

Appendix 2A

Scoping Opinion

**NEATH PORT TALBOT COUNTY BOROUGH COUNCIL
CYNGOR BWRDEISTREF SIROL CASTELL-NEDD PORT TALBOT**

**TOWN AND COUNTRY PLANNING ACT 1990
THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT
ASSESSMENT) (WALES) REGULATIONS 2017**

SCOPING OPINION

Name and address of the applicant

**Arup - Damian Barry
4 Pierhead Street
Capital
Waterside
Cardiff
CF10 4QP**

DATE REGISTERED: 27 September 2019

APPLICATION NO: P2019/5455

LOCATION: Land At And Surrounding The Nant Helen Open Cast Coal Site, Powys And Onllwyn Distribution Centre, Neath Port Talbot

PROPOSAL: Request for Scoping Opinion under Regulation 14 of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 in respect of a proposed application for a rail testing and storage facility, known as the Global Centre of Rail Excellence (GCRE), and incorporating:- a Rolling Stock and Infrastructure Testing Facility (consisting of two test tracks of loop configuration; one 4.5km, inside a larger loop of 6.9km in length); New buildings including Test Platform/Station, Control Building, Research and Development Centre; Rolling Stock Maintenance Shed, Decommissioning facility and Rail Sidings; Winch-propelled facility for testing of track and track systems; Carriage Wash facility; plus ancillary development including land reformation, landscaping, infrastructure works and access (affecting land within Neath Port Talbot and Powys County Council administrative boundaries).

THE NEATH PORT TALBOT COUNTY BOROUGH COUNCIL AS THE LOCAL PLANNING AUTHORITY IN PURSUANCE OF ITS POWER UNDER THE ABOVE MENTIONED ACT AND REGULATIONS HEREBY ADOPTS THE FOLLOWING SCOPING OPINION SUBJECT TO ANY COMMENTS BELOW:

Reference No: P2019/5455

The Environmental Impact Assessment required to be submitted in respect of the above proposal should cover the matters referred to in Schedule 4 of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017, together with addressing all those matters raised in the formal Scoping Report attached to and comprising part of this decision.

Signed: 
Nicola Pearce – Head of Planning & Public Protection
Date: 20 November 2019

**NEATH PORT TALBOT COUNCIL AND POWYS COUNTY COUNCIL
JOINT SCOPING REPORT**

NPT App. No:	P2019/5455
Powys CC App. No:	19/1619/SC
Location:	Land at and surrounding the Nant Helen Open Cast Coal Site, Powys, and Onllwyn Distribution Centre, Neath Port Talbot.
Description of Development:	Request for Scoping Opinion under Regulation 14 of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 in respect of a proposed application for a rail testing and storage facility, known as the Global Centre of Rail Excellence (GCRE), and incorporating:- a Rolling Stock and Infrastructure Testing Facility (consisting of two test tracks of loop configuration; one 4.5km, inside a larger loop of 6.9km in length); New buildings including Test Platform/Station, Control Building, Research and Development Centre; Rolling Stock Maintenance Shed, Decommissioning facility and Rail Sidings; Winch-propelled facility for testing of track and track systems; Carriage Wash facility; plus ancillary development including land reformation, landscaping, infrastructure works and access (affecting land within Neath Port Talbot and Powys County Council administrative boundaries).

BACKGROUND

The project is considered to be Environmental Impact Assessment (EIA) development as defined by the [Town and Country Planning \(Environmental Impact Assessment\) \(Wales\) Regulations 2017](#), ('the EIA Regulations') and accordingly the proposed planning application will require an accompanying Environmental Statement (ES) to be prepared in accordance with the EIA Regulations.

The application site lies within the Dulais Valley and straddles the Neath Port Talbot and Powys administrative border. This Scoping Opinion is therefore prepared jointly by Neath Port Talbot Council (NPT) and Powys County Council (PCC).

Appropriate consultation on the scope of the proposed Environmental Statement to accompany the application has been undertaken independently by both NPT and PCC, with responses referred to (wherever practicable) under that Authority. The Opinion, however, draws upon all consultation responses and the assessment of officers from each respective Authority to provide a single authoritative Opinion on behalf of both LPAs as befits an assessment of such a significant cross-boundary application proposal.

within the Mynydd-y-Drum Common. The Sustrans National Cycle Route 43 Celtic Trail East follows the northern and western boundary of the site.

The opencast void has moved in a westerly direction during the operation of the Nant Helen series of sites, which began operations in 1986. The current void is located at the western end of the development within the area of Nant Helen Remainder. The overburden storage mounds are to the east of the void with the coal preparation plant, stocking area, offices and workshops located further to the east.

Access to the existing site is gained from the A4221 at Coelbren, along a 1.2km access road which heads west before turning south towards the office/workshop area. There is also an internal haul road link which runs south from the office/workshop area before turning east towards Onllwyn Washery.

The site itself, apart from the section of internal haul road to Onllwyn Washery, is within Powys but much of the land to the south of the site is within Neath Port Talbot.

The Onllwyn Washery / Distribution Centre site is a preparation and washery facility, receiving and distributing coal associated with Celtic's opencast sites by a mixture of road and rail.

BRIEF DESCRIPTION OF PROPOSAL

The Scoping Request relates to the proposed development of a rail testing and storage facility, to be known as the Global Centre of Rail Excellence (GCRE).

Development would include: -

- Rolling Stock and Infrastructure Testing Facility (consisting of two test tracks of loop configuration; one 4.5km, inside a larger loop of 6.9km in length);
- New Buildings including Test Platform/Station, Control Building, Research and Development Centre;
- Rolling Stock Maintenance Shed, Decommissioning facility and Rail Sidings;
- Winch-propelled facility for testing of track and track systems;
- Carriage Wash facility;
- Ancillary development including land reformation, landscaping, infrastructure works and access

It is proposed that a *hybrid* planning application would be submitted, with a full application made for the testing facility and ancillary development with the storage facility (located on the existing washery site) being proposed in outline only at this stage.

The submissions¹ indicate that the development will incorporate the following elements: -

Scheme Component [x] refers to features on Figure 1	Description
<p>[1] Large railroad test loop</p> <p>[2] High tonnage infrastructure test loop</p>	<p>Electrified high speed outer rail testing loop (6.9 km), electrified low speed inner rail testing loop (4.5 km) and control building.</p> <p>The outer loop would extend around the perimeter of the open cast mine and an appropriate scheme of earthworks would be delivered (as part of the restoration strategy being carried out by Celtic Energy) in order to achieve the required gradients for the test track facility.</p> <p>The outer loop would enable the testing of moderate and higher- speed passenger trains up to a maximum 110 mph.</p> <p>The inner loop would enable testing of rail infrastructure and equipment, such as the track, structures (like bridges and tunnels), platforms and signalling, power or communications equipment.</p>
<p>[3] Central control building</p>	<p>A multi-storey control building would be provided from which testing activities are managed. The building would also act as a hub for site personnel.</p> <p>Both loops would link with the existing branch line to the south. It is anticipated rolling stock would be delivered for testing using this link because it provides the most efficient mode of transport.</p> <p>Rolling stock may also be delivered via the strategic road network, depending on need and type.</p>
<p>[6] Research and development centre</p>	<p>The centre would provide opportunities for research and development, conferencing, storage, maintenance and decommissioning of rolling stock and network infrastructure.</p>

¹ Table 3 – Project Components

Scheme Component [x] refers to features on Figure 1	Description
<p>[7] 4-road rolling stock maintenance shed</p> <p>[5] Rolling stock storage/sidings</p>	<p>The centre would have rail links with both testing loops and the existing branch line to the south west. This would facilitate the internal movement of rolling stock for testing and would also link with the wider site and testing loop control centre via internal access roads for use by operational personnel.</p> <p>The centre would provide buildings for up to 400 rolling stock vehicles shared between cold storage (without electricity supply) and warm storage (with electricity supply), buildings with two rail sidings for decommissioning rolling stock and buildings with four rail sidings for maintaining rolling stock as well as stationary testing. There would also be 10 rail sidings branching off the existing rail freight line to help manage incoming rolling stock for testing.</p>
<p>[8] Mechanical low speed linear rail testing track</p> <p>[9] Uni- directional carriage wash facility</p>	<p>The track would be 555 metres long and 15m wide and used for mechanical pulley-driven rolling stock, as opposed to the self- propelled rolling stock that would operate on the rail testing loops at the open cast mine.</p> <p>To be housed within a building or within an acoustically designed boundary enclosure.</p>
<p>Associated development</p>	<p>Across the site this will include land reformation, utilities infrastructure, access roads, car parking, drainage and landscaping.</p>
<p>Site Access</p>	<p>The existing access to the site via the A4109 would be upgraded and a network of internal roads created so that operational personnel could access the centre and the wider site associated with the control building and rail testing loops.</p>

EIA SCOPING OPINION

The application has been submitted as a Scoping Opinion request under Regulation 14 of the Town & Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017.

The Scoping of an EIA by which the main significant effects are identified is a procedure which sets out the context of the Environmental Impact Assessment (EIA).

The applicants 'Environmental Scoping Report' (September 2019) can be viewed in full on the [NPT Planning Register](#) or [Powys CC Register](#) and includes details of the following issues which are proposed to be addressed in the Environmental Statement:

- Socio Economic
- Noise and Vibration
- Air Quality
- Traffic and Transport
- Hydrology and Flooding
- Ground Conditions
- Biodiversity
- Cultural Heritage
- Landscape and Visual
- Health and Wellbeing
- Climate Change
- Major Accidents and Disasters ; and
- Cumulative Effects

PLANNING HISTORY

The Nant Helen OCCS has a detailed planning history, primarily (but not wholly) relating to land in the Powys administrative boundary, dating back to 1996, including (but not limited to) the following: -

- N1996/0112 (NPT) Extract coal by open cast methods incl. Washing of coal bearing material (access only in Neath b.cl. Area). Approved 01.01.1997
- P2001/0405 (NPT) Vary condition 1 of previous planning application P96/0112 - to extend the period in which the development is begun until 31st July 2003
- P/2011/0217 (PCC) Western extension to Nant Helen surface mine for the purposes of coal extraction along with completion of coaling at existing site and associated ancillary development including restoration and subsequent aftercare of the full development site - Planning Permission Granted subject to S106 Agreement – 9th March 2012
- PP 106-98-005/PP 106-12-001 (PCC) Nant Helen Extension – Planning permission Granted at Appeal – 21st July 1998
- 18/1070/REM (PCC) Section 73 application to vary condition 2 of P/2011/0217 to allow an extension to time to allow extraction of all the coal and completion of restoration.
PCC resolved to grant subject to section 106 agreement (outstanding)

PUBLICITY AND RESPONSES

Neath Port Talbot Internal Consultees

Environmental Health (Air Quality) No objection to methodologies proposed for assessment, noting an incorrect reference on Para. 157.

Public Rights of Way Note that the majority of the network (in NPT), whilst located within the site is unaffected by the proposals – unless they want to remove all the network from the site to make the area secure. Provides comments in respect of potential impacts on 3 rights of way, namely: Bridleway 26 and Footpaths MO ANO2 and Fp33.

Environmental Health (Land Contamination) After reviewing section 10 (Ground conditions) of the Environmental Scoping Report, have no objections to make and there is no obvious missing information. The document clearly details measures in relation to identifying and remediating contaminated land on the area proposed for development. Standard contaminated land conditions would be applied depending on what information is provided when submitting the planning application.

Biodiversity Advises that the ecology section of the scoping report provided appears to be largely appropriate; however a few items, set out below, will also need to be addressed as part of the EIA:

- The list of surveys that are being undertaken to inform the scheme appear appropriate. It should however be particularly noted that the surveys should include the identification of the presence of S7 Environment (Wales) Act (S42 NERC Act 2006)/ LBAP habitats and species, sites that meet SINC criteria, in addition to protected species.
- A balance of S7/LBAP/SINC habitat loss/gain to the scheme should be included.
- It is welcomed that it is intended to include an assessment of the impacts upon areas identified as sites of importance for nature conservation (SINC) but it should also be noted that in line with the NPT LDP and Biodiversity & Geodiversity SPG all areas that would meet the criteria of a SINC should also be assessed and considered in the same way. NB details of identified SINC are available from SEWBReC and the criteria are available from the Wales Biodiversity Partnership website.
- No mention of an assessment of ecosystem resilience (Section 2 Environment (Wales) Act 2016) is included, it is recommended that an assessment is undertaken to ensure the aspects of ecosystem resilience are able to be appropriately considered in line with the Act; this shall particularly consider:
 - (a) *diversity between and within ecosystems;*
 - (b) *the connections between and within ecosystems;*
 - (c) *the scale of ecosystems;*
 - (d) *the condition of ecosystems (including their structure and functioning);*
 - (e) *the adaptability of ecosystems.*

- Also, an assessment of impacts upon bird habitat (Section 9a Conservation of Habitats and Species Regulations 2010 as amended); should be included. It is welcomed that up to date surveys are being undertaken to ensure appropriate data is available to inform this assessment.
- In relation to the significance criteria to be used for the assessment please note the NPT LDP policy requirements and the requirements of the Environment (Wales) Act 2016 in relation to what the LPA needs to consider as part of planning submission. For example all S7 habitats/SINCs/LBAP habitats and species impacted by the scheme will require mitigation as well as protected species and designated sites. These should not be ruled out too early in the assessment process on the basis of criteria applied.

Environmental Health (Noise) Note that, as expected, the proposal in relation to noise and vibration at this stage is vague, but reference is made within the document that prior to undertaking the various assessments that will be required for such a large proposal, the applicant will consult with the LA's. I am pleased to see this, as it will be at this stage the detail can be discussed and methodologies agreed.

Agree with Planning's comment that *"there is no mention of any potential increase in use of the rail link both during construction and operation. This therefore needs to be addressed within the ES, first through an assessment of the use of (and potential increase in use of) the rail link itself, followed by a consequential assessment of any impacts on in terms of noise and vibration."*

Due to the sheer size and nature of the proposal, multiple assessments will be required, and the applicant has recognised this fact. From the content of the document, there is a need at each stage of the assessment for the applicant to be in dialogue with Environmental Health to agree methodologies and standards (this includes background assessments, construction, and operational).

While proposals have been made regarding the background assessment methodology and construction noise targets, further discussions are required prior to agreeing to the suggestions. (At this stage we should not be limiting the number of monitoring locations required to obtain a background noise level, and there is a need to understand the typical background levels in the area prior to agreeing the 'ABC' methodology in BS5228.) But again these matters can be discussed when greater detail is available.

As part of the mitigation actions, the applicant should consider utilising permanent noise monitoring and vibration monitoring throughout the construction and operational phases.

Due to the boundaries of the OCCS and GCRE not matching, it does make the matter more complex, and therefore there will be a need to ensure the ES considers the differences between the authorised movement of earth within the Nant Helen OCCS site boundary and the additional earthworks activities outside the OCCS.

Head of Engineering & Transport (Highways) advises that in principle there is no highway objection to the proposal subject to a full and detailed Traffic Impact Assessment (TIA) in accordance with TAN 18 be submitted to and approved in writing by the LPA. Suggest that a meeting between all stakeholders take place at the earliest convenience.

Head of Engineering & Transport (Drainage) advises that SuDs Approval Body (SAB) approval will be required prior to any work commencing.

Powys County Council Internal Consultees

Environmental Health Confirm that they are satisfied with the proposed assessments in respect of noise and air quality.

Commons Registration Authority Confirm that the proposed rail testing and storage facility is due to be sited on Common Land known as Mynydd-Y-Drum and is registered under the Commons Registration Act 1965 as register unit CL78 (Brecknockshire).

Commons Registration records show that:

- The Common is subject to grazing rights, which include being registered as exercisable over the application site.
- All registered Common Land is subject to a public right of access on foot for informal recreation granted under the Countryside & Rights of Way Act 2000.

Please be advised that the construction of the testing facility on Mynydd-Y-Drum Common would be UNLAWFUL and the applicants should consider making an application under Section 16 of the Commons Act 2006 to de-register the Common Land status from the site.

