

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2013-2014

**DEVELOPMENT CONTROL
COMMITTEE
19 DECEMBER 2013**

**REPORT OF: SERVICE
DIRECTOR PLANNING**

	Agenda Item No.7
<p>APPLICATION NO: 13/0466 - VARIATION OF CONDITIONS 19, 20, 21, & 22 OF PLANNING APPROVAL 10/0292 TO EXTEND WORKING HOURS ON SATURDAY TO 1600 HOURS, TOWER SURFACE MINE, RHIGOS ROAD, HIRWAUN, ABERDARE</p>	

1. PURPOSE OF THE REPORT

Members are asked to determine the above planning application.

2. RECOMMENDATION

That Members consider my report in respect of the application and determine the application having regard to the advice given.

3. BACKGROUND

This application was reported to the Development Control Committee on 7 November 2013. A copy of the report is attached at **APPENDIX A**. In accordance with Minute No. 123 (3), as Members were minded to refuse the application contrary to the recommendation because they considered that they considered the proposal was not in compliance with Policy AW10 of the Local Development Plan as it would have a detrimental impact on local residential amenity, the matter be deferred to the next appropriate Development Control Committee for a report from the Service Director Planning, if necessary in consultation with the Director of Legal and Democratic Services, upon the strengths and weaknesses for taking a decision contrary to recommendation, prior to determining the matter.

It is acknowledged that there have been a number of complaints in respect of the working which has taken place on a Saturday afternoon. It is understood that Members are concerned that the continued working on a Saturday afternoon would potentially have implications in relation to not only additional noise emissions but also additional dust, disturbance and light pollution from working at these additional times, and that Members consider that there should be adequate respite from

the site operations for nearby residential properties on a Saturday afternoon.

However, the acoustic report submitted to accompany the application showed that on the occasions that Saturday afternoon working has taken place, the actual noise levels have not exceeded the proposed/predicted noise levels. The acoustic report also included a number of mitigation measures for the working to ensure that the proposed noise limits would have been achieved. The noise limits which were recommended to be imposed would have followed the same criteria as the noise levels that exist for Saturday morning working.

No objections have been raised to the proposed development by the Public Health and Protection Division subject to the imposition of conditions to restrict such working on a temporary basis for a year and for a maximum number of 26 times a year, with a view to reviewing the situation following this period in light of any justifiable complaints.

In terms of the impact on the amenities of nearby residential properties it is considered that compliance with the recommended conditions, together with compliance with the existing conditions would ensure that the works would be controlled in terms of noise levels, working hours, dust levels and light pollution, so that the works would not be detrimental to residential amenity.

Notwithstanding, the above, if Members are still minded to refuse the application, it is considered that the following reason is reflective of the concerns raised.

4. REASONS FOR REFUSAL

It is considered that the proposed Saturday afternoon working on the site would have a detrimental impact on local residential amenity, contrary to Policy AW10 of the Rhondda Cynon Taf Local Development Plan in terms of the additional noise, dust and general disturbance.

APPENDIX A

APPLICATION NO: 13/0466/15 (DB)
APPLICANT: Tower Regeneration Ltd
DEVELOPMENT: Variation of conditions 19, 20, 21, & 22 of planning approval 10/0292 to extend working hours on Saturday to 1600 Hours.
LOCATION: TOWER SURFACE MINE, RHIGOS ROAD, HIRWAUN, ABERDARE, CF44 9UF
DATE REGISTERED: 24/05/2013
ELECTORAL DIVISION: Hirwaun

RECOMMENDATION: Approve

REASONS:

The proposed variation of Conditions 19, 20, 21 and 22 of Planning Permission 10/0292 to extend working hours on a Saturday afternoon has been considered and it is considered that it does not have such an effect that would warrant a refusal and it would assist in the efficiency of the surface coal mine. It is in compliance with the relevant policies of the Local Development Plan in respect of its impact on residential amenity.

APPLICATION DETAILS

This application is made under Section 73 of the Town and Country Planning Act 1990 to seek to vary certain conditions that were attached to the full planning permission 10/0292, which was granted on 16 December 2011.

On a scheme of this size and complexity it is not unusual for developers to seek variations to the scheme as originally approved and an application under Section 73 allows them to do so. Members should recognise, however, that an approval under Section 73 results in a new full planning permission for the whole scheme. As a consequence, as well as the variations sought, the Council will need to re-impose those existing conditions that are still considered relevant, as well as any additional conditions that are deemed appropriate.

This application seeks to give consent for the following changes to the scheme:-

Consent is sought for the variation of Conditions 19, 20, 21 and 22 of Planning Permission Ref 10/0292 in order to extend the working hours on the site to 16:00 hours on Saturdays.

The application is accompanied by the following information/documents:-

- A supporting letter

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- A site plan
- An Environmental Noise Impact Assessment: Assessment of Saturday Noise Levels
- A Technical Note dated October Noise Assessment by Amec Environment & Infrastructure UK limited, (the Amec Noise Report).

The application provides the following supporting information:-

The purpose of the extended hours is to allow flexibility to work the additional hours if necessary, in the event of inclement weather being experienced during the remainder of the week.

Over the last 12 months of operations, environmental factors have limited site operations to approximately 60% of the planned hours, whereas the site has been planned on approximately 80% availability of plant and machinery. The extension of the working hours would allow compensation of any production stoppages during the remainder of the week.

In summary the Amec Report has summarised the potential noise effects of this change to working hours and has outlined the additional mitigation measures that may be necessary to meet the proposed Saturday afternoon criteria.

SITE APPRAISAL

The application site relates to the Tower Coal Surface Mine which commenced operations in March 2012.

The site covers an area of 253 hectares and is located to the south, south west and west of Hirwaun. Most of the site lies to the south of the A4061 Rhigos Road but there is a smaller part of the site is located to the north of the A4061 Rhigos Road which incorporates the existing 1.5km enclosed conveyor system, covered coal loading facilities and the existing railhead adjacent to the operational mineral rail freight line. This area also includes a number of water bodies known as Hirwaun Ponds.

The site occupies a generally sloping area from 340m AOD in the south to 210m AOD in the north. The natural drainage of the site has been altered through the implementation of the Surface Coal Mine.

Major services/apparatus belonging to statutory undertakers are located within the site. A high pressure natural gas main runs along the western boundary of the site, overhead electricity lines run close to the southern boundary and electricity pylons cross through the northern part of the site. The diversion of the southerly electricity line is proposed to be relocated during the course of the proposed operations and is subject to planning application 13/0523.

There are three Sites of Importance for Nature Conservation within the site known as Hirwaun Ponds (SINC's 9 and 12) and Hirwaun Common (SINC O:\Legal Offices\CMTEES\Development Control\Development Control 2013-2014\191213\1. 13 0466 DB.doc

10). Adjacent to the site, to the north of the mineral railway line lies the Blaen Cynon Special Area of Conservation (SAC) and the Cors Bryn –Y–Gaer SSSI. The Brecon Beacons National Park is located approximately 1.5km north of the site boundary. The site is visible as part of an overall panoramic view from locations within the National Park.

Vehicular access to the site is gained from the Rhigos Road at a point 900m west of the A465 roundabout and 200m east of the Hirwaun Industrial Estate Roundabout.

The nearest residential properties to the site are located adjacent to the access on Rhigos Road i.e. properties known as Maesglas, Cartref and Willows Farm. There are also residential properties within Hirwaun such as those within Redhill Close adjacent to the junction of the A465 and the A4061, Tower Road north of the A4059, Limeslade Close and Caswell Close, properties south of Johnson Park (Mountain View), properties further east off Hirwaun Road known as Waungron, Lyndhurst, Dunromin, Fairview Bungalow and Mountain View Bungalow, and properties within Mount Pleasant.

