



CELTIC ENERGY LIMITED

NANT HELEN COMPLEMENTARY RESTORATION EARTHWORKS

PLANNING STATEMENT
APRIL 2020

ARUP



Celtic Energy Limited

**Complementary Restoration
Earthworks at Nant Helen Surface
Mine**

Planning Statement

-

Final | 30 April 2020

This report takes into account the particular instructions and requirements of our client.

It is not intended for and should not be relied upon by any third party and no responsibility is undertaken to any third party.

Job number -

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1 Introduction

1.1 Background

This Planning Statement has been prepared by Ove Arup and Partners Limited (Arup) on behalf of Celtic Energy Limited (Celtic Energy) in support of a cross boundary planning application submitted to both Powys County Council (PCC) and Neath Port Talbot County Borough Council (NPTCBC) for proposed earthworks at the site of the Nant Helen Surface Mine.

The works reconcile parcels of land that comprise the present day and wider past extent of coaling operations at the site. For all intents and purposes this includes land associated with the site's western extent that will be restored at the end of current coaling operations; and land associated with the site's northern, eastern and southern extents that has already been restored following the end of past coaling operations.

A planning application covering the entire extent of land subject to coaling operations over the history of Nant Helen Surface Mine has been identified as the most efficient way to deliver the proposed earthworks and reconcile land that has been restored in the past with land that will be restored in the future.

In this context, the proposed earthworks would complement the revised restoration strategy associated with the western extent of the site. The revised strategy would be delivered under a section 73 application, which has recently received a resolution to grant permission at Committee in March 2020 and will amend the extant planning permissions granted under planning application P/2011/0217 and section 73 application 18/1070/REM.

The proposed earthworks would 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.

For example, the proposed earthworks would provide a landform that is compatible with Welsh Government's emerging proposals for a Global Centre of Rail Excellence and if the project is found to be viable it could form an integral part of the site's future. Alternatively, the proposed earthworks would also provide a landform that is compatible with various leisure opportunities, such as mountain biking, walking and other outdoor pursuits complementary to the site's location adjacent to 'waterfall country' and the wider Brecon Beacons National Park (BBNP).

Ultimately, Celtic Energy's intention is for the proposed earthworks to provide a flexible landform that maximises options for the beneficial reuse of land associated with Nant Helen Surface Mine, whilst ensuring not to preclude appropriate future uses that are yet to fully emerge and at the same time respecting the revised restoration strategy.

1.2 Scope of Planning Application Submission

1.2.1 Cross Boundary Development

Procedures for dealing with cross boundary development are made within the Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (Wales) Regulations 2015 (as amended) and provides that planning applications should be submitted in each jurisdiction and determined by each local planning authority concerned. In this case, a planning application will be submitted to both NPTCBC and PCC.

1.2.2 Major EIA Development

The site of the proposed development is more than 1 hectare in area and constitutes major development as defined within the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (as amended). Subsequently, the planning application has been scoped to accord with the requirements associated with major development as prescribed by the regulations.

Previous planning applications for development at the site were subject to Environmental Impact Assessment (EIA). Given the nature of the proposed development in this case, and to remain consistent, Celtic Energy has elected to forego a screening opinion and voluntarily submit an EIA as a matter of course in support of the planning application.

Under the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017, the development shall be treated as requiring EIA. Arup has not requested a scoping opinion from NPTCBC or PCC but has engaged informally about the scope of assessment.

1.2.3 Information Submitted

Each planning application will be submitted with the following information;

- Covering Letter
- Application Forms and Ownership Certificates
- Application Fee
- Pre-Application Consultation Report (PAC Report)
- Drawing Package of plans and sections
- Planning Statement
- Supporting letter from Welsh Government
- Environmental Impact Assessment
 - Volume 1 Non-Technical Summary
 - Volume 2 Environmental Statement
 - Volume 3 Appendices and Associated Technical Reports

When interpreting Article 7 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (as amended) weight was given to the interface between the proposed earthworks and the restored land subject to mining operations. In doing so, it was concluded that a design and access

statement could be excluded from the planning application submission. It was also confirmed by NPTCBC that a design and access statement would not be required.

1.3 Statement Structure

This Planning Statement sets the context for the planning application. It considers the detail of the proposed development and assesses the material planning considerations in justifying the granting of planning permission. This Statement also responds to matters raised at pre-application consultation stage which raise policy considerations. It should be read in conjunction with the PAC Report and Environmental Impact Assessment.

Section 1 has provided an introduction, Section 2 describes the site location and the surrounding area and provides a context for considering the potential impact of the proposed development. Section 3 justifies the need and offers a detailed description of the proposed development. Section 4 establishes the planning policy framework to emerge from an analysis of the site context and character of the proposed development. Section 5 assesses the material planning considerations established through an appreciation of the site, proposed development and planning policy context. Section 6 summarises the findings of the Planning Statement.

2 Site Context

2.1 Location

The application site for the proposed earthworks is delineated by the red line boundary shown on Figure 1 below and covers an area of over 400 hectares within the wider site of Nant Helen Surface Mine. It is located within the Dulais Valley and is of a considerable scale extending into the administrative areas of both PCC and NPTCBC.

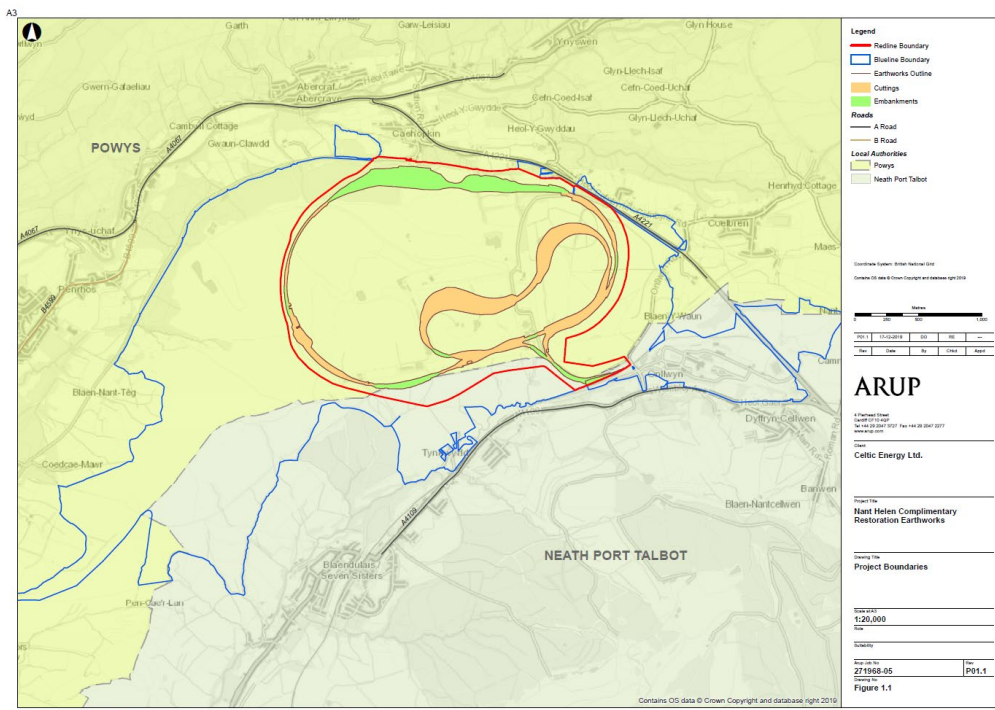


Figure 1

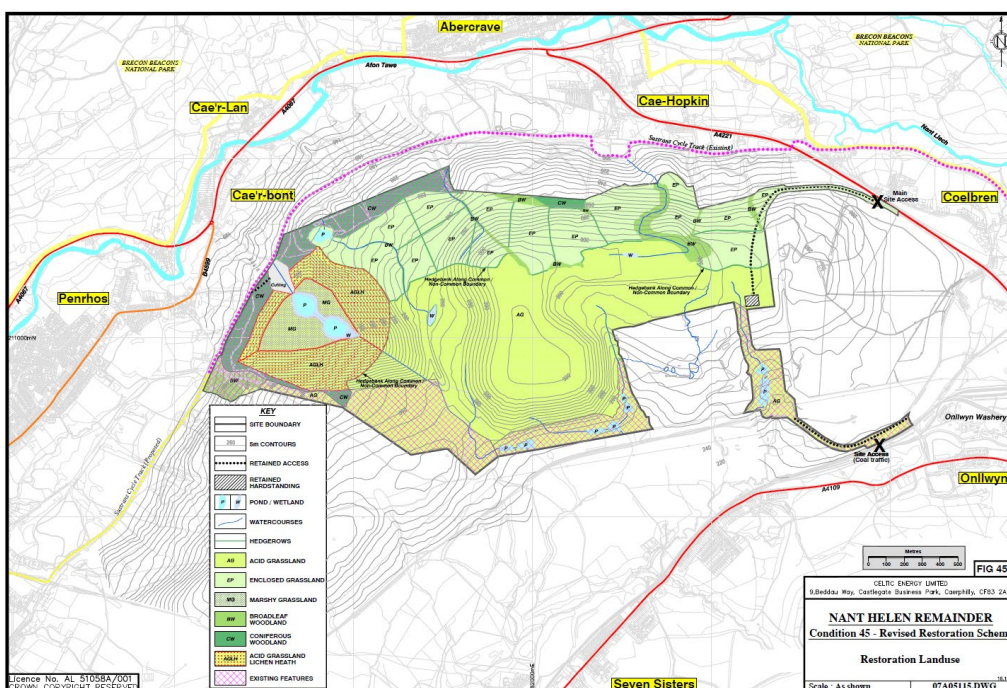
2.2 Site Features

The main issues are how the proposed development relates to the site's mining history and the proposed restoration scheme, including public rights of access, heritage value, landscape value and ecological value. The site features have been described in this context.

