

# **Nant Helen Earthworks:** **Pre-Application** **Consultation Report**

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# 1. Introduction

Celtic Energy Limited (Celtic Energy) has developed a revised restoration proposal, together with a proposal for complementary earthworks on the land at Nant Helen Surface Mine, at the head of the Dulais Valley. The proposal looks to provide a flexible landform that can be used or adapted for a diverse set of future uses. This could range from the traditional agriculture, woodland and nature conservation uses, to amenity, leisure and tourism use. It could also include industrial uses such as the Welsh Government's proposal for a Global Centre of Rail Excellence for rail testing, research and development and storage among other rail related activities.

The planning application includes earthworks with cutting and embankments as well as drainage works associated with the revised landform.

To gain a better understanding of local views and aspirations, Celtic Energy carried out a 28-day statutory consultation on the complementary earthworks proposed for the site from 18 February to 16 March 2020. This was extended to 25 March in response to a request by one of the statutory consultees.

This is a cross-boundary planning application being submitted to both Powys County Council (PCC) and Neath Port Talbot County Borough Council (NPTCBC). Through the pre-application consultation (PAC) process, statutory consultation has taken place with stakeholders and local communities across the two local authority areas.

This PAC report sets out who was consulted; how they were consulted; how they were informed about the consultation; the feedback received and how comments have been responded to or taken into account in the final application.

## 2. Consultation methodology

### 2.1 Guidance

Following the adoption of the Planning (Wales) Act 2015, guidance was issued setting out the requirements for pre-application consultation on 'major' development plans.

As of 1 August 2016, all planning applications for 'major' projects need to be accompanied by a pre-application consultation (PAC) report, evidencing that the required consultation has been undertaken, reporting issues raised and if/how these have been addressed within the final plans.

Consultation is required for a minimum of 28 day period and includes:

- Display a site notice;
- Write to any owner or occupier of any land adjoining the land to which the proposed application relates;
- Make the draft planning application information available publicly (either online or in hardcopy within the local vicinity);
- Consult 'community consultees' and 'specialist consultees'.

If developers undertake publicity or consultation that exceeds the minimum statutory requirements, which is the case for this application, they are encouraged to report the outcome of this activity in the PAC report.

### 2.2 Consultation Approach

Celtic Energy consulted the local community and key stakeholders about its proposals for complementary earthworks at Nant Helen Surface Mine in line with the statutory requirements to ensure that those most likely to be interested or impacted by the proposals have an opportunity to view the draft planning application, ask questions and comment on the proposals.

Details of the consultation can be found in Chapter 3 of this report.

### 2.3 Consultees

Celtic Energy consulted people living and working within the vicinity of the site and delivered information about the draft proposals and how to view/comment on them to local residential and business addresses.

It also ensured the wider community was notified of the consultation through site notices.

As well as residents and businesses within the defined consultation zones, Celtic Energy consulted local stakeholders, including political and community representatives as well as statutory consultees.

See **Appendix 1** for a full list of consultees.

## 3. Statutory consultation

A statutory 28-day pre-application consultation was undertaken from 18 February to 16 March 2020 in line with the requirements of the Planning (Wales) Act 2016. The deadline for responses to the consultation was later extended to 25 March 2020.

### 3.1 Site Notices

A Site Notice was produced in line with the requirements of the Planning (Wales) Act 2015 and included full details of the statutory consultation and the project webpage containing the draft planning application and feedback mechanisms (see **Appendix 2**).

A copy of the Site Notice was placed in 10 locations around the site (see **Appendix 3**).

### 3.2 Notification to community consultees, residents and neighbouring landowners

A cover letter and a formal Notice (in line with the requirements of the Planning (Wales) Act 2015) was sent to community consultees and boundary neighbours. This information explained the full details of the pre-application consultation process, including the web address of the project page containing details of the full draft planning application, a contact email address, link to an online feedback form and telephone number for enquiries or comments.

This information was posted first class on 17 February 2020 to:

- 182 community consultees, including 142 local ward members and chief officers of both Powys County Council and Neath Port Talbot County Borough Council and 40 community councillors at Onllwyn Community Council, Ystradynlais Town Council, Tawe Uchaf Community Council and Severn Sisters Community Council (see **Appendix 4** for a copy of the letter and Notice sent).
- Eight local stakeholders including two MPs, two AMs and other local stakeholder groups (see **Appendix 5** for a copy of the letter and notice sent).
- Two landowners (see **Appendix 6** for a copy of the letter and notice sent).
- 902 residents and 25 businesses neighbouring the site (see **Appendix 7** for a copy of the letter and notice sent).

### 3.3 Specialist consultees

A letter and accompanying Notice was emailed and posted on 17 February 2020 to all relevant specialist consultees, in line with the requirements of the Planning (Wales) Act 2015 providing information and requesting feedback on the draft proposals.

A copy of the letter and notice can be found in **Appendix 8**.

### 3.4 Publicly available draft planning documents

The draft planning application documents were made available on the project webpage: <https://www.coal.com/community-consultation/nanthelen/>. This included the following documents:

- Draft example application form
- Drainage Strategy
- Embankment & cutting cross sections
- Environmental Statement Non-Technical Summary
- Environmental Statement Volume I
- Environmental Statement Volume II Appendices
- Environmental Statement Volume III Figures
- Existing site plan
- Existing utilities
- PL01 Site Location (NPT) 1.1
- PL02 Site Location Plan (Powys) 1.1
- Planning Statement
- Proposed finished levels (Sheet1)
- Proposed finished levels (Sheet2)
- Proposed finished levels (Sheet3)
- Proposed finished levels (Sheet4)
- Proposed utility diversions

The webpage also contained contact details and a feedback form for consultees to make comments as well as ask any enquiries about the proposals or consultation process.

Copies of the proposed application, the plans and other supporting documents were available to review online using the computer facilities at the following locations:

- Dove Workshop, Roman Road, Banwen, Neath Port Talbot
- Ystradynlais Library, Temperance Street Ystradynlais

The draft planning statement, Environmental Statement and plans were also made available to view in hard copy following requests from the local community.

Stakeholders and residents could respond to the consultation in several ways:

- completing the online feedback form at <https://www.surveymonkey.co.uk/r/nanthelen>
- emailing: [nanthelen-earthworks@grasshopperconsult.co.uk](mailto:nanthelen-earthworks@grasshopperconsult.co.uk)
- calling 01639 865660
- writing to Freepost GRASSHOPPER CONSULT (no stamp or further address required)

## 4. Consultation results

This section provides an overview of the feedback received through the pre- application consultation process. Responses to the key issues raised are provided in the next Chapter.

### 4.1 Specialist Consultees

A total of nine responses were received from Specialist Consultees. The main issues raised were in relation to:

- the impact the proposals would have on the Scheduled Monument of the tramroad at Ystradynlais and the requirement for Scheduled Monument Consent (SMC) before works that could impact the Monument commence.
- potential long term adverse impact on the landscape of the Brecon Beacons National Park.
- impact on an area of coniferous plantation on the site of ancient woodland.

See **Appendix 9** for the specialist consultees' full responses to the consultation.

### 4.2 Community consultees, residents and neighbouring landowners consultation

A total of six phone call and emails were received during the consultation. All queries were addressed including ensuring hard copies of key draft planning documents were available in the libraries and actioning a request to revise the landownership plan.

Tawe Uchaf Community Council requested a meeting with the project team to discuss the proposals. The Community Council meeting took place on 12 March 2020 and was attended by representatives from Celtic Energy and the project team, who were able to discuss the proposals in detail and answer questions. The Community Council raised the following issues:

- the need for local communities' concerns to be considered and impacts mitigated, particularly those living at Cefnbyrle Road and Caehopkin;
- the visual impact of the proposed embankments above Caehopkin;
- the stability of the embankments;
- concerns that the proposals will increase excess water levels from the site – including runoff water from the embankment;
- the size and volume of the attenuation pond above Caehopkin poses an unacceptable hazard to the village;
- the proposed re-opening of suspended watercourses will pose a further flood hazard to the village of Caehopkin (gardens already flood);
- the need for an ongoing commitment to the maintenance of watercourses and ponds following completion of works;

It was agreed that the project team would undertake a site visit following the Community Council meeting, however, this meeting was not set up due to government guidance about social

distancing to help reduce the spread of the Coronavirus.

There were five responses to the online feedback form. Two from residents living in Abercrave and a response from residents living in Onllwyn, Caehopkin and Penrhos.

See **Appendix 10** for the details of the community consultee and residents' responses received in full.

**Chapter 5** sets out a full list of issues raised and how they have been responded to by the project team.

## 5. Response to consultation

### 5.1 Introduction

This chapter summarises the key issues raised during the statutory consultation and a response from Celtic Energy on how they have considered each issue and made changes where possible or appropriate.

