

Planning Department
Neath Port Talbot CBC
Civic Centre
Port Talbot
SA13 1PJ

07 December 2021

Our Ref: B029700

Dear Sir/Madam,

THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) (WALES) REGULATIONS 2017

BWLCH FFOS QUARRY, MYNYDD RESOLFEN - ENVIRONMENTAL IMPACT ASSESSMENT SCREENING REQUEST

Tetra Tech has been instructed by Performance Aggregates Limited to prepare a planning application for the proposed development involves the completion of the restoration, to include limited areas of sandstone extraction, of the Bwlch Ffos Quarry, Mynydd Resolfen, near Cwmgwrach. The total application area extends to approximately 15 hectares, with the area of extraction limited to two faces amounting to less than 2ha.

In accordance with the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 (the Regulations), this letter represents a formal request to Neath Port Talbot County Borough Council as the planning authority for a Screening Opinion as to the need or otherwise for an Environmental Impact Assessment (EIA) to be undertaken.

The request for a Screening Opinion is made in accordance with Part 2 of the Regulations which provide for a prospective applicant to request from the relevant planning authority “a written statement as to whether the development is an Environmental Impact Assessment development” known as a screening opinion”. Such a request must be accompanied by:

- a) a plan to identify the land;
- b) a brief description of the nature and purpose of the development and its possible effects on the environment; and
- c) such other information or representations considered apposite to the formulation of the opinion.

Site Location

Bwlch Ffos is located within the County Borough of Neath Port Talbot, approximately 2km south of the village of Cwmgwrach and 3.5km east of the village of Resolven. Glynccorwg is a similar distance to the south. The site is centred on national grid reference (NGR) SN28700 02500. Access is gained via a dedicated access track of approximately 8km length that passes through Rheola Forest from Unity Mine.

The closest occupied residential property to the mining site is “Argoed” located approximately 1.2km to the north of the site. Other closer properties are now derelict: Blaengwrach Farm, and Pen-y-cae. In all other directions, the closest residential properties are at least 2km away from the operational site boundary. The

closest properties to the route of the access track are located at Glyn's Castle, southeast of Resolven, some 300m from the route.

Background & Planning History

The Bwlch Ffos Quarry originally benefited from a planning permission issued in 2002 (and varied in 2008 and 2011) for the extraction of sandstone with the incidental extraction of coal. The site was operated by Tarmac for approximately 15 years before being handed over to Horizon mining.

The planning permission (as amended) expired on 31st March 2012 and on 29th February 2012, in agreement with the planning authority, a planning application was submitted on behalf of Horizon Mining Limited that enabled the continuation of *"the extraction of coal and sandstone by means of surface working, the transportation of mine waste from Unity Mine by Haul Road with restoration of the site to forestry"*. The application (ref: P2012/0333) was accompanied by an Environmental Statement (ES) and included assessments of ecology and health impacts.

During the consideration of the application by NPTCBC additional reports were submitted on behalf of Horizon Mining to address matters such as soils management, noise management, dust management, and the technical specification of restoring surface mining voids.

Throughout this period of consideration during 2012, 2013 and into 2014 the Quarry continued to operate with coal being extracted for blending at the nearby Unity Mine and the high quality sandstone being sold for road surfacing projects.

The key areas of concern during the consideration of the application were raised by NRW in respect of the nature of the restoration and the drainage infrastructure. A revised drainage and restoration scheme was submitted during mid 2014 for consideration by the planning authority and the drainage scheme was subsequently implemented.

Following the appointment of administrators in 2015 it is understood that the planning application lay undetermined within NPTCBC until June 2021 when the application was withdrawn by the administrators without reference to the landowners or the mineral owners. The current position of the site is that it has no planning status, albeit there is an outstanding bond for restoration that sits with NPTCBC.

Proposed Development

The proposed development involves the completion of the restoration, to include limited areas of sandstone extraction, of the Bwlch Ffos Quarry, Mynydd Resolfen, near Cwmgwrach. The total application area extends to approximately 15 hectares, with the area of extraction limited to two faces amounting to less than 2ha.