Much of the site comprises Nant Helen Surface Mine, which is operated by Celtic Energy pursuant to planning permissions granted by PCC under planning application P/2011/0217 and section 73 application 18/1070/REM. In accordance with the most recent extant planning permission, coaling operations are required to cease by 31st December 2021 with land restored by 30th June 2023 and ancillary buildings cleared by 30th September 2023.

Celtic Energy has submitted a further section 73 application to PCC amending the extant planning permission and how the land will ultimately be restored, creating an engineered landform that could facilitate more active usage, compared to the more passive greenfield usage originally proposed.

Figure 2 below is the revised restoration land use plan submitted as part of the most recent section 73 application and helps illustrate Celtic Energy's proposals for how the land will be restored following the end of existing coaling operations. The restored land will form a baseline for delivering the earthworks proposed under this application.



Mynydd-y-Drum Common covers much of the site and is registered common land. Commoners have grazing rights over the land but have signed legal agreements with Celtic Energy for the temporary suspension of their rights during the operation of Nant Helen Surface Mine.

In addition, the site is characterised by an extensive network of PRoW which in accordance with the definitive map for the area are referenced as routes 17, 76, 11, 52, 49, 7, 45, 19, 40, 66, 90, 45 and 50. All of these, except for those towards the very north of the site (17, 76, and 11) have been suspended for coaling operations.

The Tramroad at Ystradgynlais (Claypon's Extension) is a nationally important earthwork dating to the 1830s and is a Scheduled Ancient Monument (SAM). It is 6.44km in length and runs from Ystradgynlais over Mynydd y Drum and across the site's southern extent. It was built using a hybrid of horse-drawn and steam-

driven technology. It was also part of the Brecon Forest Tramroad which was an important route for the movement of raw materials supporting the local iron trade.

There is a large area of coniferous woodland in the north west of the site, adjacent to the existing coaling operations. Some of this is currently designated as plantation on the site of ancient woodland. However, this area was excavated in the 1970s as part of the Abercraef/Gwaunton surface mine and therefore any ground flora, soils and seed beds etc appear, from some recent soil pit excavations, to have been destroyed and thus the woodland has been demonstrated to be on backfilled material and not in-situ woodland soils. In Section 5 of this Planning Statement, we discuss this matter further and further discussion is presented in the ecology section of the ES.

2.3 Surrounding Features

The scale of the site means that it could have far reaching spatial impacts on surrounding features. For ease of reference, the surrounding features of importance have been described under their own sub headings below and broadly in accordance with disciplines covered in the Environmental Impact Assessment.

2.3.1 Land Uses

South east of the site is the washery facility associated with Nant Helen Surface Mine, along with the railway freight line, the A4109 highway, the settlement of Onllwyn and Seven Sisters. North east of the site is the boundary of Brecon Beacons National Park Authority (BBNPA), the A4221 highway and the settlement of Coelbren.

North west of the site is also the boundary of BBNPA, alongside the settlements of Caehopkin, Abercraef, National Cycle Network 43 connects the north of the site to Swansea via on and off-road cycle routes, forestry land, the junction of the A4221 and A4067 highways. South west of the site is Ystradgynlais, the largest settlement in the locality, and the A4067 highway.

Mynydd-y-Drum common covers much of the site and wider locality and is registered common land with several registered commoners with grazing rights. Some of these commoners have signed legal agreements with Celtic Energy for the temporary suspension of grazing rights for the duration Nant Helen Surface Mine's coaling operation.

There is a public right of access on foot over Mynydd-y-Drum common for recreation, under the Countryside and Rights of Way Act 2000. In addition to this, there is a significant Public Rights of Way (PRoW) network throughout the locality.

BBNPA is 300m to the north of the site at its closest point and represents a significant social, economic, environmental and cultural driver for the region.

2.3.2 Biodiversity

Thirteen statutory designated sites were identified within 5 km of the site. One is a Special Area of Conservation (SAC) and the others are all Sites of Special Scientific Interest (SSSIs). One site is also designated as a National Nature Reserve (NNR). One SSSI is adjacent to the site, namely Gors Llwyn which contains a range of peat-depositing vegetation communities.

Eighteen non-statutory sites were identified, all of which are adopted Sites of Importance for Nature Conservation (SINCs). Two are immediately adjacent to the site, namely Gors Llwyn and Intervalley Road.

Habitats of Principal Importance (HPI) were identified as blanket bog and limestone pavement, both approximately 5 km from the centre of the site.

Two hundred and fifty-seven areas of ancient woodland were identified within 5 km of the site. No protected/notable species were recorded within the area of the site, but records exist for bats, other mammals, birds, invertebrates, reptiles, amphibians, non-native invasive plants, vascular plants, fungi, bryophytes and lichens.

2.3.3 Geology

No designated sites of geological interest are located within the locality of the site, but Geological Conservation Review (GCR) Sites are located approximately 110m to the north east. These are Nant Llech GCR and associated Nant Llech Plant Beds. The western boundary of these GCR sites run along the BBNPA boundary and the Forest Fawr UNESCO designated Geopark boundary.

South Wales Middle Coal Measures Formation is present throughout the locality, which comprise grey coal bearing mudstones and siltstones with seatearths and minor sandstones. In addition, some superficial deposits are also present in this area consisting of more recently deposited Devensian glacial till.

Historical and on-going mining activities have resulted in the presence of made ground within the locality of the site.

2.3.4 Water

The River Dulais flows in a northeast to southwest direction to the south of the site and the River Tawe in a northeast to southwest direction to the north of the site, with numerous tributaries originating in the locality e.g. Nant Ystalwyn or Nant Pen-rhos. The groundwater regime is likely to be fundamentally controlled by remnants of historical mining activities such as shafts or adits. The historical mine working may act as preferential flow paths for groundwater flows and constitute major drainage network, which would discharge into the surface water network.

2.3.5 Heritage

There are listed buildings, scheduled monuments and a historic park and garden within the inner and outer study areas. Within 1km there are two scheduled monuments, 11 grade II listed buildings and one grade II* listed building, and within the larger 5km study area there are four grade II* listed buildings, one grade I listed building, 18 scheduled monuments and one grade II* historic park and garden. Located particularly close to the site is the Bryn Llechwen ring cairn (BR327), a funerary monument probably of Bronze Age date.

2.3.6 Landscape

In addition to the BBNPA boundary which lies approximately 300m from the site at its closest point to the north, Special Landscape Areas (SLAs) relevant to the locality include Neath Port Talbot Special Landscape Area 2: Dulais Valley. Undulating topography in the locality means that views of the site from the surrounding area into the site could be sporadic, however long-distance views from higher elevations, such as the national park, will be important to assess.

3 Proposed Development

3.1 Overview

The proposed development includes a combination of cuttings and embankments creating a loop form that integrates with restored land from the existing coal mining operations as illustrated in Figure 3 below. The materials for the earthworks would all originate on site and represent a volume of approximately 3,255,000m³

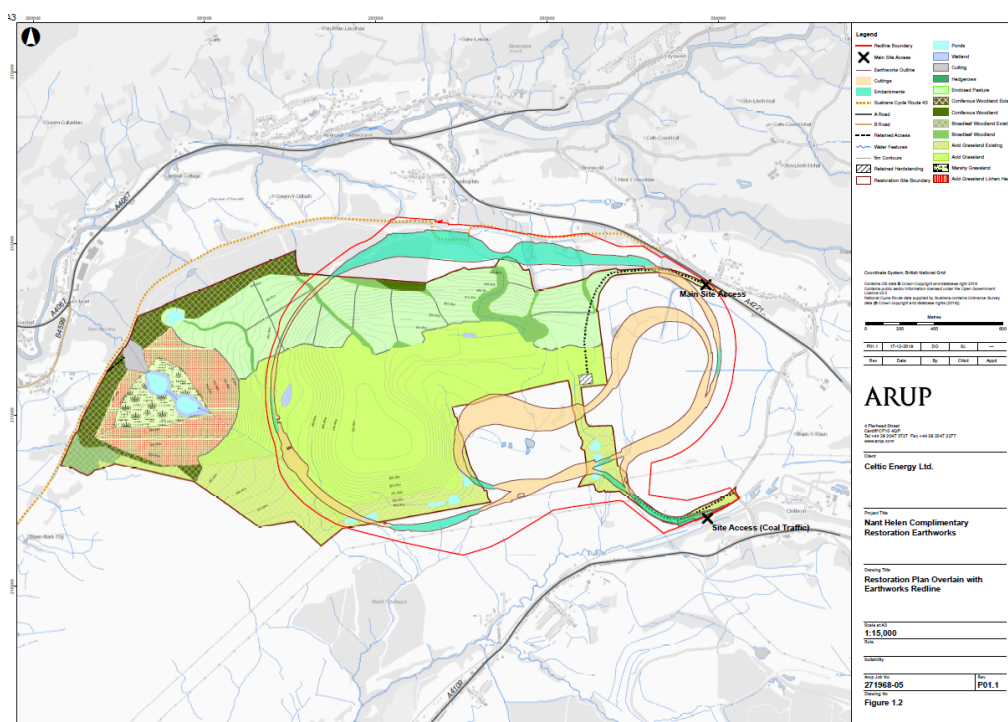


Figure 3

The earthworks modelling has been based on what will be the restored site levels, i.e. land restored in accordance with the section 73 application submitted by Celtic Energy and currently being determined by PCC, which at the time of writing has secured a resolution to grant permission pending finalisation of a revised planning obligation.