### 5.2 Specialist Consultee Consultation feedback

Below is a list of the issues raised by specialist consultees during the statutory consultation on the draft proposals.

| Specialist Consultee                                                                                                                                                                                                                                                                                                                                                                                                  | Developer's Response                                                                                                                                                                                                                                  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Cadw</b>                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                       |
| <ul style="list-style-type: none"><li>• Cadw has “significant concerns about the permanent major adverse and significant impact on the Scheduled Monument of the tramroad at Ystradynlais unless the scheme is redesigned”. Currently, Cadw considers the proposals are contrary to TAN24 and PPW.</li></ul>                                                                                                          | The project team has had two follow on discussions with Cadw to explore the issues raised. It has been agreed that the SMC will be submitted soon after the submission of the earthworks application to address the concern raised.                   |
| <ul style="list-style-type: none"><li>• Cadw “recommends that the scheme is redesigned” and the application for a Scheduled Monument Consent (SMC) is “made before submitting the planning application to ensure the setting is acceptable”.</li></ul>                                                                                                                                                                | Provided Cadw is content with the SMC application, it will be in a position to agree to a conditional consenting of the Nant Helen earthworks application that will prevent works that will impact the scheduled area until the SMC has been granted. |
| <ul style="list-style-type: none"><li>• Cadw has no concerns about the impact on the scheduled monument Bryn Lechwen Ring Cairn (BR327) as a temporary impact on setting will cease once development is completed.</li></ul>                                                                                                                                                                                          | Noted.                                                                                                                                                                                                                                                |
| <b>Glamorgan Gwent Archaeological Trust</b>                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                       |
| <ul style="list-style-type: none"><li>• The Trust stated that “the Scheduled Monument of the Tramroad at Ystradynlais (Cadw ref. GM399) will be directly affected” and has stated that the following is required:<ul style="list-style-type: none"><li>○ Scheduled Monument Consent (SMC) from Cadw before development works</li><li>○ historic environment mitigation with an agreed methodology</li></ul></li></ul> | As outlined above, it is proposed that SMC will be sought from Cadw prior to works commencing.                                                                                                                                                        |

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| <ul style="list-style-type: none"> <li>• The Trust concurs with the proposed mitigation and recommendations for Areas B and C and state mitigation should be undertaken to an agreed methodology within a written scheme to be submitted to GGAT.</li> <li>• The Trust recommends that a condition be attached to any consent granted, recommending the submission of the written scheme and the programme of work to be implemented.</li> </ul>                                                                                                                                                                                                                                                                                                                                            | <p>Comments noted.</p> <p>Comments noted.</p>                                                                                                                                                                                                                                                                                                                 |
| <b>Clwyd-Powys Archaeological Trust (CPAT)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                               |
| <ul style="list-style-type: none"> <li>• With regards to the Powys area covered by CPAT, the Trust raised no significant issues. The Trust considered that the Environmental Impact Assessment has adequately identified the key archaeological impact issues and the mitigation suggested in 8.10.2 and 8.10.3 should be taken forward via an appropriate archaeological contractor (registered with the Chartered Institute for Archaeologists) if the application is given consent.</li> </ul>                                                                                                                                                                                                                                                                                           | <p>Comments noted.</p>                                                                                                                                                                                                                                                                                                                                        |
| <b>Natural Resources Wales (NRW)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                               |
| <ul style="list-style-type: none"> <li>• Landscape: NRW requires “the submission of additional information to demonstrate the revised restoration plan does not have a long- term adverse impact on the landscape of the Brecon Beacons National Park.”</li> <li>• Protected sites: NRW considers “from the information provided in section 7.19 of the Environmental Statement that the proposal is not likely to have a significant effect on the SAC”, however, NRW has not been consulted on the “draft statement to Informal Habitats Regulation Assessment (HRA)”. NRW goes on to recommend that “If the LPA conclude that the proposed development is likely to have a significant effect on the European Site, NRW would expect to be consulted on the appropriate HRA.”</li> </ul> | <p>The project team has had discussions with NRW and the applicant has undertaken further Landscape and Visual Impact Assessment work and prepared additional viewpoint ‘wireframe’ work from the following viewpoints: VP03 (Within NP), VP12 (Within NP), VP18 and VP07 to represent views from the north, east, south and west.</p> <p>Comments noted.</p> |

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| <ul style="list-style-type: none"> <li>• Site of Special Scientific Interest (SSSI): NRW “concludes that many of the sites will not be directly affected or indirectly affected by the proposal” and “consider that the proposed development is not likely to damage the features for which Nant Llech SSSI is of interest.”</li> <li>• Protected Species: NRW is “satisfied that the proposal is unlikely to affect European Protected Species, however, the potential for species such as bats and otters to be present could not be fully discounted.”</li> <li>• Biosecurity: NRW considers biosecurity issues concerning Invasive Non-Native Species (INNS) to be a material consideration and recommend that the INNS Management Plan be integrated into the Construction Environmental Management Plan (CEMP).</li> <li>• Land contamination and water quality: NRW is “satisfied the outline CEMP details all the latest guidance” and “details have been provided to address any likely environmental issues.” NRW state “it is unclear whether piling will be required” and recommend that clarification is provided at the planning stage.</li> </ul> | <p>Comments noted.</p> <p>Comments noted.</p> <p>An outline CEMP has been prepared that will be submitted with the planning application. The final version will include the INNS Management Plan.</p> <p>There is no piling required for the complementary earthworks proposals that form the basis of this consultation.</p> |
| <b>Powys County Council – Ecology</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                               |
| <ul style="list-style-type: none"> <li>• The Council ecologist raised concerns regarding the impacts to ancient woodlands and consider the proposal is unlikely to meet the requirements of Planning Policy Wales, Paragraph 6.4.26: “Such trees and woodlands should be afforded protection from development which would result in their loss or deterioration unless there are significant and clearly defined public benefits; this protection should prevent potentially damaging operations and their unnecessary loss.” The Council states that “given the nature of the application the concern is that the justification to enable the impact/loss of Ancient Woodland is lacking.” The Council considers that the current application for creating a series of embankments and cuttings has no clear defined public benefit that would outweigh the loss of an area of ancient woodland</li> </ul>                                                                                                                                                                                                                                                      | <p>Additional information has been provided:</p> <ul style="list-style-type: none"> <li>• Section 5 of the Planning Statement sets out the socio-economic benefits of the proposal.</li> <li>• The biodiversity section of the Environmental Statement sets out the proposed mitigation.</li> </ul>                           |

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| <p>habitat – an irreplaceable natural resource.</p> <ul style="list-style-type: none"> <li>• Wildlife Protection and Management Plan is required to be submitted with the planning application.</li> </ul>                                                                                                                                                                                                                 | <p>The biodiversity section of the Environmental statement sets out the proposed mitigation.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <p><b>Powys County Council – Environmental Protection</b></p>                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <ul style="list-style-type: none"> <li>• There are several private water supplies within the vicinity of the work, in particular the supply serving Caehopkin as well as others in Neath Port Talbot. The developer needs to consider the impact of construction works upon these supplies and to outline any proposed mitigation.</li> </ul>                                                                              | <p>The presence of a Private Water Supply (PWS) within Caehopkin has been reviewed. It is understood from Powys County Council records that the PWS is a spring and serves the property Maes yr Awel, in Caehopkin, which is located more than 300m north of the proposed Nant Helen Complementary Earthworks projects. An embankment is proposed in that area. This is an above ground feature and the excavations proposed will be above the water table, therefore proposals are not anticipated to adversely affect the groundwater regime that is likely to feed the spring. Attenuation features introduced as part of the drainage strategy will maintain surface water quality and therefore there is not expected to be an impact on the quality of groundwater that is feeding the spring.</p> |
| <ul style="list-style-type: none"> <li>• The methodology set out in the noise assessment is considered satisfactory, however, the proposed mitigation for property 1 is not detailed enough. The assessment states that there is a need for a noise barrier at this property, but no detail has been provided. It is suggested the CEMP includes noise mitigation measures.</li> </ul>                                     | <p>Noise is covered in the Environmental Statement and the final CEMP will include noise mitigation measures.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <ul style="list-style-type: none"> <li>• There is no assessment of the impacts of dust on nearby neighbours provided.</li> </ul>                                                                                                                                                                                                                                                                                           | <p>The final CEMP will include dust mitigation measures.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <p><b>Powys County Council - Contaminated Land Officer</b></p>                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <ul style="list-style-type: none"> <li>• A “full contamination conditions for any or all of the sites projects” is recommended.</li> <li>• The following clarifications were sought: <ul style="list-style-type: none"> <li>○ Once the opencast activities has ended, will the site undergo restoration and what is the extent of the works? Has the detail of the restoration already been agreed?</li> </ul> </li> </ul> | <p>Comments noted.</p> <p>A resolution to grant planning permission for the revised restoration scheme is in place and a decision is expected imminently. The proposed earthworks complement the restoration scheme.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

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| <ul style="list-style-type: none"> <li>○ Do the complimentary earthworks follow the restoration or are they part of the restoration works?</li> <li>○ Will the rail scheme follow the above works or are they to be combined?</li> <li>○ Dependent on the answers, the applications need to be presented in a clear manner and probably as specific application reports.</li> </ul>                                                                 | <p>There is a sequence of planning applications on the site that follow on from each other. This application is for the complementary earthworks and any additional uses, such as a rail test facility, or leisure end use would form the basis of separate planning applications.</p>                                                                            |
| <b>Powys County Council – Common Land and Public Rights of Way (PROW)</b>                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                   |
| <ul style="list-style-type: none"> <li>● An application for common land consent needs to be made in respect of the proposed earthworks affecting these areas of common land.</li> <li>● Options for legally re-routing the public rights of way need to be considered.</li> <li>● Public consultation on the above will need to include registered graziers, the Town and Community Councils in the area, stakeholder groups and others.</li> </ul> | <p>Comments noted. There is no significant impact on common land as a result of this application. Further discussions are being held with Powys County Council regarding potential future uses of the site and the subsequent impact of this on common land and the public rights of way network.</p> <p>The proposed earthworks will not impact on any PROW.</p> |
| <b>Coal Authority</b>                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                   |
| <ul style="list-style-type: none"> <li>● There were no specific comments to make on the restoration process.</li> <li>● It was suggested that if future built development is proposed, the risk from former coal mining activity will need to be assessed and mitigated to ensure proposed development will be safe and stable.</li> </ul>                                                                                                          | <p>Comments noted.</p>                                                                                                                                                                                                                                                                                                                                            |

## 5.3 Residents and Community Consultee Consultation feedback

Below is a list of the issues raised by residents and community consultees during the statutory consultation on the draft proposals.