The intention of the proposed scheme is to remedy the position of the unrestored former coal and sandstone quarry by implementing an effective restoration scheme to complete the operations at the site and to return it to a condition that is appropriate for its location. In order to achieve this, it is proposed that sandstone extraction would be undertaken within limited areas on a short-term basis.

The plan that accompanies this submission titled "Proposed Application Area" (ref: PAA1) is a survey of the entire area that originally benefitted from planning permission for extraction. The land shown outside of the redline boundary has been restored and has completed its aftercare programme. It is not proposed that this will form part of the planning application.

As well as ensuring that a final restoration scheme can be implemented, it is also recognised that the site poses a Health & Safety risk to the general public. Although the site is not subject to public access, there is a network of Public Rights of Way and other forestry/windfarm access tracks that are subject to authorised and unauthorised users. There is evidence of off-road motorcyclists using the former quarry areas and the location of the site makes it difficult to enforce effective security measures. The completion of the restoration will improve the topography, dissuade trespassers from the site and secure the completion of the landform and after-use.

There are two areas that have been identified as being appropriate for extraction to secure the restoration of the site, as shown on Drawing PAA1. The original permission was for the extraction of coal with incidental extraction of sandstone. The intention is that there will not be any extraction of coal – the two areas identified for residual extraction have no coal seams located within them.

Both extraction faces were previously working faces at which working was halted in approximately 2015. The eastern extraction area will be worked first, extends to approximately 0.5ha. and will realise approximately 100 to 150,000 tonnes of high PSV sandstone. Extraction will take place in a north-westerly direction.

Subsequently the western extraction area will be worked over an area of less than one hectare and extraction will take place in a generally south-westerly direction to win approximately 300-350,000 tonnes of high PSV material.

A modest mobile processing plant will be required to be set up within the plateau area within which processing and stockpiling has previously taken place, and temporary office and welfare facilities will also be required within that area. The proposed restoration scheme will not require the importation of any material. There are substantial quantities of overburdens and soils within the site that will be used to complete the restoration.

The previous operations at the site have used both the access route towards Unity Mine and the eastwards forestry tracks towards Tower Colliery. At this stage, both of these routes are an option for the proposed development and will be confirmed by the time that the application is submitted. In both cases, there is no requirement for any improvements, diversions, or new roads to be created. The proposed scheme is very limited in nature and will not have any wider implications than those areas directly subject to extraction and restoration. These effects are anticipated to be positive: a problem site that has been created through no fault of the landowner (NRW) or the minerals owner will be resolved.

The Statutory Context

Under Regulation 2(1) of the Regulations, the following definitions are given:

- EIA development means development which is either:
 - a) Schedule 1 development; or
 - b) Schedule 2 development likely to have significant effects on the environment by virtue of factors such as its nature, size or location

‘Extractive industries’ and ‘quarries’ are included in Schedule 2 Part 2 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) as development that might be subject to EIA Assessment. Schedule 2, Part 2 (a) provides a description of development under Column 1 as *“quarries, open cast mining and peat extraction (unless included in Schedule 1);”* with an applicable threshold and criteria under Column 2 of *“All development except the construction of buildings or other ancillary structures where the new floorspace does not exceed 1,000 sqm”*. As such the proposed development meets the ‘all development’ threshold and exceeds the 1,000 sqm limit for new floorspace.

However, as highlighted above the requirement to consider EIA necessary for Schedule 2 development is where it is *“likely to have significant effects on the environment by virtue of factors such as its nature, size or location;”*.