Powys County Council is not the determining authority, The Planning Inspectorate in Wales is responsible for determining applications on behalf of the Welsh Minister. Guidance about how to make an application under Section 16 of the Commons Act 2006 is available on the Welsh Government website: <https://gov.wales/commons-act-2006-guidance-applying-under-section-16>

The Registration Authority also recommends the reading of the Welsh Government 'Common Land Consents Guidance' that was published in August 2014. This document is available within a different area of the Welsh Government website at the following link: <https://gov.wales/common-land-consents-guidance>

Countryside, Access and Recreation (Rights of Way) The application site is located across the county border of Powys and Neath Port Talbot. This response relates to public rights of way in Powys.

The application site is located on a number of public rights of way in Powys. These are footpath 40, bridleway 45 (which becomes bridleway 66), footpath

19, footpath 50 (which becomes footpath 90), footpaths 11, 17, 52 and 76, footpath 49 and footpath 7. A plan of the paths is attached.

Use of public rights of way across the Nant Helen Opencast Coal site is suspended for the duration of coaling works, via an Order under the Opencast Coal Act 1958. If the proposed development would not be compatible with the public rights of way being used on the alignments that are currently recorded on the Definitive Map, once the suspension is revoked, then the paths will need to be legally diverted.

Planning permission does not, in itself, grant authority for a public right of way to be diverted. A separate legal diversion process must be completed, before development is commenced over the public rights of way.

Even if the paths do not need to be permanently diverted, consideration will need to be given to management of the paths both during and after construction. For further information about applying to divert a public right of way and the options for managing them during and after construction, please contact the Countryside Services and Outdoor Recreation team.

Contaminated Land Section 10 'Ground Conditions' (of Arup 'A Global Centre of Rail Excellence in Wales: Environment Scoping Report' (ref: 264904) 27 September 2019) includes details of how potential risks associated with land contamination will be investigated and assessed. The scope and level of detail of information included in the report would be sufficient for any environmental statement required for the proposed development.

Furthermore, any potential land contamination risks may be managed on submission of an application for planning permission, under The Town and Country Planning Act 1990 (as amended) and The Town and Country Planning (Development Management Procedures) (Wales) Order 2012, and in accordance with the guidance provided in the Welsh Government 'Planning Policy Wales' document.

Built Heritage Conservation Officer - Advises that the methodology for assessing the setting of historic assets is sound, and provides detailed comments (addressed in historic environment section below and as attached in full at Appendix 1).

Ecologist Has reviewed the information submitted and the proposed and is satisfied that the proposed scope of the surveys identified is appropriate and the approach/methodologies identified in Chapter 11 is in accordance with current guidelines and best practice.

The Scoping Report identifies the presence of a European designated site within 5km of the proposed development - Coedydd Nedd a Mellte SAC identified by the Scoping Report as approximately 3km east of the proposed development - sufficient information will need to be provided within the ES to enable the competent authority to determine whether there would be a potential for an impact to the SAC as a result of the construction and/or operation phase of the proposed development, should the assessment identify

the potential for an impact to the SAC and or its associated features then sufficient information will be required to be submitted to enable the competent authority to undertake a Habitats Regulations Assessment of the proposed development. The first stage of this - Screening Stage - is to determine whether there would be a likely significant effect (in the absence of mitigation) if a likely significant effect either alone or in combination with other plans or projects cannot be ruled out then it will be necessary for the proposed development to be subject to an Appropriate Assessment to determine whether there would be an adverse effect to the integrity of the designated site in light of its conservation objectives. Further information regarding the HRA process in relation to DNS and required information can be found at

<https://gov.wales/sites/default/files/publications/2019-08/developments-of-national-significance-guidance-habitats-regulations-assessment.pdf>

Section 11.6 of the Environmental Scoping Report identifies potential mitigation that may need to be implemented during the construction phase of the proposed development, I appreciate that these are indicative at this time as not all surveys have been completed and the full extent of potential impacts to biodiversity have not yet been identified. Having reviewed the proposed potential mitigation measures I note that these generally refer to mitigation required during the construction phase of the proposed development the ES will also need to include mitigation measures in relation to the operation phase of the proposed development.

Chapter 17 of the Report considers assessment of Cumulative Effects of the proposed development in relation to other projects known to the planning system or are already consented (but not yet built). I note that with regards to biodiversity the zone of influence for assessments has been identified as the 'footprint of construction works and immediately adjoining land' however with regards to air quality a Zol of 200m of the development boundary and in relation to water resources a Zol of 500m has been identified - as both of these are linked to condition of biodiversity features then it is considered that the Zol in relation to assessment of cumulative effects to biodiversity should also be extended to take these factors into account.

I welcome the statement within the Biodiversity section of the Scoping Report that 'Measures to enhance biodiversity in the area affected by the Project and those which help to deliver local and national policy targets would also be identified; including measures which enhance Section 7 species and habitats, which the local authorities and public bodies are required to seek 'to maintain and enhance biodiversity' in addition to maintaining 'a resilient ecosystem' under the Environment (Wales) Act 2016.' The requirement to identify enhancements for biodiversity through development proposals has been further clarified by the letter from Welsh Government to Wales LPA Heads of Planning dated 23rd October 2019 which states that 'where biodiversity enhancement is not proposed as part of an application, significant weight will be given to its absence, and unless other significant material considerations indicate otherwise it will be necessary to refuse permission.'

Highways No response received to date

External Consultees (NPT and PCC)

Natural Resources Wales has provided detailed advice on land Contamination, Ecology, Protected Sites, Landscape, and Water Quality/ Construction Impacts. Their representations are covered in the subsequent assessment, and can be found in full at Appendix 2).

Brecon Beacons National Park Authority Has provided detailed comments in respect of the need to address the impacts on the National Park, together with detailed comments on LVIA, Renewable energy generation, artificial lighting, archaeology, biodiversity and cumulative impacts.

Comments in respect of the proposed LVIA agrees with NRW's response to the scoping report (05.11.2019) which itself notes that limiting the ZTV to 2km from the project boundary would miss out a number of viewpoints and receptors within the National Park, including from land north/east of Coelbren/Dyffryn Cellwen, on the ridges of Llorfa and Cefn Mawr to the north west and from Cribarth to the north and around Pen-y-cae to the north east. They advise that the ZTV should be widened to 5km to ensure that sensitive areas and receptors within the National Park are included. NRW also state that the ZTV for cumulative effects should also be 5km. BBNPA would concur with this advice.

It is noted that Viewpoints 2, 3, 4, 9, 12, 13, 17 & 18 are in the National Park and in light of NRW advice recommend consideration of additional viewpoints as follows:-

- Trig point on Cribarth (SAM & Registered Common Land) approx. 3.16km
- Public Footpath north east of Henrhyd falls, south of Bryn Bugeiliaid (open access land) 2.5-3km
- Dismantled railway north west of Bryn Bugeiliaid forest, on edge of NNR (Ogof Ffynnon Ddu) & a permissive path (Open Country) approx. 4km
- Bridleway on Cefn Mawr ridge north west of Giedd Forest (Open Access) 4.8-5km. The alternative to this could be the Llorfa ridge, which was used in the open cast assessment, although this is further away.
- Potential viewpoints from paths on/close to the site with views looking towards the National Park e.g. on Mynydd Y Drum or to the south.

NRW state that the LVIA should refer to the National Park's Management Plan, (i.e. the latest version 2015-2010), the Special Qualities of the National Park (particularly peace and tranquillity) and the Landscape Character Assessment (as set out in the Landscape and Development Supplementary Planning Guidance dated 24.10.2014). Impacts on Landscape Character Area 2 - Y Mynydd Du, 3 – Fforest Fawr and 4 -Waterfall Country and Southern Valleys should be assessed. BBNPA would concur with this advice.

NRW have stated that the baseline for the LVIA should be based on the approved restoration plans for the site, and not the existing situation, i.e. the existing working surface coal mine which is a largely pre-restored site. BBNPA would concur with this advice. The site is subject to planning

conditions to secure restoration of the site to beneficial after uses and this also means that the site is not a brown field site, but green field – this should be reflected in the LVIA.

NRW also refer to the need to consider effects of light pollution, particularly night time effects and the Dark Sky Reserve status of the National Park. BBNPA would concur with this advice. Reference should be made to the SPG – Obtrusive Lighting and Light Pollution dated 27.03.2015.

The Scoping Report, at para 15.6 refers to installing renewable energy generation to mitigate the effects of climate change. Such development should be included in the description of development, the nature of the development clarified and if it involves stand- alone features, these should be properly assessed as part of the LVIA.

Their representations are covered in the subsequent assessment, and can be found in full at Appendix 3).

Glamorgan Gwent Archaeological Trust (NPT) - The supporting information includes a scoping report from Arup dated September 2019 which notes that there are archaeological issues which need to be addressed in order to determine the impact of the proposals on the historic environment. An archaeological desk based assessment will be undertaken to inform the cultural heritage chapter. Section 12 refers to cultural heritage, and outlines the methodology for assessing the impact of the proposal on the historic environment. It includes stating that the work will be in line with the current best practice for the Chartered Institute for Archaeologists, as well as national, regional and local policies. These include that a methodology for the assessment will need to be agreed with us as your advisors prior to the production of the assessment. The approach is appropriate, and we look forward to agreeing the methodology. See Appendix 4.

Clwyd-Powys Archaeological Trust (PCC) - We have already responded to the Welsh Government consultation exercise on this scheme and confirmed that a cultural heritage assessment of the development area would be necessary as part of an EIA.

There are a number of recorded archaeological sites within the red boundary and a high potential for impacts to both recorded and unrecorded archaeology outside the main former extraction and soil bund stripping areas of the opencast in particular. Impacts are most likely to occur where the new testing tracks are constructed and where other infrastructure is placed outside areas of disturbance caused by prior extraction, soil stripping and quarry buildings.

There is one scheduled monument within the red boundary area and the applicants will have to consult Cadw via cadwplanning@gov.wales regarding setting issues and other potential impacts.

We have advised Welsh Government that initially a detailed desktop study will be required along with a walkover survey to collate information on known and unrecorded sites, assess the potential impacts and suggest appropriate mitigation. Further pre-determination assessment may then be required in the

form of geophysics, measured surveys and investigative trenching. This work should be carried out in accordance with the appropriate CIFA standards and guidance and a specification (written scheme of investigation) should be forwarded to us by the nominated archaeological contractor for approval in advance of the commencement of the assessment. All finished reports and any resulting digital archives must be submitted to the Historic Environment Record and National Monuments Record (RCAHMW) on completion of the assessments. See Appendix 5.

National Grid (PCC & NPT) - has provided details of their apparatus in the area, including Overhead Line Profiles and issued a holding objection pending further review by Engineers. They have also requested 3D drawings to be provided at the earliest opportunity (DWG, DGN or DXF), and noted that the statutory minimum safety clearance is 7.6 metres to ground and 8.1 metres to a normal road surface. See Appendix 6.

CADW (PCC & NPT) – Having carefully considered the information provided with this request, consider that further information is required.

An environmental scoping report has been prepared by Arup outlining the proposed contents of the environmental impact assessment and the methodologies that will be used to assess any likely damage to the environment. Chapter 12 of that document deals with Cultural Heritage and in general we concur with its' contents: However, in regard to grade II listed buildings we would recommend that given that these are Nationally designated heritage assets, a search area of 3km would be more appropriate than 1km and that impact of the proposed development on the setting of all designated heritage assets inside 3km (listed above) should be carried out in accordance with the Welsh Government guidance given in the document "The Setting of Historic Assets in Wales". We would expect a stage 1 assessment to be carried out for all of the above designated heritage assets, which will determine the need, if necessary, for stages 2 to 4 to be carried out for specific heritage assets.

Finally, it is noted that paragraph 343 of the scoping document that there is a reference to Planning Policy Wales Chapter 6: The Historic Environment (Edition 9, 2016). This document has been replaced by Planning Policy Wales Chapter 6: The Historic Environment (Edition 10, 2018). See Appendix 7.

Coal Authority (PCC & NPT) - Our records indicate that there are approximately 87 mine entries, within or within 20m of the site boundary. The site is also in an area of recorded and likely unrecorded coal mine workings at shallow depth and is in an area where coal has been removed by surface mining methods.

The submission is supported by an Environmental Scoping Report, dated September 2019 and prepared by ARUP. We are pleased to see that this report identifies the significant coal mining legacy present on the site, and acknowledges that the site is still subject to active surface mining activity until at least 2020.

Section 10 of the Environmental Scoping Report covers ground conditions and identifies that a detailed mining risk assessment will need to be completed to qualify the risks arising from historical mining activities present within the area of the proposed structures and infrastructure and associated construction activities. The report authors note that this should look at historic records, mining abandonment plans, historic borehole records etc. They note that comprehensive ground investigations may be required to locate workings and there may be requirements for remedial works to mining works and shafts on the site.

Where mine entries are present on a site we would expect the location of these to be established by intrusive site investigations in order that the exact location of these features can inform the layout of the development. We would expect the layout plan to demonstrate that the adequate separation is provided between these features, their zones of influence and any structures proposed. The Coal Authority is of the opinion that building over the top of, or in close proximity to, mine entries should be avoided wherever possible, even after they have been capped, in line with our adopted policy:

<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

See full representations at Appendix 8.

Dwr Cymru Welsh Water (PCC & NPT) - Advise there are a number of sewerage and water assets crossing the site boundary, these will have their own easements whereby no operational development can take place. Recommend the applicants continue to engage with DCWW and work collaboratively on drainage matters. Also recommend they engage with the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features and that Dwr Cymru Welsh Water is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation.

Wales & West Utilities (PCC & NPT) – Advise that Wales & West Utilities plans should now be obtained from LSBUD - <https://www.linerearchbeforeudig.co.uk/>

Designing Out Crime Officer (NPT) - It is important that I am involved in this initiative at the design stage, and ask that I be consulted at a later date when more detailed drawings of the scheme become available, in order for Designing out Crime and Secured by Design principles to be considered and hopefully incorporated into this exciting development.

National Planning Policy Context

The Applicants attention is drawn to the following relevant national and local planning policies together with supplementary guidance.

[Planning Policy Wales](#) (Edition 10)

PPW is supported by a series of more detailed [Technical Advice Notes](#) (TANs), of which the following are of relevance: -

- TAN 5 Nature Conservation and Planning (2009)
- TAN 11 Noise (1997)
- TAN 12 Design (2016)
- TAN 13 Tourism (1997)
- TAN 15 Development and Flood Risk (2004)
- TAN 18 Transport (2007)
- TAN 20 Planning and the Welsh Language (2017)
- TAN 23 Economic Development (2014)
- TAN 24 The Historic Environment (2017)

Local Planning Policy Context

The application site covers two administrative boundaries, with this Scoping Report prepared jointly on behalf of both Local Planning Authorities. Accordingly, the local Policy context below addresses Powys and NPT Policies in turn.

