission P/2011/0217) shall be implemented at all times for the duration of operations at the site, including restoration and aftercare

Reason - In the interests of nature conservation

Soil Stripping, Handling and Storage of Soils

39. All topsoil and subsoils shall be stripped, conserved and re-spread in accordance with the proposals described in the Environmental Statement and in the approved restoration scheme. Any amendments to this specification shall be agreed in writing by the local planning authority before being implemented.

Reason - To ensure adequate management, conservation and utilization of soil resources for the restoration of the site.

40. All areas of excavation, overburden, proposed storage mounds, haulage and temporary access roads, hardstandings, water treatment and lagoon sites, drainage channels and any other areas likely to be disturbed by any subsequent operations shall be stripped of topsoil, subsoil and any soil forming material which shall be stored in separate mounds or used in the progressive restoration of the site. The soil mounds shall be stored without overlapping and shall be sited, constructed and managed to prevent contamination by any other material, liquid or compound.

Reason - To ensure adequate management, conservation and utilization of soil resources for the restoration of the site.

41. All natural topsoil found within any soil mound previously identified as subsoil or soil forming material shall be separated from the mound and treated separately in the restoration. Where such material is contaminated by Japanese knotweed, this shall be controlled by a course of treatment, the details of which shall be submitted to, and approved in writing by, the local planning authority prior to the placement of the contaminated material.

Reason - To ensure adequate management, conservation and utilization of soil resources for the restoration of the site.

42. All storage mounds of topsoil, subsoil and soil-forming material, and their margins shall be seeded to grass within the first growing season, and in any event within 6 months of their construction, maintained to encourage a dense grass sward to develop and shall not be allowed to over winter without grass cover. All vegetation growing on soil storage bunds and their margins within the site shall be maintained by cutting at least once during the growing season. All noxious weed growth shall be controlled by cutting or herbicide spraying to prevent weed seed contamination of the soil resource on site or on surrounding land.

Reason - To protect the character and appearance of the site and the surrounding area.

43. Other than those essential for site access, only those vehicles involved in loading soils shall be permitted on unstripped areas, and then restricted only to operations to recover the soils. Vehicles used in transporting soils shall only travel over areas of ground that have previously been stripped of topsoil and subsoil.

Reason - To protect the character and appearance of the site and the surrounding area.

Contamination

44. If evidence of contamination is found in or around the development area development must not proceed until a report on potential contamination of the

site has been prepared by an appropriately qualified person and submitted to and approved by the local planning authority. This report shall include a phased investigation approach, incorporating risk assessment, to identify the extent of contamination and any measures required to remediate the site, including post-development monitoring. Where remediation works are required, the development shall not be occupied/used until a validation report, to show that the works have been satisfactorily carried out, has been submitted and approved in writing by the local planning authority.

Reason - In order to protect against any potential contamination.

Restoration and Aftercare

45. The restoration of the site shall be undertaken in accordance with the detailed restoration scheme approved under planning reference DIS/2016/0153

Reason - To ensure that the site is restored to a condition suitable for a beneficial after-use.

46. Unless otherwise approved in writing by the Local Planning Authority and notwithstanding any progressive restoration undertaken during the course of the coaling period, backfilling of the void and the full restoration of the site shall commence no later than four weeks after the completion of coaling at the site.

Reason - To protect the character and appearance of the site and the surrounding area.

47. The developer shall inform the Local Planning Authority in writing of the termination of coal extraction from the site within 14 days of the cessation of coaling.

Reason - To aid the monitoring of site activities.

48. The Local Planning Authority shall be given a minimum of 48 hours written notice prior to the commencement of any phase of soil replacement operations, including the dismantling of soil mounds.

Reason - To aid in the monitoring of site activities.

49. No soils shall be replaced on any areas restored to finished ground profiles until the levels achieved, in the form of a written statement and plan, have been submitted to and approved in writing by the Local Planning Authority.

Reason - To ensure adequate restoration.

50. Unless otherwise approved by the Local Planning Authority, all settlement ponds or lagoons shall be emptied of water and slurry, their impounding banks breached, their voids filled with dry inert material originating from the site and their surfaces graded to the approved levels.

Reason - To protect the character and appearance of the site and the surrounding area.

51. In the event of the cessation of winning and working of coal which in the opinion of the local planning authority constitutes a permanent cessation within the terms of Schedule 9 of the Town and Country Planning Act 1990 a revised scheme for the restoration of the site shall be submitted to the Local Planning Authority within 6 months of the cessation of coaling for its written approval. The revised scheme shall be implemented within 6 months of its approval, or as may be otherwise approved in writing by the Local Planning Authority.

Reason - To protect the character and appearance of the site and the surrounding area and the living conditions of nearby residents.

52. Within 2 years of the date of this permission or in the event of the cessation of winning and working of coal which in the opinion of the local planning authority constitutes a permanent cessation within the terms of Schedule 9 of the Town and Country Planning Act 1990, whichever is the sooner, details of an aftercare scheme, to bring the site to the required uses for agriculture, amenity and nature conservation, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the steps that are to be undertaken and the period during which they are to be taken together with the following:-

- a. the designated areas of the intended after uses for the whole site;
- b. the timing and pattern of vegetation establishment (including species to be planted, grass seeding mixtures and application rates, stock types and sizes, spacing, method and position of planting);
- c. cultivation practices for the preparation of soils;
- d. hedgerow construction;
- e. fertiliser and lime application and weed control based on soil and chemical analysis and identification and justification of any areas that would be the subject of treatment by biogran or biosolids;
- f. drainage proposals including the timing of installation, maintenance and temporary drainage measures including any ponds and wetlands;
- g. grassland management, including class of grazing stock, livestock, stocking density and mowing practices;
- h. The provisions for the seeding of woodland ground flora;
- i. watering facilities and the provision of supplies;

- j. the full assessment of the introduction of areas to be restored to nature conservation and their application to local biodiversity objectives;
- k. the creation, management and maintenance of any paths, tracks or roads;
- l. any other agricultural, silvicultural or conservation treatment relevant to the site; and
- m. fencing.

Unless otherwise approved in writing by the local planning authority development shall be carried out in accordance with the approved details.

Reason - To ensure adequate aftercare of the site.

53. Once a year, the site operator shall arrange a formal review to consider the restoration and aftercare operations which have taken place on the site during the previous year, and also to agree with the Local Planning Authority the programme of management for the following year. The parties invited to this review shall include the site operator, the owners of the land, any other occupiers, the Local Planning Authority, Natural Resources Wales and the Welsh Government Regional Planning Advisor.

Reason - To ensure adequate restoration and aftercare.

Community Liaison

54. The approved scheme for the operation of a Technical Working Party (submitted in respect of Condition 11 of planning permission P/2011/0217) shall be implemented at all times for the duration of operations at the site, including restoration and aftercare

Reason - To aid the monitoring of site activities.

55. The approved scheme for the operation of a Site Liaison Committee (submitted in respect of Condition 10 of planning permission P/2011/0217) shall be implemented at all times for the duration of operations at the site, including restoration and aftercare

Reason - To aid the monitoring of site activities.

Notes

1. This application shall be read in conjunction with the section 106 Legal Agreement relating to the site.
2. In the conditions, the term 'emergency' means any circumstance in which the site operator has a reasonable cause for apprehending injury to persons or serious damage to property.