With the exception of the Northern Embankment, works would be carried out over 16 hours a day, 7 days a week (which is the existing site operation times for the opencast mine). Due to the closer proximity of the northern embankment to residential receptors, works on this area would be based on a 60-hour working week (6 days a week).

It is assumed that the Complementary Restoration Earthworks would take place at the same time as the works needed to return some of the overburden back into the

void on the site (part of the restoration requirements includes the reduction in height of the overburden mound that currently exists to the east of the existing void). Together with the required site preparation works (ecological, archaeological and drainage works), this would result in a combined works programme of approximately 18 Months with approximately 300-600 vehicle movements a day.

3.2 Design Constraints

The Nant Helen Surface Mine is being considered for several after uses, including as a rail test facility being promoted by Welsh Government. Key components of the testing include an external loop for high speed performance endurance testing, together with a lower speed internal loop for testing rail equipment. Both lines will include overhead line electrification.

To facilitate the potential use as rail test tracks, track gradients need to be no steeper than 1:100 gradient, whilst the connection from the main railway line is to be no steeper than 1:50. The majority of the site is a former opencast coal mine, ground level varies significantly, between 220m and 335m AOD.

Large areas of the site have previously been mined and backfilled, other areas of the site have not been subject to excavation and filling. The southern area of the site is crossed by high voltage overhead lines with associated towers running roughly parallel to each other, the northern line carries Western Power Distribution's (WPD) 132kV cables, the southern line carries National Grid's (NG) 400kV cables.

These issues are the main constraints associated with the site and the development into a test facility, together with the extent of the site. To enable test tracks to be established on the site to the speed and length required, a number of options have been considered in terms of horizontal and vertical alignment, considering topographical variation and to avoid diverting both NR and WPD overhead cables.

Alignments have been identified which keep away from the NG overheads, traverses under the WPD overheads but avoids the towers and follow existing topographical features to reduce the scale of the earthworks as much as possible.

Cuttings and embankments are still required; however, the scale and extent of earthworks have been reduced as much as possible. Due to the speeds to be tested and therefore the horizontal alignment of the track, together with the position of the scheduled ancient monument in the south and avoiding this feature is not feasible.

3.3 Material Planning Considerations

The nature and scale of the proposed development, in the context of the site's location and features, creates several material planning considerations which have been broadly considered in a format that mirrors the EIA (construction and operation effects) and include;

- Principle of Development and Land Use (brownfield vs greenfield)
- Socio-Economic (active vs passive uses including public access)
- Geotechnical (land stability and contamination)
- Construction Management (focused primarily on noise mitigation)
- Hydrological Impact (sustainable drainage, water quality and flood risk)
- Landscape and Visual Impact (national park, common land and rights of way)
- Ecological Impact (SSSI, SINC, habitats and protected species)
- Heritage Impact (scheduled ancient monument)

This Planning Statement will focus on addressing the key aspects of the proposed development and those which give rise to potentially significant effects. Aspects which give rise to lesser effects are addressed at length within the EIA and are not duplicated here.

4 Legislation and Policy Framework

This Planning Statement draws on and considers the assessments undertaken and reported on within the EIA. Within each chapter of the Environmental Statement (ES), there are detailed sections on relevant legislation and policy.

To avoid duplication, this section of the Planning Statement will not repeat the details of legislation and policy referred to in the ES but will instead only refer to key pieces of legislation and policy documents to establish the framework.

Specific policies relating to key issues will be addressed later, alongside material planning considerations in Section 5.

4.1 Legislation

4.1.1 The Wellbeing of Future Generations (Wales) Act 2015

The Wellbeing of Future Generations (Wales) Act 2015 requires public bodies in Wales to carry out sustainable development and makes this central to how they should operate. It is relevant to local planning authorities carrying out their planning functions, including making decisions on planning applications.

The act defines sustainable development as the process of improving the economic, social, environmental and cultural well-being of Wales by acting in accordance with the sustainable development principle aimed at achieving the 7 Well-being goals.

4.1.2 The Town and Country Planning Act 1990 (as amended)

The Town and Country Planning Act 1990 (as amended) consolidates town and country planning legislation and provides for the 'modern-day' planning system. Section 57 establishes the requirement to obtain planning permission before carrying out development. Section 58 of the act allows the local planning authority to grant planning permission in accordance with a development order.

4.1.3 The Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (as amended)

The Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (as amended) is secondary legislation to the Town and Country Planning 1990 establishing the development management procedures for submitting a planning application and applying to the local planning authority for planning permission.

4.1.4 The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017

The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 applies the EU Environmental Impact Assessment Directive 2014 (European Legislation) and is secondary legislation to the Town and Country Planning 1990. It establishes the procedures associated with EIA development (screening, scoping, preparation of environmental statements, publicity etc).

4.2 Policy

4.2.1 Planning Policy Wales 10

Planning Policy Wales 10 has been updated in the context of the Wellbeing of Future Generations Act 2015. It was published in December 2018 and is the national policy document informing how local planning authorities should prepare local development plan's and should be treated as a material planning consideration when determining planning application's or carrying out any of their planning functions.

4.2.2 Technical Advice Notes

There are several technical advice notes covering specialist areas of planning which supplement Planning Policy Wales 10 and should also be treated as a material planning consideration when determination planning applications. Minerals technical advice notes exist separately and deal with aggregates and coal extraction and restoration. In considering that Nant Helen Surface Mine is coming to the end of its operational life and will be restored in due course, and that the restored land will be used as a baseline for the proposed earthworks it has been determined that the planning appraisal does not need to take minerals technical advice notes into account.

4.2.3 Powys Local Development Plan

Powys Local Development Plan is for the period 2011-2026 and was adopted April 2018. It provides the main document for determining planning applications within PCC's jurisdiction. With the vast majority of the site falling within this jurisdiction, the local development plan will provide the central policy framework for determining the planning application.

4.2.4 Neath Port Talbot Local Development Plan

Neath Port Talbot Local Development Plan is for the period 2011-2026 and was adopted January 2016. It provides the main document for determining planning applications within NPTCBC's jurisdiction. Only a small proportion of the site falls within this jurisdiction, and therefore the scale and spatial extent of issues that need to be considered will be comparatively less than in Powys.

5 Planning Appraisal

5.1 Principle of Development

The proposed earthworks would reconcile parcels of land that comprise the present day and wider past extents of coaling operations at Nant Helen Surface Mine. To all intents and purposes this includes land associated with the site's western extent that will be restored at the end of current coaling operations and land associated with the site's northern, eastern and southern extents that has already been restored following the end of past coaling operations.

The proposed earthworks would 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.

A core principle of achieving sustainable development is using previously developed land in preference to greenfield land. Planning Policy Wales¹ defines previously developed land as that:

'which is or was occupied by a permanent structure (excluding agricultural or forestry buildings) and associated fixed surface infrastructure. The curtilage (see note 1 below) of the development is included, as are defence buildings and land used for mineral extraction and waste disposal (see note 2 below) where provision for restoration has not been made through development management procedures.'

Note 2 states that:

'this relates to minerals and waste sites which would otherwise remain unrestored after use because the planning permission allowing them did not include a restoration condition. All other such sites will be restored to greenfield status, by the planning condition...'

Mineral extraction and waste disposal sites are excluded from the definition of previously developed land where there are planning conditions that would secure its return to greenfield status.

Past extents of Nant Helen Surface Mine have been restored in such a way to achieve a natural landform that can reasonably be regarded as greenfield. However, the present-day extent and operation of Nant Helen Surface Mine is subject to a planning condition (as amended) that would return the land to a more engineered character, potentially comprising active leisure uses involving outdoor pursuits such as walking, cycling and other recreational activities thereafter. It would not deliver a natural landform that could reasonably be regarded as greenfield.

¹Welsh Government; Planning Policy Wales 10; 3.51, Page 38

Subsequently, most of the site associated with the present-day extent would satisfy the definition of previously developed land and development of it would be broadly acceptable.

In dealing with the acceptability of using a relatively small amount of greenfield land, reference to policy on the sustainable use of natural resources is relevant. Planning Policy Wales² states that when considering the location of development, it is important to assess the value of ecosystems, ecological networks and biodiversity to determine the relative merits of sustainability.

Subsequently, the adverse effect of developing these greenfield land parcels is limited and will help facilitate the wider development. Therefore, it is considered acceptable in the context of providing a coherent landform across the entire historical extent of Nant Helen Surface Mine, whilst also creating a baseline acting as an enabler for potentially transformational development in the future.

The land use strategy for the area, and the site's position within this, is defined by each local development plan's proposals map. The site area falling within Powys is shown on Proposals Map 18 of its respective local development plan. Further detail is shown on Inset Maps 58E (Ystradgynlais), 58F (Ystradgynlais), 1 (Abercrave) and 14 (Coelbren).

The site is largely contained within the land designation for Nant Helen Surface Mine, 'Minerals: Permitted Working Area (M1)' and 'Minerals: Permitted Working Area Buffer Zone (M1, DM9)' which are concerned with controlling the surface coal mining operations and interface between new development but are not relevant to the proposed earthworks development given that coal mining operations will have already ceased and land restored.