| Issue (x number of responses)                                                                                                                                                                 | Developer's Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
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| Stability of embankments - concern about potential landslide (x3) <ul style="list-style-type: none"> <li>especially from 30 feet embankment above Caehopkin</li> </ul>                        | <p>The Complementary Earthworks for Nant Helen involves earthworks that will enable a range of potential uses, including the proposals for a Global Centre for Rail Excellence on the Nant Helen site. Embankments are required near to Caehopkin area since the topography slopes away and the longitudinal gradient of a rail test track needs to be kept at a shallow gradient for operational purposes.</p> <p>The proposed earthworks involve engineered cutting and embankments, designed to be stable in accordance with conventional rail and highway standards. The slope gradients will be formed shallower than conventional road and rail embankments to enable landscape planting, which will have the added benefit of increasing the stability even further. Embankments will be formed in controlled layers, with material placed and compacted in accordance with engineering standards. The material will be benched into the existing slope, in accordance with good earthworks practice.</p> <p>All embankments require a full geotechnical design before they are built. A full geotechnical design, incorporating relevant stability calculations and monitoring proposals will be prepared and checked as part of the detail design before the construction stage.</p> |
| The visual impact of the proposals in terms of embankments/overburden (x2) <ul style="list-style-type: none"> <li>Size and height of embankments</li> <li>Overburden is an eyesore</li> </ul> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

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| <p>Concern about the runoff water from the site and potential flooding (x2)</p> <ul style="list-style-type: none"> <li>• inadequate analysis of existing waterways.</li> <li>• concern re-opening of suspended watercourses will pose a flood hazard to Caehopkin.</li> <li>• increase in excess water levels from the site</li> <li>• runoff water from the embankment will cause excessive water from the site</li> </ul> <p>Concern about attenuation ponds (x2)</p> <ul style="list-style-type: none"> <li>• Attenuation ponds above Caehopkin could flood.</li> <li>• Concern about the size and location of the attenuation ponds above Caehopkin.</li> </ul> <p>No regard for monitoring and maintenance of the site - particularly the watercourses and ponds following completion (x2)</p> <p>Not supportive of any form of lake or water feature (x1)</p> | <p>The formation of the embankment will interrupt the existing surface water flows during rainfall events. Ditches will be formed at the base and crest of the embankment to collect flows from the new feature and transmit those flows in a controlled manner into the existing watercourses.</p> <p>The existing watercourses in the vicinity of the proposed embankment have been identified and it is understood that these watercourses currently flood further downstream in places. The drainage has been designed to reduce flows during extreme rainfall events so that the risk of flooding is reduced.</p> <p>Flows are restricted by the use of flow control devices and lined attenuation ponds, designed to control and reduce water discharge during a high rainfall event. Such ponds are designed for very large rainfall events and meet the requirements and specification of the Welsh Government's Statutory Standards for Sustainable Drainage Systems (SuDS). The drainage proposals have been submitted for approval to the SuDS Approval Body (SAB) who in this instance is Powys County Council, this is in accordance with Welsh Government SAB requirements.</p> <p>The ponds will not store water for the majority of the time but are designed to attenuate flows in extreme events and release water slowly. This will have a beneficial effect in reducing flows into ditches and streams in the vicinity of Caehopkin during such extreme rainfall events, thus reducing the potential for flooding. Furthermore, the ponds are situated on the inside of the embankment, which prevents any overland water from flowing towards Caehopkin.</p> <p>In accordance with the SABS legislation, the drainage design will need to be checked and approved by the SAB body. In addition, the responsibility for maintenance will need to</p> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                       |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                                                                                                                                                                                                            | <p>be agreed. A maintenance plan will be developed and agreed as part of the Full SABS submission including the identification of the body responsible for maintenance.</p> <p>In summary, the above measures are designed to ensure that the embankments will be stable, and that surface water discharge is controlled and reduced, thus reducing the potential for flooding compared to the current situation.</p> |
| The site is not large enough to test high-speed train (x1)                                                                                                                                                                                                                                                                                                                 | This application relates to the Nant Helen Earthworks not the proposals for a rail testing facility.                                                                                                                                                                                                                                                                                                                  |
| <p>Supportive of the following alternative future uses for the site (x2)</p> <ul style="list-style-type: none"> <li>• Rail track provided it employs local people</li> <li>• Golf range</li> <li>• Mountain bike circuit</li> <li>• Outdoor adventure pursuit circuit</li> <li>• Zip Wire</li> <li>• Creation of a nature reserve with additional tree planting</li> </ul> | Comments noted. This application relates to the Nant Helen Earthworks. Further planning applications will set out the future use of the site.                                                                                                                                                                                                                                                                         |

## 6. Conclusion

The pre-application consultation for the complementary earthworks proposed on land at Nant Helen Surface Mine at the head of the Dulais Valley has helped the project team gain a better understanding of key issues and priorities for local communities and specialist consultees.

The feedback received has provided the opportunity to address key local issues such as floodrisk and concerns about embankment stability/risk of landslides and has led to further discussions with specialist consultees, primarily around environment/ecology, visual impact and impact on the Scheduled Monument.

The applicant proposes the following to address the key issues raised:

- A Scheduled Monument Consent application will be submitted shortly after submission of the planning application.
- Further Landscape and Visual Impact Assessment work has been undertaken at four key viewpoints.
- The final CEMP will include the INNS management plan, noise and dust mitigation measures.
- Additional evidence relating to the Ancient Woodland is provided in the Planning Statement and Environmental Statement.
- Attenuation features introduced as part of the drainage strategy will maintain surface water quality and therefore there is not expected to be an impact on the quality of groundwater that is feeding the private water supply (a spring at property Maes yr Awel, in Caehopkin).
- A full geotechnical design, incorporating relevant stability calculations and monitoring proposals, will be prepared and checked as part of the detail design before the construction stage.
- The drainage has been designed to reduce flows during extreme rainfall events so that the risk of flooding is reduced.
- The drainage proposals have been submitted for approval to the SuDS Approval Body (SAB), which in this instance is Powys County Council. This is in accordance with Welsh Government SAB requirements. A maintenance plan will be developed and agreed as part of the full SABS submission, including the identification of the body responsible for maintenance.

## Appendix 1: Full list of consultees

### Community Consultees – Elected Representatives

- All members of Neath Port Talbot County Borough Council
- All members of Powys County Council
- All councillors of Seven Sisters Community Council
- All councillors of Tawe Uchaf Community Council
- All councillors of Ystradgynlais Town Council
- All councillors - Onllwyn Community Council

### Local Stakeholders

- AM for Neath
- AM for Brecon and Radnorshire
- MP for Neath
- MP for Brecon and Radnorshire
- Sustrans Cymru
- Brecon Beacons National Park
- Clwyd-Powys Archaeology Trust (CPAT)
- Partnership & Communities Together (PACT) Seven Sisters

### Owner / Occupiers

- Celtic Energy Ltd
- Walters Plant Hire Ltd

### Specialist Consultees

- Neath Port Talbot Highways Authority (includes Drainage)
- Powys Highways Authority
- Natural Resources Wales (NRW) - South West Wales
- Cadw, Welsh Government
- The Health and Safety Executive
- The Glamorgan Gwent Archaeological Trust
- The Coal Authority

## Boundary Neighbours

The consultation zone for neighbours is just over five square miles and includes 902 residential and 25 business addresses.



## Appendix 2: Copy of the Site Notice

### SCHEDULE 1 Article 4(4) Pre-application notices

### SCHEDULE 1B Articles 2C & 2D PUBLICITY AND CONSULTATION BEFORE APPLYING FOR PLANNING PERMISSION

### Town and Country Planning (Development Management Procedure) (Wales) Order 2012

### PUBLICITY AND CONSULTATION BEFORE APPLYING FOR PLANNING PERMISSION NOTICE UNDER ARTICLES 2C AND 2D

**Purpose of this notice:** this notice provides the opportunity to comment directly to the developer on a proposed development prior to the submission of a planning application to the local planning authority ("LPA"). Any subsequent planning application will be publicised by the relevant LPA; any comments provided in response to this notice will not prejudice your ability to make representations to the LPA on any related planning application. You should note that any comments submitted may be placed on the public file.

#### Proposed Earthworks on Land at Nant Helen Surface Mine.

**I give notice that Celtic Energy Limited** is intending to apply for planning permission to both Powys County Council and Neath Port Talbot County Borough Council for proposed earthworks including cutting and embankments.

You may inspect copies of the proposed application; the plans; and other supporting documents online at [www.coal.com/community-consultation/nanthelen](http://www.coal.com/community-consultation/nanthelen) and computer facilities are available to view this information online at the following locations:

- a. Dove Workshop Roman Road, Banwen, Neath Port Talbot, SA10 9LW.  
Monday – Friday 8:30am to 4:30pm
- b. Ystradgynlais Library, Temperance Street, Ystradgynlais, Powys, SA9 1JJ.  
Monday 10:00am to 6:00pm, Tuesday 10:00am to 5:00pm, Wednesday 10:00am to 1:00pm, Thursday 10:00am to 5:00pm, Friday 10:00am to 4:00pm and Saturday 10:00am to 12:30pm

Anyone who wishes to make representations about this proposed development must write to the applicant/agent at:

- Email: [nanthelen-earthworks@grasshopperconsult.co.uk](mailto:nanthelen-earthworks@grasshopperconsult.co.uk)
- By post: write to Freepost GRASSHOPPER CONSULT (no stamp or further address required)
- Complete the online feedback form: [www.coal.com/community-consultation/nanthelen](http://www.coal.com/community-consultation/nanthelen)

by **Monday, 16 March 2020**



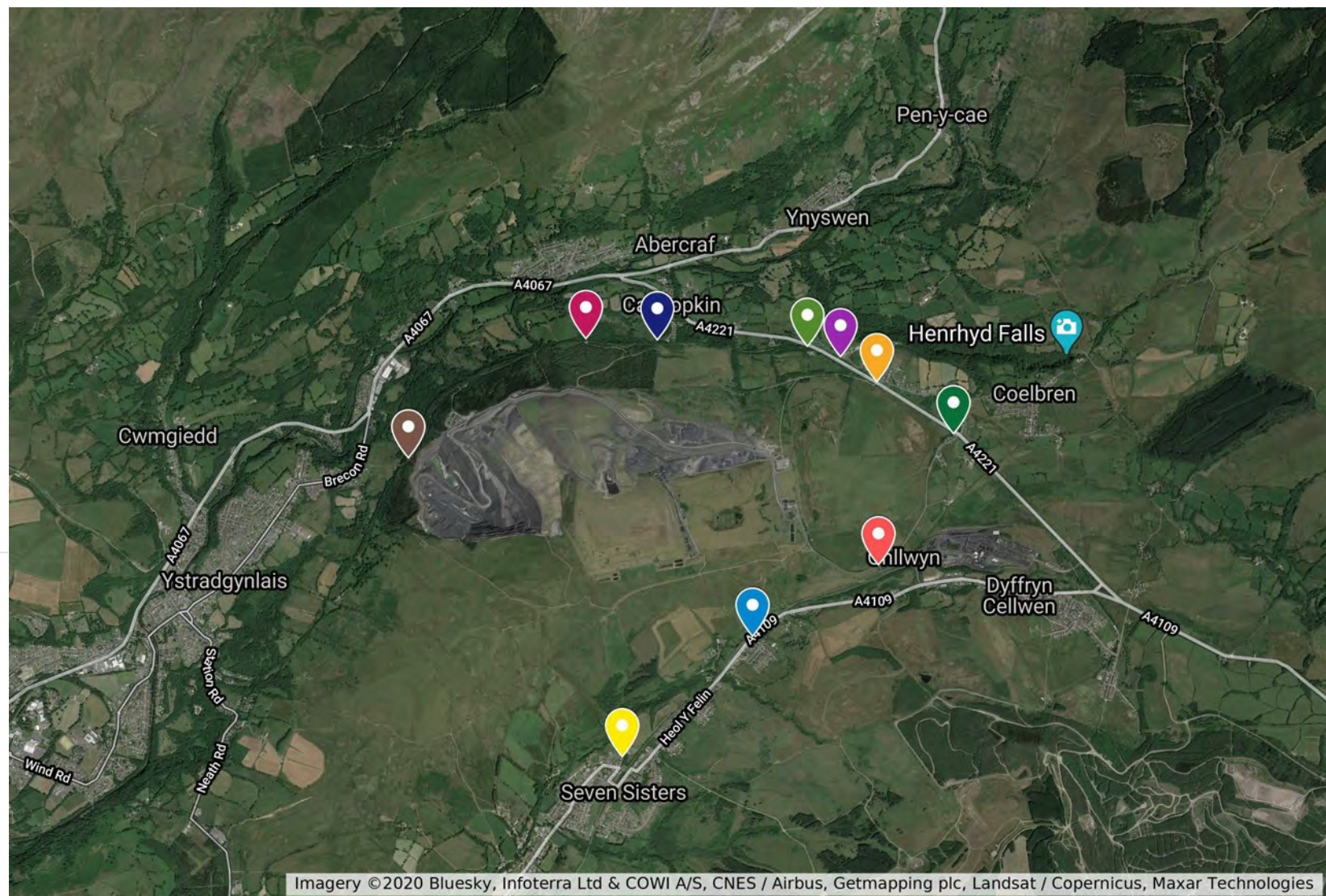
Date: 18 February 2020

## Appendix 3: Site map and positioning of site notices

### Complementary Earthworks - Nant Helen Surface Mine - Site Notices

Complementary Earthworks at  
Nant Helen Surface Mine - Site  
Notices

- 1. Aberhenwaun Uchaf
- 2. Old Site Entrance
- 3. Prices Row
- 4. Site Entrance
- 5. Coelbren Entrance
- 6. Cycle path near A4221
- 7. Cycle Path Entry Point
- 8. Cycle Path (Int Tip)
- 9. Cycle Path (Penrhos)
- 10. Severn Sisters



## Photos of site Notices

### Location 1: Aberhenwaun Uchaf



### Location 2: Old Site Entrance



### Location 3: Prices Row



#### Location 4: Site Entrance



#### Location 5: Coelbren Entrance



#### Location 6: Cyclepath Near A4221



## Location 7: Cycle Path Entry Point



## Location 8. Cycle Path (Int Tip)



## Location 9: Cycle Path (Penrhos)



## Location 10: Severn Sisters



## Appendix 4: Community Consultees - Letter and Notice

# ARUP

4 Pierhead Street  
Capital Waterside  
Cardiff CF10 4QP  
United Kingdom

t +44 29 2076 9107  
f +44 29 2047 2277

[www.arup.com](http://www.arup.com)

17 February 2020

Dear Councillor

**Re: Pre-application consultation on complementary earthworks proposed on land at Nant Helen Surface Mine at the head of the Dulais Valley (18 February - 16 March 2020)**

Following the submission of the revised restoration scheme for the Nant Helen Surface Mine, Celtic Energy Ltd is carrying out a 28 day statutory consultation on complementary earthworks proposed for the site from 18 February to 16 March 2020. Comments will then be reviewed before the planning application is finalised and submitted to the Local Planning Authorities.

The revised restoration proposal looks to provide a flexible landform that can be used or adapted for a diverse set of future uses. This could range from the traditional agriculture, woodland and nature conservation uses, to amenity, leisure and tourism uses. It could also include industrial uses such as the Welsh Government's proposal for a Global Centre of Rail Excellence for rail testing and storage (visit <https://gov.wales/global-centre-rail-excellence-wales> for more information).

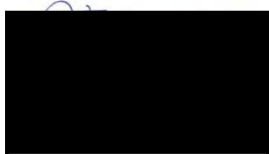
The planning application includes earthworks with cutting and embankments as well as drainage works associated with the revised landform.

Enclosed is the statutory notice that is being sent to elected representatives of the County Councils and Community Councils in whose area the site is located. It has also been sent to all councillors at Powys and Neath Port Talbot Councils for information.

Notices have also been sent to residential/business properties adjoining the site as well as specialist consultees, and site notices will be displayed for the duration of the consultation period.

Please review the consultation material at [www.coal.com/community-consultation/nanthelen](http://www.coal.com/community-consultation/nanthelen) and complete the online feedback form, email comments to [nanthelen-earthworks@grasshopperconsult.co.uk](mailto:nanthelen-earthworks@grasshopperconsult.co.uk) or write to Freepost GRASSHOPPER CONSULT (no stamp or further address required) by 16 March 2020.

Yours sincerely



SCHEDULE 1B                      Articles 2C & 2D  
PUBLICITY AND CONSULTATION BEFORE APPLYING FOR  
PLANNING PERMISSION

PUBLICITY AND CONSULTATION BEFORE APPLYING FOR PLANNING PERMISSION  
NOTICE UNDER ARTICLES 2C AND 2D

## Proposed Earthworks on Land at Nant Helen Surface Mine.

You may inspect copies of the proposed application; the plans; and other supporting documents online at [www.coal.com/community-consultation/nanthelen](http://www.coal.com/community-consultation/nanthelen) and computer facilities are available to view this information online at the following locations:

- a. Dove Workshop Roman Road, Banwen, Neath Port Talbot, SA10 9LW.  
Monday – Friday 8:30am to 4:30pm
- b. Ystradgynlais Library, Temperance Street, Ystradgynlais, Powys, SA9 1JJ.  
Monday 10:00am to 6:00pm, Tuesday 10:00am to 5:00pm, Wednesday 10:00am to 1:00pm, Thursday 10:00am to 5:00pm, Friday 10:00am to 4:00pm and Saturday 10:00am to 12:30pm

- Email: [nanthelen-earthworks@grasshopperconsult.co.uk](mailto:nanthelen-earthworks@grasshopperconsult.co.uk)
- By post: write to Freepost GRASSHOPPER CONSULT (no stamp or further address required)
- Complete the online feedback form: [www.coal.com/community-consultation/nanthelen](http://www.coal.com/community-consultation/nanthelen)

If you have any queries, please call 01639 865660.

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## Appendix 5: Stakeholders - Letter and Notice

4 Pierhead Street  
Capital Waterside  
Cardiff CF10 4QP  
United Kingdom

t +44 29 2076 9107  
f +44 29 2047 2277

www.arup.com

Address

17 February 2020

Dear Name

### **Re: Pre-application consultation on complementary earthworks proposed on land at Nant Helen Surface Mine at the head of the Dulais Valley (18 February - 16 March 2020)**

Following the submission of the revised restoration scheme for the Nant Helen Surface Mine, Celtic Energy Ltd is carrying out a 28 day statutory consultation on complementary earthworks proposed for the site from 18 February to 16 March 2020. Comments will then be reviewed before the planning application is finalised and submitted to the Local Planning Authorities.

The revised restoration proposal looks to provide a flexible landform that can be used or adapted for a diverse set of future uses. This could range from the traditional agriculture, woodland and nature conservation uses, to amenity, leisure and tourism uses. It could also include industrial uses such as the Welsh Government's proposal for a Global Centre of Rail Excellence for rail testing and storage (visit <https://gov.wales/global-centre-rail-excellence-wales> for more information).

The planning application includes earthworks with cutting and embankments as well as drainage works associated with the revised landform.

Please find enclosed the statutory notice that is being sent to local elected representatives and residential/business properties adjoining the site as well as specialist consultees, and site notices will be displayed for the duration of the consultation period.