MOST RELEVANT PLANNING HISTORY

10/0292	Tower Colliery, Rhigos Road, Hirwaun, Aberdare	Land remediation and reclamation of old tips, derelict land and buildings; surface coal extraction and associated ancillary development including improvements to the access onto the A4061; recontouring and landscaping of the site to enable future re-development; restoration and after care for agricultural purposes, nature conservation with public access and provision of a visitor/education centre.	Granted 16/12/11
		Environmental Statement Addendum received 17/01/11, additional information received 05/05/11 regarding ecology and landscape and visual assessment, details of restoration, soils handling, drainage matters and revised planning drawings to reflect amendments and additional information received 24/08/11 incorporating a Restoration Strategy Plan which was amended on 27/10/11, 05/12/11, 12/12/11 and 14/12/11.	

PUBLICITY

The application has been advertised by site notices and neighbourhood notification. No letters have been received as a result of this publicity.

CONSULTATIONS

Hirwaun and Penderyn Community Council – raises an objection due to the close proximity of the workings to the recreational facilities which would be used on a Saturday afternoon.

Public Health & Protection Division - initially advised that a suitable noise impact assessment should be provided to accompany the application. Having considered the Amec Noise Report, revised comments have been received which raises no objections to the proposed development subject to the imposition of conditions to secure the revised noise limits, the mitigation measures proposed and the notification to local residents as set out in the noise assessment. Additional conditions are also recommended in order to allow working on Saturdays up to 28 days per year in view of the fact that complaints have been received from residents in respect of working on a Saturday afternoon, and to secure 24 hour notification of proposed Saturday afternoon working also to the Local Planning Authority.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The Proposal and Constraints Maps show that the site lies within the area of primary and secondary coal resources, and that within the western part of the site there is a hazardous installation consultation zone for the high pressure gas main, Sites of Importance for Nature Conservation SINC's 9, 10 and 12 lie within the site. Adjacent, and to the north of the mineral railway line lies the Blaen Cynon Special Area of Conservation SAC. The site also lies within the allocated Northern Strategic Area, NSA8, where the concept plan shows the northern part of the site for employment and residential uses and the southern part for open space. The northeast of the site is affected by the Welsh Government scheme for dualling the A465 Heads of the Valleys Trunk Road.

Policy CS10.6 – seeks to ensure that impacts upon residential areas and sensitive land uses from mineral operations and the transportation of minerals are limited to an acceptable proven safe limit.

Policy AW5 – supports development proposals where amenity and accessibility criteria are met.

Policy AW6 - supports development proposals where design and placemaking criteria are met.

Policy AW10 states that development proposals will not be permitted where they would cause or result in an unacceptable risk of harm to health and/or local amenity because of air, light, water and noise pollution, contamination, land instability and flooding or any other identified risk to public health or safety.

National Guidance

In the determination of planning applications regard should also be given to the requirements of National Planning Policy which are not duplicated in the

Local Development Plan, particularly where National Planning Policy provides a more up to date and comprehensive policy on certain topics.

Planning Policy Wales Chapter 3 (Making and Enforcing Decisions), Chapter 4 (Planning for Sustainability), Chapter 7 (Economic Development), Chapter 12 (Infrastructure and Services) and Chapter 13 (Minimising and Managing Environmental Risks and Pollution) set out the Welsh Government's policy on planning issues relevant to the determination of the application.

Para 13.15 of Planning Policy Wales advises that noise can be a material planning consideration. Local Planning Authorities should make a careful assessment of likely noise levels and in some circumstances it will be necessary for a technical noise assessment to be provided by the developer. The effect of noise on the enjoyment of other areas of landscape, wildlife and historic value should also be taken into account.

Minerals Planning Policy

Para 10 sets out the key principles of sustainable mineral development including limiting the environmental impact of mineral extraction.

Para 34 includes noise (in terms of limits, type and locations) that must be addressed to ensure minerals proposals do not have an unacceptably adverse impact on the environment and the amenity of nearby residents.

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

Para 167 provides Guidance on best practice on noise is in Appendix M.

Para 168 to 177 provides advise in relation to noise impacts, noise surveys and planning conditions for noise.

Minerals Planning Guidance: The Control of Noise at Surface Mineral Workings (MPG 11)

Whilst MTAN 2 supersedes MPG 11 for the determination of noise limits, other elements of MPG11 remain applicable to the assessment of mineral extraction noise in Wales.

Other relevant policy guidance consulted

PPW Technical Advice Note TAN 11 Noise provides guidance on how the planning system can be used to minimise the adverse impact of noise and outlines the main considerations to take into account when determining planning applications.

REASONS FOR REACHING THE RECOMMENDATION

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 purposes 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.

Furthermore, applications that are not in accordance with relevant policies in the plan should not be allowed, unless material considerations justify the grant of planning permission.

Main Issues:

The main consideration in the determination of the application is the impact on the amenities of neighbouring properties and the local environment.

The Technical Note dated October undertaken by Amec (The Amec Noise Report) has been submitted on the applicant's behalf to provide a suitable noise impact assessment, as requested by the Public Health and Protection Division.

The Amec Noise Report sets out that, as part of the original planning application, noise monitoring was undertaken at agreed locations, prior to site operations commencing, and which included a weekend period. The purpose of the monitoring was to establish the baseline background and ambient noise levels during the operational hours of the proposed development.

The noise criteria used to evaluate the significance of the predicted noise effects are derived from methodologies set out in MTAN2. Within MTAN2 separate criteria are presented for weekday, i.e. that noise levels should not exceed background levels by more than 10dB (A), up to a maximum level of 55 dB (A) (the 55 noise level) and Saturday morning periods when the noise limits may be reduced. Outside of these times, MTAN2 appears to indicate that the noise criteria of 42 dB L Aeq, 1h (the 42 noise level) should be applied. However as the background noise data indicates that the ambient noise levels for all locations were above the 42 noise level, on Saturday afternoon, it would appear overly restrictive to apply that level. Therefore, the Amec Noise Report has based the proposed noise criteria on the average noise measured in order to arrive at proposed noise levels at each of the seven monitoring locations. This is the same basis that all other noise criteria were derived for the original application.

The Amec Noise Report has identified that for the vast majority of the monitoring locations, i.e. 6 out of 7 the predicted noise levels would comply with the proposed Saturday Afternoon noise limits. The exception would occur at Monitoring Location No. 4 (Redhill Close), where the noise level would exceed the new limit by 2 dB (A) in Year 7/8 only due to the removal of the final stages of the overburden mound near ground level and at its closest point to this receptor. However if the number of shovel and truck teams is reduced to 2 instead of 3, within 600 metres of this receptor, then the proposed Saturday afternoon criteria of the 52 noise level could be achieved.

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The Amec Noise Report has also considered the outcome of the noise monitoring which has been undertaken by Tower Regeneration Limited between April and July 2013, at the agreed monitoring locations. As this includes the monitoring of Saturday afternoon, when the site has been working, the report states that data has shown that the proposed Saturday afternoon noise level has not been exceeded thus far.

The Amec Noise Report concludes that the assessment (including the additional mitigation measures) and the monitoring undertaken so far, indicate that Saturday afternoon working of the site operations would be able to meet the proposed Saturday afternoon noise levels. The Amec Noise Report also recommends that it would be prudent for Tower Regeneration Limited to advertise locally, in advance, the occasions that they are likely to work on Saturday afternoons.

