

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2013-2014

**DEVELOPMENT CONTROL
COMMITTEE
3 OCTOBER 2013**

**REPORT OF:
SERVICE DIRECTOR,
DEVELOPMENT CONTROL**

Agenda Item No. 13

**APPLICATION NO: 13/0779
OBSERVATIONS REQUESTED BY
ADJACENT PLANNING
AUTHORITY – PLANNING
APPLICATION 13/0779 PROPOSED
EXTENSION FOR THE
EXTRACTION OF SOME 800,000
TONNES OF COAL INTEGRATED
INTO THE EXISTING AND
PERMITTED OPERATIONS WITH
ASSOCIATED RELOCATION OF
WORKSHOP, INTERNAL ACCESS
ROAD, OFFICES AND SITE
INFRASTRUCTURE– SELAR
OPENCAST COAL SITE NEAR
RHIGOS, GLYNNEATH**

1. PURPOSE OF THE REPORT

Committee is requested to offer observations to Neath Port Talbot County Borough Council in respect of the above application.

2. BACKGROUND INFORMATION

In August 2013 an application was submitted to Neath Port Talbot County Borough Council by Celtic Energy Ltd to extend the area of extraction within the central part of the existing Selar Opencast site. Neath Port Talbot County Borough Council has requested this Authority's comments on the application.

3. APPLICATION DETAILS

The proposed development would yield a reserve of some 0.8 million tonnes of coal, for a two and a half year operational period. It would be removed at a rate of 300,000 tonnes per annum, along with the Selar North Extension over a period of four and half years. Following a restoration and remediation period of two years this would provide a total working period of six and a half years.

The coal would continue to be transported by road to the Onllwyn Washery via the A4061, A465 and the A4109. The hours for coal traffic would remain as the current permitted hours – 0700 to 1700 Monday to Friday and 0700 to 1300 on Saturdays. It is estimated that coal would be removed from the site at a rate of 6,000 tonnes per week, as a continuation of the current average output.

The proposed Selar Central extension would involve a further £0.5 million of additional finance to the Selar Liaison and Selar Trust Funds for Local Community projects and facilities.

The restoration strategy for the site would not change and follow the same principles which have been established for the existing Selar site, including restoration to profiles which replicate the existing topography, a mixed restoration of open mountain grassland, enclosed grassland, broadleaved woodland and the re-establishment of water courses with linear woodland corridors. The reclamation of the Pontwalby and Cwm Rhyd Y Gau Tips would establish grassland and woodland within the re-profiled areas. The only change would be modest revisions to the restoration profiles within parts of the original Selar area in order to accommodate overburden from the initial development area at Selar Central.

The application has been submitted with an Environmental Statement and a Community Engagement Statement. A copy of these documents are available for inspection on the application file.

SITE APPRAISAL

The original Selar site covers an area of approximately 330 hectares and lies to the east of Blaengwarch in the Vale of Neath. The access road for coal haulage purposes lies within Rhondda Cynon Taf County Borough and is approximately 3,200m in length, traversing from the site in an easterly direction over the former Flyndaff Opencast Coal Site onto the A4061 Treherbert Road, coming within 600m of the most southerly residential properties of Rhigos and Cwm Hunt. The nearest part of the main opencast site has been utilised for the deposit of the overburden mound, which is approximately 1,200m distance from the nearest properties in Cwm Hunt. The proposed central extension to the main excavation area lies to the west of the overburden mound, and would be over 1km distance from properties in Cwm Hunt.

The proposed extension area includes land currently occupied by coniferous plantation (which is planned to be felled and replanted with deciduous woodland as part of the approved works) , the existing site offices, car park and workshop; water treatment areas and the access ramp to the Selar North extraction void.

PLANNING HISTORY

The Selar site lies within the County Borough of Neath Port Talbot, although the access road for coal haulage purposes and the Parish Road, Rhigos lies within Rhondda Cynon Taf County Borough. There have been a number of applications which have been considered by this Council or by the former Mid Glamorgan County Council.

