



EAST PIT EAST REVISED

PLANNING APPLICATION

P2012/1073

Addendum to Condition 69 (b)

ADDENDUM TO CONDITION 69b

This Addendum to Celtic Energy's submission for Condition 69b is in response to Neath Port Talbot County Borough Council's request for clarification of the following points. It is to be read in conjunction with the full text of Condition 69b along with the restoration scheme under Condition 74.

1. Process for Conservation Steering Group Approval

The approval by the Conservation Steering Group (CSG) of Celtic Energy's proposed annual and quinquennial work programmes proposals is to be sought prior to the implementation of the measures set out in Conditions 69b and 74 and subsequent amendments. The consultation is to take place at the annual review meetings to be held each December having provided the CSG Celtic's proposals and any supporting technical information in the preceding November. In their consideration, the CSG shall give due weight to the overriding need to achieve sustainable and resilient rehabilitation of the East Pit Mine Site by enacting the restoration measures of the approved Condition 74. Should the majority of the representatives on the CSG feel unable to support approval of the submitted details, then within two weeks of the annual review meeting a summary of the areas of disagreement shall be provided to Celtic, who shall within two weeks thereafter submit an amended set of proposals to address, as far as practicable, the concerns raised by the CSG. In the event the majority of the representatives on the CSG is still unable to support approval of the amended details, then Neath Port Talbot Council as Local Planning Authority will be responsible for issuing a final decision, with appropriate weight placed on the approved scheme under Condition 74, with work at the site thereafter proceeding in accordance with the approved details.

The CSG was established under Condition 69 (a) and is to be comprised of the following members:-

2 Representatives from Celtic Energy, 2 Representatives from Neath Port Talbot CBC, 1 Representative from Carmarthenshire CC, 1 Representative of the Gwaun Cae Gurwen Commoners association, 1 Representative from National Resources Wales and 1 Representative from Welsh Government.

2. Scope of Condition 69

The submission for Condition 69b sets out the process for ongoing management of biodiversity features as a Site Biodiversity Action Plan (SBAP). The scope of the SBAP has been updated, since the original Lakes of Rhosamman Environmental Statement and Supplementary Environmental Information, to reflect the current biodiversity interest of the site and the current constraints to the condition of those features and their management. The SBAP is intended to be flexible to ensure that appropriate management can be applied throughout the aftercare and extended aftercare periods to deliver the best outcome for the biodiversity features present at any given time. However, due to the lack of management control over much of the consented application site, and as detailed on page 8 of Condition 69b, the scope of the scheme has been agreed to be limited to those parts of the site where effective management is able to be implemented. This includes the area within the operational mine site boundary (see Condition 69b, Figure 1) and a Site of Importance for Nature Conservation on Celtic Energy land in the very southwest of the consented site boundary (see this Addendum, Figure A.1). Outside of these areas there is no mechanism to control management due to the Common Rights being active. However, it is the intention of the scheme to continue to work with the Commoners. Consideration, in due course, will be given to working with the Commoners through the Conservation Steering Group to encourage further areas,

under management control of the Commoners, to be managed in a way consistent with the aims of the scheme wherever possible and across the whole site.

In addition, to the area covered by the SBAP, it should also be noted that it has been previously agreed with the LPA that a number of species enhancement measures, originally scheduled to be delivered on final restoration of the site will be best delivered through the subsequent development use of the site. These include, a built bat roost, a built artificial otter holt and floating rafts within the lake for ground nesting birds. The locations of these were considered best informed by the final development use of the site, to avoid conflicts with uses (e.g. water sports, location of buildings etc) and therefore the need to subsequently move features to a different location. In addition, a built development would also provide more and better opportunities to provide a built bat roost than the limited mature tree-lines on the restored site. The commitment to provide such species enhancement is therefore agreed to be provided as part of a subsequent development application and the SBAP will be updated accordingly as part of that subsequent application.