The Public Health and Protection Division has considered the Amec Noise Report and has advised that the report has shown that the site is capable of complying with the proposed noise levels and that it would be unreasonable to use the MTAN2 noise levels as even without the site operating, these levels would be breached. No objections are therefore raised to the proposed Saturday afternoon working subject to the proposed mitigation measures set out above. However, as there have been a number of complaints regarding the working on Saturday afternoon on site, both from local residents and Members of the Site Liaison Committee, the PH & P Division have recommended that the Saturday afternoon working should only occur at a maximum number of 26 times in any one year. However, it is recommended that this restriction could be removed should no justifiable complaints be received. Notwithstanding the Amec Noise Report therefore, it is considered that it would be a reasonable compromise to allow Saturday afternoon working on this basis.

Hirwaun and Penderyn Community Council has raised an objection due to the close proximity of the recreational facilities at Hirwaun. Para 43 of MPG 11 advises that the public use of recreational facilities could be considered noise sensitive if they are extensively used during the site operations. However, nominal noise limit from the perimeter would not be expected to be as low as at dwellings, and a 65 noise limit during the normal working day and a 55 noise limit at other times, would be reasonable. As the proposed noise levels would not exceed even the 55 noise limit, it is considered that the proposal would not have a significant impact on local recreational facilities.

OTHER ISSUES

There are no other material considerations to take into account in the consideration of the application.

Conclusion

In conclusion, it is considered that the proposed extended working hours on a Saturday pm would comply with the relevant policies of the local development

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plan in respect of its impact on residential amenity (Policy AW10). It is considered that the scheme would not be so demonstrably harmful to interests of acknowledged importance that this would justify rejecting the proposed variation to the approved scheme, in the public interest.

PLANNING AGREEMENT

As the Council will be issuing a new full planning permission should Members be minded to resolve to grant permission, a new legal agreement will need to be entered into between the Council and the landowners/applicant to ensure that those matters contained in the original Agreement signed on the 16th December 2011 are provided/complied with. It is understood that the applicant will be preparing a Unilateral Undertaking (UU) to take forward the obligations enshrined in the existing Section 106 Agreement, under this permission.

Recommendations

That Committee resolve to APPROVE the application, subject to:

- i) The recommended conditions as set out in this report.
- ii) The landowner/applicant entering into an agreement or Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 to secure compliance with those matters agreed under the Section 106 Agreement entered into in respect of application 10/0292 signed on the 16th December 2011.

RECOMMENDATION: Grant

1. Coal extraction shall cease within 7 years from the date of the commencement of the excavation works for Boxcut 1 as shown on plan TRL/PLA/007v6.

Reason: To protect the character and appearance of the site and the surrounding area and the living conditions of nearby residents and to allow a timescale for the completion of coaling at the site, in accordance with policies AW5, AW6, AW8, AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

2. Unless otherwise approved in writing by the Local Planning Authority, final restoration of the site shall be completed within 8 years from the commencement of excavation works for Boxcut 1 as shown on plan TRL/PLA/007v6 and in full accordance with the Site Restoration Strategy approved in accordance with Condition 60 and other conditions approved under this consent, or as may be subsequently amended by any condition or approval under this consent.

Reason: To protect the character and appearance of the site and the surrounding area and the living conditions of nearby residents, in

accordance with policies AW5, AW6, AW8, AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

3. Coal washing activities shall cease and all coal stocks shall be removed from the site within 6 months of the cessation of coaling.

Reason: To protect the character and appearance of the site and the surrounding area and the living conditions of nearby residents, in accordance with policies AW5, AW6, AW8, AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

4. Unless otherwise approved in writing by the Local Planning Authority, 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 dated 15th July 2010.

Environmental Statement - July 2010, ES Addendum - January 2011 and additional environmental information May 2011.

- TRL/PLA/001 Site Context Plan
- TRL/PLA/002 Planning Application Boundary
- TRL/PLA/003 Planning Application and Land Ownership Boundaries
- TRL/PLA/004 (v6) Planning Application Site Existing Uses and Buildings
- TRL/PLA/005 Site Infrastructure
- TRL/PLA/005A Main Site Entrance & Site Offices & Workshops
- TRL/PLA/005B Coal Preparation Area from Year 3
- TRL/PLA/006 (v6) Site Establishment Works (Pre-Mining 0-6 Months)
- TRL/PLA/007 (v6) Mining Operations Year 1 (Initial Box Cut 1)
- TRL/PLA/008 (v7) Mining Operations End of Year 1
- TRL/PLA/009 (v7) Mining Operations End of Year 2
- TRL/PLA/010 (v7) Mining Operations End of Year 3
- TRL/PLA/011 (v7) Mining Operations End of Year 4
- TRL/PLA/012 (v7) Mining Operations End of Year 5
- TRL/PLA/013 (v7) Mining Operations End of Year 6
- TRL/PLA/014 (v7) Mining Operations End of Year 7
- TRL/PLA/014A (v7) Mining Operations Year 7.5
- TRL/PLA/015A Proposed Landform
- TRL/PLA/015D (v3) Land Designation Current & Proposed
- TRL/PLA/015E Retained features to be fenced
- TRL/PLA/015E (v2) Re-instatement of land S. Eastern corner
- TRL/PLA/015F (v2) NSA8 Areas excluded from development
- TRL/PLA/016 Operational Water Drainage Scheme
- TRL/PLA/017 Plan & Cross Sections of Water Treatment Area
- TRL/PLA/018 Access and Movement

- TRL/PLA/018A Site Access and Parking Inset
- TRL/PLA/019 Typical Mine Cross Section
- TRL/PLA/020 (v 3) Profile/Cross Section A - B
- TRL/PLA/021 (v3) Profile/Cross Section C - D
- TRL/PLA/022 (v3) Profile/Cross Section E - F
- TRL/PLA/023 (v3) Profile/Cross Section G - H
- TRL/PLA/024 (v3) Profile/Cross Section I - J
- TRL/PLA/025 (v3) Profile/Cross Section K - L
- TRL/PLA/026 Generalised Stratigraphic Section
- TRL/PLA/027 (v3) Profile/Cross Section M – N
- TRL/PLA/028 (v3) Profile/Cross Section O – P
- TRL/PLA/029 (v3) Profile/Cross Section Q - R
- TRL/PLA/030 Wet Flush Habitat
- Salix Drawing Detail S1: Bedrock Channel
- Salix Drawing Detail S3: Intercept Channels and Nant-Y-Bwlch Diversion
- Salix Drawing Detail S3a: Intercept Channels and Nant-Y-Bwlch Diversion
- Salix Drawing Detail S3b: Intercept Channels and Nant-Y-Bwlch Diversion
- Salix Drawing Detail S4: Ditches
- Salix Drawing Detail S4a: Ditches
- TRL Figure 2 - Typical sections of perimeter drainage ditch and Velocity Breaks
- Drawing submitted on 24 May 2011 showing where naturalised channels can be achieved in the restoration phase.
- Soil removal, storage and restoration plans dated received on 27 October 2011 and 5th December 2011.
- Restoration Strategy Plan - Parts 1, 2, 3, 4 and 5.
- ERM Drawing Figure 4 - Ecological Restoration Plan
- ERM Drawing Figure 5 - Indicative Vision of Final Restoration.

Reason: To avoid ambiguity as to the development hereby permitted.