A proportion of the site extends beyond the existing coal mining operations into land to the north, east and south which is designated under 'Coal Resource Safeguarding Area (SP7, DM8)' & 'Sandstone Category 2 Resource Safeguarding Area (SP7, DM8)'.

There is a presumption against the use of coal as energy and therefore developing in the safeguarding area is acceptable in principle. Sandstone is still a valuable resource, but the geometry of the proposed earthworks is such that it is highly unlikely that the resource would be sterilised, furthermore the future transformational development that the earthworks could potentially enable is considered to be in the public interest.

The site falling within Neath Port Talbot is shown on Proposals Map 6 (countryside) and 7 (Pant y Ffordd, Onllwyn and Banwen) of its respective local development plan. Only a very small proportion of the site falls within Neath Port Talbot, largely on land designated as 'M2/1 Settlement Protection Zone' which serves to protect settlements against the extent of surface coal mining operations and is not relevant to the proposed earthworks development for reasons already given.

² Welsh Government; Planning Policy Wales 10; 3.30, Page 32

Overall, it is considered that the proposed development is compatible with the land use strategy for the area, the current use of the land and can be delivered in principle, subject to satisfying the remaining material planning considerations.

5.2 Socio-Economic Benefits

The scheme as proposed and as outlined in the ES, has impacts on woodland designated as plantation on ancient woodland and a scheduled ancient monument, both of which, policy seeks to protect against the loss of, unless there are circumstances which weigh against the impact (in terms of mitigation or design) or their loss. In terms of the plantation on ancient woodland, it is a fact that the part of the site that carries the designation was worked in the 1970s as part of the Abercrave/Gwaunton surface mine and therefore any ground flora, soils and seed beds etc have been destroyed and the woodland has been demonstrated to be (refer to ecology section of the ES that presents the findings of a recent soil pit investigation into the localised soils) on backfilled material/overburden and not, in-situ woodland soils. Therefore, whilst the policy position remains, it is strongly argued that the designation itself is incorrect/out of date for that area previously worked as anything ancient has already been destroyed and thus the need to protect it from loss needs to be weighed appropriately by the decision maker.

However, in the case that is considered necessary to still answer the policy position on loss of ancient woodland, those circumstances are: significant and clearly defined public benefit. Both Cadw and Powys County Council have, through pre-application dialogue requested further information on the associated socio-economic benefits of the potential end uses. To that end, this section presents the positive impacts associated with the GCRE proposal in terms of employment and economic regeneration locally and the transformative impacts across the rail industry for Wales, UK-wide and beyond and sets out the wide-reaching benefits of Celtic Energy's vision for a leisure/recreational/tourism legacy end use for the site.

5.2.1 GCRE End Use Benefits

This section outlines the key benefits that are considered to arise out of the development of the GCRE proposal at Nant Helen. Before outlining those, it is worth highlighting a number of industry-specific issues that the GCRE rail test and research facility will address which principally are:

- Supporting UK train manufacturers and encouraging the establishment of further UK manufacturing facilities and capacity.
- Supporting the development of a UK digital railway industry by providing high quality and safe testing facilities for digital signalling, train control and asset management technologies.
- Delivering high-tonnage endurance testing of railway infrastructure particularly track and structures. Such a facility will enable infrastructure to be rapidly tested and verified and would be unique in Europe, potentially attracting customers from around the world.

- Removing risk from the introduction of new trains and other assets by allowing them to be thoroughly tested prior to introduction. This would avoid the need for new trains, etc to be tested on the national network or rushed into service before all performance risks had been dealt with (note issues with new inter-city trains; certain electrification assets; and projects such as Crossrail).
- Tackling ever-rising costs across the rail sector by allowing new technologies to be effectively tested and commissioned rather than committing them to operations before they are fully developed.

The UK does not possess anything approaching such a high quality facility as that planned under the GCRE proposal. It has the potential to not only to solve some fundamental industry issues, but to deliver wide-reaching benefits across a broad spectrum including the local community, the UK (and European) railway industry and the Welsh and UK Governments.

There are essentially six main components to the proposal that form an integrated rail infrastructure project, which in combination, would make this a unique facility in the UK and Europe. Those components in summary are:

- Infrastructure Testing
- Vehicle Rolling Stock Testing
- Maintenance and Refurbishment
- Research and Development
- Decommissioning
- Power and Energy
- Education and Training

This facility has the potential to ‘map into’ key industry trends in the areas of traction (fuel cell and hydrogen technology); control systems and automation; digitisation (transfer/communication/automated inspection and maintenance) and design (new and lightweight materials). Other potential uses include rolling stock/vehicle certification, highways and Automated Vehicle use and emergency response training.

Government’s recent Rail Sector Deal has identified the potential of the UK rail industry for driving innovation, employment and exports. Government is also aware of the urgent need to improve efficiency, performance and capacity across the UK’s railways. The test facilities and associated R&D activities at the proposed GCRE would be instrumental in both establishing UK industry at the leading edge of modern railway technology and enhancing performance, increasing efficiency and removing risk from the introduction of new trains and digital management and control technologies. Part of its appeal and ultimately the strength of its vision is that it is intended to not be controlled by a single commercial entity (as for example Siemen’s Wildenrath facility in Germany is) but will be open to a wide range of research and industrial users. With projects such as HS2, CrossRail2, Northern Powerhouse Rail and the Cardiff Valleys

transformation approaching, the need for safe and efficient testing to drive performance has never been greater. Operational independence and full open access is critical to allow competition and innovation to flourish.

The UK railway industry is characterised for its high degree of fragmentation. Organisations must look out for themselves, making investment in R&D too risky and costly, especially for smaller institutions. This is partly because the industry struggles to test new technologies without a purpose-built testing facility in the UK. Companies are currently being forced to take one of two sub-optimal approaches to implement many of their innovations, particularly when it comes to infrastructure developments, which lead to higher costs and delays in implementing innovations. The industry is either:

- taking these innovations abroad in order to test them in a facility which meets their needs; or
- testing these innovations on heritage lines, which is sub-optimal, or on the railway network itself, which can cause costly damages to the existing infrastructure, disruption to rail services and safety issues for passengers.

The lack of suitable testing facilities has also led to significant cost overruns in projects and failures once in operation due to the inability to test solutions that are part of an integrated system. One such case was the Great Western Electrification Programme, whose cost overruns trebled due to construction challenges which may have been avoided had a testing facility been available. This led to the need to spend an additional £2bn of taxpayers' money. Project overruns and operational failures decrease public confidence in the railways.

Through investments into the facility by the DfT, Network Rail and a range of organisations, GCRE will also deliver great benefits to the local community. Over 100 permanent jobs could be created at the facility alone, some of which would be highly-qualified positions for research and development and skilled engineering workers. In addition, there would also be direct construction jobs. In terms of Gross Value Added (GVA), the total 10-year benefits plus construction will deliver between £31m and £70m to the regional economy (2020 prices)."

GCRE would not only bring high-quality employment to a deprived area, but also help to reduce the productivity gap which exists between the region and the rest of the UK. In 2016, the GVA per head in Powys and Neath Port Talbot was around £17k, compared to the UK average of £27k. In addition, the facility would boost the importance of South Wales in the national railway industry and create opportunities for local colleges and universities to become more active in railway research and training. For example, Coleg y Cymoedd, with its Centre of Excellence for Railway Training, could benefit greatly from GCRE by giving its students second-to-none practical experience.

GCRE would also generate a consistent flow of inward investment into Wales, contributing to policy goals by the DfT of "enhancing our global competitiveness by making Britain a more attractive place to trade and invest" (Transport

Investment Strategy, 2017) and the Welsh Government by “promoting and protecting Wales’ place in the world” (Wales National Strategy, 2017).

GCRE would be a unique facility not just in the UK, but in Europe. With European railway organisations accelerating their R&D investments through programmes such as the EU-supported Shift2Rail, the need for testing facilities is increasing, especially for infrastructure, which is currently not available anywhere on the continent. By building GCRE now, the facility could position itself as a leader in the field of railway infrastructure testing, attracting investment from all over Europe and beyond.

Within the context of R&D investments, there is one theme which stands out from the rest: the decarbonisation of transport. The UK Government is adamant to achieve a net-zero economy by 2050 and sees transport as a key industry to reach this goal, as showcased by the recently-published Decarbonising Transport strategy (DfT, March 2020). To deliver on this objective, the strategy identifies the importance of taking up new technologies and the requirement for investment in both rail infrastructure and rolling stock. GCRE would provide a testbed for new, green railway technologies, hence helping the UK to becoming net-zero by 2050. This also demonstrates that GCRE is in line with the Well-being for Future Generations Act.

5.2.2 Tourism/Leisure End Use Benefits

On the completion of restoration and following the cessation of coal extraction at Nant Helen and processing at the adjacent Onllwyn Washery, approximately 170 jobs (mostly local) will be lost. In wishing to ensure a long-term and sustainable socio-economic legacy for the site, Celtic Energy has been actively engaging with PCC and NPTCBC on setting out the vision for a regeneration strategy for the site and the wider locality.

A key foundation of the vision is the fact that the application site sits adjacent to the national park and enjoys excellent road access from a number of entry points into the locality from the strategic road network. There is a clear opportunity here to take advantage of those locational benefits to establish a visitor destination that can help to both complement existing resources, help extend the season, whilst also relieve pressure on more traditional/’honey pot’ locations within the national park itself.

