

## DESIGN AND ACCESS STATEMENT

PLANNING PERMISSION TO MINE, BY SURFACE MINING OPERATIONS, 85,000 TONNES OF PREMIUM QUALITY ANTHRACITE FROM THE PROPOSED GLAN LASH EXTENSION

GLAN LASH MINE, SHANDS ROAD, LLANDYBIE, AMMANFORD, SA18 3NA

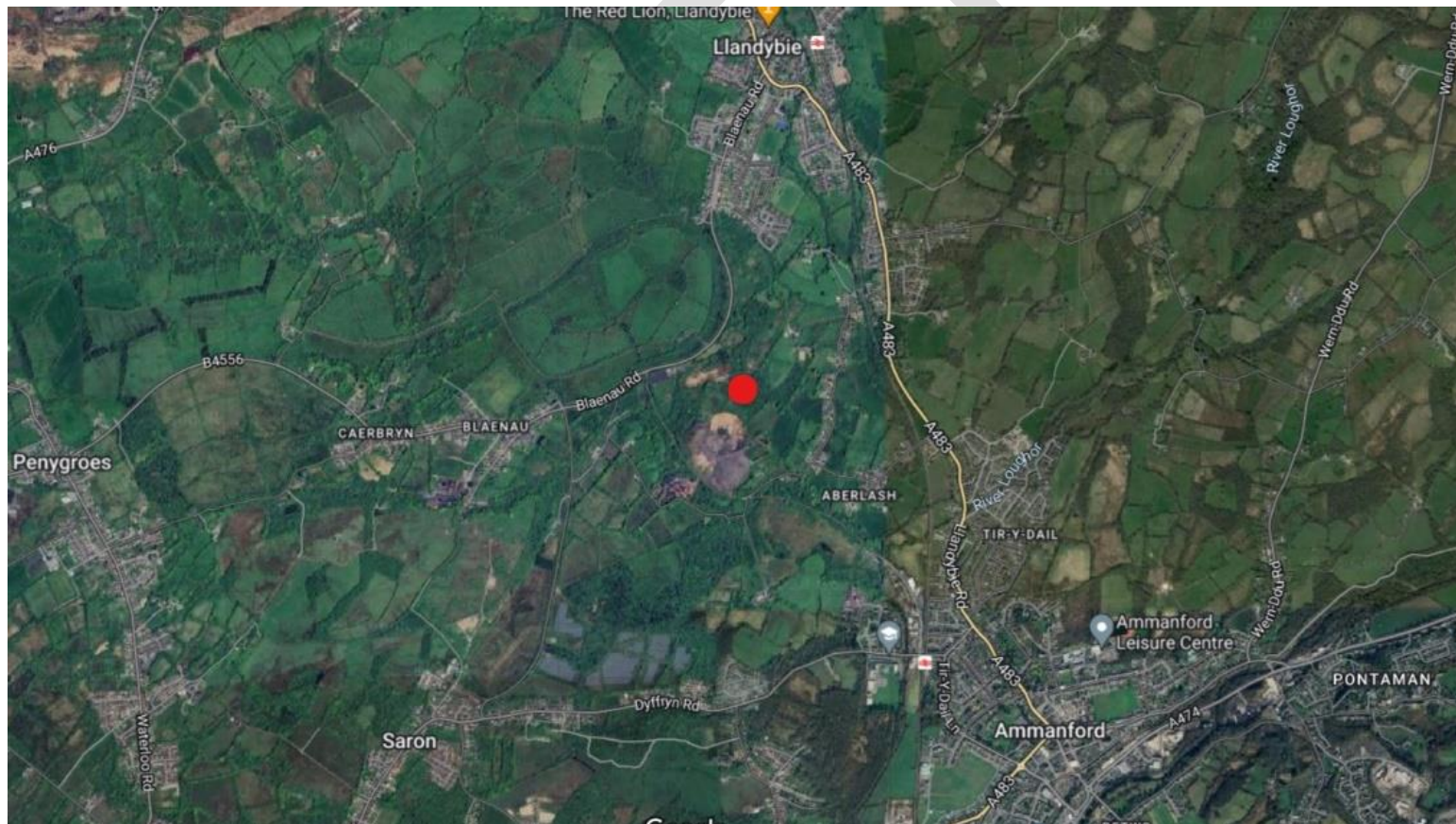
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## 1.0 INTRODUCTION

- 1.1 This statement has been prepared to support our Client's submission to mine, by surface mining operations, 85,000 tonnes of premium quality anthracite from the proposed Glan lash extension.
- 1.2 This statement explains the concept and principles of the development in relation to accessibility, character, community safety, environmental sustainability, movement and assesses the proposal against the relevant Planning Policy framework.
- 1.3 This statement demonstrates the proposal accords with relevant National and Local Planning Policy and other material planning policy considerations.
- 1.4 This statement should be read in conjunction with the submitted plans and supporting reports, which comprise the application submission.