5. Prior to the commencement of working within Phase 2 details of the proposed new coal wash facility to be utilised at the site during subsequent phases shall be submitted to and 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, in accordance with policies AW5, AW6, AW8, AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

6. Unless otherwise approved in writing by the Local Planning Authority, the progressive restoration of the site shall be undertaken in accordance with the phasing as identified on approved plans. If progressive restoration has not been carried out within the timescales as identified on the drawings, coal extraction shall cease until restoration has been completed in

accordance with the plans. The timescales indicated on the plans shall be deemed to be the end of each year 6 months from the date of the commencement of the development.

Reason: To protect the character and appearance of the site and the surrounding area and the living conditions of nearby residents and to ensure progressive restoration is undertaken within the approved timescales, in accordance with policies AW5, AW6, AW8, AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

7. Unless specifically required for the purposes of aftercare or otherwise approved in writing by the Local Planning Authority, all plant, machinery, hardstanding ancillary workshops, buildings or other works associated with the development (or any phase thereof) shall be removed off site within 3 months of completion of the restoration of the site. The affected areas shall be reclaimed in accordance with a scheme to be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be submitted for approval no less than 6 months prior to the cessation of coal extraction indicating the resources that are to be conserved for its restoration and the final contours and land use for that area.

Reason: To protect the character and appearance of the site and the environment of the surrounding area, in accordance with policies AW5, AW6, AW8, AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

8. In the event of coaling ceasing, the Local Planning Authority shall be notified of the date of cessation in writing within one month of the date of cessation. In the event of coaling ceasing for a period of 6 months, or as otherwise approved in writing by the Local Planning Authority, 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 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, in accordance with policies AW5, AW6, AW8, AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

9. No coal stocking shall take place on the site except in the area identified on Drawing No. TRL/PLA/006(U4) and all coal stocks on that area shall not exceed 6 metres in height above ground level at any time.

Reason: To protect the character and appearance of the site and the surrounding area and the living conditions of nearby residents, in accordance with policies AW5, AW6, AW8, AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

10. At no time shall any coal extraction be undertaken on the site except within that area defined as the limit of extraction area on Drawing No. TRL/PLA/018.

Reason: To protect the character and appearance of the site and the surrounding area and the living conditions of nearby residents, in accordance with policies AW5, AW6, AW8, AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

11. The stock proof fencing located along the entire perimeter of the site shall be retained until the completion of restoration operations and where necessary the after care period, in accordance with the location and details shown on Drawing No's TRL/PLA 051A and TRL/PLA 052A, or as 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, in accordance with policies AW5, AW6, AW8, AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

12. During the development hereby permitted, until personnel are no longer based at the site, a copy of this permission, including all documents hereby approved or cited in the conditions of this consent, and any other document subsequently approved in accordance with any condition of this permission shall be kept available for inspection at the site offices during site operating hours.

Reason: To ensure the monitoring of site operations can be monitored at any time, in accordance with policies AW5 and CS10 of the Rhondda Cynon Taf Local Development Plan.

13. All areas of Nature Conservation Habitat, Water Features and Woodland within the approved site that are to be conserved and protected shall be fenced off with working signs in accordance with the details of fencing and signage as identified on Drawing No's TRL/PLA/015E Rev 3, TRL/PLA 052A, and the signage approved previously on 21.03.2012. The fencing and signage works shall be maintained for the duration of site operations, or otherwise approved in writing by the Local Planning Authority.

Reason: To ensure adequate segregation and protection of areas of Nature Conservation Habitat, Water Features and Woodland, in accordance with policies AW5, AW6, AW8 and CS10 of the Rhondda Cynon Taf Local Development Plan.

14. The works for the phased removal of any vegetation and woodland areas shall be carried out in accordance with the scheme submitted to and approved by the Local Planning Authority on 21.03.12., or otherwise approved in writing by the Local Planning Authority.

Reason: To protect the character and appearance of the area in the interest

of amenity, in accordance with policies AW5, AW6, AW8 and CS10 of the Rhondda Cynon Taf Local Development Plan.

15. Unless otherwise approved in writing by the Local Planning Authority, the external walls and roofs of buildings and the external surfaces of structures shall be dark green in colour. The colour shall thereafter be maintained until the buildings and structures are removed from the site.

Reason: To protect the character and appearance of the site and the surrounding area, in accordance with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

16. From the date of the commencement of coaling the site operator shall maintain records of monthly output 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, in accordance with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

17. i) 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, environmental monitoring and maintenance) authorised or required by this permission shall be carried out on the site except between the following times:

06.00 to 22.00 Hours Mondays to Fridays.

08.00 to 12.00 Hours Saturdays.

08.00 to 16.00 Hours Saturdays (subject to the limits set out in Condition 26 below)

ii) In addition, 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:

10.00 to 16.00 hours Mondays to Fridays.

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

Reason: To protect the living conditions of nearby residents, in accordance with policies AW5 and AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

18. Operational noise from the site shall not exceed the specified sound pressure levels, measured as an dBLAeq 1 hour (free field) under the measurement criteria of MTAN2, at the specified noise sensitive properties

listed below, such levels not to be exceeded between 07.00 and 19.00 Hours Monday to Fridays and between 08.00 and 12.00 hours and 12:00 and 16:00 Hours on Saturdays.

	Weekday	Saturday(am)	Saturday(pm)
A. South of Johnston Park (Mountain View) adj to the A465	55.0	55.0	55.0
B. Originally Waungron (now Steam Coal Lane)	55.0	55.0	53.0
C Tower Road North of A465	55.0	55.0	55.0
D Redhill Close	55.0	54.0	52.0
E Mount Pleasant on on A4059	53.5	53.5	51.0
F Rhigos Road adj site entrance	55.0	55.0	55.0
G 10 Heol y Bryn, Rhigos	50.0	48.0	46.0

(All these figures relate to dBLAeq 1 hour free field)

The sound pressure level for operational noise from the site, measured at any other noise sensitive property, shall not exceed 55dBLAeq 1 hr free fields, or background noise level +10dBLAeq under the measurement criteria of MTAN2 between 07.00 and 19.00 hours Monday to Fridays and between 08.00 and 16.00 on Saturdays.

Reason: To protect the living conditions of nearby residents, in accordance with policies AW5, AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

19. Operational noise from the site shall not exceed the specified sound pressure levels, measured as an LAeq 1 hour (free field) under the measurement criteria of BS4142, at the specified noise sensitive properties listed below, such levels not to be exceeded between 06.00 and 07.00 and 19.00 and 22.00 hours Mondays to Fridays.

- | | |
|---|-------------------------------|
| A. South of Johnston Park (Mountain View) adj to the A465 | - 42dBLAeq 1 hour free field. |
| B. Waungron (now agreed as Steam Coal Lane) | - 42dBLAeq 1 hour free field. |

- | | | |
|---|-------------------------------|-------------------------------|
| C | Tower Road North of A465 | - 42dBLAeq 1 hour free field. |
| D | Redhill Close | - 42dBLAeq 1 hour free field. |
| E | Mount Pleasant on on A4059 | - 42dBLAeq 1 hour free field. |
| F | Rhigos Road adj site entrance | - 42dBLAeq 1 hour free field. |
| G | 10 Heol y Bryn, Rhigos | - 42dBLAeq 1 hour free field. |

The sound pressure level for operational noise from the site, measured at any other noise sensitive property, shall not exceed 42dB LAeq 1hr (free field) under the measurement criteria of MTAN2 between 06.00 and 07.00, 19.00 and 22.00 hours Monday to Fridays..

Reason: To protect the living conditions of nearby residents, in accordance with policies AW5, AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

20. At all other times, outside those identified in Conditions (18) and (19), the sound pressure level for operational noise from the site, measured at any noise sensitive property, shall not exceed 42dB LAeq 5mins (free field) under the measurement criteria of MTAN2.