Powys Local Development Plan (April 2018)

The Development Plan for the Powys CC area comprises the [Powys Local Development Plan](#) which was adopted in April 2018, and within which the following policies are of relevance:

Strategic Policies:

- Strategic Policy SP2 Employment Growth
- Strategic Policy SP5 Settlement Hierarchy
- Strategic Policy SP6 Distribution of Growth across the Settlement Hierarchy
- Strategic Policy SP7 Safeguarding of Strategic Resources and Assets

Detailed Policies:

- Policy DM1 Planning Obligations
- Policy DM2 The Natural Environment
- Policy DM4 Landscape
- Policy DM5 Development and Flood Risk
- Policy DM6 Flood Prevention Measures and Land Drainage
- Policy DM7 Dark Skies and External Lighting
- Policy DM8 Minerals Safeguarding
- Policy DM9 Existing Mineral Workings
- Policy DM10 Contaminated and Unstable Land

- Policy DM13 Design and Resources
- Policy DM14 Air Quality Management
- Policy DM15 Waste Within Developments
- Policy E2 Employment Proposals on Non-allocated Employment Sites
- Policy T1 Travel, Traffic and Transport Infrastructure
- Policy T2 Safeguarding of Disused Transport Infrastructure
- Policy M5 Restoration and Aftercare

Neath Port Talbot Local Development Plan

The Development Plan for the NPT area comprises the [Neath Port Talbot Local Development Plan](#) which was adopted in January 2016, and within which the following policies are of relevance:

Strategic Policies:

- **Policy SP1** Climate Change
- **Policy SP2** Health
- **Policy SP3** Sustainable communities
- **Policy SP4** Infrastructure
- **Policy SP6** Development in the Valleys Strategy Area
- **Policy SP11** Employment Growth
- **Policy SP14** The Countryside and the Undeveloped Coast
- **Policy SP15** Biodiversity and Geodiversity
- **Policy SP16** Environmental Protection
- **Policy SP17** Minerals
- **Policy SP19** Waste Management
- **Policy SP20** Transport Network
- **Policy SP21** Built Environment and Historic Heritage
- **Policy SP22** Welsh Language

Detailed Policies:

- **Policy SC1** Settlement limits
- **Policy I1** Infrastructure Requirements
- **Policy EC5** Employment Uses in the Valleys
- **Policy TO4** Walking and Cycling Routes
- **Policy EN2** Special Landscape Areas
- **Policy EN6** Important Biodiversity and Geodiversity Sites
- **Policy EN7** Important Natural Features
- **Policy EN8** Pollution and Land Stability
- **Policy M1** Development in Mineral Safeguarding Areas
- **Policy M3** Development in Mineral Buffer Zones
- **Policy RE2** Renewable and Low Carbon Energy in New Development
- **Policy W3** Waste Management in New Development
- **Policy TR1** Transport Proposals
- **Policy TR2** Design and Access of New Development
- **Policy TR3** Safeguarding of Disused Railway Infrastructure
- **Policy TR4** Safeguarding Freight Facilities

- **Policy BE1** Design
- **Policy BE2** Buildings of Local Importance
- **Policy WL1** Development in Language Sensitive Areas

Supplementary Planning Guidance:

The following SPG is of relevance to this application: -

Powys CC

- [Biodiversity and Geodiversity](#) (October 2018)
- [Landscape](#) (April 2019)
- [Planning Obligations](#) (October 2018)

Neath Port Talbot

- [Planning Obligations](#) (October 2016)
- [Parking Standards](#) (October 2016)
- [Pollution](#) (October 2016)
- [Open Space & Greenspace \(July 2017\)](#)
- [Renewable and Low Carbon Energy \(July 2017\)](#)
- [Design](#) (July 2017)
- [Development and the Welsh Language](#) (July 2017)
- [Landscape & Seascape \(May 2018\)](#)
- [Biodiversity and Geodiversity \(May 2018\)](#)
- [The Historic Environment](#) (April 2019) (incl. [Schedule of Buildings of Local Importance](#) and [SPG: Schedule of Designated Canal Structures](#))

SCOPING APPRAISAL

Having regard to the submitted '[Environmental Scoping Report](#)' (September 2019), and following receipt of the above consultation responses, it is considered that in general the proposed content and methodology of the EIA would be acceptable, subject to the following comments and requests for additional information being incorporated into the final ES: -

Approach to the EIA

The Scoping Report sets out that the EIA will identify the likely significant environmental impacts (both positive and negative) of the Project and report these within in the ES which will provide the following relevant information, as required by the EIA Regulations:

- A description of the development, including the physical characteristics of the whole development and the land use requirements during the construction and operational phases;
- An outline of the main alternatives studied by the applicant with an indication of the main reasons for the choice, taking into account the environmental effects;

- A description of the aspects of the environment likely to be significantly affected by the proposed development;
- A description of measures designed to prevent, reduce and where possible offset any significant adverse effects on the environment along with a description of measures designed to enhance beneficial effects;
- A non-technical summary; and
- A description of any difficulties encountered by the applicant.

Future Baseline (section 2.3)

The submissions indicate that the restoration of the Nant Helen OCCS would take place once the mine ceases operation in 2020, and that the restoration will not be completed before the commencement of the assessments. Accordingly, obtaining data on baseline conditions of a restored site will not be possible. This is acknowledged, albeit noting that there is progressive restoration of the site as mining continues.

It therefore states that the EIA will consider the existing (i.e. pre-restoration) conditions, although where relevant future baseline (post restoration) will be considered based on information about the restoration plans known at the time of assessment. Each topic chapter will define this clearly within the assessment methodology sections, providing clear justification for which baseline is considered.

Having regard to the existing (working) site conditions for the OCCS, and the fact that submissions are intended to be made to amend the final restoration strategy for the Nant Helen site prior to the submission of the application, this approach is agreed and is considered to be the most appropriate way forward. Nevertheless, the LPAs reserve the right, should it be deemed essential, to request further environmental information in the event future baseline conditions change to such an extent that potential significant impacts cannot otherwise be assessed.

Significance of Effect and in-combination effects

The approach to Significance of Effect (including criteria in Table 4), cumulative and in-combination effects, and mitigation are agreed as being appropriate.

TOPIC AREAS

The Scoping Report advises that for each topic, the likelihood of significant effects arising will be considered in terms of:

- Direct and indirect effects during construction;
- Direct and indirect effects during operation;
- Direct and indirect effects during decommissioning; and

- Cumulative effects arising from the Project with other development that has extant planning permission or is under construction.
- In-combination effects arising from the Project.

This approach is agreed.

The following assessment now addresses each proposed topic area in term, noting the 'summary of scope' identified in table 5 of the Scoping Report and reviewing the extent to which any additional matters should be addressed within the ES accompanying the proposed planning application.

Assessment Topic	Summary of scope
Socio-Economics	To include assessment of construction and operational effects on local residents, local businesses, community facilities, land use, local and regional economy, and tourism and recreational facilities.

The approach and methodology in Section 5 of the Scoping report is largely agreed, albeit it is noted that it will be important to predict the potential wider socio-economic benefits having regard to whether the project would be delivered as one comprehensive project, or in its constituent parts.

In addition: -

There is reference (para 79) to the potential longer-term impacts on the local Public Rights of Way (PRoW) network. It is noted, however, that there is no mention of any potential increase in use of the rail link (as referred to throughout this scoping report) both during construction and operation. This therefore needs to be addressed within the ES, first through an assessment of the use of (and potential increase in use of) the rail link itself, followed by a consequential assessment of any socio-economic impacts. This could most likely include impacts on communities associated with any intensification in use of the rail link in terms of connectivity, should rights of way or crossing points be adversely affected.

It is also noted that paragraph 70 refers to the baseline of 'a level site on which the project will be developed', although the choice of terminology for the restored site should perhaps be reconsidered to reflect the approved methodology at the time of writing.

As NRW has also noted, while paragraph 79 states that potential socio-economic effects of the operation include "the provision of improved landscape within the area", it should be noted that the potential landscape effects have not yet been assessed, and would need to form part of the overall ES.

Assessment topic	Summary of scope
Noise and Vibration	<p>To include noise and vibration associated with construction and construction traffic.</p> <p>Assessment related to the operation of the Project will include:</p> <ul style="list-style-type: none"> • Assessment of operational noise and vibration associated with train movements both during the day and night. • Assessment of additional road traffic noise generated on the local highway network and within the site.

As expected, the proposal in relation to noise and vibration at this stage is vague, but reference is made within the Scoping Report that prior to undertaking the various assessments that will be required for such a large proposal the applicant will consult with the Local Authorities. This is considered essential, since it will be at this stage the detail can be discussed and methodologies agreed.

The proposed development will clearly have impacts in relation to noise and vibration. In addition these would relate to both construction phases and operational phases of the development. As stated, no specific details are submitted, and the applicant would need to address these matters as part of the ES including mitigation measures where necessary. Monitoring of these matters will also be necessary, as the nature of the development, including the operation and testing of new technology and experimental design may lead to impacts not yet considered or forecasted when the development is initially assessed.

It is note, however, that there is no mention of any potential increase in use of the rail link (as referred to throughout this scoping report) both during construction and operation. This therefore needs to be addressed within the ES, first through an assessment of the use of (and potential increase in use of) the rail link itself, followed by a consequential assessment of any impacts on in terms of noise and vibration.

Due to the sheer size and nature of the proposal, multiple assessments will be required, and the applicant has recognised this fact. From the content of the scoping report, it is assumed that at each stage of the assessments the applicant's consultants will be in dialogue with Environmental Health to agree methodologies and standards (this includes background assessments, construction, and operational).

While proposals have been made regarding the background assessment methodology and construction noise targets, it is considered that further discussions are required prior to agreeing to the suggestions. For example, at this stage we should not be limiting the number of monitoring locations required to obtain a background noise level, and there is a need to understand

the typical background levels in the area prior to agreeing the 'ABC' methodology in BS5228. Again these matters can be discussed when greater detail is available.

As part of the mitigation actions, the applicant should consider utilising permanent noise monitoring and vibration monitoring throughout the construction and operational phases.

Due to the boundaries of the OCCS and GCRE not matching, it does make the matter more complex, therefore *there is a need to ensure the ES considers the differences between the authorised movement of earth within the Nant Helen OCCS site boundary and the additional earthworks activities outside the OCCS.*

Assessment topic	Summary of scope
Air Quality	Assessment of local air quality to include: <ul style="list-style-type: none"> - Review of existing air quality conditions; - Qualitative assessment of dust emissions during construction; - Assessment of air quality effects from construction and operational traffic; - Assessment of air quality effects from on-site rail testing of diesel trains during operation.

The NPT Air Quality Officer has reviewed Chapter 7 of the Environmental Scoping Report and has confirmed that he is content with the scope set out within the submissions. This submission should cover all potential impacts both during construction, and operation, taking into account long term need for monitoring.

It is noted, however, that there is no mention of any potential increase in use of the rail link (as referred to throughout this scoping report) both during construction and operation. This therefore needs to be addressed within the ES, first through an assessment of the use of (and potential increase in use of) the rail link itself, followed by a consequential assessment of any impacts on air quality.

Assessment Topic	Summary of scope
Traffic and Transport	The assessment will be based on a 'worst case' scenario whereby all materials would be brought to the site via road (it is more likely that the majority of materials would be brought to site by rail). To include an assessment of effects on highways and walking and cycling routes that surround the Project site. Potential effects on public transport will also be considered.

The Head of Engineering & Transport (NPT) raises no issues or objections with the submissions, subject to a full and detailed Traffic Impact Assessment (TIA) in accordance with TAN 18 be submitted to and approved in writing by the LPA.

Whilst there are a number of sections within the scoping document that refer to the rail link as a positive for the site location, and reducing road impacts, it is noted that there is no mention of any potential increase in use of the rail link (as referred to throughout this scoping report) both during construction and operation. This therefore needs to be addressed within the ES, first through an assessment of the use of (and potential increase in use of) the rail link itself, followed by a consequential assessment of any impacts on wider walking and cycle routes serving communities along the rail route.

It is considered that the baseline (and subsequent) assessment needs to have regard to the intensity and nature of existing use, including hours of activity. The assessment will then need to address the proposed or estimated increase in its use, including any offsetting that may be possible once the washery closes – which may be deemed significant - together with consideration of the potential impacts associated with any such change in its use.

Having regard to the above, it is especially noted that there are a number of level crossings along this line such as one (which has been drawn to our attention) between the settlements of Cilfrew and Aberdulais that is used very regularly and by school children. This appears to be a very important pedestrian link between the two residential communities, and a route to school and as such if the levels of traffic along this line were to increase, the submissions would need to address whether there is any need for potential mitigation. Other crossing points may also need to be assessed to see levels of use, but also the reasons for these trips.

The use and impacts of this rail link are also referred to throughout this report, including how this might impact on Noise, Nuisance, air quality, health and wellbeing, community connectivity etc. as presently the document appears silent on these issues, only stressing the positives of the rail link on reducing road traffic.

The sustainability in terms of transport options and conclusions would need to be considered, both during construction and operation, including the need for travel plans for staff and visitors to the site to reduce reliance on the need for private transport, as a priority, to reduce the carbon footprint across the whole lifetime of the proposal.

Impact on Rights of Way

The majority of the affected public right of way network is located within the administrative boundary of Powys. These are footpath 40, bridleway 45 (which becomes bridleway 66), footpath 19, footpath 50 (which becomes footpath 90), footpaths 11, 17, 52 and 76, footpath 49 and footpath 7. Within the NPT administrative boundary are Footpaths 4.Coelbren, 15.D.Hi, 32.D.Hi, 33.D.Hi, 34.D.Hi, MO.ANO2 and Bridleway 26.D.Hi.

Use of public rights of way across the Nant Helen Opencast Coal site is suspended for the duration of coaling works, via an Order under the Opencast Coal Act 1958. If the proposed development would not be compatible with the public rights of way being used on the alignments that are currently recorded on the Definitive Map, once the suspension is revoked, then the paths will need to be legally diverted.

Planning permission does not, in itself, grant authority for a public right of way to be diverted. A separate legal diversion process must be completed, before development is commenced over the public rights of way.

Even if the paths do not need to be permanently diverted, consideration will need to be given to management of the paths both during and after construction. For further information about applying to divert a public right of way and the options for managing them during and after construction, please contact the Powys Countryside Services and Outdoor Recreation team.

The ES will need to consider all short- and long-term impacts on the public rights of way and its users, including details of the current situation, post-restoration plans, and any details (and assessment of impacts) in respect of any proposal to divert or remove the network from the site (for example to make it secure). This again feeds into the sustainability of the site as a whole, and the socio-economic impacts of the development, and the accessibility of this site, and linkages into the wider cycle/ footpath networks, and the visual impacts on the wider landscape.

Assessment Topic	Summary of scope
Hydrogeology and Flooding	<p>To consider effects of the Project during construction and operation on:</p> <ul style="list-style-type: none"> • Surface water features (to include details of water quality and quantity). • Groundwater features. • Flood risk. • Drainage infrastructure.

Natural Resources Wales addresses matters of Water Quality/ Construction Impacts, and notes that given the location of the site close to the Rivers Pyrddin and Dulais on Neath and the presence of ordinary watercourses within the vicinity, consideration should be given to the inclusion of appropriate pollution control measures to be adopted on site from site preparation through to operation. They advise that this is considered as part of a site-specific Construction Environmental Management Plan for the development and should address the following:

- Construction methods including details of materials, waste, contaminated land.
- General Site Management: construction programme, site clearance requirements, construction drainage, site set-up plan detailing sensitive receptors and buffers zones, relevant protection measures e.g. fencing.

- Biodiversity Management: tree and hedgerow protection, invasive species management.
- Control of Nuisances: restrictions on timing/duration/frequency of works, dust control measures, control of light spill and conservation of dark skies.
- Resource Management: fuel and chemical storage, waste management, water consumption, energy consumption.
- Traffic Management: deliveries, plant on site, wheel washing facilities.
- Pollution Prevention: demonstrate compliance with relevant Guidelines for Pollution Prevention, incident response plan, site drainage plan.
- Ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.
- Details of the persons/bodies responsible for activities associated with the CEMP and emergency contact details.

Assessment topic	Summary of scope
Ground Conditions	To consider effects of Project related to geology, hydrogeology and contamination during both construction and operation.

The **PCC Contaminated Land Officer** has advised that Section 10 'Ground Conditions', of the Scoping Report includes details of how potential risks associated with land contamination will be investigated and assessed. The scope and level of detail of information included in the report would be sufficient for any environmental statement required for the proposed development.

Furthermore, any potential land contamination risks may be managed on submission of an application for planning permission, under The Town and Country Planning Act 1990 (as amended) and The Town and Country Planning (Development Management Procedure) (Wales) Order 2012, and in accordance with the guidance provided in the Welsh Government 'Planning Policy Wales' document.

The **NPT Land Contamination team** also raise no issues with the scoping report, noting that such matters can be addressed at application stage.

Natural Resources Wales welcomes the proposed investigation as outlined in Section 10.4.2 of the scoping report and advise that a Preliminary Risk Assessment (PRA) is undertaken to establish the location of historical contamination. They also recommend that CLR11, the Environment Agency "Guiding Principles for Land Contamination" (which has been adopted by NRW) and British Standards are used to undertake these assessments. All reference to legislation should be up to date.

They further welcome and support the commitment within Section 9.4 of the scoping report that a survey will be undertaken to understand the baseline Water Features.

In addition, if any piling is to be undertaken on site the ES should include a piling risk assessment.