## 2.0 SITE & SURROUNDINGS

- 2.1 The existing Glan lash Opencast site is located to the south of Llandybie, east of Blaenau and to the North West of Ammanford.
- 2.2 Access to the site is provided via along Shands Road, which joins the B4556 (Blaenau Road) between Blaenau and Llandybie. The site is bounded by agricultural fields, and Shands Road forms the South Western boundary to the site.



- 2.3 The site is located in a rural setting, devolved of any built form, roads or public rights of way (PROW). A track runs south from Ty Uchaf farm and enters the north of the application site, however, is no longer easily passable through woodland blocks.
- 2.4 The nearest buildings are the farms of Y Garth to the southeast and Ty-Uchaf to the north, abutting land under control of the Applicant. A linear housing strip along Waun-Farlais lies to the east 440m from the centre of the proposed extension area, with a section of PROW at the rear of the houses linking to Y Garth farm. The proposed extension area is separated from Waunfarlais Road by a topographical ridge that rises 14m above the proposed mine extension and then falls 19m to Waunfarlais Road.
- 2.5 To the west of the proposed extension area is Blaenau (900m), which will be shielded by an existing overburden mound. To the south of the site is the existing site and washery complex. Llandybie (840m) is to the north of the application site, with the town of Ammanford (1 km) lying to the south east and is close to the Tirydail Tip Restoration site. The important Heart of Wales Line Trail passes through Ammanford and continues in a northerly direction.
- 2.6 Shand's Road connects the B4556 near Blaenau to Tirydail, Ammanford, following the line of a former mineral railway adjacent to the Afon Lash to its junction with the Afon Llwchwr. The north-western section of the road lies on the north-east side of the Afon Lash with the coal washery complex to its south-west. The Glanlash Mine site is on the north-east side of the road opposite the washery with the Glanlash Extension site to its north. To the south of Glanlash, the river crosses under Shands Road to lie north-east of the road where it passes the Tirydail Tip Restoration site before the road terminates at Tirydail, opposite the college.
- 2.7 The B4556 lies to the west and the A483 and Heart of Wales railway line lie to the east of the Glanlash Extension Revised site. Waunhafog Road lies to the south of the coal washery, crosses Shand's Road and continues northwards as Waunfarlais Road to the east of the mine site and the proposed extension. There are historic remains of previous mining works including disused mine shafts in the areas around both the original site and the proposed extension area.

2.8 There are no designated sites for ecology within the site boundary, but the Caeau Mynydd Mawr SPG area is approx. 180 metres to the south of the proposed site, at its closest point. The aforementioned Afon Lash flows into the Llŵchwr, which forms part of the Carmarthen Bay and Estuaries SAC, the boundary of this SAC being some 10 KM'S from the site where the Afon Lash flows into the Llŵchwr.

2.9 The site has a detailed planning history, which is summarised in the attached table:

Application Ref:	Description	Decision
E/24681	To mine by surface mining operations 92,500 tonnes of anthracite coal. Development includes the full restoration of mine site and adjacent Tir Y Dial colliery tip. Provision for Blaenau Ammanford cycle track and footpath	Granted 25/01/2012
E/26827	Removal of condition 22 and variation of condition 23 on E/24681	Granted 30/08/2012
E/34763	Variation of condition 1 on e/24681	Granted 21/03/2017
E/37603	Variation of condition 1 (time limit) of planning permission E/24681	Granted 07/09/2018
E/38658	Variation of condition 1 (time limit for the winning and working of coal be Changed)	Pending
E/39917	Bryn Bach Coal is applying for permission to mine by surface mining operations, 110,000 tonnes of premium anthracite from the proposed Glan Lash Extension. The extension covers 10.3 hectares of land, to the North of the current Glan Lash Mine site and is centred at E261560, N213900	Refused 14/09/2023

2.10 As highlighted within the above-mentioned table, the most recent planning consent for 'permission to mine by surface mining operations, 110,000 tonnes of premium anthracite from the proposed Glan Lash Extension' was refused by the Council on the 14<sup>th</sup> of September 2023.

2.11 The application was refused for several reasons, which will be further reviewed in section 5.0 of this statement.

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### 3.0 PLANNING POLICY CONTEXT

3.1 PPW and the National Development Framework (published as **Future Wales – the National Plan 2040**) set out how the planning system at a national, regional and local level can assist in delivering these requirements through Strategic Development Plans (SDPs) and Local Development Plans (LDPs).

3.2 **Planning Policy Wales (PPW Edition 12) February 2024** sets out the land use planning policies of the Welsh Assembly Government. It is supplemented by a series of Technical Advice Notes. Procedural advice is given in circulars and policy clarification letters.

3.3 The 'Coal Policy Statement' for Wales was adopted in March 2021. The statement confirms that whilst there is a general presumption against coal extraction, there are exceptional circumstances that may allow for further extraction.

3.4 TAN 5 – Nature Conservation and Minerals Technical Advice Note (MTAN) 2: are also considered relevant to the determination of this application.