The vision is focused around a leisure and tourism offer that includes visitor accommodation which will both help create employment, retain spend and lengthen the season through a 30-60 bedroom hotel along with self-catering holiday lodges nestled in the landscape. The design for the hotel is being developed by Professor Phil Jones at the Welsh School of Architecture and is targeting high sustainability credentials. This will be the subject of a separate application.

This accommodation offer is one that could come forward in its own right, but also alongside the GCRE proposal as it would be a complimentary use and one

that could be masterplanned accordingly into the site. The in-combination benefits to the economy in terms of serving the rail test facility and activity based tourism including walking, cycling and horse riding both on the earthworks being proposed and in the surrounding area are clear and strengthens the business case for the market/investment potential.

There is immense pressure on the national park with high visitor numbers and this development has a clear role to play in alleviating some of that pressure by developing a destination based around outdoor leisure activities.

A study on the Economic Case for Tourism Uses for the nearby Lakes at Rhosamman, Taigwaith was undertaken as part of the supporting information for that application in 2014, whilst the offering there is similar it is not directly comparable, however, using that information as a baseline it is clear that:

- The current tourist industry in the National Park supports c.4000 jobs and in Neath Port Talbot over 1600 jobs directly.
- Tourism in both the Brecon Beacons National Park and the wider Neath Port Talbot area is well regarded and scores well on visitor surveys, but is underperforming, by around a quarter, in terms of income, jobs and GDP, compared to the two other national parks in Wales.
- The key metric demonstrating this is the 15.8 ratio of day-trippers to overnight stayers in serviced accommodation (hotels, B&Bs etc) in the national park and 12.94 ratio in Neath Port Talbot. This shows there is a good product (with over 4 million visitors per annum in the Brecon Beacons National Park and approximately 1.5 Million visitors in Neath Port Talbot.) but a very poor conversion rate in encouraging those that visit to also stay in the area (Pembrokeshire for example is over ten times higher).
- Part of the poor performance is the near complete absence of a key segment of accommodation provision.
- This is reflected in the small number of establishments at the higher end of the market.
- A 30-60 bedroom hotel at the higher end of the accommodation grading level would add a significant number of beds in this segment of the market (up to 50% more). This sector has the greatest contribution to economic impact and also the greatest growth. Furthermore, it is also a segment that actively supports sustainability measures as these are highly valued by both its corporate and public client base.
- Such a hotel would support approximately 50-75 jobs in the Swansea Valley, spanning a range of occupations. The permanent jobs created at the hotel would inject in wages alone between £1.15 Million to £1.7 Million pounds into the local economy based on average earnings in the sector. This would follow a construction phase creating up to 30 jobs locally, which would last for around 5 years as the addition of holiday lodges are progressively rolled out to the leisure offering.

- The Brecon Beacons National Park would see considerable advantage from a good sized, quality hotel at the Nant Helen Site, allowing it to locate activities nearby, helping it achieve its objectives in terms of ensuring that the underlying national park economy is sound, whilst protecting the features that make it unique.
- Cultural and social benefits arise as part of any tourism related development, although these cannot be easily measured. The proposed development will provide local employment, retention of spend and people, stemming out-migration for work and housing and consequently preventing the erosion the use of the Welsh language in the local area.

Overall, the impact is multi-faceted and could be transformational in impact. The critical aspect is that in building its own market as a destination, in supporting the national park and through facilitating events which create an overspill demand, the outdoor leisure activity and accommodation offer role is not to displace existing providers but to complement them, transforming impressions of the area and generating a higher and less seasonal demand that benefits all. It is noted that even if the activity and accommodation did nothing to attract visitors in their own right, the simple trend growth that the national park and Neath Port Talbot are already achieving would support a development of that scale which draws on the existing brand strength of the locality as an outdoor activity based destination to which this proposal can offer a broad package of ‘play and stay’ cycling, walking and horse riding which in turn deepens the activity tourism focus of the area.

5.3 Landscape

In addition to this section of the Planning Statement, the proposed development’s landscape impact has been considered within the Landscape and Visual Chapter of the Environmental Statement, its figures and appendices, which include; Context Plan, ZTV Plan, Viewpoint Map, LCA Plan and Viewpoint Photography; and Assessment Methodology, Landmap Analysis, Baseline Environment and Assessment Tables.

The proposed earthworks have been assessed in combination with proposals for restoring land currently subject to coaling operations at Nant Helen Surface Mine. The mine currently dominates and has a significant adverse effect on the area’s landscape character and fundamentally its restoration will improve the landscape character.

Planning Policy Wales³ identifies a landscape as an area of land perceived by people whose character is the result of the action and interaction of natural and human factors. Policy is guided by the European Landscape Convention. The special characteristics of landscapes should be protected and enhanced in the context of sustainable development principles. In doing so, tourism and outdoor recreation opportunities should be considered.

³Welsh Government; Planning Policy Wales 10; 6.3.1, Page 131

Planning Policy Wales⁴ requires local planning authorities to consider the impact of new development on existing communities and maximise health protection and well-being and safeguard amenity; which in this case predominantly concerns any negative impact on visual amenity⁵.

The site is on the periphery of the Brecon Beacons National Park and Planning Policy Wales⁶ requires proposals to consider the impact on such designated areas, directly and on their setting. The site is also outside of settlement limits, within the open countryside and in a largely natural landscape setting.

Powys Local Development Plan⁷ requires development to avoid having an adverse impact on valued characteristics of the landscape, having regard to sensitive design and integration with existing development and landscape features. This should be achieved by having regard to LANDMAP and any other statutory designations.

The site does not fall under any local landscape designations in Powys but is located adjacent to Dulais Valley Special Landscape Area designated within the jurisdiction of Neath Port Talbot.

The characteristics of the landscape which underpin this designation in Neath Port Talbot do not necessarily stop at the boundary but transcend both jurisdictions and form part of a cohesive landscape, within which the site sits (albeit without formal designation) in Powys.

In assessing the proposed development's landscape impact, the Environmental Statement establishes an 8km ZTV to capture sufficient spatial scope and identify landscape character areas and sensitive visual receptors such as viewpoints in Brecon Beacons National Park and surrounding settlements.

In terms of landscape character areas, during construction, Nant Helen Reclaimed Uplands would experience a significant effect resulting from the proposed development, where earthworks would reduce the legibility of key features; such as the Tramroad at Ystradgynlais and the alteration of previously restored land. Post construction, the completed proposals in combination with proposals for restoring the surface mine, would plainly achieve betterment compared to the current environmental baseline and the negative effects these operations have on the landscape.

In terms of viewpoints from sensitive receptors, during construction there will be several moderate (adverse) effects on upland areas to the north. The temporal scope of the construction works is considered a mitigating factor where the impacts can be adequately accepted by the receiving environment and where effects on receptors will be limited. Post construction, adverse effects will be offset by the loss of mining activity from the view and reinstatement of a more naturalistic landform.

In some instances, the loss of coniferous woodland plantation and previously restored land cover will be visible on the northern side of the site and overburden

⁴ Welsh Government; Planning Policy Wales 10; 3.21, Page 31

⁵ Note that other relevant forms of amenity such as recreation and leisure are dealt with under public access later in the statement.

⁶ Welsh Government; Planning Policy Wales 10; 6.3.5, Page 132

⁷ Powys County Council, Local Development Plan; Policy DM4

mound, as well as the loss of field boundaries on the valley slope to the south of the A4221.

On balance, the earthworks in combination with the restoration of Nant Helen Surface Mine will have a mix of adverse and beneficial effects on the landscape character area and any construction effects will be sufficiently limited in temporal scope and are acceptable.

From select viewpoints, where the landscape character has become more engineered, it is anticipated that mitigation measures can limit the magnitude of adverse effects. For example, views from the north are particularly affected by the loss of key features (woodland) and denaturalisation of the landscape (embankments) but grading of earthworks and planting to soften its form is considered an effective mitigation strategy and residual effects are acceptable in policy terms.

5.4 Ground Conditions

In addition to this section of the Planning Statement, the proposed development's geological impact has been considered within the Ground Conditions Chapter of the Environmental Statement and its appendices which include the Global Centre of Railway Excellence Desk Study.

Impact has been assessed in the context of geological importance, land instability, contamination and remedial requirements. Ground water and surface water have interrelationships with geology but are considered within the Water Environment section of this statement and respective chapter of the Environmental Statement.

Policy on geological impact is based on a range of international and European directives transposed into UK legislation that make provision for sites of international, European and national importance, environmental protection and permitting.

Planning Policy Wales⁸ requires that the planning system and new development should be used as a vehicle to address land contamination and deliver betterment. Developers should ensure that the land is suitable for its proposed use and would not meet the legal definition of contaminated land after the development has been completed. Furthermore, planning authorities should consider the extent of ground instability which may pose direct or indirect hazards associated with ground movement, including mine entry collapse, which provide potential pathways for the migration to the surface of landfill or mine gases. Land stability should be addressed, and appropriate mitigation measures secured to facilitate new development without impacting on existing development.

In both the cases of contamination and land instability where acceptable measures can overcome negative consequences, planning permission may be granted subject to conditions, but refused if this cannot be achieved.

Powys Local Development Plan⁹ requires proposals to demonstrate how geodiversity is protected and enhanced, that the Water Framework Directive

⁸ Welsh Government; Planning Policy Wales 10; 6.9, Page 161

⁹ Powys County Council, Local Development Plan; Policy DM2 and DM10

objectives are met including achievement of water quality standards, satisfactory ground instability or contamination solutions and appropriate remediation.