Assessment topic	Summary of scope
Biodiversity	<p>The presence of statutory and non-statutory sites which could be indirectly affected during construction and operation.</p> <p>The presence of notable habitats within the site i.e. Habitats of Principal Importance in Wales and ancient woodland, which could be directly and indirectly affected during construction and operation.</p> <p>The presence of protected and or notable species, which could be directly and indirectly affected during construction and operation including from harm, mortality, disturbance and habitat fragmentation</p>

The responses from the NPT and Powys ecologists note that the ecology section of the scoping report appears to be largely appropriate.

However the following matters will also need to be addressed as part of the EIA:

- The list of surveys that are being undertaken to inform the scheme appear appropriate. It should however be particularly noted that the surveys should include the identification of the presence of S7 Environment (Wales) Act (S42 NERC Act 2006)/ LBAP habitats and species, sites that meet SINC criteria, in addition to protected species.
- A balance of S7/LBAP/SINC habitat loss/gain to the scheme should be included.
- It is welcomed that it is intended to include an assessment of the impacts upon areas identified as sites of importance for nature conservation (SINC) but it should also be noted that in line with the NPT LDP and Biodiversity & Geodiversity SPG all areas that would meet the criteria of a SINC should also be assessed and considered in the same way. NB details of identified SINC are available from SEWBReC and the criteria are available from the Wales Biodiversity Partnership website.
- No mention of an assessment of ecosystem resilience (Section 2 Environment (Wales) Act 2016) is included, it is recommended that an assessment is undertaken to ensure the aspects of ecosystem resilience are able to be appropriately considered in line with the Act; this shall particularly consider:
 - (a) *diversity between and within ecosystems;*
 - (b) *the connections between and within ecosystems;*
 - (c) *the scale of ecosystems;*
 - (d) *the condition of ecosystems (including their structure and functioning);*

(e) the adaptability of ecosystems.

- Also, an assessment of impacts upon bird habitat (Section 9a Conservation of Habitats and Species Regulations 2010 as amended); should be included. It is welcomed that up to date surveys are being undertaken to ensure appropriate data is available to inform this assessment.
- In relation to the significance criteria to be used for the assessment please note the NPT LDP policy requirements and the requirements of the Environment (Wales) Act 2016 in relation to what the LPA needs to consider as part of planning submission. For example all S7 habitats/SINCs/LBAP habitats and species impacted by the scheme will require mitigation as well as protected species and designated sites. These should not be ruled out too early in the assessment process on the basis of criteria applied.

In addition the following should be addressed: -

- Section 11.6 of the Environmental Scoping Report identifies potential mitigation that may need to be implemented during the construction phase of the proposed development. The ES however should also consider the need to include mitigation measures in relation to the operation phase of the proposed development.
- Chapter 17 of the Report considers assessment of Cumulative Effects of the proposed development in relation to other projects known to the planning system or are already consented (but not yet built). The zone of influence for assessments has been identified as the 'footprint of construction works and immediately adjoining land' however for Air Quality a Zol of 200m of the development boundary and in relation to water resources a Zol of 500m has been identified. As both of these are linked to condition of biodiversity features then it is considered that the Zol in relation to assessment of cumulative effects to biodiversity should also be extended to take these factors into account.

Natural Resources Wales has also stated that in general the ES for this development should include sufficient information to enable the local planning authorities to determine the extent of any environmental impacts arising from the proposed scheme on legally protected species, including those which may also comprise notified features of designated sites affected by the proposals.

Evaluation of the impacts of the scheme should include: direct and indirect; secondary; cumulative; short, medium and long term; permanent and temporary; positive and negative, and construction, operation and decommissioning phase and long-term site security impacts on the nature conservation resource, landscape and public access.

NRW has provided detailed comments as follows:-

- Illustrations within the ES

Any maps, drawings and illustrations that are produced to describe the project should be designed in such a way that they can be overlaid with drawings and illustrations produced for other sections of the ES such as biodiversity.

- Description of Biodiversity

The ES must include a description of all the existing natural resources and wildlife interests within and in the vicinity of the proposed development, together with a detailed assessment of the likely impacts and significance of those impacts. We note that a restoration plan exists for the sites current use as an open cast mine. We would advise that information is provided to the local authority considering how the restoration works will work alongside the new proposal.

- Key Habitats

We note that previous surveys have been undertaken, including a Phase 1 survey, and that a scoping survey was completed by Arup in November 2018. Any habitat surveys should accord with the Nature Conservation Committee (NCC), Phase 1 survey guidelines (NCC (1990) Handbook for Phase 1 habitat survey. NCC, Peterborough). We advise that Phase 1 surveys are undertaken and completed during the summer to ensure the best chance of identifying the habitats present.

- Protected Species

We note from the scoping report that protected species surveys have been carried out on site between 2010 and 2016. We also note that additional targeted protected species are currently being carried out by Arup and will be completed by November 2019. We welcome the results of these within the ES as discussed at the meeting between Arup and NRW in December 2018.

We advise that all targeted species surveys comply with current best practice guidelines and in the event that the surveys deviate or there are good reasons for deviation that full justification for this is included within the ES. Should protected species be found during the surveys, information must be provided identifying the species-specific impacts in the short, medium and long term together with any mitigation and compensation measures proposed to offset the impacts identified. We advise that the ES set out how the long-term site security of any mitigation or compensation will be assured, including management and monitoring information and long term financial and management responsibility.

Where a European Protected Species is identified and the development proposal will contravene the legal protection they are afforded, a licence should be sought from NRW. The ES must include consideration of the requirements for a licence and set out how the

works will satisfy the three requirements as set out in the Conservation of Habitats and Species Regulations 2017. One of these requires that the development authorised will 'not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status (FCS) in their natural range'. These requirements are also translated into planning policy through Planning Policy Wales (PPW) December 2018, section 6.4.22 and 6.4.23 and Technical Advice Note (TAN) Nature Conservation and Planning (September 2009). The local planning authority will take them into account when considering the EIA where a European Protected Species is present.

- Protected Sites

Thirteen statutory designated sites are within 5km of the proposed development. One Special Area of Conservation (SAC), Coedydd Nedd a Mellte and the others are all sites of Special Scientific Interest (SSSIs). One site is designated as a National Nature Reserve (NNR).

We note in Paragraph 293 and 295 that additional surveys will be undertaken to ensure sufficient information is obtained on all likely ecological receptors and that the majority of additional surveys planned will be a repeat of existing surveys carried out in 2010 and 2012.

We support the identification of measures taken to enhance biodiversity in the area affected by the project and those which help deliver local and national policy targets, as mentioned in Paragraph 301. We note under Paragraph 304, that there will be a focus on activities that could potentially generate Significant ecological effects: this is determined by considering 'Important Ecological Features – specifically habitats, species and ecosystem function.

It is noted in Paragraph 314 that further consultation is proposed with the local planning authority and NRW, which we welcome and support.

It is understood that the mitigation will follow a mitigation hierarchy during design and construction sequentially either to avoid, mitigate, compensate or enhance in line with best practice. We note that the design will need to avoid notable habitats, or habitats known to support protected/notable species, where possible. It is also noted that opportunities, where possible should be sought to enhance existing habitat features and create new habitats which are appropriate for the local area.

It should be acknowledged that parts of the restored habitat within the proposed development fall within an area covered by the Ystradgynlais Marsh fritillary metapopulation (a species listed under Section 7 of under the Environment Act 2016). It should be noted that a large part of the proposed development is on land is registered as part of Mynydd y Drum Common and that encouraging and facilitating appropriate cattle grazing regime within this area of the common could serve in part as positive habitat management for grassland and heath as well as enhance habitat for Marsh fritillary metapopulation.

We observe that an area of high tonnage test loop appears to be proposed near bog/ fen/mire habitat and upon an area of deep peat according to our information. We would advise that the appropriate surveys be carried out with regards to deep peat and negative impact on the deep peat avoided where possible.

Finally, there is a requirement to assess any potential impacts under the Conservation of Habitats and Species Regulations 2017. Regulation 63 of the Regulations requires the Local Authority, as the competent authority to undertake a test of the likely significant effects of the proposal on Coedydd Nedd a Mellte SAC.

If it cannot be demonstrated that there will not be a significant effect, either alone or in combination with other plans and projects, the Local Authority are required to undertake an appropriate assessment of the implications of the proposed scheme for the SAC in view of its conservation objectives, before granting planning permission.

The ES should have regard to all of the above matters raised in the NRW representations at Appendix 2.

Finally, if the proposal is to meet Planning Policy Wales Edition 10 (2018), net biodiversity benefits must be part and parcel of the project description and design. These benefits must be demonstrated over and above those provided by the existing agreed restoration for the opencast site.

Whilst it is noted that footnote 17 which explains 'Notable Species' include s7 species, the scoping report also appears inconsistent on their consideration indicating that they have and haven't been previously recorded at the site (Para. 289). This should be addressed.

Assessment Topic	Summary of scope
Cultural Heritage	To consider potential effects during construction and operation on above and below ground archaeological remains, built heritage, historic landscapes and any other features that contribute to the archaeological and historic interest of the area.

The supporting information includes a scoping report from Arup dated September 2019 which notes that there are archaeological issues which need to be addressed in order to determine the impact of the proposals on the historic environment. An archaeological desk based assessment will be undertaken to inform the cultural heritage chapter.

Section 12 refers to cultural heritage, and outlines the methodology for assessing the impact of the proposal on the historic environment. It includes stating that the work will be in line with the current best practice for the Chartered Institute for Archaeologists, as well as national, regional and local

policies. These include that a methodology for the assessment will need to be agreed with our architectural advisors prior to the production of the assessment.

Glamorgan Gwent Archaeological Trust advises that the proposed approach is appropriate, and look forward to agreeing the methodology.

Clwyd Powys Archaeological Trust advises that they have already responded to the Welsh Government consultation exercise on this scheme and confirmed that a cultural heritage assessment of the development area would be necessary as part of an EIA.

They note that there are a number of recorded archaeological sites within the red boundary and a high potential for impacts to both recorded and unrecorded archaeology outside the main former extraction and soil bund stripping areas of the opencast in particular. Impacts are most likely to occur where the new testing tracks are constructed and where other infrastructure is placed outside areas of disturbance caused by prior extraction, soil stripping and quarry buildings. There is one scheduled monument within the red boundary area and the applicants will have to consult Cadw via cadwplanning@gov.wales regarding setting issues and other potential impacts.

Initially a detailed desktop study will be required along with a walkover survey to collate information on known and unrecorded sites, assess the potential impacts and suggest appropriate mitigation. Further pre-determination assessment may then be required in the form of geophysics, measured surveys and investigative trenching. This work should be carried out in accordance with the appropriate CIFA standards and guidance and a specification (written scheme of investigation) should be forwarded to us by the nominated archaeological contractor for approval in advance of the commencement of the assessment. All finished reports and any resulting digital archives must be submitted to the Historic Environment Record and National Monuments Record (RCAHMW) on completion of the assessments.

Powys County Council's Built Heritage Conservation Officer notes that a 5KM outer study area buffered from the site boundary will be used in the assessment of Grade I and II* listed buildings and Registered Historic Park and Gardens and Scheduled Ancient Monuments, and a smaller buffer of 1Km for Grade II listed buildings and Grade II Registered Historic Parks and Gardens.

Given the location of the listed buildings in the landscape compared with the location of the Scheduled Ancient Monuments, it is considered that this approach is acceptable in respect of the setting of listed buildings.

There is, however, one scheduled monument that either does not appear to be in the Environmental Scoping Report, or is not readily evident, namely *BR201 Lefel Fawr Coal Audit*, which is immediately to the south of Listed Buildings 7468 Pont-y-Yard and 17922 Yard House.

Reference is also made to the setting of Scheduled Ancient Monuments noting that there is one Scheduled Ancient Monument within the site boundary GM399. It is suggested that early dialogue is entered into with Cadw in respect of any potential physical works to this Scheduled Ancient Monument, in order that should a Scheduled Ancient Monument Consent application be necessary, this can be undertaken concurrently with the planning application to avoid potential delays in the delivery of the scheme.

Whilst not a built heritage asset in itself, the proximity of Henrhyd Lech Falls (National Trust) and the Trail along Graig Lech has also been referred to, and as such it is recommended that specific consideration should be given to the assessment of the impact of the proposal on this tourism feature either within the cultural heritage assessment or the landscape assessment.

It is advised that the Archaeological Trusts be contacted in respect of the Historic Environment Records on the site.

Cadw guidance on Managing Change “the setting of historic assets” addresses the steps to be considered in assessing the setting of historic assets and should be followed: - <https://cadw.gov.wales/advice-support/placemaking/heritage-impact-assessment/setting-historic-assets>.

Mindful of recent case law² in terms of smell affecting the setting of a listed building, it is also recommended that reference is made to reports commissioned in terms of noise/dust for Environmental Health in the setting of historic assets in order that it can be seen in terms of setting of listed buildings it has been addressed.

It is also noted that it is not only the visual impact that can be considered in respect of listed buildings, but noise dust etc. can also be considered as affecting the setting in some circumstances. As such it may be worthwhile in the report on the setting of historic assets to briefly reference or direct the reader to any relevant pollutant impact studies or reports that are being undertaken which will be assessed by the relevant body in that regard.

All considerations should use and refer to the relevant and current legislation, policy and guidelines and use a suitable assessment methodology, based on these documents. The assessment should be independent and objective and seek to fully define and understand the heritage assets, their setting and the short, medium and long term effects of the proposed development based on desk based and field research and using appropriate illustrations / photos where necessary. It should also seek to assess the effect and success of any mitigation measures.

The cultural heritage assessment should also include an assessment upon the settings of a number of scheduled monuments within the Brecon Beacons National Park boundary.

² <https://www.bailii.org/ew/cases/EWCA/Civ/2016/1061.html>

Assessment topic	Summary of scope
LVIA	<p>To consider construction and operational effects on landscape character and visual receptors including residential receptors around the Project site and recreational receptors using Public Rights of Way. Views from within the Brecon Beacons National Park and SSSI will be assessed.</p> <p>A ZTV will be prepared for use within the assessment and viewpoints agreed with PCC and NPTCBC.</p> <p>Land modelling including excavation, transport and placement of material will be assessed for the construction phase.</p>

The proposed approach and methodology has been reviewed, and detailed comments received from Natural Resources Wales, together with comments on Viewpoints from Brecon Beacons National Park Authority.

NRW in particular has commented on the fact that the site is located approximately 96m away from the Brecon Beacons National Park, noting that while the scoping report states that the site's existing topography is such that mining activities are screened from view from the nearby settlements of Onllwyn, Seven Sisters, Ystradgynlais, Caehopkin, Abercrave and Coelbren, there is, however, visibility of vehicles, lights, coal face and bare slopes of the overburden mound from Penrhos. The mine is also highly visible from elevated viewpoints within the National Park.

It is also noted that while paragraph 70 states that the restoration will create a level site on which the project will be developed as specified in the restoration plans, the proposed restoration plan to vary Condition 54 (Powys CC 18/1071/DIS) has been withdrawn, and both the approved restoration plan and proposed revision do not show restoration to a level site and parts of the proposed rail tracks lie outside the area of the restoration plans.