09/1295	Selar Opencast Site Rhigos Aberdare	Proposed northern extension to Selar Open Cast site	Raise no Objection 15/07/10
09/1242	Selar Opencast Site Rhigos Aberdare	Variation of Condition 2 of planning permission ref. 05/2174 to continue the use of the existing access to Selar Opencast Site, off the A4061 for a further period to 31.12.15.	Granted 09/07/10
06/2401	Selar Opencast Site Rhigos, Nr Glynneath	Extension of time for the completion of opencast coaling and ancillary operations. (Observations requested by Neath Port Talbot County Borough Council)	Raise no Objection 16/03/07
05/2266	Selar Opencast Site Rhigos, Nr Glynneath	Extension of time for the completion of opencast coaling and ancillary operations (with the exception of the proposed restoration and aftercare works) until 31st December 2010 (Amendment to condition 3 of planning permission 93/0348/05) Observations requested by Neath Port Talbot County Borough Council	Raise no Objection 12/06/06
05/2174	Selar Opencast Site, Rhigos, Nr. Glynneath.	Extension of time for the continuation of opencast coaling and ancillary operations (with the exception of the provision of restoration and aftercare works) until 31st December 2010 (Amendment to condition 3 of planning permission ref : 51/93/0266	Granted 12/06/06

99/4271	Selar O.C.C.S Glynneath Neath.	Aftercare scheme under condition 46 of consent 2/3/94/0348.	Raise no Objection 06/08/99
98/4153	Selar O.C.C.S., Glynneath, Neath	Detailed scheme in relation to the overburden mound under Condition 29 of planning permission 2/3/93/0348	Raise no Objection 15/05/98
97/4062	Selar O.C.C.S., Glynneath, Neath	Gate and barrier at Parish Road	Raise no Objection 26/09/98
93/0266	Proposed Selar Opencast Site, S/w of Rhigos, Aberdare	Mining of coal by opencast methods	Granted with Conditions 06/12/94

PUBLICITY

Neath Port Talbot would have the statutory responsibility to undertake publicity for the application. However, as the proposed development has the propensity to affect residents within the County Borough of Rhondda Cynon Taf, site notices and neighbourhood notification have been undertaken within Cwm Hwnt. No responses have been received as a result of this publicity.

CONSULTATION

Transportation Section - no highway objection subject to condition.

Public Health and Protection – no objections raised.

Countryside – no relevant Sewbrec records of Statutory Protected Species from immediate vicinity.

POLICY CONTEXT

As the site is located fully in Neath Port Talbot County Borough Council area, the relevant development plan is the Neath Port Talbot County Borough Council Unitary Development Plan 2008.

The proposals map indicates that the site lies in the countryside and outside any protected area.

National Guidance

Mineral Planning Policy Wales

Para 14 states that where UK coal is available and the generators continue to use it, UK coal contributes to energy diversity and supply, but there are important environmental and amenity issues that require very careful consideration.

Para 52 advises that whilst extensions to existing mineral workings are often more generally acceptable than new Greenfield sites this needs to be balanced with the policy on buffer zones and take into account issues of cumulative and in combination effects.

Para 53 advises that for surface coal workings, an extension beyond the original site boundary, the economic preference for extensions should be very carefully weighed against the social and environmental costs. The operator is encouraged to demonstrate that this does not delay progressive reclamation of the principal part of the existing site.

Paragraph 61 advises that Government's policy is to ensure a secure, diverse and sustainable supply of energy at competitive prices.

Paragraph 62 requires proposals for opencast development to meet the following requirements otherwise they should not be approved:-

- 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 to justify the grant of planning permission.
- Land will be restored to a high standard and to a beneficial and suitable after-use.

Ministerial Interim Minerals Planning Policy Statement (MIMPSS) 01/2009 Health Impact Assessment for Opencast Coal Sites

Para 63 advises that it is the policy of the Welsh Assembly Government that a Health Impact Assessment should be provided to accompany any application for opencast coal working.