Reason: To protect the living conditions of nearby residents, in accordance with policies AW5, AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

21. Notwithstanding the noise level limits set out in Conditions (18), (19) and (20), the sound pressure level for operations for the stripping of topsoils 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) for up to 8 weeks in any calendar year.

Reason: To protect the living conditions of nearby residents in accordance with policies AW5, AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

22. The development of the site shall be carried out in accordance with the Noise Management Plan previously submitted to and approved by the Local Planning Authority on 21.03.12. Within one month of the date of this permission, the Noise Management Plan shall be amended to include the proposed noise minimisation measures between 12.00 to 16.00 Hours on Saturdays for the Year 7 onwards, which shall be submitted to and approved in writing by the Local Planning Authority. All site operations shall be undertaken and monitored in accordance with the approved details.

Reason: To protect the living conditions of nearby residents, in accordance with policies AW5, AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

23. All pumps used in connection with the development shall be powered by electricity or otherwise acoustically insulated.

Reason: To protect the living conditions of nearby residents, in accordance with policies AW5, AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

24. All vehicles, plant and machinery operated within the site shall, at all times, be fitted with and use silencers and acoustic covers in accordance with the manufacturers' recommendations. Save for the purposes of maintenance, no machinery shall be operated with the acoustic covers open or removed.

Reason: To protect the living conditions of nearby residents, in accordance with policies AW5, AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

25. Mobile plant and vehicles shall be fitted with ambient related, broadband or low-tone reversing warning devices.

Reason: To protect the living conditions of nearby residents, in accordance with policies AW5, AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

26. Notwithstanding the permitted hours set out in Condition 17 above, the working on the site between 12.00 to 16.00 Hours on Saturdays shall only take place for up to 26 Saturdays in the calendar year following this permission. After this period has expired the working on the site between 12.00 to 16.00 Hours on Saturdays shall be extended permanently only with the prior written approval of the Local Planning Authority.

Reason: To protect the living conditions of nearby residents, in accordance with policies AW5, AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

27. All topsoil and subsoils shall be stripped, conserved and re-spread in accordance with the proposals described in the Environmental Statement and in the report entitled Soil Handling Strategy as amended by the Soil Balance Notes - Modified to Retain Agricultural soils received 16.5.2011. Topsoil, subsoil and soil forming material storage bunds shall be placed in the approved locations and constructed in the approved method and size and shape. The locations of all soil storage mounds, including the description of materials and volumes shall be submitted to the Local Planning Authority within 1 month of their construction.

Any amendments to the approved specifications shall be agreed in writing by the Local Planning Authority before being implemented.

Reason: To ensure adequate management, conservation and utilisation of soil resources for the restoration of the site, in accordance with policies AW5, AW6, AW8 and CS10 of the Rhondda Cynon Taf Local Development Plan.

28. 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 damage, loss and or contamination by any other material, liquid or compound.

Reason: To ensure adequate management, conservation and utilisation of soil resources for the restoration of the site, in accordance with policies AW5, AW6, AW8 and CS10 of the Rhondda Cynon Taf Local Development Plan.

29. 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, in accordance with policies AW5, AW6, AW8 and CS10 of the Rhondda Cynon Taf Local Development Plan.

30. All soil stripping operations shall be by truck and shovel. The only equipment permitted on areas of unstripped soils shall be 360 degree tracked vehicles involved in the soil loading operations. Vehicles to be used in transporting and discharge of recovered soils shall only be those that discharge their load at the rear extremity of the vehicles. Any alternative methods shall be approved in writing by the Local Planning Authority prior to commencement of any such method.

Reason: To protect the character and appearance of the site and the surrounding area, in accordance with policies AW5, AW6, AW8 and CS10 of the Rhondda Cynon Taf Local Development Plan.

31. No turf, topsoil, subsoil and or soil forming material shall be removed or sold from the site.

Reason: To protect the character and appearance of the site and the

surrounding area, in accordance with policies AW5, AW6, AW8 and CS10 of the Rhondda Cynon Taf Local Development Plan.

32. 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, in accordance with policies AW5, AW6, AW8 and CS10 of the Rhondda Cynon Taf Local Development Plan.

33. 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, in accordance with policies AW5, AW6, AW8 and CS10 of the Rhondda Cynon Taf Local Development Plan.

34. All external lighting on the site shall be carried out in accordance with the External Lighting Plan and accompanying Drawing No. TRL/PLA/056 which was previously submitted to and approved in writing by the Local Planning Authority on 27.02.12, unless otherwise approved in writing by the Local Planning Authority.

The operations shall be undertaken in accordance with the approved details.

Reason: To protect the living conditions of nearby residents, in accordance with policies AW5, AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

35. Except in the case of an emergency, blasting within the site shall only take place between 10.00 to 16.00 hours Monday to Fridays. If blasting takes place outside these hours, in the case of an emergency, full written details of the circumstances and the time of blasting shall be submitted to the Local Planning Authority within three days after the occurrence. No blasting shall take place on Sundays, Bank or National holidays.

Reason: To protect the living conditions of nearby residents, in accordance with policies AW5, AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

36. Unless otherwise approved in writing by the Local Planning Authority, blasting shall be designed so that the ground vibration measured as peak particle velocity in any one of three orthogonal planes shall not exceed 6mm/s at any residential or similarly vibration sensitive property. However, within this design limit ground vibration for at least 95% of all blasts in any 20 week period shall not exceed a peak particle velocity of 4mm/s.

Reason: To protect the living conditions of nearby residents, in accordance with policies AW5, AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

37. Blasting shall only take place within the proposed coal extraction areas hereby permitted.

Reason: To protect the living conditions of nearby residents, in accordance with policies AW5, AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

38. All practicable steps shall be undertaken by careful design of blasting operation to limits air overpressure and in normal circumstances shall not exceed 120dB linear in 95% of the blasts measured in any twelve month period and no individual blast shall exceed 125dB, measured at the nearest noise sensitive property.

Reason: In the interest of the amenity of the area, in accordance with policies AW5, AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

39. All blasting operations and activities shall be carried out in accordance with the Blasting Vibration Management Plan submitted with the application and all monitoring shall be undertaken in accordance with the terms of the document for the duration of coaling operations at the site.

Reason: To protect the living conditions of nearby residents, in accordance with policies AW5, AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

40. The control, suppression and monitoring of fugitive dust and PM10 particulates shall be undertaken in accordance with the Strategic Environmental Management Plan which has previously been submitted to and approved in writing by the Local Planning Authority on 21.03.12. unless otherwise approved in writing by the Local Planning Authority.

Reason: To protect the living conditions of nearby residents, in accordance with policies AW5, AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

41. 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, in accordance with policies AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

42. The development hereby permitted shall be undertaken in accordance with the Scheme for the Monitoring of Surface and Groundwater levels, prepared by FWS Consultants Ltd, Ref 1359/August 2011, which has previously been submitted to and approved in writing by the Local Planning Authority on 21.03.12, unless otherwise approved in writing with the Local Planning Authority.

Reason: To ensure the protection of the water environment and ensure that the development does not harm the water environment, in accordance with policies AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

43. In the event that the ground water monitoring required under Condition 42 above, demonstrates that minewater is to be intercepted and continuous pumping is required, all coal extraction shall cease until a Hydrogeological Impact Appraisal (HIA) has been submitted to and approved in writing by the Local Planning Authority to assess the impact of such dewatering on water resources. The HIA will be carried out in accordance with the EAW guidance "Hydrogeological Impact Appraisal for dewatering abstraction, 2007 (Science report SC040020/SR1)". Coal extraction shall only be resumed with the written approval of the Local Planning Authority.