The general principles and methodology of the proposed Landscape Visual Impact Assessment (LVIA) appear to be sound, however NRW offer the following detailed advice:

- Paragraph 361 - The Zone Theoretical Visibility (ZTV) is proposed to be limited to 2km from the project boundary. This would miss out a number of viewpoints and receptors within the National Park, including from land north/east of Coelbren/Dyffryn Cellwen, on the ridges of Llorfa and Cefn Mawr to the north west and from Cribarth to the north and around Pen-y-cae to the north east. **We advise that the ZTV should be widened to 5km to ensure that sensitive areas and receptors within the National Park are included.**

- Paragraph 363 – Potential effects on the landscape character and visual amenity of the Nant Llech area should be included in the landscape assessment.
- Paragraph 371 – the assessment of impacts on the National Park should include reference to the National Park's Management Plan, Special Qualities and Landscape Character Assessment. Protecting long/expansive views which form the backdrop to the area; reducing the visual impacts of existing open cast sites and other development beyond the park boundary and resisting applications for future development which would harm the special qualities of the area; retaining the area's dark skies and reducing the incidence of light pollution are factors that form part of the strategy for Landscape Character Area 4 (LCA) Waterfall Country and Southern Valleys and LCA2 Y Mynydd Du, within the park's Landscape Character Assessment. These are the LCAs most likely to be affected by the development, along with, potentially, Fforest Fawr.
- Paragraph 375 – we note the reference to LANDMAP, the all-Wales landscape resources and advise that all 5 aspect area layers should be considered in the assessment. Information on LANDMAP updates can be found on NRW's website.
- Paragraph 379 - we note that day and night-time effects are to be assessed, on the assumption of a 24/7 operation in the worst-case scenario.
- Paragraph 380 states that the landscape assessment will be based on the current baseline (pre-restoration conditions). **NRW are concerned about this approach**, given that the site is currently predominantly a working open cast mine. The conditions for the open cast permission require restoration of the site, therefore the baseline for the proposed development would be a restored site. It is stated that the future baseline will be considered in the LVIA based on information about the restoration plan at the time of writing. Clarity is needed on how this approach will be taken.
- Paragraph 382 states that the study area for night-time effects would be developed in consultation with the National Park. The night-time effects on the National Park and its Dark Sky Reserve status are clearly important and we support consultation with the Park authority. However, we advise that the effects of light pollution on other surrounding areas outside the Park should also be considered in this assessment.
- Paragraph 388 – We welcome consultation on landscape character and visual amenity impacts in relation to the National Park and its setting. Impacts on Tranquillity should also be considered as part of the assessment.
- Section 13.6 – potential mitigation could also include proposals to minimise/avoid night-time lighting and effects on Tranquillity, both in relation to the National Park, and more widely. The use of earthworks and planting needs to be appropriate to the landscape character of the locality and should avoid creating visual intrusion in its own right.

- Section 15.6 – refers to the installation of renewable energy generation to mitigate the effects of climate change. It should be noted that some renewable energy developments can have significant landscape and visual impacts in their own right. If included this would require landscape and visual assessment. We advise that consideration of natural mitigation of climate change such as soil treatment, woodland planting and creation of wetlands should be included.
- Section 17.2.3 – we advise that the ZTV for cumulative effects should be at least 5km. Table 36 does not appear to include effects of existing developments and should be amended to include these. Clarity on the type of comparable developments to be considered under cumulative effects is needed.

Outside of this formal request for a Scoping Opinion, proposed Viewpoints have been received and comments have been provided on behalf of NPT/PC and by BBNPA, having particular regard to the advice received above from NRW.

It is noted that some additional Viewpoints are necessary, and that the Scoping Report states that visual effects will be assessed based on winter views when there is least leaf cover and therefore minimum screening, and has noted that “Summer photography has been captured as part of an initial site survey however, due to project programme, it will not be possible to include summer photography for any further viewpoints that result from project design changes or consultation”. This fact is acknowledged and we are content to proceed on that basis provided the winter views provide sufficient clarity to allow a detailed subsequent assessment of identified impacts.

In addition to the quoted NPT and PCC Policies, attention is drawn to the Council’s approved Supplementary Planning Guidance

- [PCC - Landscape](#) (April 2019)
- [NPT - Landscape & Seascape](#) (May 2018)

The approach to potential mitigation measures is agreed, notably the need for these to be integrated into the design and assessment process as soon as practically possible.

Practical points for LVIA: -

- the use of a practical typeface/font that can be read in a reduced pdf at full page resolution on a computer screen (70%) will make the report much more accessible/readable.
- Parameters plans should be provided to assess the impacts of the development.
- A 3D model/OS Terrain 5 landform or similar based visualisations are recommended to indicate the location of elements on the site and indicative height/massing of key elements including from key viewpoints.
- LI guidance on visualisations should also be referenced and used to guide the assessment: LI 01/11 and 02/17. (5.296)

It is acknowledged that discussions in respect of the LVIA are currently ongoing and will inform the content of the ES.

Control of artificial lighting

It is also considered that lighting should be included as a stand-alone topic within the EIA, as it has the potential to be a significant issue, in respect of lighting during construction and operation. The management and mitigation of artificial light emissions should be produced for the proposed development.

PPW-section 6.8 refers to lighting, and specifically to dark sky reserves of the Brecon Beacons, and their characteristics should be taken into account when considering individual development proposals. The BBNPA advises that their Local Development Plan policy 12 Light Pollution and the BBNPA Supplementary Planning Guidance – Obtrusive Lighting and Light Pollution dated 27.03.2015 are considered relevant and should be taken into account in the assessment of lighting within the proposed development.

Assessment topic	Summary of scope
Health and wellbeing	Consideration of construction and operational effects on the health and wellbeing outcomes of communities within the wards of Aber-Craf, Tawe-Uchaf, Onllwyn and Seven Sisters.

Population and human health is identified in the EIA Regulations as one of the key matters to be addressed within an ES. Health issues were identified as a key issue for the NPT LDP and as an overarching objective and strategic Policy (SP2) due to the high levels of poor health in NPT.

In this context it is considered appropriate to give this emphasis in the ES addressing the impacts of the development on health issues in broad terms. No adverse comments are made in respect of the approach and methodology to be adopted, although particular emphasis is placed on the need for the health and wellbeing section of the ES to cross reference matters raised throughout the ES with regard to potential impacts on health and wellbeing, and any potential positive impacts associated with mitigation. It is clear that each section of the ES should cross-reference health and wellbeing, as there will be potentially positive and negative impacts that will cut across topic areas.

In this respect it is again noted that there is no mention of any potential increase in use of the rail link (as referred to throughout this scoping report) both during construction and operation. This therefore needs to be addressed within the ES, first through an assessment of the use of (and potential increase in use of) the rail link itself, followed by a consequential assessment of any impacts on communities the route passes through, since this has the potential to have increased impact on health and wellbeing in the event of significant increase or change in characteristics of the use of the rail link.

Assessment topic	Summary of scope
Climate change	To consider the impacts of greenhouse gas emissions from the Project and also the vulnerability of the Project to climate change. This will consider the resilience of the Project in the context of projected future changes in climate variables.

The approach and methodology in Section 15 of the Scoping report is agreed. Cross-reference should be made to wider sustainability of the development, including opportunities relating to energy reduction, including the use of renewables.

Assessment topic	Summary of scope
Major accidents and disasters	Whilst the likelihood of occurrence is considered to be low, the Project has the potential to give rise to major accident or disaster effects upon environmental receptors, and therefore the topic has been scoped in for further assessment to confirm that the vulnerabilities to major accidents and/or disasters is fully, robustly and clearly covered by existing legal requirements, codes and standards or by another chapter of the EIA.

The approach and methodology in Section 16 of the Scoping report is agreed.

Assessment topic	Summary of scope
Cumulative effects	<p>Assessment of cumulative effects arising from the Project in combination with confirmed and other reasonably foreseeable projects in the local area will be considered within a separate ES chapter.</p> <p>In-combination effects (i.e. effects arising from the Project itself that combine together to affect the same receptor) will be considered within each topic chapter.</p>

The approach and methodology in Section 15 of the Scoping report is agreed.

The views of the BBNPA however should be addressed, namely the need to consider the relationship with projects in the draft National Development Framework, the Wales Infrastructure Investment Plan project pipeline and those emerging from the Brecon Beacons National Park Management Plan (e.g. Waterfall Country and the Gunpowder Works), including through the Habitats Regulations Assessment.

Furthermore, in the context of the Habitats Regulations Assessment, the resulting Environmental Impact Assessment must build on the Habitats Regulations Assessment and recognise that “in combination” effects may mean that likely significant effects on a Natura 2000 site cannot be ruled out even though the project, by itself, would not have a significant effect.

Assessment topic	Summary of scope
Decommissioning	Decommissioning effects are scoped out of the EIA due to the likely extended period of time likely to pass between construction and operation.

The report acknowledges that there will be likely environmental effects from any decommissioning of the Project at the end of its life. However, at this stage it is anticipated that the Project would have an expected operational life of 50 years which would render attempts to predict environmental effects invalid.

It is anticipated that effects during decommissioning would be similar to those of the construction phase, however it is proposed that they would be assessed in detail at the time of any decommissioning activities.

The approach and methodology in Section 17 of the Scoping report is therefore agreed, noting that in the event that permission is granted and the development implemented, any submissions required to address decommissioning conditions would need to address the environmental impacts at that time.

Other Matters

The Brecon Beacons National Park Throughout the ES, all sections should have appropriate regard to the statutory purposes, and special qualities of the national park, namely its peace and tranquillity, outstanding natural beauty. See BBNPA comments in full at Appendix 3.

Mid & West Fire and Rescue Service have advised that the developer should consider the need to provide adequate water supplies for firefighting purposes and their full response is appended to this report for information

The **Designing Out Crime Officer’s** response provides general design advice and his full response is appended to this report for information.

National Grid has provided details of their apparatus in the area, including Overhead Line Profiles and issued a holding objection pending further review by Engineers. They have also requested 3D drawings to be provided at the earliest opportunity (DWG, DGN or DXF), and noted that the statutory minimum safety clearance is 7.6 metres to ground and 8.1 metres to a normal road surface. In response, NPT/PCC has advised National Grid that the comments are detailed matters requiring assessment and liaison between the developer and NG.

RECOMMENDATION

The assessment and consideration of the information set out in this report (including appendices) be provided to the developer as the formal Scoping Opinion issued on behalf of both Powys County Council and Neath Port Talbot Council.



Gwilym Davies
Pennaeth Eiddo Cynllunio a Gwarchod y Cyhoedd
Head of Property, Planning and Public Protection

By email
gwilym.davies@powys.gov.uk

Dear Gwilym,

Gwilym Davies
Pennaeth Eiddo Cynllunio a Gwarchod y
Cyhoedd /
Head of Property, Planning and Public
Protection

County Hall
Spa Road East
Llandrindod Wells
Powys
LD1 5LG

Our ref: 19/1619/SC
Date: 11 October 2019
If calling please ask for:
Debra Lewis
Direct line: 01938 551301

The Town and Country Planning (Environmental Impact Assessment)
(England and Wales) Regulation 13 Scoping Opinion

Proposed Planning Application for Scoping Opinion.

19/1619/SC Request for Scoping Opinion under Regulation 14 of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 in respect of a proposed application for a rail testing and storage facility, known as the Global Centre of Rail Excellence (GCRE), and incorporating:- a Rolling Stock and Infrastructure Testing Facility (consisting of two test tracks of loop configuration, one 4.5km, inside a larger loop of 6.9km in length), New buildings including Test Platform/Station, Control Building, Research and Development Centre, Rolling Stock Maintenance Shed, Decommissioning facility and Rail Sidings, Winch-propelled facility for testing of track and track systems, Carriage Wash facility, plus ancillary development including land reformation, landscaping, infrastructure works and access (affecting land within Neath Port Talbot and Powys County Council administrative boundaries). Site Address: Land At And Surrounding The Nant Helen Opencast Coal Site, Powys And, Onllwyn Distribution Centre, Neath Port Talbot, SA10 9NN

Section 12 of the Environmental Scoping Report relates to of cultural heritage and it is noted that given the size of the proposal a 5KM outer study area buffered from the site boundary will be used in the assessment of grade I and II* listed buildings and Registered Historic Park and Gardens and Scheduled Ancient Monuments, and a smaller buffer of 1Km for grade II listed buildings and grade II Registered Historic Parks and Gardens.

In respect of the Scheduled Ancient Monuments it is considered that this approach meets the requirements of SCHEDULE 4 of The Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016 requires that consultation with the Welsh Ministers in relation to development likely to be visible from scheduled monument and which meets one of the following criteria;

- d) it is within a distance of 3 kilometres from the perimeter of a scheduled monument and is 75metres or more in height, or has an area of 1 hectare or more;
- or
- e) it is within a distance of 5 kilometres from the perimeter of a scheduled monument and is 100 metres or more in height, or has an area of 1 hectare or more.

Given the location of the listed buildings in the landscape compared with the location of the Scheduled Ancient Monuments, it is considered that this approach is acceptable in respect of the setting of listed buildings.

I note however that there is one scheduled monument that either not appear to be in the Environmental Scoping Report, or is not readily evident. That is BR201 Lefel Fawr Coal Audit, which is immediately to the south of Listed Buildings 7468 Pont-y-Yard and 17922 Yard House and I am mentioning this for completeness in the assessment.

Cadw would be the consultee on the setting of Scheduled Ancient Monuments and for applications for Scheduled Ancient Monuments. I note that there is one Scheduled Ancient Monument within the site boundary GM399. It is suggested that early dialogue is entered into with Cadw in respect of any potential physical works to this Scheduled Ancient Monument, in order that should a Scheduled Ancient Monument Consent application be necessary, this can be undertaken concurrently with the planning application to avoid potential delays in the delivery of the scheme.

I am attaching hyperlinks which I trust are useful in this regard.

[file:///C:/Users/debral1/AppData/Local/Microsoft/Windows/INetCache/IE/T1XXYA0D/Understanding%20Scheduling%20in%20Wales%20Cadw%20Eng%20WEB%20\(1\).pdf](file:///C:/Users/debral1/AppData/Local/Microsoft/Windows/INetCache/IE/T1XXYA0D/Understanding%20Scheduling%20in%20Wales%20Cadw%20Eng%20WEB%20(1).pdf)

<https://cadw.gov.wales/advice-support/historic-assets/scheduled-monuments/scheduled-monument-consent#section-what-is-scheduled-monument-consent>

Whilst not a built heritage asset in itself, the proximity of Henrhyd Lech Falls (National Trust) and the Trail along Graig Lech, and as such it is suggested that it may be worthwhile that specific consideration also be given to the assessment of the impact of the proposal on this tourism feature either within the cultural heritage assessment or the landscape assessment.

Historic Environment Records

The site appears to contain entries contained in the Historic Environment Records;

As such it is advised that Clwyd Powys Archaeological Trust be contacted in respect of the Historic Environment Records on the site.

Cadw have prepared guidance on Managing Change “ the setting of historic assets “ which addresses the steps to be considered in assessing the setting of historic assets.

<https://cadw.gov.wales/advice-support/placemaking/heritage-impact-assessment/setting-historic-assets>

Mindful of recent case law on the matter please note that it is not only the visual impact that can be considered in respect of listed buildings, but noise dust etc can also be considered as affecting the setting in some circumstances. As such it may be worthwhile in the report on the setting of historic assets to briefly reference or direct the reader to any relevant pollutant impact studies or reports that are being undertaken which will be assessed by the relevant body in that regard.

All considerations should use and refer to the relevant and current legislation, policy and guidelines and use a suitable assessment methodology, based on these documents. The assessment should be independent and objective and seek to fully define and understand the heritage assets, their setting and the short, medium and long term effects of the proposed development based on desk based and field research and using appropriate illustrations / photos where necessary. It should also seek to assess the effect and success of any mitigation measures.

Yours faithfully

Debra Lewis
Built Heritage Conservation Officer

Maes Newydd
Llandarcy
Neath Port Talbot
SA10 6JQ

Mr Steve Ball
Neath Port Talbot County Borough Council
The Quays
Baglan Energy Park
Briton Ferry
SA11 2GG

Ebost/Email:
swplanning@cyfoethnaturiolcymru.gov.uk
Ffôn/Phone: 0300 065 3264

Dyddiad/Date: 5 November 2019

Annwyl / Dear Mr Ball

BWRIAD / PROPOSAL: REQUEST FOR SCOPING OPINION UNDER REGULATION 14 OF THE TOWN AND COUNTRY PLANNING (Environmental Impact ASSESSMENT) (WALES) REGULATION 2017 IN RESPECT OF A PROPOSED APPLICATION FOR A RAIL TESTING AND STORAGE FACILITY, KNOWN AS THE GLOBAL CENTRE OF RAIL EXCELLENCE (GCRE), AND INCORPORATING:- A ROLLING STOCK AND INFRASTRUCTURE TESTING FACILITY (CONSISTING OF TWO TEST TRACKS OF LOOP CONFIGURATION; ONE 4.5KM, INSIDE A LARGER LOOP OF 6.9KM IN LENGTH); NEW BUILDING TOS INCLUDING TEST PLATFORM/STATION, CONTROL BUILDING, RESEARCH AND DEVELOPMENT CENTRE; ROLLING STOCK MAINTENANCE SHED, DECOMMISSIONING FACILITY AND RAIL SIDING; WINCH-PROPELLED ROLLING STOCK MAINTENANCE SHED, DECOMMISSIONING FACILITY AND RAIL SIDINGS; WINCH-PROPELLED FACILITY FOR TESTING OF TRACK AND TRACK SYSTEMS; CARRIAGE WASH FACILITY; PLUS ANCILLARY DEVELOPMENT INCLUDING LAND REFORMATION, LANDSCAPING, INFRASTRUCTURE WORKS AND ACCESS (AFFECTING LAND WITHIN NEATH PORT TALBOT AND POWYS COUNTY COUNCIL ADMINISTRATIVE BOUNDARIES)

LLEOLIAD / LOCATION: LAND AT AND SURROUNDING THE NANT HELEN OPEN CAST COAL SITE POWYS AND ONLLWYN DISTRIBUTION CENTRE, NEATH PORT TALBOT

Thank you for consulting Cyfoeth Naturiol Cymru/Natural Resources Wales (NRW) on the above Scoping Opinion, which we received on 3 October 2019.