Neath Port Talbot Local Development Plan¹⁰ requires the conservation and, where possible, enhancement of sites, protection of ground quality and environmental features and presumption against development which would have an unacceptable adverse effect on health, biodiversity, or which would expose people to unacceptable risk due to contamination, water (including groundwater) pollution and/or instability, and that cannot be satisfactorily remediated.

The site has been extensively worked through surface mining activities since c.1946 with opencast activities still ongoing within the Nant Helen Extension site.

Because of these activities, the topography of the site has been constantly altered over the last century and the geological environment is varied with many features largely pertaining to coal mining, such as outcropping, entries, drifts, shafts and seams. All these features can potentially create land instability that could constrain the proposed development.

Features of made ground and backfilling of mining excavations could contain contamination, especially considering the extensive period of mining operations at the site which could have included contamination arising from fuel spillages etc. In addition, rail infrastructure on site could lead to contamination from various sources.

There are no statutory designated areas specifically of geological interest present within the site boundary or within the proposed development's area of influence. Neither are there any 'Regionally Important Geological and Geomorphological Sites' (RIGS) within a 1km radius of the site.

During construction any likely significant effects will come from transporting potentially contaminated material including residue from plant and machinery that can pollute the environment, both onsite and offsite where there are pathways to external receptors. It has been considered that by using best practice measures within an industry standard Construction and Environmental Management Plan the significance of effects during construction will be mitigated to negligible.

After completion, any land contamination encountered during construction will have been remediated and therefore the final landform, left undisturbed, will not pose a risk to human or environmental health.

In terms of land instability, the worked area of the site will be restored following the end coaling operations at Nant Helen Surface Mine, creating a stable baseline for the proposed development in this case. Where extending beyond the restored land, no constraining geological features have been identified.

It is anticipated that planning conditions would be an appropriate mechanism securing the ongoing monitoring of both ground instability and contamination, post restoration and the deliver and completion of the proposed earthworks.

¹⁰ Neath Port Talbot Local Development Plan; Policy SP15, SP16, EN6 and EN8

5.5 Water Environment

In addition to this section of the Planning Statement, the proposed development's impact on the water environment has been assessed within the Water Environment Chapter of the Environmental Statement.

Impact has been assessed in the context of surface water quality, ground water quality and flood risk. Including the effect of creating new watercourses, diverting existing ones, engineering landforms to control runoff and the removal or relocation of waterbodies. These are assessed following the source – pathway – receptor approach, a recognised best practice methodology.

Policy on the water environment is based on a range of European directives transposed into UK legislation that make provision for environmental protection, land drainage, water resources and flood management.

Planning Policy Wales¹¹ requires the location of development to account for the sustainable management of natural resources. Ensuring resilience in the context of environmental risks, such as those posed by flooding, water quality and water ecosystems, mitigating any negative effects accordingly.

Powys Local Development Plan¹² requires development to be consistent with the Water Framework Directive. It also requires¹³ development to avoid unnecessary flood risk, take opportunities for enhancements and provide undeveloped buffer strips adjacent to watercourses. Neath Port Talbot Local Development Plan, for all intents and purposes mirrors the policy requirements of Powys Local Development Plan, having been based on the same European directives and national legislation.

The baseline for the assessment is created by the restored land profile and features associated with Nant Helen Surface Mine, comprising:

- Six watercourses restored from before coaling operations began;
- Introduction of two new wetlands;
- Introduction of attenuation ponds that will discharge to watercourses at greenfield run off rates or below greenfield run off rates;
- Removal of ponds associated with mine workings; and
- Removal of drainage ditches associated with mine workings.

During construction any likely significant effects will come from transporting potentially contaminated material including residue from plant and machinery that can pollute watercourses, waterbodies and groundwater, both onsite and offsite where there are pathways to the wider water environment.

In addition, the ever-changing topography of the site during construction will influence the hydromorphology of the land, which could increase flood risk.

¹¹ Welsh Government; Planning Policy Wales 10; 3.2, Page 33

¹² Powys County Council, Local Development Plan; Policy DM2

¹³ Powys County Council, Local Development Plan; Policy DM6

It has been considered that by using best practice measures within an industry standard Construction and Environmental Management Plan the significance of effects on water quality and flood risk during construction will be negligible.

After completion, the earthworks are not considered to have an impact on surface water quality, groundwater quality or flood risk. This is due to the inert nature of the land once restored, and lack of defined end use to assess, combined with the site's low risk of flooding in accordance with TAN 15. Therefore, any significant impacts are limited to the effect of the earthworks on hydromorphology and how surface water flows over the land.

The proposed development will interface with the restored land profile and features associated with Nant Helen Surface Mine, providing:

- culverts to tributaries of the River Tawe and River Dulais and drainage ditches;
- cascading features associated with the culverts;
- diversions to drainage ditches on site; and
- removal or relocation of ponds.

Introducing culverts, cascading features and diverting ditches will interfere with the drainage solution underpinning the design of the restored land but through mitigation this interference can be reduced, and significant adverse effects avoided. Removing or relocating ponds would not affect the hydromorphology of the site.

5.6 Biodiversity

In addition to this section of the Planning Statement, the proposed development's impact on biodiversity has been assessed within the Biodiversity Chapter of the Environmental Statement and its appendices which include an extensive collection of habitat and species surveys, reports and figures.

Impact has been assessed in the context of designated sites, the habitats present within the application site, the biodiversity that it supports currently (to inform impacts during construction) and would subsequently support after Nant Helen Surface Mine has ceased operations and the land has been restored.

'Notable' species and habitats considered include species and habitats of principal importance for the purpose of maintaining and enhancing biodiversity in relation to the requirements of Section 7 of the Environment (Wales) Act 2016. This is in addition to any species considered to be of significance for nature conservation such species listed in red data books, the Royal Society for the Protection of Birds (RSPB) 'Birds of Conservation Concern' lists and or Local Biodiversity Action Plans (LBAPs).

Policy on biodiversity is based on a range of European directives transposed into UK legislation that make provision for designated European sites (SSSI, SACs, SPAs and Ramsar) and regulations for controlling the effects of development.

It is also based on a range of national legislation not necessarily borne out of European directives, but domestic drivers.

Planning Policy Wales¹⁴ bases its policy position on the Environment (Wales) Act 2016, which was introduced to enhance the biodiversity resilience of ecosystems (Section 6 Duty). This should be achieved by conserving and where possible enhancing the diversity, extent, condition, connectivity and adaptability of wildlife and habitats.

This duty should be carried out in accordance with statutory requirements parallel with the planning system (the ‘habitat regulations’ etc.) and associated with the protection and management of designated sites and the international, national and local hierarchy.

The Powys Local Development Plan¹⁵ states that development should protect, positively manage and enhance biodiversity and geodiversity interests. Where natural environment assets are impacted, development will need to protect the integrity of designated sites and European protected species.

If this is unavoidable it is necessary to demonstrate there is no alternative solution, it is for imperative reasons of over-riding public interest and that the impact can be adequately compensated or would not negatively affect the favourable conservation status of such species. In principle, these requirements are the same across international, national and local assets, albeit proportionate to the hierarchy.

In addition, the local development plan makes provision for dark skies, requiring development to demonstrate that external lighting proposals would not individually or cumulatively contribute to unacceptable levels of light pollution, visibility in the night sky, disturbance to local users or protected species.

Neath Port Talbot Local Development Plan¹⁶, for all intents and purposes mirrors the policy requirements of Powys Local Development Plan, having been based on the same European directives and national legislation.

The site is an active surface coal mine and there are no designated sites within its boundary. There are several designated sites beyond but the potential effects arising from the proposed development, whether during construction or after completion, are negligible due to the lack of source-pathway-receptor linkages.

Past habitat surveys associated with the consenting of the current operations at the site indicated the presence of plantation woodland, broadleaved woodland, hedgerows, scrub, acid marshy/grassland, mire, ephemeral/short perennial, watercourses and standing water. Recent habitat surveys indicated little change besides fluctuating water levels within water bodies and the extension of mining operations. Altogether, thirty-eight habitat types were identified within the site boundary.

Habitats lost¹⁷ within the site boundary during construction would total 72.03ha in area. The proposed earthworks would interface with the proposed restoration scheme in such a way that would lead to a loss of 12.21ha of habitat¹⁸ that would

¹⁴ Welsh Government; Planning Policy Wales 10; 6.4.2, Page 134

¹⁵ Powys County Council, Local Development Plan; Policy DM2 and DM7

¹⁶ Neath Port Talbot Local Development Plan; Policy EN6, EN7 and EN8

¹⁷ Table 7.10 of Biodiversity Chapter of the Environmental Statement

¹⁸ Table 7.11 of Biodiversity Chapter of the Environmental Statement

have otherwise been retained. Severance and fragmentation of habitat¹⁹ would cause indirect effects over an area of 3.35ha.

Through mitigation, any adverse residual impacts from the construction of the proposed development can be minimised and bring about enhancements compared to the existing site context.

Proposals to restore land after coaling operations have ceased will provide a mosaic of habitats and waterbodies that in and of themselves enhance biodiversity. To mitigate the proposed earthworks interface with this, and to ensure the cumulative effect maintains this enhancement, a series of pre-site clearance and construction measures are proposed.