Minerals Planning Guidance (MPG) 2 Applications, Permissions and Conditions

This guidance covers planning applications for minerals development, planning permissions and the imposition of planning conditions.

Minerals Planning Policy (Wales) Minerals Technical Advice (Wales) 2: Coal

This Mineral Technical Advice Note (MTAN) sets out detailed advice on the mechanisms for delivering the policy for coal extraction and contains advice on best practice.

Para 14 states that where UK coal is available and the generators continue to use it, UK coal contributes to energy diversity and supply, but there are important environmental and amenity issues that require very careful consideration.

Para 52 advises that whilst extensions to existing mineral workings are often more generally acceptable than new Greenfield sites this needs to be balanced with the policy on buffer zones and take into account issues of cumulative and in combination effects.

Para 53 advises that for surface coal workings, an extension beyond the original site boundary, the economic preference for extensions should be very carefully weighed against the social and environmental costs. The operator is encouraged to demonstrate that this does not delay progressive reclamation of the principal part of the existing site.

Appendices B to R provide best practice on a whole range of matters including landscape and visual impact assessment, transport, and reclamation.

PLANNING CONSIDERATIONS

The purpose of this report is to assess any potential impact of the development on the County Borough, especially to the residents of nearby settlements on which the mineral development could have the greatest affect.

It is considered that the principal issues to be assessed are: the acceptability of landscape and visual effects, effect on residential amenity and effect on highway safety.

The visual impact assessment has shown that none of the extension site would be visible from Rhigos and Cwm Hwnt, although the top of the overburden mound would still be visible although screened by vegetation and a part of the access road would also still be visible.

Overall, the site would continue to be subject to environmental safeguards to reduce the effects of noise, dust and vibration to acceptable levels. Any blasting carried out at the site is likely to be well below recognised acceptable limits, additional soil screen mounds have already been constructed in earlier phases of

the development to provide further noise attenuation and the site would adopt standard good practices in relation to dust minimisation measures. The Public Health and Protection Division have raised no objection to the proposed development.

The proposed extension would be likely to result in an output of approximately 800,000 tonnes per year for an extended 2 ½ operational period to the end of December 2019. This output is the same as the present output of 250,000 tonnes per year, which would represent an average number of 77 lorry movements per day, to and from the site, and an average of 15 two way vehicle movements per hour. On the basis that there would be no increase in vehicular traffic to that which already occurs, and along the same haulage route, the Transportation Section has raised no objection to the proposed development.

It is concluded that the proposed extended excavation area is not considered to have any discernable harmful effect on the local residents of Rhigos and Cwm Hunt, in terms of visual impact, impact on residential amenity (noise and disturbance) nor on highway safety.

RECOMMENDATION

It is therefore recommended that no objection be raised to the proposal and that Neath Port Talbot County Borough Council be advised accordingly.

LOCAL GOVERNMENT ACT 1972

as amended by

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

LIST OF BACKGROUND PAPERS

DEVELOPMENT CONTROL COMMITTEE

3 OCTOBER 2013

REPORT OF SERVICE DIRECTOR, DEVELOPMENT CONTROL

REPORT

**APPLICATION NO: 09/1295
OBSERVATIONS REQUESTED BY
ADJACENT PLANNING
AUTHORITY – PLANNING
APPLICATION 09/1295
PROPOSED NORTHERN
EXTENSION FOR THE PURPOSE
OF COAL EXTRACTION ALONG
WITH COMPLETION OF COALING
AT THE EXISTING SITE AND
ASSOCIATED ANCILLARY
DEVELOPMENT INCLUDING
RESTORATION & SUBSEQUENT
AFTERCARE OF THE FULL
APPLICATION AREA – SELAR
OPENCAST COAL SITE NEAR
RHIGOS, GLYNNEATH**

OFFICER TO CONTACT

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See Relevant Application File