Please review the consultation material at [www.coal.com/community-consultation/nanthelen](http://www.coal.com/community-consultation/nanthelen) and complete the online feedback form, email comments to [nanthelen-earthworks@grasshopperconsult.co.uk](mailto:nanthelen-earthworks@grasshopperconsult.co.uk) or write to Freepost GRASSHOPPER CONSULT (no stamp or further address required) by 16 March 2020.

Yours sincerely



SCHEDULE 1B                      Articles 2C & 2D  
PUBLICITY AND CONSULTATION BEFORE APPLYING FOR  
PLANNING PERMISSION

PUBLICITY AND CONSULTATION BEFORE APPLYING FOR PLANNING PERMISSION  
NOTICE UNDER ARTICLES 2C AND 2D

## Proposed Earthworks on Land at Nant Helen Surface Mine.

Grasshopper-comms.co.uk

## Appendix 6: Landowner - Letter and Notice

# ARUP

4 Pierhead Street  
Capital Waterside  
Cardiff CF10 4QP  
United Kingdom

t +44 29 2076 9107  
f +44 29 2047 2277

www.arup.com

Address

17 February 2020

Dear Name

### **Re: Pre-application consultation on complementary earthworks proposed on land at Nant Helen Surface Mine at the head of the Dulais Valley (18 February to 16 March 2020)**

Following the submission of the revised restoration scheme for the Nant Helen Surface Mine, Celtic Energy Ltd is carrying out a 28 day statutory consultation on complementary earthworks proposed for the site from 18 February to 16 March 2020. Comments will then be reviewed before the planning application is finalised and submitted to the Local Planning Authorities.

The revised restoration proposal looks to provide a flexible landform that can be used or adapted for a diverse set of future uses. This could range from the traditional agriculture, woodland and nature conservation uses, to amenity, leisure and tourism uses. It could also include industrial uses such as the Welsh Government's proposal for a Global Centre of Rail Excellence for rail testing and storage (visit <https://gov.wales/global-centre-rail-excellence-wales> for more information).

The planning application includes earthworks with cutting and embankments as well as drainage works associated with the revised landform.

Enclosed is the statutory notice to provide you, as Owner and/or Occupier of the land where the proposed development is located, with the opportunity to comment directly on a draft of the planning application prior to its formal submission to the Local Planning Authorities concerned. Site notices will be also be displayed for the duration of the consultation period.

Please review the consultation material at [www.coal.com/community-consultation/nanthelen](http://www.coal.com/community-consultation/nanthelen) and complete the online feedback form, email comments to [nanthelen-earthworks@grasshopperconsult.co.uk](mailto:nanthelen-earthworks@grasshopperconsult.co.uk) or write to Freepost GRASSHOPPER CONSULT (no stamp or further address required) by 16 March 2020.

Yours sincerely





## Appendix 7: Adjacent Residents and Businesses - Letter and Notice

# ARUP

4 Pierhead Street  
Capital Waterside  
Cardiff CF10 4QP  
United Kingdom

t +44 29 2076 9107  
f +44 29 2047 2277

[www.arup.com](http://www.arup.com)

Address

17 February 2020

Dear Resident

### **Re: Pre-application consultation on complementary earthworks proposed on land at Nant Helen Surface Mine at the head of the Dulais Valley (18 February - 16 March 2020)**

Following submission of the revised restoration scheme for the Nant Helen Surface Mine, Celtic Energy Ltd is carrying out a 28 day statutory consultation on complementary earthworks proposed for the site from 18 February to 16 March 2020. Comments will then be reviewed before the planning application is finalised and submitted to the Local Planning Authorities.

The revised restoration proposal looks to provide a flexible landform that can be used or adapted for a diverse set of future uses. This could range from the traditional agriculture, woodland and nature conservation uses, to amenity, leisure and tourism uses. It could also include industrial uses such as the Welsh Government's proposal for a Global Centre of Rail Excellence for rail testing and storage (visit <https://gov.wales/global-centre-rail-excellence-wales> for more information).

The planning application includes earthworks with cutting and embankments as well as drainage works associated with the revised landform.

Enclosed is the statutory notice that is being sent to residential/business owners and/or occupiers adjacent to the land where the proposed development is located, with the opportunity to comment directly on a draft of the planning application prior to its formal submission to the Local Planning Authorities concerned. Site notices will be also be displayed for the duration of the consultation period.

Please review the consultation material at [www.coal.com/community-consultation/nanthelen](http://www.coal.com/community-consultation/nanthelen) and complete the online feedback form, email comments to [nanthelen-earthworks@grasshopperconsult.co.uk](mailto:nanthelen-earthworks@grasshopperconsult.co.uk) or write to Freepost GRASSHOPPER CONSULT (no stamp or further address required) by 16 March 2020.

Yours faithfully





4 Pierhead Street  
Capital Waterside  
Cardiff CF10 4QP  
United Kingdom

t +44 29 2076 9107  
f +44 29 2047 2277

Damian.Barry@arup.com  
www.arup.com

17 February 2020

Dear Sir/Madam

**Re: Pre-application consultation on complementary earthworks proposed on land at Nant Helen Surface Mine at the head of the Dulais Valley (18 February - 16 March 2020)**

Following the submission of the revised restoration scheme for the Nant Helen Surface Mine, Celtic Energy Ltd is carrying out a 28 day statutory consultation on complementary earthworks proposed for the site from 18 February to 16 March 2020. Comments will then be reviewed before the planning application is finalised and submitted to the Local Planning Authorities.

The revised restoration proposal looks to provide a flexible landform that can be used or adapted for a diverse set of future uses. This could range from the traditional agriculture, woodland and nature conservation uses, to amenity, leisure and tourism uses. It could also include industrial uses such as the Welsh Government's proposal for a Global Centre of Rail Excellence for rail testing and storage (visit <https://gov.wales/global-centre-rail-excellence-wales> for more information).

The planning application includes earthworks with cutting and embankments as well as drainage works associated with the revised landform.

Enclosed is the statutory notice that is being sent to provide you, as a 'Specialist Consultee', with a formal request for a pre-application consultation response on a draft planning application under article 2D of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012.

Please review the consultation material at [www.coal.com/community-consultation/nanthelen](http://www.coal.com/community-consultation/nanthelen) and email comments to [damian.barry@arup.com](mailto:damian.barry@arup.com) or write to Earthworks Consultation, Nant Helen Surface Mine, Arup, 4th Floor, 4 Pierhead Street, Cardiff, CF10 4QP by 16 March 2020.

Yours faithfully



SCHEDULE 1                      Article 4(4)  
Pre-application notices

SCHEDULE 1C                      Article 2D  
CONSULTATION BEFORE APPLYING FOR PLANNING PERMISSION

Town and Country Planning (Development Management Procedure)  
(Wales) Order 2012

CONSULTATION BEFORE APPLYING FOR PLANNING PERMISSION  
NOTICE UNDER ARTICLE 2D

(to be served on specialist consultees, as defined by article 2(1) of  
the Town and Country Planning (Development Management  
Procedure) (Wales) Order 2012

**Purpose of this notice:** this notice comprises a formal request for a pre-application  
consultation response under article 2D of the Town and Country Planning (Development  
Management Procedure) (Wales) Order 2012.

Proposed Earthworks on Land at Nant Helen Surface Mine.

**I give notice that Celtic Energy Limited** is intending to apply for planning permission to both  
Powys County Council and Neath Port Talbot County Borough Council for proposed earthworks  
including cutting and embankments.

A copy of the proposed application; plans; and other supporting documents online at  
[www.coal.com/community-consultation/nanthelen](http://www.coal.com/community-consultation/nanthelen)

In accordance with the requirements of article 2E of the Town and Country Planning  
(Development Management Procedure) (Wales) Order 2012, a consultation response must be sent  
to [damian.barry@arup.com](mailto:damian.barry@arup.com) by Monday 16 March 2020.

If you have any queries, please call 01639 865660.

Signed:   
Date: 18 February 2020

## Appendix 9: Specialist Consultees – Responses to the PAC

Earthworks Consultation,  
Nant Helen Surface Mine,  
Arup,  
4th Floor, 4 Pierhead Street,  
Cardiff,  
CF10 4QP

Eich cyfeirnod  
Your reference

Ein cyfeirnod  
Our reference

Dyddiad  
Date

16 March 2020

Llinell uniongyrchol  
Direct line

0300 0250566

Ebost  
Email:

[amadminplanning@gov.wales](mailto:amadminplanning@gov.wales)

Dear

## Pre - Application Consultation on Complementary Earthworks on land at Nant Helen Surface Mine

Thank you for your letter of 18 February consulting us on the above proposal given our role as a specialist consultee.

### Advice

I can confirm that we have significant concerns about the adverse impact of the proposal on the scheduled tramroad at Ystradgynlais and unless the scheme is redesigned we would have cause to object to the planning application. Our assessment of the application is provided below.

### Our role

Our statutory role as a specialist consultee is to provide an assessment about the likely impact that a proposal will have on scheduled monuments, registered historic parks and gardens, registered historic landscapes where an Environmental Impact Assessment is required and development likely to have an impact on the outstanding universal value of a World Heritage Site. We do not provide an assessment of the likely impact of the development on listed buildings or conservation areas as these are matters for the local authority.

### National Policy

Applications for planning permission are considered in light of the Welsh Government's land use planning policy and guidance contained in Planning Policy Wales (PPW), Technical Advice Notes and related guidance.

PPW ([planning-policy-wales-edition-10.pdf](#)) explains that it is important that the planning system looks to protect, conserve and enhance the significance of historic

Mae Gwasanaeth Amgylchedd Hanesyddol Llywodraeth Cymru (Cadw) yn hyrwyddo gwaith cadwraeth ar gyfer amgylchedd hanesyddol Cymru a gwerthfawrogiad ohono.

The Welsh Government Historic Environment Service (Cadw) promotes the conservation and appreciation of Wales's historic environment.