Reason: To ensure the protection of the water environment and ensure that the development does not harm the water environment, in accordance with policies AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

44. Within one month of the date of this permission, the original Hydrological Study (1997) shall be reviewed in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The review shall include inter alia, the proposed operation area and its hydrological and hydrogeological context, the flood risk management criteria including use of sustainable drainage principles, and the necessary amendments to existing attenuation features.

The development shall be carried out in accordance with the approved flood risk management proposals, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not cause or exacerbate any adverse flood risk, to ensure compliance with Section 8.3 of TAN 15, in accordance with policies AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

45. Within one month of the date of this permission a surface water management scheme, to cover each phase of the site working, shall be submitted to and approved in writing by the Local Planning Authority.

The scheme shall include the following measures:-

- Details of all surface water disposal.
- Details to treat and remove suspended solids from surface water run-off during construction and operational works.
- Oil and petrol interceptor installation and maintenance details.
- Maintenance programme for all water treatment areas and systems.

The works shall be implemented in accordance with the approved details, unless otherwise approved in writing with the Local Planning Authority.

Reason: To prevent pollution of the water environment and ensure the satisfactory storage/disposal of surface water from site, in accordance with policies AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

46. Within one month of the date of this permission, a pollution prevention scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following matters: -

- disposal of foul drainage;
- Installation of oil and petrol separators;
- roof drainage - sealed at ground level;
- storage facilities and emergency containment for all fuels, oils, chemicals and explosives and any other polluting substances,
- measures for dealing with any contaminated material (demolition waste or excavated waste);
- details of emergency contacts;
- construction compounds, car parks, offices; and
- maintenance of site access/coal haulage roads to ensure no polluting discharge.

The works shall be carried out in accordance with the approved details, unless otherwise approved in writing with the Local Planning Authority,

Reason: To ensure the protection of the water environment and ensure that the development does not harm the water environment, in accordance with policies AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

47. Within one month of the date of this permission, a scheme for watercourse

channel works shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include inter alia the following matters:-

- design of the works, in accordance with the principles set out in the report Tower Colliery Diverted Channels: Options for Naturalising a Brief Design Summary Statement and the approved plans;
- timing of works;
- methods used for all channel, bankside water margin works;
- machinery (location and storage of plant, materials and fuel, access routes, access to banks etc.);
- protection of areas of ecological sensitivity and importance;
- site supervision;
- details of diversions, restoration and maintenance of all watercourses and drainage channels; and
- a working method statement to cover all channel works during construction, operational and restoration phases.

The watercourse channel works shall be carried out in accordance with the approved details unless any amendments have previously been agreed in writing by the Local Planning Authority.

Reason: To ensure the protection of the water environment and ensure that the development does not harm the water environment, in accordance with policies AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

48. 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, in accordance with policies AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

49. The development hereby permitted shall be carried out in accordance with the Written Scheme of Investigation written by the Glamorgan Gwent Archaeological Trust Projects dated August 2011, previously submitted to and approved by the Local Planning Authority, unless otherwise approved in writing by the Local Planning Authority.

Reason: To protect the historic environment, in accordance with policy AW7 of the Rhondda Cynon Taf Local Development Plan.

50. The development hereby permitted shall be carried out in accordance with the Traffic Operational Management Plan and wheel washing scheme

which has previously been submitted to and approved in writing by the Local Planning Authority on 27.02.12., unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interest of highway safety and amenity, in accordance with policies AW5 and CS10 of the Rhondda Cynon Taf Local Development Plan.

51. No heavy goods vehicles carrying coal or any other mineral from the site shall utilise any route or access point other than the existing access road indicated in the application documents that emerges onto the A4061 north of the site.

Reason: In the interest of highway safety and amenity, in accordance with policies AW5 and CS10 of the Rhondda Cynon Taf Local Development Plan.

52. Unless otherwise approved in writing by the Local Planning Authority the weight of coal and coal products leaving the site by road shall not exceed 300,000 tonnes in any one calendar year. Records of the weight of coal leaving the site by road shall be maintained and made available to the Local Planning Authority on request.

Reason: To protect the amenity of nearby residents, in accordance with policies AW5, AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

53. Before entering onto the public highway the wheels, undersides and bodies of all vehicles travelling from the site 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.

Reason: To ensure that such reasonable precautions are taken and provision made as is 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, in accordance with policies AW5, AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

54. Unless otherwise approved in writing by the Local Planning Authority, heavy goods vehicles employed in the utilisation of coal transportation shall not occur other than between 07.00 and 17.00 hours Monday to Friday and between 08.00 and 12.00 hours on Saturdays.

Reason: To protect the living conditions of nearby residents and in the interests of highway safety, in accordance with policies AW5, AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

55. The operation and regular convening of the Site Liaison Committee, for the duration of the development hereby permitted, shall be carried out in accordance with the details previously submitted to and approved by the Local Planning Authority, unless otherwise approved in writing by the Local Planning Authority.

Reason: To aid the monitoring of site activities, in the interests of residential amenity in accordance with policies AW5, AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

56. Unless otherwise approved in writing by the Local Planning Authority the only coal to be prepared, treated and stocked at the site shall be that extracted from the site and no other mineral shall be imported into the site for any such preparation, treatment or stocking.

Reason: To prevent operations and activities not considered within the application, in the interests of amenity in accordance with policies AW5, AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

57. All rubbish and scrap materials generated on the site shall be collected and stored, in a screened position within the site area until such time as they are removed from the site.

Reason: To protect the character and appearance of the site and the surrounding area, in the interests of amenity in accordance with policies AW5, AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

58. The development hereby permitted shall be carried out in accordance with the scheme for the temporary grass seeding of the existing Tip 901, the proposed overburden, soil and baffle mounds or any other areas where such treatment is necessary to mitigate the visual impact of the existing site and proposed landscape features, as previously submitted to and approved by the Local Planning Authority on 15.12.11, unless otherwise approved in writing by the Local Planning Authority.

Reason: To aid in the landscaping and mitigation of site features, in the interests of amenity in accordance with policies AW5, AW6 and CS10 of the Rhondda Cynon Taf Local Development Plan.

59. Unless otherwise agreed in writing by the Local Planning Authority, at intervals of 6 months, following the date of this permission, 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, in the interests of amenity in accordance with policies AW5, AW6 of the Rhondda Cynon Taf Local Development Plan.

60. The development hereby permitted shall be carried out in accordance with the Restoration Strategy Plan for the site, which has been previously submitted to and approved in writing by the Local Planning Authority on 21.03.12., unless otherwise approved in writing by the Local Planning Authority.

Reason: To secure adequate reclamation of the site, in the interests of amenity in accordance with policies AW5, AW6 and CS10 of the Rhondda Cynon Taf Local Development Plan.

61. Within 6 months 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, a detailed restoration scheme (in the form of written statements and plans) for the whole of the site shall be submitted to the Local Planning Authority for its approval. The scheme shall include, inter alia, details of the following unless modified by other conditions of this consent.