The SBAP is a live document and will be updated through annual review in light of results of the baseline update and ongoing monitoring. Condition 69b sets out the process for delivering the ongoing management and monitoring for the SBAP, however it is recognised that much of the habitat and species details and management/monitoring specifics will need to be updated following the baseline collection in 2021 and subsequent annual review (to be provided by November 2021). Any changes to the SBAP are to be agreed with the CSG. This will enable the scheme to adapt to any changing situations in relation to the biodiversity features present, their condition, the current recommended management best practice and government agricultural schemes.

As a key biodiversity feature, the management and monitoring of the area of recently transferred lichen-bryophyte heath will be developed and incorporated into the SBAP following the scheduled update to the baseline habitat and species information in 2021.

3. Taigwaith SINC

For clarity, the Phase I Habitat details in the Environmental Statement (Volume 4, Appendix 14, Figure 14/1 and Target Notes 14/2) for the Taigwaith SINC area in the South West of the site is reproduced here as Figure A.1 and the following Target Notes 36, 37 & 38:

- Target Note 36: *Neutral Grassland and Scrub - A broadly triangular field, intersected by two small streams and areas of scrub, which includes grey willow, bramble, silver birch and elder. The stream marginal vegetation includes yellow flag iris (Iris pseudacorus), brooklime in poached areas, with occasional bilberry and heather on higher ground. The grassland sward was grazed by ponies and comprises abundant creeping bent, cock's foot, jointed rush, ribwort plantain and buttercups, with occasional bird's-foot trefoil, crested dog's tail and ragged robin. Devils' bit scabious also has an abundant distribution, with lower lying area supporting Sphagnum moss, cuckoo flower and lesser spearwort.*
- Target Note 37: *Marshy Grassland and Scrub Mosaic - Adjacent to TN 36, this vegetation within this field more closely resembles marshy grassland, with patches of scrub at the field margins. The grassland sward supports a high cover of purple-moor grass, with jointed rush, greater bird's foot trefoil, marsh willowherb, marsh thistle and meadow buttercup. An area of higher ground supports a sward of common bent and crested dog's tail, with yellow rattle (Rhinanthus minor) and tormentil. A band of willow dominated scrub occurs along the railway line, with a small ponded area containing bulrush, lady fern and soft rush.*

- Target Note 38: Grassland and scrub Mosaic - *Predominantly purple moor-grass and rush pasture, with abundant purple moor-grass, tufted hair-grass, devil's bit scabious and occasional to frequent ragged robin, heath rush, star sedge, Sphagnum moss, marsh valerian and greater bird's foot trefoil. Alder and willow occur along the banks of a narrow stream, with areas of bramble and willow scrub also present. The western area of the field supports a drier natural grassland sward, with common bent, crested dog's tail, yellow rattle, red bartsia (Odontites serotina) and bird's foot trefoil.*

The Neath Port Talbot County Borough Council's description of the SINC NPTSINC048 GCG Common is as follows:

- Site Description – *A small area of Common land in the north of the Amman valley. The site is bi-sected E-W by the old mineral railway and N-S by a Clwyd Road and a short section of tarmacked cycle/pedestrian path. SINCS close by include no52 Derwydd Avenue which is majority wet woodland and no 50 Adj. Tairgwaith SSSI which is rush pasture. The SSSI to the SE of the common is traditional hay meadow.*

The Common consists of a species rich mosaic of wet and dry meadow, with Purple Moor-grass and heath elements. Parts of the site are grazed by ponies but scrub is becoming invasive.

- SINC Features – *H16) Mosaic Habitats, 8 from Tb 6, 8 from Tb 3*
- Protected & Priority Species - *Species recorded: Habitat suitable for: Marsh Fritillary (possibly, as part of wider area of habitat). Other species of note: Whorled Caraway.*
- Recommendations for Management - *A programme of light scrub management would prevent degradation of wet grassland. A lighter grazing regime is required in drier areas (mostly to the West side of the site).*