Rydym yn croesawu gohebiaeth yn Gymraeg ac yn Saesneg.  
We welcome correspondence in both English and Welsh.



BUDDSODDWR MEWN POBL  
INVESTOR IN PEOPLE

[Grasshopper-comms.co.uk](http://Grasshopper-comms.co.uk)



assets. This will include consideration of the setting of an historic asset which might extend beyond its curtilage. Any change that impacts on an historic asset or its setting should be managed in a sensitive and sustainable way.

The conservation of archaeological remains and their settings is a material consideration in determining a planning application, whether those remains are a scheduled monument or not. Where nationally important archaeological remains are likely to be affected by proposed development, there should be a presumption in favour of their physical protection in situ. It will only be in exceptional circumstances that planning permission will be granted if development would result in a direct adverse impact on a scheduled monument (or an archaeological site shown to be of national importance)

[Technical Advice Note 24: The Historic Environment](#) elaborates by explaining that when considering development proposals that affect scheduled monuments or other nationally important archaeological remains, there should be a presumption in favour of their physical preservation in situ, i.e. a presumption against proposals which would involve significant alteration or cause damage, or would have a significant adverse impact causing harm within the setting of the remains.

### Assessment

We note that the Environmental Statement (ES) has identified that the proposed development will have a permanent major adverse and significant direct impact on the scheduled tramroad at Ystradgynlais (Cadw reference GM399). We therefore have significant concerns as this proposal is contrary to the aims of national policy and guidance which will be a material consideration in determining the planning application.

The ES also identifies that the proposed development will have a minor but not significant impact on the setting of scheduled monument Bryn Llechwen Ring Cairn (BR327) and while there may also be temporary impacts on the settings of the other scheduled monuments these will cease once the development is completed.

In addition to planning permission, the works to the scheduled tramroad will require scheduled monument consent (SMC) and we recommend that the scheme is redesigned. We also recommend that SMC is obtained prior to obtaining planning permission as this will provide the certainty that the impact on the monument and its setting is acceptable thereby removing any risk of us objecting to the planning application. If it was thought to be helpful we would be pleased to meet again to discuss the proposal.

Yours sincerely

[Redacted signature block]



Earthworks Consultation  
Nant Helen Surface Mine  
Arup  
4<sup>th</sup> Floor, 4 Pierhead Street  
Cardiff  
CF10 4QP

20<sup>th</sup> February 2020

Dear Sir

**Re: Pre-application Consultation on Complementary Earthworks Proposed on Land at Nant Helen Surface Mine, Onllwyn.**

Thank you for notifying us of this pre-application consultation, consequently we have consulted the detailed information contained on your website. **The proposal will require historic environment mitigation.**

The supporting documentation includes an ES Chapter (8) Cultural Heritage, and the supporting assessment and figures. This work was undertaken to an agreed methodology, stated in the Written Scheme of Investigation (November 2019), and meets the current professional standards.

In assessing the information concerning the historic environment, historic assets of both designated and non-designated status were identified. The Scheduled Monument of the Tramroad at Ystradgynlais (Cadw reference GM399) will be directly affected by elements of the proposal with a significant adverse effect, and as noted within the document, Scheduled Monument Consent must be obtained from Cadw prior to any development works to the Scheduled Monument. Should SMC be granted then any subsequent archaeological mitigation should be undertaken to an agreed methodology within a written scheme.

Non-designated historic assets within the development boundary that will be affected are listed in the assessment and ES chapter, and detailed in the mitigation section 8.10 and the table 8.12. This details that areas named would be subject to an archaeological strip, map and record, with a watching brief on Areas B and C (i.e. those unaffected by the modern mining operations). Some of the named features fall within the area of Powys, and therefore are within the Clwyd Powys Archaeological Trust. This also includes the transect of Area C regarding peat and environmental sampling.

For those features which fall within GGAT's area and remit, we concur with the proposed mitigation and recommendations and recommend that the programme of archaeological work as mitigation should be undertaken to an agreed methodology within a written scheme, to be submitted to us as the archaeological advisors to Neath Port Talbot. This is following the Welsh Government Legislation and Policy. If this is to be submitted through the planning process then we

The Glamorgan-Gwent  
Archaeological Trust  
Limited

Heathfield House  
Heathfield  
Swansea  
SA1 6EL

Tel: (01792)655208  
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recommend a condition to be attached to any consent granted, recommending the submission of the written scheme and the programme of work to be implemented.

The written scheme will also need to take account of the *Guidance for the Submission of Data to the Welsh Historic Environment Records (HERs) 2018*; and the *National Standard and Guidance to Best Practice for Collecting and Depositing Archaeological Archives in Wales 2017*.

This will ensure detailed contingency arrangements, including the provision of sufficient time and resources to ensure that any archaeological features or finds that are located are properly investigated and recorded; it should include provision for any sampling that may prove necessary, post-excavation recording and assessment and reporting and possible publication of the results.

To ensure adherence to the recommendation and following the guidance in Planning Policy Wales Edition 10, December 2018, we recommend that the condition should be worded in a manner similar to model condition 24 given in Welsh Government Circular 016/2014:

*No development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted by the applicant and approved by the local planning authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.*

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

We also recommend that a note should be attached to any planning consent explaining that:

*The archaeological work must be undertaken to the appropriate Standard and Guidance set by Chartered Institute for Archaeologists (CIfA), ([www.archaeologists.net/codes/cifa](http://www.archaeologists.net/codes/cifa)) and it is our Policy to recommend that it is carried out either by a CIfA Registered Organisation ([www.archaeologists.net/ro](http://www.archaeologists.net/ro)) or an accredited MCIfA Member.*

If you have any questions or require further advice on this matter please do not hesitate to contact us.

Yours faithfully



Archaeological Planning Officer

## Clwyd-Powys Archaeological Trust (CPAT) – 23/3/20

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**From: Sent:**

**To: Subject:**

**Follow Up Flag: Flag Status:**

23 March 2020 13:13

Pre-Application Consultation on Complementary Earthworks on land at Nant Helen Surface Mine Follow up  
Flagged

[REDACTED]

[REDACTED]

[REDACTED]

Thank you for the pre-application consultation on this restoration proposal and potential future development. Apologies for the delayed reply caused by the prior consultation email being sent to our junk email folder for some reason and now forwarded to me by a colleague.

We are all working from home now, but I can be contacted on this email and via the mobile phone number below.

With regard to the ES I note the content of Chapter 8 Heritage and with regard to the Powys area that we cover I am in agreement that the EIA has adequately identified the key archaeological impact issues and the mitigation suggested in 8.10.2 and 8.10.3 should be taken forward via an appropriate archaeological contractor if the application is given consent. The archaeological contractor should be a registered organisation with the CIFA (Chartered Institute for Archaeologists). We will need to approve any WSI document produced by an archaeological contractor before they can commence work on-site.

Note that if we have to monitor the archaeological contractors fieldwork throughout the project we normally charge £150 per monitoring visit. This is invoiced to the archaeological contractor who recovers the cost via the developer.

Kind regards

[REDACTED]

-----  
[REDACTED]

Development Control Archaeologist / Swyddog Rheoli Datblygiad

ARUP  
4 Pierhead Street  
Capital Waterside  
Cardiff  
CF10 4QP

16/03/2020

Er sylw / For the attention of: [REDACTED]

Annwyl Syr/Madam / Dear Sir/Madam,

**STATUTORY PRE-APPLICATION CONSULTATION - TOWN AND COUNTRY  
PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (WALES) ORDER 2012 AS  
AMENDED.**

**BWRIAD / PROPOSAL: Complementary earthworks  
LLEOLIAD / LOCATION: Nant Helen Surface Mine, Dulais Valley**

Thank you for providing a requisite notice to us under Article 2D of the above Order. We received a copy of your proposed application on 18/02/2020.

**Based on the information provided, we have significant concerns with the proposed development. To overcome these concerns, we would recommend to the planning authority that the following requirement should be met before permission is granted and the conditions listed below are/is attached to the permission. Otherwise, we would object to the planning application.**

Requirement 1 - Landscape: the submission of additional information to demonstrate the revised restoration plan does not have a long-term adverse impact on the landscape of the Brecon Beacons National Park.

Condition 1 – Construction Environmental Management Plan: No development or phase of development, including site clearance, shall commence until a site wide or phase Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority.

Condition 2 – European Protected Species: No development or phase of development, including site clearance, with the potential to impact on bats and otters, shall commence until a pre-construction bat/otter survey has been carried out for the development or phase of development. If the survey confirms the presence of bats/otters the results of the survey together with proposed mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be carried out in accordance with the approved details.

### **Landscape**

Our advice relates to the potential impacts on the Brecon Beacons National Park (NP) is located approximately 96 m away from the site. We have reviewed the submitted information and we consider additional information is required.

Requirement 1 - Landscape: the submission of additional information to demonstrate the revised restoration plan does not have a long-term adverse impact on the landscape of the Brecon Beacons National Park.

The site is visible from the NP which lies to the north east, north and north west of the site.

The proposal is for a combination of earthwork cuttings and embankments to create a rail-track loop, and includes drainage works. The Non-Technical Summary states that the earthworks are designed to create a site that could be used for multiple purposes, to include a bridleway/footpath route for walking, cycling and horse riding, and the potential venue for a rail testing research & development & storage facility or Global Centre of Rail Excellence (GCRE). The Planning Statement describes the rail track requirements of gradients no steeper than 1:100, with connection to mainline no steeper than 1:50.

An extensive embankment would be created on the northern slopes of the site, above Caehopkin, which requires the removal of coniferous woodland including a small part of a Plantation on Ancient Woodland (PAW) site and some hedgerows & field pattern. These works would result in adverse impacts on the NP, some of which would be significant.