(a) the nature or intended after use of the whole site

(b) the removal of buildings, plant and machinery and the reinstatement of the site and access roads by clearing plant, buildings, machinery, road base, concrete or brickwork and any temporary river crossings;

(c) details of the re-spreading of overburden, subsoil and topsoil previously stripped from the site, including depths and placement;

(d) the ripping of any compacted layers of final cover to ensure adequate drainage and aeration, such ripping to take place before placing the topsoil;

(e) the machinery to be used in soil re-spreading operations and the method of soil replacement;

(f) the final proposed levels of the reclaimed land, at a contour plan at 5m intervals, and the gradient of the slopes which shall be graded to prevent ponding of, or erosion by, surface water and to conform with the surrounding land;

(g) the drainage of the reclaimed land (including the formation of suitably graded contours to promote natural drainage), the installation of artificial drainage where necessary, and the position and design (including longitudinal and transverse sections) of main outflow ditches and watercourses where all such features shall be designed to achieve maximum ecological diversification and as set out in the approved Ecological and Landscape Management Plan.

(h) the position and erection of fencing, hedge on bank constructions, gates, walls, cattle ditches and water supplies in order to show field layouts and sections;

(i) the creation of attenuation ponds, water features, wetlands and their detailed construction to be designed to maximise ecological diversification and as set out in the Ecological and Landscape Management Plan;

(j) the distribution of woodlands and nature conservation features;

(k) provision of and position of any footpaths and bridleways to be reinstated or linked with existing Public Rights of Way, including the crossing and surfacing of such routes;

(l) the reconstruction and reinstatement of public highways;

(m) where ditches or streams cross the route of any public highway and the construction of bridges.

Unless otherwise approved in writing by the Local Planning Authority, development shall be carried out in accordance with the approved details.

Reason: To secure adequate reclamation of the site, in the interests of amenity in accordance with policies AW5, AW6 and CS10 of the Rhondda Cynon Taf Local Development Plan.

62. Unless otherwise approved in writing by the Local Planning Authority, or as modified or approved in the restoration scheme under condition (61), the restoration of those areas of the site for agricultural use shall conform to the following requirements:

(a) all plant, machinery, buildings, fixed equipment, roads and areas of hardstanding, including site compounds, shall be removed unless any feature forms part of the approved restoration plan;

(b) when they cease to be required for pollution control purposes, settlement ponds shall be emptied of contents, their floors and sides broken up and the voids filled with suitable material to the approved levels prior to the spreading of soils;

(c) following the construction of the final landform, the resultant base material shall be comprehensively ripped to a minimum depth of 0.3m before any soil material is spread. All stones and boulders greater than 300mm in length in any direction, and other foreign material arising from the ripping operations shall be removed and disposed of. Special attention shall be given to areas of excessive compaction such as haul/access roads where deeper ripping may be necessary.

(d) original ground beneath soil and other material bunds shall be loosened to a minimum depth of 0.3m;

(e) any topsoil, subsoil and soil forming material set aside for use for agricultural restoration shall be spread uniformly and in the correct

sequence in accordance with the approved restoration scheme. Any soil compaction caused by soil placement operation shall be removed by a loosening or cultivation method; and

(f) the restored soil profiles in areas reinstated to agricultural use, i.e. Areas C & D, shall be undertaken in accordance with their pre working characteristics using the same soils as described in the Soil Resources Survey report November 2010.

Reason: To ensure adequate management, conservation and utilization of soil resources for the restoration of the site, in the interests of amenity in accordance with policies AW5, AW6 and CS10 of the Rhondda Cynon Taf Local Development Plan.

63. The Local Planning Authority shall be given a minimum of 2 working days 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, in accordance with policies AW5 and CS10 of the Rhondda Cynon Taf Local Development Plan.

64. All soils or soil forming materials shall be placed by the "narrow bed, loose tipping" technique, unless otherwise approved in writing by the Local Planning Authority or as modified by other schemes or conditions of this consent. The following rules shall apply:

(a) the soils shall be in a dry and friable condition before any attempt is made to move them;

(b) no wheeled dumped trucks shall be allowed across laid soils;

(c) the final topsoil, subsoil and soil forming material surface shall be placed and levelled by the excavator and dump truck technique as described in sheet 4 of MAFF Good Practice Guide for Handling Soils.

(d) ripping or other soil loosening operation within the loose laid soils shall only be carried out with the prior approval of the Local Planning Authority;

(e) stone removal from topsoil, or subsoil used as topsoil substitute, shall be carried out to achieve an acceptable seedbed;

(f) the final surface shall only be traversed by agricultural machinery suitably adapted to reduce ground pressure.

Reason: To ensure appropriate handling of soil resources, in the interests of amenity in accordance with policies AW5, AW6 and CS10 of the Rhondda Cynon Taf Local Development Plan.

65. Unless otherwise approved in writing by the Local Planning Authority, within

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6 months of the completion of coal extraction, 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 approved levels.

Reason: To protect the character and appearance of the site and the surrounding area, in the interests of amenity in accordance with policies AW5, AW6 and CS10 of the Rhondda Cynon Taf Local Development Plan.

66. 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 agreed by a representative of the Local Planning Authority, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure adequate restoration, in the interests of amenity in accordance with policies AW5, AW6 and CS10 of the Rhondda Cynon Taf Local Development Plan.

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

Reason: To aid the monitoring of site activities, in accordance with policies AW5 and CS10 of the Rhondda Cynon Taf Local Development Plan.

68. 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 or within 7 years of the date of the original permission, Ref 10/0292, whichever is the sooner.

Reason: To protect the character and appearance of the site and the surrounding area, in the interests of amenity in accordance with policies AW5, AW6 and CS10 of the Rhondda Cynon Taf Local Development Plan.

69. Within six months of the date of this permission, details of the restoration works including contour levels, soil profile characteristics, and all necessary agricultural facilities and nature conservation/woodland/wetland areas, soil replacement techniques, depths of cultivation and the temporary seeding to grass and phasing of restoration for the areas identified for progressive restoration under the approved plans, shall be submitted for the written approval of the Local Planning Authority. Development shall be carried out in accordance with the approved details. Such works shall be deemed to be temporary until the details under other conditions of this consent are approved.

Reason: To ensure progressive restoration of the site, in the interests of amenity in accordance with policies AW5, AW6 and CS10 of the Rhondda

Cynon Taf Local Development Plan.

70. Within 6 months of the date of this permission, or in the event of a cessation of winning and working of coal (which in the opinion of the Local Planning Authority constitutes a permanent cessation, within the terms of paragraph 3 of schedule 9 of the Town and Country Planning Act), details of a five year aftercare scheme, to bring the site to the required uses for agriculture, amenity and nature conservation, shall be submitted to the Local Planning Authority for its approval. 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) boundary/hedgerow construction;
 - (e) fertiliser and lime application and weed control based on soil and chemical analysis;
 - (f) drainage proposals including the timing of installation, maintenance and temporary drainage measures including any ponds and wetlands;
 - (g) grassland, wetland and heathland management, including class of grazing stock, livestock, stocking density and mowing practices;
 - (h) The provisions and specifications for the establishment of woodland and any remediation measures necessary for other habitat types.
 - (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;
 - (m) fencing; and
 - (n) details of monitoring, reporting and trigger points for remediation works.

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, in the interests of amenity in accordance with policies AW5, AW6 and CS10 of the Rhondda Cynon Taf Local Development Plan.

71. 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 the programme of agricultural management and any other regimes 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, the Countryside Council for Wales and the National Resources Wales and the Regional Planning Advisor. At least four weeks before the date of each annual review, the site operator shall provide the Local Planning Authority with a record of the management and operations carried out on the site during the period covered by the review.

Reason: To ensure adequate restoration and aftercare, in the interests of amenity in accordance with policies AW5, AW6 and CS10 of the Rhondda Cynon Taf Local Development Plan.