Under Part 2, paragraph 8 of Regulation 5 ‘General provisions relating to screening’ states *“where a local planning authority or the Welsh Ministers have to decide under these Regulations whether Schedule 2 development is EIA development, the authority or the Welsh Ministers must take into account in making that decision –*

- (a) any information provided by the person minded to carry out development;*
- (b) the available results of other environmental assessments carried out pursuant to Union legislation other than legislation implementing the requirements of the Directive; and*
- (c) such of the selection criteria set out in Schedule 3 as are relevant to the development.”*

Therefore, the Local Planning Authority should seek to take account of Schedule 3 'Selection criteria for screen Schedule 2 development' of the Regulations to determine whether the proposals would result in 'significant effects' and establish if the scheme constitutes EIA development. It should be noted the scheme should be considered on its own merits and not all of the criteria set out under Schedule 3 will be relevant.

This letter will now examine the pertinent points of Schedule 3 in order to determine whether the proposed development will cause significant effects upon the environment, and therefore require the preparation of an Environmental Impact Assessment.

Natural Resources

The proposed development will undertake sandstone extraction as part of a restoration scheme at Bwlch Ffos quarry, however the area of operational extraction is significantly smaller when compared to the historic quarrying uses at the site and is wholly within the boundaries of the existing quarry. Whilst the proposal includes the extraction of sandstone and therefore the inevitable alteration of the existing topography, the restoration scheme aims to complete the operations at the site and restore it to a state that is appropriate for its location.

Waste

The extraction of high quality sandstone will result in the generation of "waste" materials – albeit in the form of sub-standard sandstone (eg. weathered material). This will be used as a restoration material and therefore there will be no impacts of any waste being generated by the development that will require disposal off-site.

Pollution & Nuisances

The project will not lead to the release of pollutants or hazardous, toxic or noxious substances into the air. Whilst the proposal will cause some noise and vibration associated with an extraction operation, it is envisaged these levels of noise and vibration will not cause significant impacts upon human health and the human environment, given the application site's isolated location, outside of settlement limits and a significant distance from the nearest communities. The proposal will not result in increased risks of contamination from releases of pollutants into the environment.

Population and Human Health

In respect of human health and population, the location and nature of the Bwlch Ffos site is such that there is nothing to suggest that the site will have a significant impact on human health. The operational element of the site is located some considerable distance from the nearest residential property, within a landscape dominated by commercial forestry and wind turbines. The potential for a direct or indirect adverse impact on human health as a result of the operations is minimal: there is an argument to be made that the restoration of the site will have a potential positive impact on human health by securing an appropriate and safe profile of the site.

Water Resources

In terms of water resources, the application site contains a water body and a system of drainage ditches that are part of the historic quarrying operation. The proposed development will not lead to significant effects upon this network.

Biodiversity (species & habitats)

In respect of biodiversity, the adopted Neath Port Talbot Local Development Plan Proposals Map indicates there are no designated sites or protected areas within the application site or in the immediately vicinity which could be affected by the proposals. In respect of protected, important or sensitive species of flora and fauna, the historical planning applications for mineral extraction at the subject site have been accompanied by ecological and habitat surveys in order to identify protected and notable species. The planning application will once again be accompanied by an ecological statement, that will evaluate the presence of protected species and provide potential mitigation measures, should they be required. The Ecological Appraisal undertaken during 2021 has concluded that it is likely that the following additional work might be required in respect of protected species:

- GCN eDNA surveys
- Precautionary clearance methodology for reptiles;
- Bat roosting survey of rock faces to be impacted and activity survey if additional lighting proposed;

- Breeding bird survey potentially including Schedule 1 bird species to assess disturbance impacts (March to July).

Landscape & Visual

Given the location, scale and siting of the proposed development within an existing quarry, the impact of a modest operation within the boundaries of the historic quarry means the effect upon landscape and visual amenity are likely to be imperceptible. The location of the site and haul road within an area of commercial forestry is such that it is well screened from the A465 and the closest residential properties. Any distant views are limited to those from some 5 km distance. It is considered unlikely that operations at Bwlch Ffos will have any significant effects on visual amenity in the local area and its surroundings, and that the completion of the restoration will have a net beneficial outcome on the landscape.