A 5m screen is proposed on the perimeter of the site to mitigate noise impact on properties in Caehopkin during construction. This area lies outside the NP, however given the proximity, there appears to be potential for impacts on tranquillity within the park during construction and arising from visual impacts. The visual impacts of developments outside the NP can also detract from its sense of tranquillity and remoteness. Peace and tranquillity are a noted Special Quality of the NP. We advise that this aspect should be assessed in the Landscape Visual Impact Assessment (LVIA).

We note the 8 km Study Area, which includes landscape character areas and viewpoints within the NP. The LVIA notes significant landscape effects on the Nant Helen Reclaimed Uplands Landscape Character Area, which encompasses the site.

There is the potential to impact the character of other nearby areas defined in the NP's Landscape Character Assessment. We believe changes may occur by impacting views and through effects on tranquillity to the visual character of the Waterfall Country, Southern Valleys, and Y Mynydd Du.

The landscape assessment should refer to the National Park Management Plan, Special Qualities and Landscape Character Assessment, as well as detailed information in LANDMAP.

Within the LVIA, significant adverse effects have been identified at construction stage on visual receptors within the NP at Viewpoints 1, 2, 3, 4, 5 and 11. Significant adverse effects on completion at viewpoints 2, 3, 4 and 5 within the NP, with receptors at viewpoint 1 assessed as experiencing a beneficial effect on completion. Photographs and photomontages from these viewpoints do not appear to have been produced to illustrate these findings, therefore we advise that this information is provided.

It is stated that the baseline for the LVIA is the restored site, since this is a requirement of the planning permission for the mine. Since the 'complementary restoration earthworks' would take place at the same time as the works needed to return the overburden mound to the void and reduce its height, the combined (cumulative) effects of the amended restoration scheme and the 'complementary restoration earthworks' have been assessed in the LVIA.

We concur with the Planning Statement at 5.1 that the amended restoration proposals for the mine are to a more engineered character and that this would be less beneficial in landscape terms than a natural landform restoration. It appears that the complementary restoration earthworks would, combined with the amended restoration, result in significant adverse effects on the National Park.

To help integrate the engineered landform with the surroundings in the long term, woodland planting is proposed on the northern embankment. It is noted that broadleaved woodland is likely to take a long time to establish & we agree that this would be the case, due to the elevation and exposure, steep slopes and poor substrate. The effects of planting would not be noticeable until after year 15. It is also stated that it may be feasible to achieve shallower gradients. We advise that further consideration is given to the design of the embankments and cuttings and location of the loops to establish whether a revised design can avoid or mitigate adverse impacts on the NP.

## **Protected Sites**

### **Special Areas of Conservation (SAC)**

As identified within the ES, there are three Special Area of Conservation (SAC) within 15 km of the proposal, namely:

- Coedydd Nedd a Mellte SAC, 4.2 km to the south-east
- Cwm Cadlan SAC and, 9.5 km east
- Blaen Cynon SAC, 10.4 km east

From the information provided within section 7.19 of the Environmental Statement (ES), we consider that the proposal is not likely to have a significant effect on the SAC listed above, however, we have not been consulted on the document referred to in section 7.19.1 '*draft statement to Inform a Habitats Regulation Assessment*' which has been produced to support future planning applications, we therefore recommend that you submit this document to the

Local Planning Authority (LPA) at planning stage to facilitate their Habitat Regulations Assessment (HRA).

Should the LPA conclude that the proposed development is likely to have a significant effect on the European site, we would expect to be consulted on their appropriate assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017.

### **Sites of Special Scientific Interest (SSSI)**

We have considered the information within the ES submitted in support of the above application. The ES identifies the presence of 12 SSSIs within 15 km of the proposal and concludes that many of the sites will not be directly or indirectly affected by the proposal.

The only site that has been identified to be hydrologically connected to Nant Helen is the Nant Llech SSSI which is located approximately 100m to the north east. The SSSI has been designated for its biological (deciduous woodland and bryophytes) and geological (Westphalian sedimentary rocks and fossils) features. Therefore, biological features of this site could be affected by pollution events and surface run-off with a high sediment load.

The ES clearly concludes that the effects would be temporary and reversible and the likelihood of any pollution incidents to occur would be minimised by adopting appropriate Pollution Control Measures as identified in the Construction Environmental Management Plan (CEMP). We have reviewed the outline CEMP and based on the information submitted, and provided the outlined measures are implemented, we consider that the proposed development is not likely to damage the features for which Nant Llech SSSI is of interest.

We also note that the outline CEMP refers to several other plans that would need to be produced to complement the measures of the CEMP and to secure the implementation of all ecological avoidance, mitigation and enhancement measures (Ecological Protection Plan (EPP) and an Ecological Management and Monitoring Plan (EMMP).

We would recommend that, where possible, these additional documents are integrated within the CEMP and submitted to the LPA prior to commencement of works.

Therefore, we advise the LPA that the submission of a CEMP should be secured via appropriately worded planning condition to ensure necessary management measures are agreed prior to commencement of development, or phase of development and implemented for the protection of the environment during construction.

Condition 1 – Construction Environmental Management Plan: No development or phase of development, including site clearance, shall commence until a site wide or phase Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority.

The CEMP should include:

- Construction methods: details of materials, how waste generated will be managed;
- General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas,

appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.

- Biodiversity Management: details of tree and hedgerow protection; invasive species management; species and habitats protection, avoidance and mitigation measures.
- Soil Management: details of topsoil strip, storage and amelioration for re-use.
- CEMP Masterplan: details of the extent and phasing of development; location of landscape and environmental resources; design proposals and objectives for integration and mitigation measures. Details of which can be provided in associated documents such as an EPP and EMMP.
- Control of Nuisances: details of restrictions to be applied during construction including timing, duration and frequency of works; details of measures to minimise noise and vibration from piling activities, for example acoustic barriers; details of dust control measures; measures to control light spill and the conservation of dark corridors.
- Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption, wastewater and energy use
- Traffic Management: details of site deliveries, plant on site, wheel wash facilities
- Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
- Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details
- Landscape/ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.

The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

### **Protected Species**

We have reviewed the information within the ES and associated species survey reports within Volume II (Appendices).

Based on the survey results and the mitigation measures proposed, we are satisfied that the proposal is unlikely to affect European Protected Species (EPS), however the potential for species such as bats and otters to be present could not be fully discounted. We also acknowledge that due to the nature and scale of the proposal, works will be carried out at different phases and agree that pre-commencement of works surveys for bats and otter will be required to establish whether these species are going to be affected.

Therefore, we would advise the LPA to secure the implementation of such recommendation via appropriately worded condition to ensure the potential presence of EPS is confirmed

prior to construction, and, where necessary, remedial measures are implemented for their protection.

Condition 2 – European Protected Species: No development or phase of development, including site clearance, with the potential to impact on bats and otters, shall commence until a pre-construction bat/otter survey has been carried out for the development or phase of development. If the survey confirms the presence of bats/otters the results of the survey together with proposed mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be carried out in accordance with the approved details.

### **Biosecurity**

We consider biosecurity to be a material consideration owing to the nature and location of the proposal. In this case, biosecurity issues concern Invasive Non Native Species (INNS) and diseases.

We note the ES states an INNS Management Plan will be produced. We advise that this plan should be integrated within the CEMP and its implementation secured via condition (see condition 1).

We consider that this assessment must include

- (i) appropriate measures to control any INNS on site; and
- (ii) measures or actions that aim to prevent INNS being introduced to /allowed to disperse from the site for the duration of construction and operational phases of the scheme.

We refer you to the GB non-native species secretariat 'Check, Clean, Dry' guidelines which also apply to the use of machinery on construction sites.  
<http://www.nonnativespecies.org/checkcleandry/index.cfm>

### **Land contamination & water quality**

We have reviewed the information submitted within the ES and outline CEMP. We understand that surface water drainage from the site will be discharged via a variety of methods into the local water course network and that there will be no infiltration to ground other than by natural rainfall percolation.

We are satisfied the outline CEMP details all the latest guidance and we understand this will be updated as the works proceed. We are satisfied that details have been provided to address any likely environmental issues. We would advise the LPA to secure the implementation of the CEMP via appropriately worded condition (refer to Condition 1 above).

We are satisfied information on the site history and water features has been included within the ES. However, it is not clear whether piling will be required, and we recommend that clarification is provided at planning stage. Should piling be required we would advise the LPA that a piling risk assessment is required. If piling is not required, we accept the conclusions that the risk to groundwater from historical land uses is low.

Modifications to the scheme as currently proposed may affect our view and may merit a further consultation with us.

### **Other Matters**

Please note, if further information is prepared to support an application, it may be necessary for us to change our advice in line with the new information.

Our comments above only relate specifically to matters included on our checklist, Development Planning Advisory Service: Consultation Topics (September 2018), which is published on our [website](#). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests.

In addition to planning permission, you are advised to ensure all other permits/consents/licences relevant to the development are secured. Please refer to our website for further details.

Further advice on the above matters could be provided prior to your planning application being submitted, however there would be a charge for this service. Additional details are available on our website.

Please note that our comments are without prejudice to any comments we may wish to make when consulted on any subsequent planning applications or permit (either at pre-application or application stage) for the proposed development. At that time there may be new information available which we will need to consider making a formal response.

Please note that due to the size, type and location of this proposal it is likely to require permits from NRW and this process currently operates separately from planning.

Yn gywir / Yours sincerely



Advisor, Development Planning

[REDACTED]  
[REDACTED]  
Sent: 16 March 2020 10:40 AM

[REDACTED]  
[REDACTED]  
[REDACTED]  
Subject: [External] FW: Nant Helen Re-profiling - Ancient Woodland Impacts

Importance: High  
[REDACTED]

Further to the meeting on the 9<sup>th</sup> March we have had internal discussions regarding the identified impact to and loss of ancient woodland as part of the re-profiling application 'Phase 2', ancient woodland was briefly mentioned unfortunately the conversation got diverted and we didn't get back to discussing it in detail.