A habitat creation and restoration plan²⁰ illustrates a series of notable habitats to be created include fen-mire, heathland, waterbodies and broadleaved woodland, in areas currently of less nature conservation value or which will be disturbed during the works.

The design facilitates the creation of a habitat mosaic using a varied landform. This includes the creation of shallow scrapes of varying sizes within the small enclosed area in the south east of the site, and immediately north of this, which will facilitate the establishment of wetlands and aquatic emergent vegetation, and likely shallow peat (over time).

Also, the re-profiled overburden mound within the larger enclosed area, will facilitate the establishment of heathland on its slopes and marshy grassland on its plateau.

To compensate for likely impacts on the fen-mire habitat (and mosaic of open water and wet heath), because of hydrology changes from the project, it is proposed that a similar habitat complex could be created within the site and secured by planning condition.

Tree planting of native broadleaved tree species is proposed in the north western corner of the site (in an area of existing conifer), in an area designated as plantation on ancient woodland, therefore improving the nature conservation value of this woodland and providing connectivity to new planting proposed as part of the approved restoration plan.

In combination, measures to create and enhancement habitat will benefit an area of approximately 128ha, more than the total approximate 113ha of habitat lost.

The nature of habitats present on site and the likely impacts of the proposed development, in combination with mitigation, means that there will be little impact on protected species.

The most notable interface with protected species is that of reptiles. Implementation of a reptile trapping and relocation programme, in accordance with a reptile method statement will be undertaken by a suitably qualified

¹⁹ Table 7.12 of Biodiversity Chapter of the Environmental Statement

²⁰ Figure 7.9 of ES Chapter – Habitat Creation and Restoration Plan

ecologist prior to construction. Translocation is proposed for reptiles found during this survey.

A suitable receptor site for reptile translocations will need to be identified prior to any reptile mitigation taking place and be agreed by the local planning authority ecologists and the site's landowner. It is anticipated that adjacent/connecting habitats will be suitable, and which would also be subject to further enhancements for reptiles. It is proposed this is secured through planning condition.

5.7 Public Access

In addition to this section of the Planning Statement, the proposed development's impact on public access has been assessed within the Public Rights of Way (PRoW) and Common Land Chapter of the Environmental Statement.

Impact has been assessed in the context of the PRoW that cross the site²¹ and the extent of common land associated with Mynydd-y-Drum that falls within the site's boundary.

In Planning Policy Wales²², PRoW and other publicly accessible recreational areas that are natural or semi natural in character are treated as forms of green infrastructure, collectively with other features of a similar nature including wildlife corridors etc. Policy requires that green infrastructure is treated as being important in facilitating opportunities for people to improve their health and well-being. The planning system should protect and enhance green infrastructure assets and networks on this basis.

The PRoW and common land are predominantly located within Powys but extend into Neath Port Talbot, albeit beyond the limits of the site. Notwithstanding, contiguity of features and uninterrupted cross boundary usage by the public will be important to preserve.

Powys Local Development Plan²³ stipulates that the PRoW network should be enhanced and integrated into development proposals or appropriate mitigation measures should be put in place where necessary.

Neath Port Talbot's Local Development Plan²⁴ makes clear the need to maintain and promote access to a range of leisure and recreational facilities throughout the county, including PRoW.

Rights over the common land and many of the PRoW were suspended or diverted to facilitate the operation of Nant Helen Surface Mine and therefore usage has been limited. The proposed development would deliver a flexible landform that could potentially be used for recreation and the use of common land and reinstatement of PRoW could therefore take place.

The Environmental Statement²⁵ includes the suspension order and mapping which was applied for by Celtic Energy under Section 15 of the Opencast Coal Act 1958

²¹ Figure 4.1 of ES Chapter – PRoW (Definitive Map)

²² Welsh Government; Planning Policy Wales 10; 6.2, Page 129

²³ Powys County Council, Local Development Plan; Policy DM13

²⁴ Neath Port Talbot Local Development Plan; Policy SP2

²⁵ Appendix 4A of ES Chapter – PRoW Suspensions under Section 15 of the Opencast Coal Act 1958

to suspend some routes and to provide alternative routes. These have been in place since 1997. Alternative PRow²⁶ were created in parallel, including Sustrans cycle route 43, and are therefore of high value.

Both PRow and common land baseline conditions are expected to persist during construction of the proposed development and potential for adverse effects are therefore limited during this time. Post completion, the baseline used for assessment is that created by the restored state of Nant Helen Surface Mine, reinstating both access to common land, and PRow in accordance with the definitive map.

The proposed earthworks would complement the restoration scheme, allowing for the reinstatement of PRow and common land access to re-establish the function of the site as an area of public use for recreation, alongside commoner use for agriculture. Some of the PRow will not be reinstated along their historical alignment and modest diversions will be required to facilitate the earthworks. It is not considered that these diversions will undermine the holistic function of the PRow network or impinge on public rights of access, whether within or across the site, or where PRow may form contiguous links beyond.

5.8 Heritage

In addition to this section of the Planning Statement, the proposed development's heritage impact has been considered within the Heritage Chapter of the Environmental Statement and its appendices; which include a Historic Environment Baseline Assessment, Written Scheme of Investigation submitted to Clwyd-Powys Archaeological Trust and Glamorgan Gwent Archaeological Trust, and a pre-application enquiry submitted to Cadw, along with subsequent responses.

The Tramroad at Ystradgynlais (CH001) is a Scheduled Ancient Monument and one that is nationally important dating back to the 1830s. It is 6.44km in length and runs from Ystradgynlais across Mynydd y Drum, through the application site. Its national importance is derived from its potential to enhance and illustrate our knowledge and understanding of the raw materials transportation network from nineteenth century iron industries. The alignment of the proposed earthworks would intersect the monument at limited intervals along the southern extent of the application site.

Notwithstanding that the whole length of the structure is an impressive monument in its own right, Cadw²⁷ identify one of its most prominent features is Brunton's Incline, a 1.2km long section of track rising 210m and comprising one of the most impressive tramroad inclines surviving in South Wales. The proposed earthworks completely avoid prominent features such as this.

In terms of its historic landscape setting, LANDMAP shows that almost all of the site is within the Onllwyn Historic Landscape Area – which includes both modern and historic extraction. It has been evaluated as of low value. In terms of its archaeological setting the area is known to have had small to medium scale coal

²⁶ Appendix 4A of ES Chapter – PRow Suspensions under Section 15 of the Opencast Coal Act 1958

²⁷ Historic Wales; Scheduled Monument Summary Description

extraction in the post-medieval and modern periods. There is no evidence that any features of importance have survived at ground level.

Planning Policy Wales requires that archaeological interests of national significance should be subject to a presumption in favour of physical protection [also-known-as ‘preservation’] in situ²⁸.

Technical Advice Note 24 states that preservation means to keep safe from harm [defined by Cadw²⁹ as changes for the worse and primarily the effect of inappropriate interventions on the heritage values of an historic asset]; in situ means not to be moved from its original place of deposition³⁰. It goes on to further clarify what this might mean i.e. presumption against *significant alteration* or damage that might affect heritage values.

Technical Advice Note 24 also states that archaeological remains include evidence buried below the ground and the surviving fabric of historic buildings and other structures and that heritage value or significance is not necessarily related to size, visibility or popularity³¹ and needs to be determined in relative terms by an appreciation of heritage value and context.

Cadw³² states that the weight given to heritage values should be proportionate to the importance of the assets and the impact of the change upon them.

In this context, the nature and scale of the proposed development needs to be considered in proportionate terms comparatively with the nature and scale of the wider monument in order to determine the relative impact on its heritage value.

These policy considerations will be central in framing what alterations have resulted from the proposed development, their significance, if they are harmful to the heritage values of the monument and to what degree.

The proposed development would partially bury sections of the monument as illustrated by Figure 4 and Figure 5, overleaf. These sections amount to a length of 450m, approximately 7% of the monument’s entire 6.44km length.

