

Planning, Taxi Licensing and Rights of Way Committee Report

Application No: 19/1899/REM

Grid Ref: 283050.34 211312.71

Community Council: Tawe-Uchaf CC

Valid Date:
11/11/19

Officer:
Carms CC

Applicant: Celtic Energy Ltd, 9 Beddau Way, Castlegate Business Park, Caerphilly, CF83 2AX

Location: Nant Helen Surface Mine, Coelbren, Neath

Proposal: Variation of condition 45 of planning approval 18/1070/REM to allow for a revised restoration scheme.

Application Type: Variation of Condition

REPORT UPDATE

Updated Consultee Response

Brecon Beacons National Park Authority

I refer to my previous letter dated 24.02.2020, raising a holding objection.

I note the further information that has been submitted from Celtic Energy including submitted photographs from Viewpoints BB1 and BB2 from within the National Park, but which are not of a good quality.

I note that NRW have offered the following comments:-

The Addendum to the original ES (18/1071/DIS) with a revised restoration scheme concluded at 11.2.8 that the landscape and visual effects of the new proposal would be at best Neutral to Slight adverse.

The recently submitted information now suggests that the current, further revised scheme would have a Moderate beneficial long term effect on receptors at Viewpoints BB1 & BB2, in line with the original assertions in 2011. It is stated that the magnitude of change compared to the previous restoration proposal is negligible.

We consider that the beneficial effects on the National Park have been overestimated and that the current revised restoration would be a less beneficial scheme, as a result of the retention of much of the overburden landform and void. However, we do not consider the differences to be so great as to have a long-term adverse impact on the landscape of the Brecon Beacons National Park.

In consideration of the above, whilst it is considered that the restoration scheme will secure a less beneficial restoration scheme, as more of the overburden scheme will be retained, we would agree with NRW that this is unlikely to have a long-term adverse impact on the special quality of the landscape of the Brecon Beacons National Park.

No objections are therefore raised.

Representations

One late representation has been received from Jeffreys & Powell Solicitors:

I act for Mynydd y Drum Commoners Association.

My client association would object to the Section 73 application to vary condition 45 of planning permission 18/1070/REM in relation to the restoration scheme at Nant Helen Surface Mine.

You will be aware that a substantial part of the above site comprises registered common land. I have attached two plans showing the approximate extent of GCL98 and BCL078.

As set out by WG elsewhere, the original agreed restoration is agricultural after use, which for this application is considerable at 247 hectares comprising common land, enclosed fields and marshy grassland.

As also indicated elsewhere, from the application and associated documents, it appears that the applicants propose an alternative after use proposal for the site. The proposal is to create a flexible land form that could be used for a variety of after uses such as nature conservation, leisure, tourism, amenity and industrial use. As originally envisaged, the site should be returned to agricultural use and open access land.

It is disappointing but not surprising that there has been no consultation with those who hold and exercise registered rights of common in respect of the site and its vicinity.

As it was assumed that there was sufficient bond in place to ensure restoration of the site as previously envisaged it is not clear what has changed now. I have also been asked to make enquires about that point which will be the subject matter of separate correspondence and which will be pertinent to any application under the Commons Act 2006 that the applicant will need to make.

Officer Appraisal Update

Landscape and visual impacts

Brecon Beacons National Park Authority has confirmed that they agree with NRW that this scheme is unlikely to have a long-term adverse impact on the special quality of the landscape of the Brecon Beacons National Park. No objections are therefore raised.

The officer appraisal of landscape and visual impacts as contained in the report is unchanged.

Loss of Common Land

The Mynydd Y Drum Commoners Association has objected on the basis that it appears to them that the applicants propose an alternative after use proposal for the site. They consider that the proposal to create a flexible land form that could be used for a variety of after uses such as nature conservation, leisure, tourism, amenity and industrial use is at odds with the restoration of the Common to agricultural use and open access land.

There appears to be a misconception on the part of the Commoners Association which may have resulted in part from the response of the Welsh Government Agricultural Adviser. For clarity this proposal does not result in any loss of Common Land. There is also only a very limited change in the vegetation type outside of the Common. The proposed landform is different but the land-use is not substantively changed. Any alternative land-uses that may be facilitated by the flexible landform created would be the subject of subsequent planning applications and potentially applications under the Commons Act. They are not part of this application.

As for the lack of consultation, this application has been publicised in the manner required for a major development of this nature. It was advertised in the local press and site notices were displayed at four separate locations, site entrance, Brooklands Terrace, Caehopkin and on Brecon Road, Penrhos near the junction with Tanywaun

Recommendation

The recommendation remains unchanged