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

Reason: To ensure adequate aftercare of the site, in the interests of amenity in accordance with policies AW5, AW6 and CS10 of the Rhondda Cynon Taf Local Development Plan.

73. All landscaping works shall be undertaken in accordance with the Landscape and Ecology Management Plan as part of the Restoration Strategy Plan, previously approved under Condition 60 above. Unless otherwise agreed by the Local Planning Authority, planting shall take place no later than the first available planting season after the completion of the land restoration works in that phase.

Any trees or shrubs planted as part of the approved landscaping scheme that, within five years of the date of planting, is removed, dies or becomes, in the opinion of the Local Planning Authority, seriously damaged or seriously diseased, shall be replaced in the first available planting season with a specimen of the same species and size as the original planted, unless otherwise agreed by the local planning authority.

Reason: To ensure the satisfactory implementation of the landscaping works in the interests of amenity, in the interests of amenity in accordance with policies AW5, AW6 and CS10 of the Rhondda Cynon Taf Local

Development Plan.

74. Where any species listed under Schedule 2 or 4 of The Conservation (Natural Habitats, &c.) Regulations 1994 are found to be present on the site during the course of the development, no works of site clearance, demolition or construction shall take place unless a licence to disturb any such species has been granted, in accordance with the aforementioned Regulations, and a copy has been provided to the Local Planning Authority.

Reason: In the interests of nature conservation, in accordance with policies AW5, AW8 and CS10 of the Rhondda Cynon Taf Local Development Plan.

75. The development hereby permitted shall be undertaken in accordance with the Updated Wildlife Protection Plan as previously submitted to and approved in writing by the Local Planning Authority on 21.03.12, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure the protection of any reptile, bat, or other protected species population, in accordance with policies AW5, AW8 and CS10 of the Rhondda Cynon Taf Local Development Plan.

76. Prior to the commencement of any phase of tree felling or vegetation clearance during the development further checks and surveys shall be undertaken for protected species.

Reason: To ensure that the species are not present following initial surveys, in accordance with policies AW5, AW8 and CS10 of the Rhondda Cynon Taf Local Development Plan.

77. Conditions specific to Environmental Resource Centre

The Environmental Resource Centre shall be used as an education and community centre and for no other purposes (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended).

Reason: To ensure continued use as a community facility for the benefit of the local community, in accordance with policies AW5, AW6 and CS10 of the Rhondda Cynon Taf Local Development Plan.

78. The Environmental Resource Centre shall not be brought into use until the area shown on the approved plan attached to planning permission 10/1212/10 has been laid out in accordance with the approved plan as a children's play area and that area shall thereafter not be used for any purpose other than as a play area in connection with the Environment Resource Centre.

Reason: To ensure continued use as a community facility for the benefit of

the local community, in accordance with policies AW5, AW6 and CS10 of the Rhondda Cynon Taf Local Development Plan.

79. (a) Approval of the details of the scale, appearance and layout of the building, the means of access thereto and the landscaping of the site (hereinafter referred to as "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

(b) Plans and particulars of the reserved matters referred to in (a) above relating to the scale, appearance and layout of any building to be erected, the means of access to the site and the landscaping of the site shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

(c) Applications for the approval of reserved matters shall be made before the expiration of three years from the date of this permission.

(d) The development hereby permitted shall be begun before whichever is the latter of either (i) the expiration of 5 years from the date of this permission or (ii) the expiration of 2 years of the final approval of the reserved matters or in the case of approval on different dates the final approval of the last such matter to be approved.

Reason: To comply with Sections 92 and 93 of the Town and Country Planning Act 1990.

80. Before the submission of the application for the approval of reserved matters, a detailed site investigations report shall be submitted to and approved in writing by the Local Planning Authority. The report should be sufficiently detailed to establish if any ground precautions are necessary in relation to the proposed development and the precautions that should be adopted in the design and construction of the proposed development in order to minimise any damage which might arise as a result of ground condition. The development, hereby permitted, shall be carried out in accordance with the approved site investigations report.

Reason: The site may be unstable and as such a stability report is required in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

81. The details of landscaping required to be submitted to and approved by the Local Planning Authority in accordance with Condition 79 above shall include indications of all existing trees and hedgerows on the land and details of any to be retained together with measures for their protection during the course of development.

Reason: To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policies AW5, AW6 and CS10 of the Rhondda Cynon Taf Local Development Plan.

82. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building is occupied. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the new development will be in keeping with the surrounding area and to protect residential amenity in accordance with Policies AW5, AW6 and CS10 of the Rhondda Cynon Taf Local Development Plan.

83. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order) no external lighting equipment shall be erected or installed unless details have been submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent light pollution and to protect the amenities of neighbouring residential properties in accordance with Policies AW5, AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

84. Building operations shall not be commenced until samples of the external materials proposed to be used have been submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to the samples so approved.

Reason: To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity in accordance with Policies AW5, AW6 and CS10 of the Rhondda Cynon Taf Local Development Plan.

85. Construction works on the development of the Environmental Resource Centre shall not take place other than during the following times:

- Monday to Friday 0800 to 1800 hours;
- Saturday 0800 to 1300 hours;
- Not at any time on Sundays, Bank or Public holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the noise emitted from this development is not a source of nuisance to occupants of nearby residential properties in accordance with Policies AW5, AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

86. Prior to the commencement of the development of the Environmental Resource Centre, details of all site engineering works required to construct the Environmental Resource Centre shall be submitted to and approved in writing by the Local Planning Authority. The works shall be undertaken in accordance with the approved details, unless otherwise approved in writing

by the Local Planning Authority.

Reason: In order to ensure that the scale of the required works are acceptable in the interests of visual amenity and character of the area, in accordance with Policies AW5, AW6 and CS10 of the of the Rhondda Cynon Taf Local Development Plan.

87. Before any work is commenced on site, in relation to the Environmental Resource Centre, the hours of opening of the Environmental Resource Centre shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details, unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of amenity in accordance with Policies AW5 and CS10 of the Rhondda Cynon Taf Local Development Plan.

88. The development of the Environmental Resource Centre shall not commence until details of the following highway matters have been submitted to and approved in writing by the Local Planning Authority:-

i) improved access and the provision for the creation of a continuous pedestrian foot way link to the proposed development, including the provision of tactile crossing points at the junction with the A4061,

ii) the layout plan and full engineering details of the access improvements, new access road and parking provision to serve the Environmental Resource Centre.

The approved details shall be implemented prior to beneficial use of the Environment Resource Centre, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure adequate provision of access, parking and circulation in the interests of highway and pedestrian safety in accordance with Policies AW5 and CS10 of the Rhondda Cynon Taf Local Development Plan.

89. No development in respect of the The Environmental Resource Centre shall take place until drainage arrangements have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure adequate disposal of foul and surface water drainage in accordance with Policies AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

90. The Environmental Resource Centre building shall not be occupied until the drainage works have been completed in accordance with the approved plans.

Reason: To ensure adequate disposal of foul and surface water drainage in accordance with Policies AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

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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

19 DECEMBER 2013

REPORT OF: SERVICE DIRECTOR PLANNING

REPORT

**APPLICATION NO: 13/0466 -
VARIATION OF CONDITIONS 19,
20, 21, & 22 OF PLANNING
APPROVAL 10/0292 TO EXTEND
WORKING HOURS ON SATURDAY
TO 1600 HOURS, TOWER
SURFACE MINE, RHIGOS ROAD,
HIRWAUN, ABERDARE**

OFFICER TO CONTACT

**MS D BOWHAY
(Tel. No. 01443 494743)**

See Relevant Application File