We welcome the submission of the Scoping Report produced by Arup, referenced 'A Global Centre of Rail Excellence in Wales, Environmental Scoping Report' dated September 2019. In general, we are satisfied with the proposed scope, subject to the following comments.

1. Land Contamination

Given the previous land use of the site we welcome the proposed investigation as outlined in Section 10.4.2 of the scoping report and advise that a Preliminary Risk Assessment (PRA) is undertaken to establish the location of historical contamination.

We recommend that CLR11, the Environment Agency “Guiding Principles for Land Contamination” (which has been adopted by NRW) and British Standards are used to undertake these assessments. All reference to legislation should be up to date.

We welcome and support the commitment within Section 9.4 of the scoping report that a survey will be undertaken to understand the baseline Water Features.

In addition, if any piling is to be undertaken on site the ES should include a piling risk assessment.

2. Ecology

In general, the ES for this development should include sufficient information to enable the local planning authorities to determine the extent of any environmental impacts arising from the proposed scheme on legally protected species, including those which may also comprise notified features of designated sites affected by the proposals.

Evaluation of the impacts of the scheme should include: direct and indirect; secondary; cumulative; short, medium and long term; permanent and temporary; positive and negative, and construction, operation and decommissioning phase and long-term site security impacts on the nature conservation resource, landscape and public access.

Illustrations within the ES

Any maps, drawings and illustrations that are produced to describe the project should be designed in such a way that they can be overlaid with drawings and illustrations produced for other sections of the ES such as biodiversity.

Description of Biodiversity

The ES must include a description of all the existing natural resources and wildlife interests within and in the vicinity of the proposed development, together with a detailed assessment of the likely impacts and significance of those impacts. We note that a restoration plan exists for the sites current use as an open cast mine. We would advise that information is provided to the local authority considering how the restoration works will work alongside the new proposal.

Key Habitats

We note that previous surveys have been undertaken, including a Phase 1 survey, and that a scoping survey was completed by Arup in November 2018. Any habitat surveys should accord with the Nature Conservation Committee (NCC), Phase 1 survey guidelines (NCC (1990) Handbook for Phase 1 habitat survey. NCC, Peterborough). We advise that Phase 1 surveys are undertaken and completed during the summer to ensure the best chance of identifying the habitats present.

Protected Species

We note from the scoping report that protected species surveys have been carried out on site between 2010 and 2016. We also note that additional targeted protected species are currently being carried out by Arup and will be completed by November 2019. We welcome the results of these within the ES as discussed at the meeting between Arup and NRW in December 2018.

We advise that all targeted species surveys comply with current best practice guidelines and in the event that the surveys deviate or there are good reasons for deviation that full justification for this is included within the ES. Should protected species be found during the surveys, information must be provided identifying the species-specific impacts in the short, medium and long term together with any mitigation and compensation measures proposed to offset the impacts identified. We advise that the ES set out how the long-term site security of any mitigation or compensation will be assured, including management and monitoring information and long term financial and management responsibility.

Where a European Protected Species is identified and the development proposal will contravene the legal protection they are afforded, a licence should be sought from NRW. The ES must include consideration of the requirements for a licence and set out how the works will satisfy the three requirements as set out in the Conservation of Habitats and Species Regulations 2017. One of these requires that the development authorised will 'not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status (FCS) in their natural range'. These requirements are also translated into planning policy through Planning Policy Wales (PPW) December 2018, section 6.4.22 and 6.4.23 and Technical Advice Note (TAN) Nature Conservation and Planning (September 2009). The local planning authority will take them into account when considering the EIA where a European Protected Species is present.

Local Biodiversity Interests

We recommend that the developer consults the local authority Ecologists on the scope of the work to ensure that regional and local biodiversity issues are adequately considered, particularly those habitats and species listed in the relevant Local

Biodiversity Action Plan and that are considered important for the conservation of biological diversity in Wales.

We would expect the developer to contact other relevant people/organisations for biological information/records relevant to the site and its surrounds. These include the relevant Local Records Centre and any local ecological interest groups (E.g. bat groups, mammal groups).

3. Protected Sites

Thirteen statutory designated sites are within 5km of the proposed development. One Special Area of Conservation (SAC), Coedydd Nedd a Mellte and the others are all sites of Special Scientific Interest (SSSIs). One site is designated as a National Nature Reserve (NNR).

We note in Paragraph 293 and 295 that additional surveys will be undertaken to ensure sufficient information is obtained on all likely ecological receptors and that the majority of additional surveys planned will be a repeat of existing surveys carried out in 2010 and 2012.

We support the identification of measures taken to enhance biodiversity in the area affected by the project and those which help deliver local and national policy targets, as mentioned in Paragraph 301. We note under Paragraph 304, that there will be a focus on activities that could potentially generate Significant ecological effects: this is determined by considering 'Important Ecological Features – specifically habitats, species and ecosystem function.

It is noted in Paragraph 314 that further consultation is proposed with the local planning authority and NRW, which we welcome and support.

It is understood that the mitigation will follow a mitigation hierarchy during design and construction sequentially either to avoid, mitigate, compensate or enhance in line with best practice. We note that the design will need to avoid notable habitats, or habitats known to support protected/notable species, where possible. It is also noted that opportunities, where possible should be sought to enhance existing habitat features and create new habitats which are appropriate for the local area.

It should be acknowledged that parts of the restored habitat within the proposed development fall within an area covered by the Ystradgynlais Marsh fritillary metapopulation (a species listed under Section 7 of under the Environment Act 2016). It should be noted that a large part of the proposed development is on land is registered as part of Mynydd y Drum Common and that encouraging and facilitating appropriate cattle grazing regime within this area of the common could serve in part as positive habitat management for grassland and heath as well as enhance habitat for Marsh fritillary metapopulation.

We observe that an area of high tonnage test loop appears to be proposed near bog/fen/mire habitat and upon an area of deep peat according to our information. We would advise that the appropriate surveys be carried out with regards to deep peat and negative impact on the deep peat avoided where possible.

Finally, there is a requirement to assess any potential impacts under the Conservation of Habitats and Species Regulations 2017. Regulation 63 of the Regulations requires the Local Authority, as the competent authority to undertake a test of the likely significant effects of the proposal on Coedydd Nedd a Mellte SAC.

If it cannot be demonstrated that there will not be a significant effect, either alone or in combination with other plans and projects, the Local Authority are required to undertake an appropriate assessment of the implications of the proposed scheme for the SAC in view of its conservation objectives, before granting planning permission.

4. Landscape

The site is located approximately 96m away from the Brecon Beacons National Park.

We note from the scoping report that the site's existing topography is such that mining activities are screened from view from the nearby settlements of Onllwyn, Seven Sisters, Ystradgynlais, Caehopkin, Abercrave and Coelbren. There is, however, visibility of vehicles, lights, coal face and bare slopes of the overburden mound from Penrhos. The mine is also highly visible from elevated viewpoints within the National Park.

Paragraph 70 states that the restoration will create a level site on which the project will be developed as specified in the restoration plans. It should be noted that the proposed restoration plan to vary Condition 54 (Powys CC 18/1071/DIS) has been withdrawn. Both the approved restoration plan and proposed revision do not show restoration to a level site and parts of the proposed rail tracks lie outside the area of the restoration plans.

Paragraph 79 states that potential socio-economic effects of the operation include the provision of improved landscape within the area. It should be noted that the potential landscape effects have not yet been assessed.

The general principles and methodology of the proposed Landscape Visual Impact Assessment (LVIA) appear to be sound, however we offer the following detailed advice:

Paragraph 361 - The Zone Theoretical Visibility (ZTV) is proposed to be limited to 2km from the project boundary. This would miss out a number of viewpoints and receptors within the National Park, including from land north/east of Coelbren/Dyffryn Cellwen, on the ridges of Llorfa and Cefn Mawr to the north west and from Cribarth to the north

and around Pen-y-cae to the north east. We advise that the ZTV should be widened to 5km to ensure that sensitive areas and receptors within the National Park are included.

Paragraph 363 – Potential effects on the landscape character and visual amenity of the Nant Llech area should be included in the landscape assessment.

Paragraph 371 – the assessment of impacts on the National Park should include reference to the National Park's Management Plan, Special Qualities and Landscape Character Assessment. Protecting long/expansive views which form the backdrop to the area; reducing the visual impacts of existing open cast sites and other development beyond the park boundary and resisting applications for future development which would harm the special qualities of the area; retaining the area's dark skies and reducing the incidence of light pollution are factors that form part of the strategy for Landscape Character Area 4 (LCA) Waterfall Country and Southern Valleys and LCA2 Y Mynydd Du, within the park's Landscape Character Assessment. These are the LCAs most likely to be affected by the development, along with, potentially, Fforest Fawr.

Paragraph 375 – we note the reference to LANDMAP, the all-Wales landscape resources and advise that all 5 aspect area layers should be considered in the assessment. Information on LANDMAP updates can be found on NRW's website.

Paragraph 379 - we note that day and night-time effects are to be assessed, on the assumption of a 24/7 operation in the worst-case scenario.

Paragraph 380 states that the landscape assessment will be based on the current baseline (pre-restoration conditions). We are concerned about this approach, given that the site is currently predominantly a working open cast mine. The conditions for the open cast permission require restoration of the site, therefore the baseline for the proposed development would be a restored site. It is stated that the future baseline will be considered in the LVIA based on information about the restoration plan at the time of writing. Clarity is needed on how this approach will be taken.

Paragraph 382 states that the study area for night-time effects would be developed in consultation with the National Park. The night-time effects on the National Park and its Dark Sky Reserve status are clearly important and we support consultation with the Park authority. However, we advise that the effects of light pollution on other surrounding areas outside the Park should also be considered in this assessment.

Paragraph 388 – We welcome consultation on landscape character and visual amenity impacts in relation to the National Park and its setting. Impacts on Tranquillity should also be considered as part of the assessment.

Section 13.6 – potential mitigation could also include proposals to minimise/avoid night-time lighting and effects on Tranquillity, both in relation to the National Park, and more widely. The use of earthworks and planting needs to be appropriate to the landscape character of the locality and should avoid creating visual intrusion in its own right.

Section 15.6 – refers to the installation of renewable energy generation to mitigate the effects of climate change. It should be noted that some renewable energy developments can have significant landscape and visual impacts in their own right. If included this would require landscape and visual assessment. We advise that consideration of natural mitigation of climate change such as soil treatment, woodland planting and creation of wetlands should be included.

Section 17.2.3 – we advise that the ZTV for cumulative effects should be at least 5km. Table 36 does not appear to include effects of existing developments and should be amended to include these. Clarity on the type of comparable developments to be considered under cumulative effects is needed.

5. Water Quality/Construction Impacts

Given the location of the site close to the Rivers Pyrddin and Dulais on Neath and the presence of ordinary watercourses within the vicinity, consideration should be given to the inclusion of appropriate pollution control measures to be adopted on site from site preparation through to operation. We advise that this is considered as part of a site-specific Construction Environmental Management Plan for the development and should address:

- Construction methods including details of materials, waste, contaminated land.
- General Site Management: construction programme, site clearance requirements, construction drainage, site set-up plan detailing sensitive receptors and buffers zones, relevant protection measures e.g. fencing.
- Biodiversity Management: tree and hedgerow protection, invasive species management.
- Control of Nuisances: restrictions on timing/duration/frequency of works, dust control measures, control of light spill and conservation of dark skies.
- Resource Management: fuel and chemical storage, waste management, water consumption, energy consumption.
- Traffic Management: deliveries, plant on site, wheel washing facilities.
- Pollution Prevention: demonstrate compliance with relevant Guidelines for Pollution Prevention, incident response plan, site drainage plan.
- Ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.
- Details of the persons/bodies responsible for activities associated with the CEMP and emergency contact details.

Other Matters

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

We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our [website](#) for further details.

ddiffuant / Yours sincerely

Lisa Jones

Ymgynghorydd Cynllunio Datblygu/Development Planning Advisor
E-bost/E-mail: swplanning@cyfoethnaturiolcymru.gov.uk



**PARC CENEDLAETHOL BANNAU BRYCHEINIOG
BRECON BEACONS NATIONAL PARK**

Gwilym Davies

Date: 18 November 2019

Officer: Donna Bowhay

Your Ref: P2019/5455

Our Ref: 19/17917/FRI

Dear Sirs,

Town and Country Planning Act 1990 (as amended)

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

Proposal: "Request for Scoping Opinion under Regulation 14 of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 in respect of a proposed application for a rail testing and storage facility, known as the Global Centre of Rail Excellence (GCRE), and incorporating:- a Rolling Stock and Infrastructure Testing Facility (consisting of two test tracks of loop configuration, one 4.5km, inside a larger loop of 6.9km in length), New buildings including Test Platform/Station, Control Building, Research and Development Centre, Rolling Stock Maintenance Shed, Decommissioning facility and Rail Sidings, Winch-propelled facility for testing of track and track systems, Carriage Wash facility, plus ancillary development including land reformation, landscaping, infrastructure works and access (affecting land within Neath Port Talbot and Powys County Council administrative boundaries)."

Address: Land At and Surrounding the Nant Helen Opencast Coal Site, Powys and, Onllwyn Distribution Centre, Neath Port Talbot, SA10 9NN

Thank you for your consultation received 3 October 2019 regarding the above.

Proposal

The Scoping Request relates to the proposed development of a rail testing and storage facility, to be known as the Global Centre of Rail Excellence (GCRE).

Development would include: -

- Rolling Stock and Infrastructure Testing Facility (consisting of two test tracks of loop configuration; one 4.5km, inside a larger loop of 6.9km in length);
- New Buildings including Test Platform/Station, Control Building, Research and Development Centre;
- Rolling Stock Maintenance Shed, Decommissioning facility and Rail Sidings;
- Winch-propelled facility for testing of track and track systems;
- Carriage Wash facility;
- Ancillary development including land reformation, landscaping, infrastructure works and access

It is proposed that a hybrid planning application would be submitted, with a full application made for the testing facility and ancillary development with the storage facility (located on the existing washery site) being proposed in outline only at this stage.

The application has been submitted as a Scoping Opinion request under Regulation 14 of the Town & Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017.

The applicants 'Environmental Scoping Report' (September 2019) is viewable on the NPT and Powys CC Planning Register and includes details of the following issues which are proposed to be addressed in the Environmental Statement:

- Socio Economic
- Noise and Vibration
- Air Quality
- Traffic and Transport
- Hydrology and Flooding
- Ground Conditions
- Biodiversity
- Cultural Heritage
- Landscape and Visual
- Health and Wellbeing
- Climate Change
- Major Accidents and Disasters; and
- Cumulative Effects

Consideration

It is considered that the following matters should be addressed within the EIA or supporting information:-

The Environment Act (1995)

Section 63 of the Environment Act (1995) sets out the statutory purposes of the National Park as follows:-

- o To conserve and enhance the natural beauty, wildlife and cultural heritage of the National Park; and
- o To promote opportunities for the public understanding and enjoyment of the special qualities of the National Park

In accordance with section 62(2) of the Environment Act (1995), any relevant Authority shall have regard to National Park purposes when performing any functions in relation to, or so as to affect, land in a National Park. Relevant Authorities include public bodies, government departments, local authorities and statutory undertakers.