Cultural Heritage & Archaeology

In respect of cultural and heritage considerations, the proposed development is situated within a site that has historically operated as a quarry and has been developed as such. It is anticipated that no further cultural or archaeological features are likely to be affected by the proposed scheme given its setting. The Cairn identified at Grid Reference SN8692202271 will continue to be fenced off for a radius of 25 metres from its centre. As such, the proposed development will not result in significant impacts upon culture and heritage.

Transport & Access

The proposed development will utilise existing access routes that have historically been used at the subject site during quarrying operations and during forestry and wind turbine construction operations. As highlighted in the preceding 'Proposed Development' section, there is no requirement for improvements, diversions, or new roads to be created. The proposed scheme is very limited in nature and will not have any wider implications than those areas directly subject to extraction and restoration, in respect of movement, access and transportation.

Land Use

Given the application site's isolated location, outside of the settlement boundary and a significant distance from residential dwellings and communities, it is anticipated that the proposed development will not lead to significant negative impacts upon community facilities or existing land uses in the immediate vicinity of the application site. Furthermore, a search of the Neath Port Talbot online planning register has not identified any plans for future development which would be prejudiced by the proposals.

Land Stability & Climate

The subject site is not susceptible to earthquakes, subsidence, landslides, erosion or extreme/adverse climatic conditions which may present environmental problems. On this basis, significant effects relating to land stability and climate are not envisaged. The presence of a wind turbine some 400m to the south of the extraction area is noted, and a study will be undertaken of the potential implications of any blasting on that turbine.

Cumulative Effects

In respect of cumulative effects of the proposed development alongside any other permissions or existing development, it is considered there are no other permissions or existing schemes in the immediate vicinity of the site which would constitute significant effects or result in likely significant effects cumulatively, as a consequence of the proposed development. It is therefore considered the proposals should be considered on its own merits and not in conjunction with any other existing or approved schemes in respect of cumulative significant impacts.

Transboundary Effects

Given the small scale of the proposed scheme it is not envisaged that any transboundary effects will result as a consequence of the proposal.

Conclusion

The limited extent of the minerals extraction operations (approx. 1.5 ha.), the remote location of the site and the potential to secure a long-term restoration of the site are all relevant in the consideration of the requirement for the planning application to be accompanied by an Environmental Statement. Given the criteria set out in

Schedule 3 of the EIA Regulations, the conclusion is reached that there is not a requirement to undertake an EIA to accompany the propose planning application as described.

The Planning Application

In the event that the planning authority agrees with this approach, a planning application will be prepared that will be supported by appropriate technical appraisals. As explained above, the site has a long history of planning applications and accompanying assessments. The situation at the site has not materially changed in recent years, and therefore the scope of technical reports is limited. Nevertheless, the technical appraisals will primarily consider blasting, restoration, ecology and landscape matters.

Summary

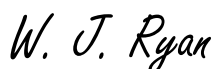
As highlighted above the proposed development, which involves the completion of the restoration, to include limited areas of sandstone extraction, of the Bwlch Ffos Quarry meets the definition of 'Schedule 2' development. Hence this screening request seeks the Local Authority's opinion to establish whether the scheme is considered 'Schedule 2' development that is likely to result in 'significant effects on the environment' and therefore require the preparation of an Environmental Impact Assessment.

Whilst it is acknowledged the total application area would take the proposal beyond the threshold requirements to undertake an EIA, the extent of extraction is very limited and is situated within a site which has historically been used for quarrying. It is therefore considered that the nature, size and scale of the proposed development will not result in significant effects upon the environment, as demonstrated in the preceding 'Statutory Context' section.

Referencing the selection criteria for screening 'Schedule 2' development under Schedule 3 of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017, this Request for a Screening Opinion has demonstrated how the proposed development will not result in 'significant effects on the environment' and therefore does not represent EIA development. On this basis, it is proposed the preparation of an EIA is not required to accompany the forthcoming planning application.

I look forward to receiving your Screening Opinion. Please contact me if you require further information.

Yours sincerely,



Will Ryan
Director
Tetra Tech Planning