²⁸ Welsh Government, Planning Policy Wales; 6.1.24

²⁹ Cadw, Conservation Principles 2011; Page 36

³⁰ Welsh Government, Technical Advice Note 24; Page 47

³¹ Welsh Government, Technical Advice Note 24; 4.1, Page 16

³² Cadw, Conservation Principles 2011; Page 15

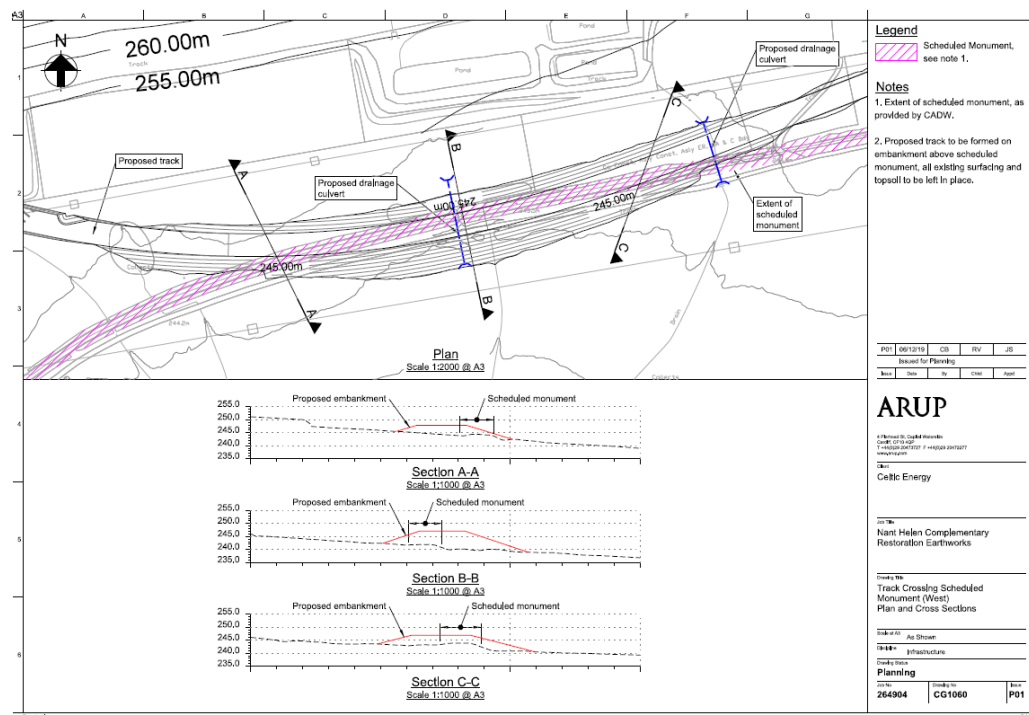


Figure 4

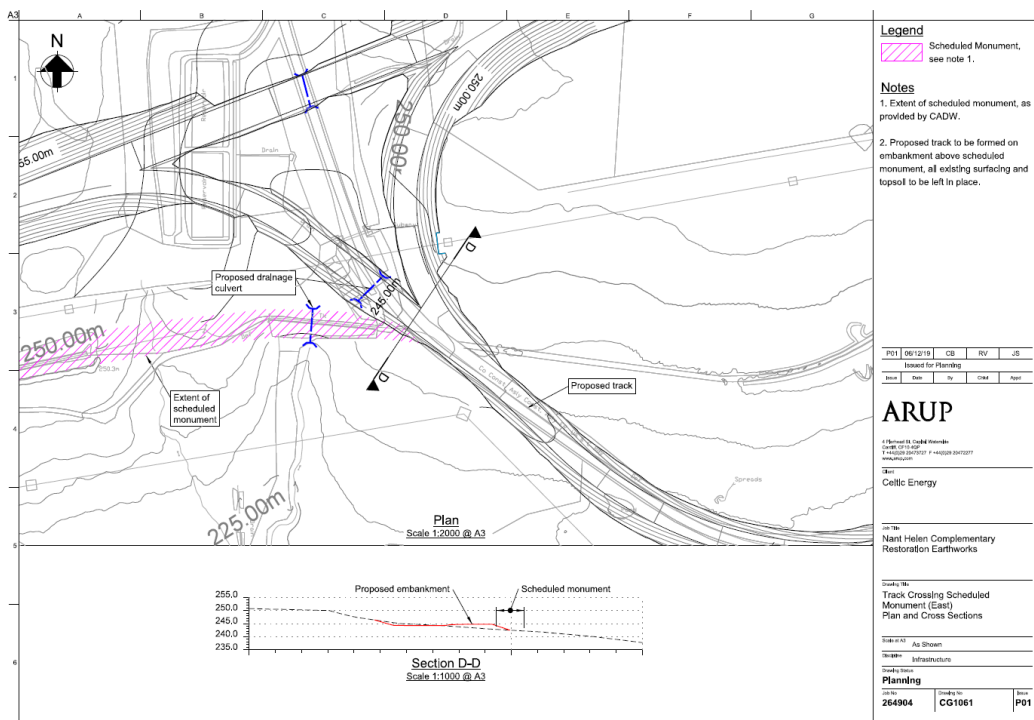


Figure 5

The construction of the proposed earthworks would largely preserve the physical location and fabric of the monument; no topsoil would be removed, and any benches required to provide the necessary levels would be cut outside of the scheduled area. Subsequently, the proposed earthworks could in theory be

removed at a future point in time without causing physical disturbance, damage or any other significant alteration to the fabric of the monument.

Drainage will form part of the earthworks, to protect against surface water flooding and erosion. As a result, there would be a limited degree of physical disturbance to the fabric of the monument as 'no-dig' solutions are envisaged.

Turning to the setting and experience of the monument from a visitor perspective, the current setting of the monument and the interpretation of it is poor.

In the case of the GCRE proposal, there could be an interesting juxtaposition/chronology between the monument and its historic transportation technology alongside the rail testing facility and its modern technology. There is the possibility that the GCRE site could as part of a conferencing facility, also provide an interpretative/museum component which could provide information on the site history. There could be wider public information and interpretation panels around the site. In the case of leisure uses and outdoor pursuits, the public could enjoy observing the monument in an improved interpretative and physical landscape setting.

The Environmental Statement identifies several immovable site constraints when considering possible alternative alignments to avoid the monument in its entirety. These include National Grid and Western Power Distribution infrastructure along the southern extent of the application site, which would not be feasible to move in any scenario; and the surface mine's void and overburden mound, which are topographical constraints. These constraints coupled with fundamental design parameters associated with some of the potential future uses, namely GCRE and the prescriptive diameter, rise and fall of the high-speed rail testing loops, have dictated the proposed earthworks design and ultimately made it impossible to implement the GCRE proposal and avoid the monument in its entirety. In the leisure/tourism development scenario, there is more scope to design facilities such that the monument is left undisturbed.

Works to the monument will require Scheduled Monument Consent (SMC) from Cadw. Through pre-application dialogue with Cadw, an approach has been agreed in principle whereby an application for SMC (currently in preparation) will provide the full design/engineering details of the GCRE proposal in the vicinity of the monument. In the event that Cadw deems the SMC application acceptable, it will then be in a position to not object to a conditional consent of this earthworks application, such conditionality specifically restricting works to those outside of the scheduled area until the SMC is approved. This will enable the earthworks scheme to progress in all other areas and once SMC is granted, in its totality.

Dialogue with Cadw has highlighted that the combination of an SMC application, with the requisite conditionality on this application is an acceptable way forward. In addition to the detail around the design aspects of the GCRE, Cadw has also expressed an interest in understanding the benefits of the GCRE and the alternative proposals. To that end, the Socio-Economic section of this Planning Statement (section 5.2) summarises some clearly defined positive impacts associated with the GCRE proposal and a leisure/recreation/tourism end use for the site in terms of employment and economic regeneration transformative impacts.

In the event that there is a need to weigh heritage considerations against the proposals, it is clear that there are potential significant socio-economic benefits of the works in both scenarios, which in the planning balance weigh heavily in favour of the proposed development in addition to the ‘security’ that a conditional consent provides to the protection of the monument.

6 Conclusion

Arup has submitted planning applications on behalf of Celtic Energy Limited to PCC and NPTCBC for proposed earthworks that complement the restoration of the Nant Helen Surface Mine. Key planning issues associated with the proposed development were driven by the scale and extent of the application site, being cross boundary in nature. This resulted in several environmental interactions within a local and regional context, spanning land use compatibility in the context of the site's coal mining history and rural setting, alongside considerations over landscape, ground conditions, water environment, biodiversity, public access and heritage.

The EIA found that all significant effects resultant from the proposed development could be mitigated so that residual effects were acceptable. The planning appraisal within this statement has found that the nature and scale of the proposed development was acceptable in policy terms.

In most cases, the baseline for the assessment was the existing mine, which has a significant and adverse impact on the local and regional environment. Subsequently, through proper integration with the restoration strategy of the mine the potential for significant adverse effects on the environment could be mitigated to an acceptable level. Where the proposed earthworks extended beyond the existing working area of the mine, the baseline for assessment was different and potential effects more complex. This was the case for both landscape and heritage.

In terms of landscape, within the current working area of the mine, the proposed earthworks in combination with the restoration strategy would deliver a significant benefit to the landscape character area. Within historical working areas of the mine where land has already been restored, the proposed earthworks would deliver a more engineered landform. It was found that this could be mitigated through landscaping, to soften the landform and remain in-keeping with the rural context post restoration.

The scheme as proposed and as outlined in the ES, has impacts on woodland designated as plantation on ancient woodland and a scheduled ancient monument, both of which, policy seeks to protect against the loss of, unless there are circumstances which weigh against the impact (in terms of mitigation or design) or their loss. In terms of the plantation on ancient woodland, it is a fact that the part of the site that carries the designation was worked in the 1970s as part of the Abercrave/Gwaunton surface mine and therefore any ground flora, soils and seed beds etc have been destroyed and the woodland has been demonstrated to be on backfilled material/overburden and not, in-situ woodland soils. Therefore, whilst the policy position remains, it is strongly argued that the designation itself is incorrect/out of date for that area previously worked, as anything ancient has already been destroyed and thus the need to protect it from loss needs to be weighed appropriately by the decision maker.

In terms of heritage, the Tramroad at Ystradgynlais (Claypon's Extension) is a nationally important earthwork dating back to the 1830s and scheduled ancient monument. It runs along the southern boundary of the application site and has not been affected by existing or historic mining activity.

To all intents and purposes, it was perfectly preserved, and the potential effects of the proposed development were assessed in this context. Under the proposals, a section of it would be impacted, but that there is an acceptable SMC consenting strategy process that when linked with conditionality on this application leads to a way forward that could (subject to assessment of the application details) enable this proposal to come forward in part or in its entirety.

In balancing the key planning issues, considerable weight was given to the role of the proposed earthworks in providing 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. Altogether, it was found that the proposed development is acceptable in policy terms.