Planning Policy Wales

Planning Policy Wales (PPW Edition 10) acknowledges the statutory purposes of National Parks and reinforces the "Sandford Principle", whereby if there is a conflict between the statutory purposes, greater weight shall be given to the first purpose of conserving and enhancing the natural environment. PPW also recognises that natural heritage issues are not confined by administrative boundaries and that the duty to have regard to National Park purposes applies to activities affecting these areas, whether those activities lie within or outside the designated area.

PPW places significant emphasis on the need to afford the highest status of protection from inappropriate development. Paragraphs 6.3.5 to 6.3.16 should be given appropriate weight.

The Brecon Beacons National Park Management Plan (Approved 04.12.2015)

The Brecon Beacons National Park Management Plan defines the special qualities of the National Park as:

- o Peace and tranquility - opportunities for quiet enjoyment, inspiration, relaxation and spiritual renewal.
- o Vitality and healthfulness - enjoying the Park's fresh air, clean water, rural setting, open land and locally produced foods.
- o Sense of place and cultural identity - "Welshness"
- o Sense of discovery
- o Sweeping grandeur and outstanding natural beauty
- o Contrasting patterns, colours, and textures
- o Diversity of wildlife and richness of semi-natural habitats
- o Rugged, remote and challenging landscapes.
- o Enjoyable and accessible countryside
- o Intimate sense of community

It is considered that the special qualities of peace and tranquility, outstanding natural beauty, in particular should be addressed within the EIA.

Brecon Beacons National Park Authority Local Development Plan 2007-2022 (LDP)

Section 3.1.3 of the LDP sets out that whilst the National Park is a landscape designation there are instances where strict application of the boundary in making decisions is not appropriate - Cross Boundary issues include for example wind energy development and transport infrastructure. As previously set out section 62 (2) of the Environment Act (1995) places a duty on LDPs to have regard to the National Park purposes in making planning decisions which may impact on the National Park. The Authority will use LDP policy SPI in commenting on proposals that impact on the National Park. Policy SPI sets out the following:-

Development in the National Park will be required to comply with the purposes and statutory duty set out in legislation, and will be permitted where it:

- a) Conserves and enhances the natural beauty, wildlife and cultural heritage of the Park; and/or
- b) Provides for, or supports, the understanding and enjoyment of the special qualities of the National Park in a way that does not harm those special qualities; and
- c) Fulfils the two purposes above and assists the economic and social well-being of local communities.

LVIA

BBNPA have been provided with a copy of the NRW response to the scoping report dated 05.11.2019, which states that the general principles and methodology of the proposed Landscape Visual Impact Assessment (LVIA) appear to be sound, but offer detailed advice, notably that the proposed Zone Theoretical Visibility (ZTV) which is proposed to be limited to 2km from the project boundary, would miss out a number of viewpoints and receptors within the National Park, including from land north/east of Coelbren/Dyffryn Cellwen, on the ridges of Llorfa and Cefn Mawr to the north west and from Cribarth to the north and around Pen-y-cae to the north east. They advise that the ZTV should be widened to 5km to ensure that sensitive areas and receptors within the National Park are included. NRW also state that the ZTV for cumulative effects should also be 5km. BBNPA would concur with this advice.

It is noted that Viewpoints 2, 3, 4, 9, 12, 13, 17 & 18 are in the National Park

In light of NRW advice, it is considered that the following additional viewpoints could be considered:-

- Trig point on Cribarth (SAM & Registered Common Land) approx. 3.16km
- Public Footpath north east of Henrhyd falls, south of Bryn Bugeiliaid (open access land) 2.5-3km

- Dismantled railway north west of Bryn Bugeiliaid forest, on edge of NNR (Ogof Ffynnon Ddu) & a permissive path (Open Country) approx. 4km
- Bridleway on Cefn Mawr ridge North West of Giedd Forest (Open Access) 4.8-5km. The alternative to this could be the Llorfa ridge, which was used in the open cast assessment, although this is further away.
- Potential viewpoints from paths on/close to the site with views looking towards the National Park e.g. on Mynydd Y Drum or to the south.

However, BBNPA reserve the right to request additional viewpoints, should the detailed submissions identify landscape or visual impacts on nearby sensitive areas within the National Park, which have not been satisfactorily addressed through the LVIA.

NRW state that the LVIA should refer to the National Park's Management Plan, (This should be the latest version 2015-2010), the Special Qualities of the National Park (particularly peace and tranquility) and the Landscape Character Assessment (This is as set out in the Landscape and Development Supplementary Planning Guidance dated 24.10.2014). Impacts on LANDSCAPE Character Area 2 - Y Mynydd Du, 3 – FFOREST Fawr and 4 - Waterfall Country and Southern Valleys should be assessed. BBNPA would concur with this advice.

NRW have stated that the baseline for the LVIA should be based on the approved restoration plans for the site, and not the existing situation, i.e. the existing working surface coal mine which is a largely pre- restored site. BBNPA would concur with this advice. BBNPA is aware that the site is subject to planning conditions to secure restoration of the site to beneficial after uses and this also means that the site is not a brown field site, but green field – this fact should be reflected in the supporting documentation and the LVIA.

NRW refer to the need to consider effects of light pollution, particularly night time effects and the Dark Sky Reserve status of the National Park. BBNPA would concur with this advice. Reference should be made to the BBNPA Supplementary Planning Guidance – Obtrusive Lighting and Light Pollution dated 27.03.2015.

General Comments

Renewable energy generation

The Scoping Report, at para 15.6, refers to installing renewable energy generation to mitigate the effects of climate change. Such development should be included in the description of development, the nature of the development clarified and if it involves stand- alone features, these should be properly assessed as part of the LVIA.

Control of artificial lighting

It is considered that lighting should be included as a stand- alone topic within the EIA, as it has the potential to be a significant issue, in respect of lighting during construction and operation. The management and mitigation of artificial light emissions should be produced for the proposed development.

PPW-section 6.8 refers to lighting, and specifically to dark sky reserves of the Brecon Beacons, and their characteristics should be taken into account when considering individual development proposals.

The BBNPA Local Development Plan policy 12 Light Pollution and the BBNPA Supplementary Planning Guidance – Obtrusive Lighting and Light Pollution dated 27.03.2015 are considered relevant and should be taken into account in the assessment of lighting within the proposed development.

Archaeology

The cultural heritage assessment should include an assessment upon the settings of a number of scheduled monuments within the Brecon Beacons National Park boundary.

Biodiversity

If the proposal is to meet Planning Policy Wales Edition 10 (2018), net biodiversity benefits must be part and parcel of the project description and design. These benefits must be demonstrated over and above those provided by the existing agreed restoration for the opencast site.

Whilst it is noted that footnote 17 which explains 'Notable Species' include s7 species, the scoping report appears inconsistent on their consideration indicating that they have and haven't been previously recorded at the site (Para. 289).

Cumulative Impacts

The consideration given to in combination impacts in the scoping opinion appears particularly weak. For instance it omits any detailed appreciation of the projects for which in-combination impacts will be assessed.

The relationship with projects in the draft National Development Framework, the Wales Infrastructure Investment Plan project pipeline and those emerging from the Brecon Beacons National Park Management Plan (e.g. Waterfall Country and the Gunpowder Works) must be considered, not least through the Habitats Regulations Assessment.

Furthermore, in the context of the Habitats Regulations Assessment, the resulting Environmental Impact Assessment must build on the Habitats Regulations Assessment and recognise that "in combination" effects may mean that likely significant effects on a Natura 2000 site cannot be ruled out even though the project, by itself, would not have a significant effect.

Conclusion

It is respectfully requested that the above considerations are secured within the Scoping Opinion.

Yours faithfully,



PP Tracy Nettleton
Planning and Heritage Manager

*Yr ydym yn croesawu gohebiaeth yn y Gymraeg. Bydd unrhyw ohebiaeth yn y Gymraeg yn cael ei ateb yn y Gymraeg a ni fydd unrhyw gyswllt trwy gyfrwng y Gymraeg yn arwain at oedi yn y mater sy'n cael ei drin.
We welcome correspondence in Welsh. Any correspondence in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in the matter being dealt with.*



Our ref: NPT0557/JBHD

ARCHAEOLOGICAL PLANNING

Head of Planning
Neath Port Talbot County Borough Council
The Quays
Brunel Way
Baglan Energy Park
NEATH
SA11 2GG

4th October 2019

FAO: Steve Ball

Dear Sir

Request for Scoping Opinion under Regulation 14 of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 in respect of a proposed application for a rail testing and storage facility, known as the Global Centre of Rail Excellence (GCRE), and incorporating:- a Rolling Stock and Infrastructure Testing Facility (consisting of two test tracks of loop configuration; one 4.5km, inside a larger loop of 6.9km in length); New buildings including Test Platform/Station, Control Building, Research and Development Centre; Rolling Stock Maintenance Shed, Decommissioning facility and Rail Sidings; Winch-propelled facility for testing of track and track systems; Carriage Wash facility; plus ancillary development including land reformation, landscaping, infrastructure works and access (affecting land within Neath Port Talbot and Powys County Council administrative boundaries). Land at and Surrounding the Nant Helen Open Cast Coal Site Powys and Onllwyn Distribution Centre, Neath Port Talbot.
App.No.: P2019/5455.

Thank you for consulting us regarding this scoping opinion.

The supporting information includes a scoping report from Arup dated September 2019 which notes that there are archaeological issues which need to be addressed in order to determine the impact of the proposals on the historic environment. An archaeological desk based assessment will be undertaken to inform the cultural heritage chapter.

Section 12 refers to cultural heritage, and outlines the methodology for assessing the impact of the proposal on the historic environment. It includes stating that the work will be in line with the current best practice for the Chartered Institute for Archaeologists, as well as national, regional and local policies. These include that a methodology for the assessment will need to be agreed with us as your advisors prior to the production of the assessment.

The approach is appropriate, and we look forward to agreeing the methodology.

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

Yours faithfully

Judith Doyle BA MBA MCIfA
Archaeological Planning Officer

The Glamorgan-Gwent
Archaeological Trust
Limited

Heathfield House
Heathfield
Swansea
SA1 6EL

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From: Mark Walters <mark.walters@cpat.org.uk>
Sent: 04 October 2019 10:30
To: Gwilym Davies <gwilym.davies@powys.gov.uk>
Subject: Re: New Planning Application Notification 19/1619/SC

Dear Gwilym

Thank you for the consultation on this scoping opinion.

We have already responded to the Welsh Government consultation exercise on this scheme and confirmed that a cultural heritage assessment of the development area would be necessary as part of an EIA.

There are a number of recorded archaeological sites within the red boundary and a high potential for impacts to both recorded and unrecorded archaeology outside the main former extraction and soil bund stripping areas of the opencast in particular. Impacts are most likely to occur where the new testing tracks are constructed and where other infrastructure is placed outside areas of disturbance caused by prior extraction, soil stripping and quarry buildings.

There is one scheduled monument within the red boundary area and the applicants will have to consult Cadw via cadwplanning@gov.wales regarding setting issues and other potential impacts.

We have advised Welsh Government that initially a detailed desktop study will be required along with a walkover survey to collate information on known and unrecorded sites, assess the potential impacts and suggest appropriate mitigation. Further pre-determination assessment may then be required in the form of geophysics, measured surveys and investigative trenching. This work should be carried out in accordance with the appropriate CIFA standards and guidance and a specification (written scheme of investigation) should be forwarded to us by the nominated archaeological contractor for approval in advance of the commencement of the assessment. All finished reports and any resulting digital archives must be submitted to the Historic Environment Record and National Monuments Record (RCAHMW) on completion of the assessments.

Kind regards

Mark Walters

[Mark Walters](#)

Development Control Archaeologist / Swyddog Rheoli Datblygiad

Ffôn / Tel: 01938 553670/552035 Mobile: 07736 163148

E-bost / E-mail: mark.walters@cpat.org.uk

Ymddiriedolaeth Archaeolegol Clwyd-Powys, 41 Stryd Lydan, Y Trallwng, SY21 7RR Swyddfa Gofrestredig fel yr uchod. Rhif Cwmni 1212455, Rhif Elusen 508301, Sefydliad Cofrestredig IfA, Rhif 6.

Clwyd-Powys Archaeological Trust, 41 Broad Street, Welshpool, SY21 7RR Registered Office as above. Company No 1212455, Charity No 508301. Chartered Institute for Archaeologists Registered Organisation No 6.

Mr Steve Ball
Neath Porth Talbot County Borough Council
The Quays
Brunel Way
Baglan Energy Park
Briton Ferry
SA11 2GG

Plant Protection
Cadent
Block 1; Floor 1
Brick Kiln Street
Hinckley
LE10 0NA
E-mail: plantprotection@cadentgas.com
Telephone: +44 (0)800 688588

National Gas Emergency Number:
0800 111 999*

National Grid Electricity Emergency Number:
0800 40 40 90*

* Available 24 hours, 7 days/week.
Calls may be recorded and monitored.

www.cadentgas.com

Date: 11/10/2019

Our Ref: XX_GW3A_3NWP_020325

Your Ref: P2019/5455 KS

RE: Formal Planning Application, SA10 9BP Land At And Surrounding The Nant Helen Open Cast Coal Site Powys And Onllwyn Distribution Centre Neath Port Talbot

Thank you for your enquiry which was received on 02/10/2019.
Please note this response and any attached map(s) are valid for 28 days.

An assessment has been carried out with respect to Cadent Gas Limited, National Grid Electricity Transmission plc's and National Grid Gas Transmission plc's apparatus. Please note it does not cover the items listed in the section "Your Responsibilities and Obligations", including gas service pipes and related apparatus.

For details of Network areas please see the Cadent website (<http://cadentgas.com/Digging-safely/Dial-before-you-dig>) or the enclosed documentation.

Are My Works Affected?

Searches based on your enquiry have identified that there is apparatus in the vicinity of your enquiry which may be affected by the activities specified.

Can you please inform Plant Protection, as soon as possible, the decision your authority is likely to make regarding this application.

If the application is refused for any other reason than the presence of apparatus, we will not take any further action.

Please let us know whether Plant Protection can provide you with technical or other information that may be of assistance to you in the determination of the application.

As your proposed activity is in close proximity to National Grid's Transmission assets we have referred your enquiry/consultation to our Asset Protection team for further detailed assessment. We request that you do not commence work or take further action with regards to your proposal until you hear from us. We will endeavour to contact you within 21 days from the date of this response. Please contact us at assetprotection@nationalgrid.com if you have not had a response within this time frame.

Due to the presence of Cadent and/or National Grid apparatus in proximity to the specified area, the contractor should contact Plant Protection before any works are carried out to ensure the apparatus is not affected by any of the proposed works.

Your Responsibilities and Obligations

The "Assessment" Section below outlines the detailed requirements that must be followed when planning or undertaking your scheduled activities at this location.

It is your responsibility to ensure that the information you have submitted is accurate and that all relevant documents including links are provided to all persons (either direct labour or contractors) working for you near Cadent and/or National Grid's apparatus, e.g. as contained within the Construction (Design and Management) Regulations.

This assessment solely relates to Cadent Gas Limited, National Grid Electricity Transmission plc (NGET) and National Grid Gas Transmission plc (NGGT) and apparatus. This assessment does **NOT** include:

- Cadent and/or National Grid's legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent and/or National Grid's assets in private land. You must obtain details of any such restrictions from the landowner in the first instance and if in doubt contact Plant Protection.
- Gas service pipes and related apparatus
- Recently installed apparatus
- Apparatus owned by other organisations, e.g. other gas distribution operators, local electricity companies, other utilities, etc.

It is **YOUR** responsibility to take into account whether the items listed above may be present and if they could be affected by your proposed activities. Further "Essential Guidance" in respect of these items can be found on either the [National Grid](#) or [Cadent](#) website.

This communication does not constitute any formal agreement or consent for any proposed development work; either generally or with regard to Cadent and/or National Grid's easements or wayleaves nor any planning or building regulations applications.