The problem with the proposals and impacts to ancient woodland is that the 'Phase 2' application is unlikely to meet the requirements as set out in Planning Policy Wales with regards to ancient woodland i.e.

*6.4.26 - Ancient woodland and semi-natural woodlands and individual ancient, veteran and heritage trees are irreplaceable natural resources, and have significant landscape, biodiversity and cultural value. **Such trees and woodlands should be afforded protection from development which would result in their loss or deterioration unless there are significant and clearly defined public benefits; this protection should prevent potentially damaging operations and their unnecessary loss.** In the case of a site recorded on the Ancient Woodland Inventory, authorities should consider the advice of NRW. Planning authorities should also have regard to the Ancient Tree Inventory.*

I've highlighted the key sentence in section 6.4.26 of PPW above i.e. that loss or deterioration should be prevented unless there are significant and clearly defined public benefits.

With regards to 'Phase 2' i.e. re-profiling of the Nant Helen site, given the nature of the application the concern is that the justification to enable the impact/loss of AW is lacking – as stated in the meeting we have to consider the application in terms of the potential that Phase 3 doesn't go ahead - as such an application for creating a series of embankments and cuttings has no clear defined public benefit that would outweigh the loss of an area of ancient woodland habitat – an irreplaceable natural resource.

This issue will need to be resolved and an appropriate solution identified with regards to the Phase 2 application.

Many Thanks  
[REDACTED]

[REDACTED]  
Planning & Highway Ecologist  
Powys County Council

## Powys County Council – Environmental Protection – 23/3/20

**From:**

**Sent:** 23 March 2020 15:32

**To:**

**Subject:** Nant Helen Community Consultation Complementary Restoration Earthworks

Hi Both,

I have had a look at the documents and would like to flag up the following issues:-

### Private Water Supplies

There are a number of supplies within the vicinity of the works, which are known to Powys County Council (please see attached). There will also be a number of supplies in NPT although we would not hold any data upon them.

It will be necessary for the developer to consider the impact of construction works upon these supplies and to outline any mitigation that they are proposing. We are particularly interested in the supply serving Cae Hopkin on the Powys side and there may be others on NPT side which require assessing.

### Noise

Whilst I am satisfied by the methodology used by the assessment. The mitigation proposed for property 1 is not detailed enough. The assessment identifies that noise will be significant at this property and identifies the need for a noise barrier. There is no detail on the noise barrier or calculation to show its effect. I would also assume that some form of CEMP would also be put forward in respect of mitigation for noise.

### Dust

The impacts of dust on nearby neighbours does not appear to have been assessed.

Best regards

[Redacted]

Uwch Swyddog Iechyd yr Amgylchedd (Gwarchod yr Amgylchedd) Senior Environmental Health Officer  
(Environmental Protection)

(Gwarchod yr Amgylchedd) – Cyngor Sir Powys (Environmental Protection) – Powys County Council

[Redacted]

[Redacted] Saesneg. Ni fydd cysylltu yn Gymraeg yn arwain at oedi.

Contact us in Welsh or in English. Contacting in Welsh won't lead to a delay.

## Powys County Council - Contaminated Land Officer – 10/3/20

**From:** David Jones <[david.jones1@powys.gov.uk](mailto:david.jones1@powys.gov.uk)>  
**Sent:** 10 March 2020 15:06  
**To:** Tamsin Law <[tamsin.law@powys.gov.uk](mailto:tamsin.law@powys.gov.uk)>  
**Subject:** FW: Nant Helen - complementary earthworks PAC

Hi Tamsin

I have read the relevant parts of the submissions in respect of contaminated land and can make the following comments. Firstly, my colleague in NPT Leah Morgan has made also reviewed the reports and her comments are shown below. I support the comments she has made and suggest that they are included as part of a formal response. I would add that clarification is sought on the following points:

- Once the open cast activities has ended, will the site undergo restoration and what is the extent of the works? Has the detail of the restoration already been agreed?
- Do the complimentary earthworks follow the restoration or are they part of the restoration works?
- Will the rail scheme follow the above works or are they to be combined?
- Dependent on the answers I think the applications need to be presented in a clear manner and probably as specific application reports.

On the basis of the current submissions I would be comfortable in recommending full contamination conditions for any or all of the site projects.

## **Powys County Council – Common Land and Public Rights of Way– 31/3/20**

### **Pre-application consultation – Complementary earthworks proposed on land at Nant Helen surface mine at the head of the Dulais Valley.**

#### **Powys County Council, common land and public rights of way response:**

The proposed earthworks do impact on registered common land, being BCL78 (Mynydd-y-Drum.) There are registered grazing rights on the common. In addition, there are general rights of access on foot for recreation over the areas of the common that are not part of the current Nant Helen surface mine area, which are registered as access land under the Countryside and Rights of Way Act 2000.

A small area of common land to the north, of 1.04 hectares, is also affected by the earthworks. This is unit BCL136 (Land near Abercrave station); there are no registered grazing rights on BCL136, although there are rights of access for recreation on foot.

An application for common land consent will need to be made in respect of the proposed earthworks affecting these areas of common land.

The earthworks would also impact on a number of public rights of way. These are footpath 40, bridleway 45 (which becomes bridleway 66), footpath 19, footpath 50 (which becomes footpath 90), footpaths 11, 17, 52 and 76, footpath 49 and footpath 7. Options for legally re-routing the paths are being considered.

Both the proposals for changes to the public rights of way and application for common land consent will be subject of public consultation in due course. That will include registered graziers, the Town and Community Councils in the area, stakeholder groups and others.

Acting Professional Lead, Countryside Access and Recreation  
Gwasanaethau Cefn Gwlad / Countryside Services  
Cyngor Sir Powys / Powys County Council  
Ffon / Tel: 01597 827595



The Coal  
Authority



INVESTOR IN PEOPLE



RTPI

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Web: [www.gov.uk/coalauthority](http://www.gov.uk/coalauthority)

[REDACTED]  
Ove Arup & Partners Ltd

[REDACTED]  
10 March 2020

[REDACTED]  
**PRE-APPLICATION ADVICE**

**Proposed earthworks; Land at Nant Helen Surface Mine at The Head Of The Dulais Valley, Powys / Neath Port Talbot**

Thank you for your notification of 18 February 2020 seeking the views of the Coal Authority on the above pre-planning enquiry.

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

**The Coal Authority Response:**

We note the applicant's proposal to restore the land at this site in order to provide a comprehensive, flexible and adaptable landform across the entire site that could support a wide range of future uses including agriculture, woodland and nature conservation; and/or amenity, leisure, tourism and employment.

The Coal Authority has no specific comments to make on the restoration process however in the event that future built development is proposed within these areas, the risk from former coal mining activity will need to be assessed and mitigated as part of the new development proposals, in order to demonstrate how coal mining risks have been considered in the context of the proposed development and how the developer will ensure that the proposed development will be safe and stable (Planning Policy Wales paras 6.9.24 – 27).

I hope that this is helpful, however please do not hesitate to contact me if you would like to discuss this matter further.

Yours sincerely

[REDACTED]

[REDACTED] [REDACTED]

**Planning & Development Manager**

#### Disclaimer

The above consultation response is provided by The Coal Authority as a Statutory Consultee and is based upon the latest available data on the date of the response, and electronic consultation records held by The Coal Authority since 1 April 2013. The comments made are also based upon only the information provided to The Coal Authority by the Local Planning Authority and/or has been published on the Council's website for consultation purposes in relation to this specific planning application. The views and conclusions contained in this response may be subject to review and amendment by The Coal Authority if additional or new data/information (such as a revised Coal Mining Risk Assessment) is provided by the Local Planning Authority or the Applicant for consultation purposes.

## Appendix 10: Community Consultee / Resident Responses to the PAC

### Response 1.

In agreement for a rail track provided it employs local people 2. a golf range 3. A mountain bike circuit, to benefit the youth of the surrounding area. 4. Strongly against any form of lake or water feature of any kind, as with the climate change it would inevitably cause a problem, landslide etc.

### Response 2

Outdoor Adventures pursuit centre adapted for Children ages 5 - 18 years eg. Zip Wire 2. Nature reserve anything that's good for the environment and eco friendly for wildlife, wild flowers and plants to thrive. Planting of suitable trees to secure the ground hence stopping the risk of flooding. It would benefit the schools to educate future generations of children of the importance of preserving our planet.

### Response 3

There is no need for these earthworks for leisure and tourism. The proposals are only to satisfy the requirements of the GCRE. The area of land is not big enough to have high speed trains so the proposed embankments would be used to enlarge the site. However the embankment above Caehopkin would be more than 30ft higher than the Aberfan Tip. The proposed attenuation pond above the village has the potential to hold 3.5 thousand tonnes of water. There is an inadequate analysis of the existing waterways including the old workings than still funnel water into the community. There is absolutely no regard to monitoring or maintenance of the site. There seems to be little regard to the safety and well-being of the communities around Nant Helen. This proposal is a recipe for disastrous flooding and landslip.

### Response 4

Proposals difficult to follow by non-geologists. Neither I nor any of my neighbors can follow what is being proposed, despite all being intently interested in what is happening. We want to know if the hole in the ground is going to be filled in, and that the overburden is going to be taken down. I understood from the Arup representative when discussing the proposed rail test facility, that some of the overburden would be used for track bed, and that most of the remainder would have to be moved by the contractor Celtic. The overburden as it exists is a disgusting eyesore and relic of industrial mineral extraction. It needs to be removed.

### Response 5

The proposal looks very good, i would only ask that in an area where there is very little native woodland that you consider planting large areas of native woodland, not just for visual intrusion but for wildlife habitat and carbon capture