Cadent Gas Limited, NGGT and NGET or their agents, servants or contractors do not accept any liability for any losses arising under or in connection with this information. This limit on liability applies to all and any claims in contract, tort (including negligence), misrepresentation (excluding fraudulent misrepresentation), breach of statutory duty or otherwise. This limit on liability does not exclude or restrict liability where prohibited by the law nor does it supersede the express terms of any related agreements.

If you require further assistance please contact the Plant Protection team via e-mail ([click here](#)) or via the contact details at the top of this response.

Yours faithfully

Plant Protection Team

ASSESSMENT

Affected Apparatus

The apparatus that has been identified as being in the vicinity of your proposed works is:

- Electricity Transmission overhead lines
- Above ground electricity sites and installations

As your proposal is in proximity to apparatus, we have referred your enquiry / consultation to the following department(s) for further assessment:

- Land and Development Asset Protection Team (High Pressure Gas Transmission and Electricity Transmission Apparatus)

We request that you take no further action with regards to your proposal until you hear from the above. We will contact you within 28 working days from the date of this response. Please contact us if you have not had a response within this timeframe.

Requirements

BEFORE carrying out any work you must:

- Carefully read these requirements including the attached guidance documents and maps showing the location of apparatus.
- Contact the landowner and ensure any proposed works in private land do not infringe Cadent and/or National Grid's legal rights (i.e. easements or wayleaves). If the works are in the road or footpath the relevant local authority should be contacted.
- Ensure that all persons, including direct labour and contractors, working for you on or near Cadent and/or National Grid's apparatus follow the requirements of the HSE Guidance Notes HSG47 - 'Avoiding Danger from Underground Services' and GS6 – 'Avoidance of danger from overhead electric power lines'. This guidance can be downloaded free of charge at <http://www.hse.gov.uk>
- In line with the above guidance, verify and establish the actual position of mains, pipes, cables, services and other apparatus on site before any activities are undertaken.

GUIDANCE

Working Near National Grid Electricity Transmission equipment:

If you are carrying out any work in proximity to an overhead line or any excavation that may be near an underground cable then please consult National Grid Technical Guidance Note 287 that can be found at https://www.nationalgrid.com/sites/default/files/documents/8589935533-TGN%20287_Third%20party%20guidance%20for%20working%20near%20NGET%20equipment.pdf Further guidance related to underground cables can also be found at <https://www.nationalgrid.com/sites/default/files/documents/8589936512-Excavating%20Safety%20Leaflet%20Electricity.pdf>

Standard Guidance

Essential Guidance document:

<http://www2.nationalgrid.com/WorkArea/DownloadAsset.aspx?id=8589934982>

General Guidance document:

<http://www2.nationalgrid.com/WorkArea/DownloadAsset.aspx?id=35103>

Excavating Safely in the vicinity of gas pipes guidance (Credit card):

<http://www.nationalgrid.com/NR/rdonlyres/A3D37677-6641-476C-9DDA-E89949052829/44257/ExcavatingSafelyCreditCard.pdf>

Excavating Safely in the vicinity of electricity cables guidance (Credit card):

<http://www.nationalgrid.com/NR/rdonlyres/35DDEC6D-D754-4BA5-AF3C-D607D05A25C2/44858/ExcavatingSafelyCreditCardelectricitycables.pdf>

Copies of all the Guidance Documents can also be downloaded from the [National Grid](#) and [Cadent](#) websites.

ENQUIRY SUMMARY

Received Date

02/10/2019

Your Reference

P2019/5455 KS

Location

Centre Point: 283394, 210481

X Extent: 1285

Y Extent: 590

Postcode: SA10 9BP

Location Description: SA10 9BP Land At And Surrounding The Nant Helen Open Cast Coal Site Powys And Onllwyn Distribution Centre Neath Port Talbot

Map Options

Paper Size: A3

Orientation: LANDSCAPE

Requested Scale: 10000

Actual Scale: 1:10000 (ELECTRIC)

Real World Extents: 4120m x 2440m (ELECTRIC)

Recipients

pprsteam@cadentgas.com

Enquirer Details

Organisation Name: Neath Porth Talbot County Borough Council

Contact Name: Mr Steve Ball

Telephone: 01639 686727

Address: The Quays, Brunel Way, Baglan Energy Park, Briton Ferry, SA11 2GG

Description of Works

P/A Request for Scoping Opinion under Regulation 14 of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 in respect of a proposed application for a rail testing and storage facility, known as the Global Centre of Rail Excellence (GCRE), and incorporating:- a Rolling Stock and Infrastructure Testing Facility (consisting of two test tracks of loop configuration; one 4.5km, inside a larger loop of 6.9km in length); New buildings including Test Platform/Station, Control Building, Research and Development Centre; Rolling Stock Maintenance Shed, Decommissioning facility and Rail Sidings; Winch-propelled facility for testing of track and track systems; Carriage Wash facility; plus ancillary development including land reformation, landscaping, infrastructure works and access (affecting land within Neath Port Talbot and Powys County Council administrative boundaries). W/L

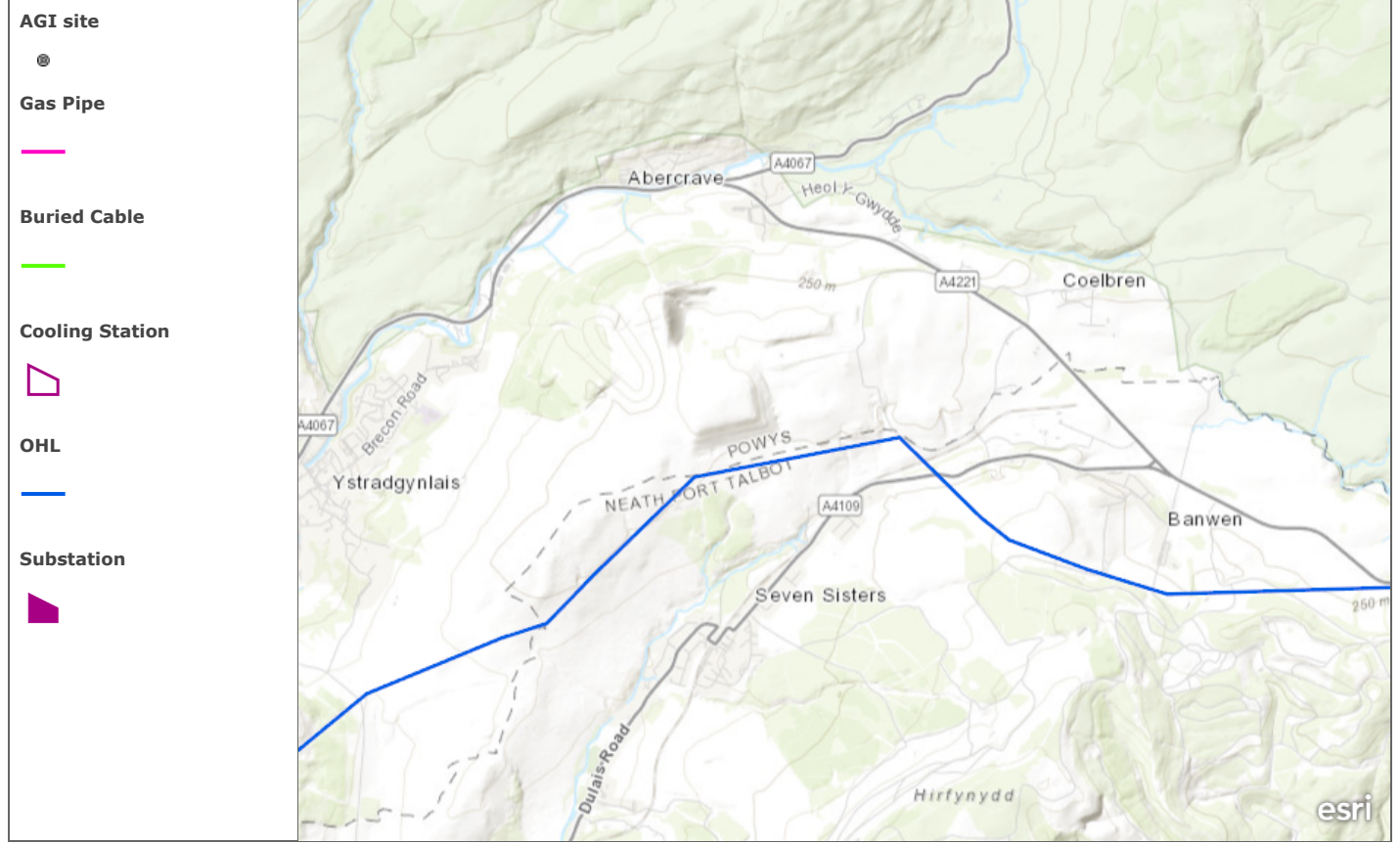
Enquiry Type

Formal Planning Application

Development Types

Development Type: Development for use by General Public

Plant Protection map



1km

Esri UK, Esri, HERE, Garmin, INCREMENT P, USGS, METI/NASA, NGA



Llywodraeth Cymru
Welsh Government

Plas Carew, Uned 5/7 Cefn Coed
Parc Nantgarw, Caerdydd CF15 7QQ
Ffôn 0300 025 6000
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Planning Department
Neath Port Talbot County Borough Council

By email: planning@npt.gov.uk

Eich cyfeirnod
Your reference

P2019/5455

Ein cyfeirnod
Our reference

DH

Dyddiad
Date

23 October 2019

Llinell uniongyrchol
Direct line

0300 0256004

Ebost
Email:

cadwplanning@gov.wales

Dear Sir/Madam,

Proposed application for a rail testing and storage facility – Global Centre of Rail Excellence (GCRE), land at and surrounding the Nant Helen Open Cast Coal Site, Powys and Onllwyn Distribution Centre, Neath Port Talbot

Thank you for your letter of 2 October 2019 inviting Cadw to provide a scoping opinion as to the contents of an environmental impact assessment to accompany a planning application in respect of the above proposal.

Advice

Having carefully considered the information provided with this request, we consider that further information is required.

Our assessment is given below.

Assessment

Scheduled Ancient Monuments

BR021	Lefel Fawr Coal Adit
BR074	Section of Road NE of Coelbren Fort
BR198	Ynysgedwyn Colliery, Fan House
BR222	Abercrave Ironworks
BR237	Bryn Llechwen ring cairn
BR237	Cribarth Limestone Quarries and Tramroads
GM146	Coelbren Fort
GM343	Roman Marching Camp South East of Coelbren Fort
GM399	Tramroad at Ystradgynlais
GM420	Remains of Blast Furnaces at Banwen

Listed Buildings:

6605	Hen Noyadd	II
6606	10 Lamb & Flag Cottages	II
6607	12 Lamb & Flag Cottages	II

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

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

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



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6608	The Pound	II
6609	Outbuildings opposite Lamb & Flag Cottages	II
6610	Circular cow-house at Gwaunclawdd	II*
7468	Pont-y-Yard	II
7544	Cae'r Lan Castle	II
17922	Yard House	II
23032	Sardis Independent Chapel and attached schoolroom	II
25946	,74,Heol Giedd,Cwm Giedd,Swansea,,SA9 1LS	II
25947	,76,Heol Giedd,Cwm Giedd,Swansea,,SA9 1LS	II
25948	,78,Heol Giedd,Cwm Giedd,Swansea,,SA9 1LS	II
25949	,80,Heol Giedd,Cwm Giedd,Swansea,,SA9 1LS	II
25950	,82,Heol Giedd,Cwm Giedd,Swansea,,SA9 1LS	II
25952	Fan house to former Ynyscedwen Mine	II
82048	Circular pigsty at Blaendulais Farm	II
82050	The War Memorial	II

This is a request for a scoping opinion on the contents of an environmental impact assessment to accompany a planning application for a proposed rail testing & storage facility, Global Centre of Rail Excellence on land at the Nant Helen Open Cast Coal Site Powys and Onllwyn Distribution Centre.

An environmental scoping report has been prepared by Arup outlining the proposed contents of the environmental impact assessment and the methodologies that will be used to assess any likely damage to the environment. Chapter 12 of that document deals with Cultural Heritage and in general we concur with its' contents: However, in regard to grade II listed buildings we would recommend that given that these are Nationally designated heritage assets, a search area of 3km would be more appropriate than 1km and that impact of the proposed development on the setting of all designated heritage assets inside 3km (listed above) should be carried out in accordance with the Welsh Government guidance given in the document "The Setting of Historic Assets in Wales". We would expect a stage 1 assessment to be carried out for all of the above designated heritage assets, which will determine the need, if necessary, for stages 2 to 4 to be carried out for specific heritage assets.

Finally, it is noted that paragraph 343 of the scoping document that there is a reference to Planning Policy Wales Chapter 6: The Historic Environment (Edition 9, 2016). This document has been replaced by Planning Policy Wales Chapter 6: The Historic Environment (Edition 10, 2018).

Yours sincerely,

Denise Harris
Diogelu a Pholisi/ Protection and Policy



The Coal
Authority



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RTPI
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Email: planningconsultation@coal.gov.uk

Web: www.gov.uk/coalauthority

For the Attention of: Mr S Ball – Case Officer
Neath Port Talbot County Borough Council

[By Email: planning@npt.gov.uk]

21 October 2019

Dear Mr Ball

REF: P2019/5455 - Request for Scoping Opinion under Regulation 14 of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 in respect of a proposed application for a rail testing and storage facility, known as the Global Centre of Rail Excellence (GCRE), and incorporating:- a Rolling Stock and Infrastructure Testing Facility (consisting of two test tracks of loop configuration; one 4.5km, inside a larger loop of 6.9km in length); New buildings including Test Platform/Station, Control Building, Research and Development Centre; Rolling Stock Maintenance Shed, Decommissioning facility and Rail Sidings; Winch-propelled facility for testing of track and track systems; Carriage Wash facility; plus ancillary development including land reformation, landscaping, infrastructure works and access (affecting land within Neath Port Talbot and Powys County Council administrative boundaries) - Land at and surrounding the Nant Helen Open Cast Coal Site, Powys and Onllwyn Distribution Centre, Neath Port Talbot

Thank you for your notification of 2 October 2019 seeking the views of The Coal Authority on the above.

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

Our records indicate that there are approximately 87 mine entries, within or within 20m of the site boundary. The site is also in an area of recorded and likely unrecorded coal mine workings at shallow depth and is in an area where coal has been removed by surface mining methods.

The submission is supported by an Environmental Scoping Report, dated September 2019 and prepared by ARUP. We are pleased to see that this report identifies the significant coal mining legacy present on the site, and acknowledges that the site is still subject to active surface mining activity until at least 2020.

Section 10 of the Environmental Scoping Report covers ground conditions and identifies that a detailed mining risk assessment will need to be completed to qualify the risks arising from historical mining activities present within the area of the proposed structures and infrastructure and associated construction activities. The report authors note that this should look at historic records, mining abandonment plans, historic borehole records etc. They note that comprehensive ground investigations may be required to locate workings and there may be requirements for remedial works to mining works and shafts on the site.

Where mine entries are present on a site we would expect the location of these to be established by intrusive site investigations in order that the exact location of these features can inform the layout of the development. We would expect the layout plan to demonstrate that the adequate separation is provided between these features, their zones of influence and any structures proposed. The Coal Authority is of the opinion that building over the top of, or in close proximity to, mine entries should be avoided wherever possible, even after they have been capped, in line with our adopted policy:

<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

We would be pleased to comment on the contents of the Environmental Statement, or other relevant reports, submitted to support any formal planning application for this development.

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

Yours sincerely

Melanie Lindsley

Melanie Lindsley BA (Hons), DipEH, DipURP, MA, PGCertUD, PGCertSP, MRTPI
Development Team Leader (Planning)

General Information for the Applicant

Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. In the event that you are proposing to undertake such work in the Forest of Dean local authority area our permission may not be required; it is recommended that you check with us prior to commencing any works. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at:

Disclaimer

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

In formulating this response The Coal Authority has taken full account of the professional conclusions reached by the competent person who has prepared the Coal Mining Risk Assessment or other similar report. In the event that any future claim for liability arises in relation to this development The Coal Authority will take full account of the views, conclusions and mitigation previously expressed by the professional advisers for this development in relation to ground conditions and the acceptability of development.