#### Local Planning Policy

3.5 Whilst the Council has submitted its 2nd Deposit Revised LDP and associated documents to the Welsh Government and Planning Environment Decisions Wales (PEDW) for examination, until the Revised LDP is adopted, the existing 2006-2021 LDP will remain in place for all planning decisions, in line with advice issued by the Welsh Government.

3.6 The following policies are of specific relevance to the application proposal, stating:

- SP1 Sustainable Places and Spaces
- SP2 Climate Change
- SP10 Sustainable Mineral Development
- SP14 Protection and Enhancement of the Natural Environment

- GP1 Sustainability and High Quality Design
- GP2 Development Limits
- TR2 Location of Development – Transport Considerations
- TR3 Highways in Developments - Design Considerations
- EQ5 Corridors, Networks and Features of Distinctiveness
- EP2 Pollution
- MPP4 Coal Extraction Operations
- MPP6 Restoration and Aftercare of Mineral Sites EN8: Trees, Woodlands and Hedgerows

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#### 4.0 PROPOSAL

- 4.1 The application seeks permission for the extension of the existing open cast site (OCCS), this extension would total 10.03 hectares, this includes areas for soils storage, with a total excavation area of 5.92 hectares, and an output of approx. 85,000 tonnes of premium quality anthracite in total. There has been no proposed change to working methods.
- 4.2 The Applicant has calculated the overburden to anthracite ratio of the site, and taking into account meal breaks, breakdowns, weather and bank holidays it is anticipated that overburden movement can be achieved for an average of 38 hours per week. Having taken into account the capabilities of the various items of plant on site the applicant estimates that overburden should average 6916 m<sup>3</sup> per week, taking into account the overburden to anthracite ratio this would result in production of 328 tonnes of anthracite per week. Maintaining this level of production (there are many variables which can affect production, weather and mechanical breakdowns in particular) should result in a production period of 259 weeks, or 5.4 years.
- 4.3 Operations at the site (such as soil stripping /movement /storage and the extraction and movement of coal) would remain in line with the previously approved operations at the site. There would be no requirement for additional plant on site and any coal extracted would continue to be washed at the existing plant just south of the current site. Working hours would remain the same, as would the output from the site, as well as the haul route from the site to the washery, and then from the washery to customers (via the Shands road).
- 4.4 The phasing of the development would commence with an extension to the north followed by a series of box cuts (6 in total), operations within the box cuts would work from the north to the south, the site would then extend from the western side towards the east, the final box cut being cut 6 in the north eastern end of the site. Each cut would be approximately 30 metres wide at the base and the proposed phasing would be carried out in a manner to allow for the formation of adequate haul roads from the base of the void.
- 4.5 Given the compact nature of the site there would be limited progressive restoration of the site, and the majority of the backfilling would take place during the final cut (cut 6). The current operational void will be of sufficient size to allow for the safe working of the site until the

completion of Cut 3D. From this point, until the completion of Cut 5C, the additional 109,179388m<sup>3</sup> of overburden will be gradually placed above restoration level as an easterly extension to the existing overburden mound, on top of the backfilled void of the existing Glan Lash site.

- 4.6 Due to the compact nature of the mine site only a limited area of progressive restoration will be possible before the completion of coaling. The plant used during the production phases will be tasked with excavating the overburden from the main overburden mound and backfilling the final void. Due to the loose nature of the material to be excavated and short haulage distances, a weekly production figure of 9,460m<sup>3</sup> is achievable when excavating from the main overburden mound. The final void will be backfilled in 40 weeks. The restoration formation level will be established 0.62m below the final contours to allow for the replacement of soils. The backfilling strategy is for the mudstones and siltstones to be backfilled at depth with the top 5m of the backfill profile to be glacial drift.

#### Restoration

- 4.7 The Restoration Scheme is detailed in the Restoration Plan and the Landscape and Ecology Management Plan (LEMP) will provide a phased approach to the restoration of the application site as the anthracite reserve is progressively extracted. New habitats designed to maintain and enhance the capability of the site to support local floral and faunal populations will be created and maintained. The scheme will also continue to address the part-completed Tirydail Tip Restoration site by extending and continuing to manage recently created habitats. Aftercare maintenance will continue for ten years following the completion of the seven-year mining operation, a total of 17 years.
- 4.8 The proposed layout and operations of the mining operations are detailed in the Landscape and Ecology Management Plan and species-specific management plans and will be finalised in consultation with the site ecologist in order to minimise disturbance to habitats of particular interest. Where appropriate, prior to the commencement of site operations (including, in particular, all enabling works), the site ecologist will identify on the ground, features which will be retained and protected or translocated.
- 4.9 The whole mining operation together with the restoration scheme, including the mitigation measures located at the Tirydail Tip Restoration site will, on completion, result in an overall Net Biodiversity Gain of 47.25% when compared to the existing habitats within the site. This figure is explained within the supporting Landscape and Ecology Management Plan.

## Hydrological Impact Assessment

- 4.10 Although there are no statutorily designated water-supported ecologically sensitive sites within 2 km of the Application Area boundary, the previously submitted planning permission for the extension was refused due to the perceived potential for impact upon a potential habitat for marsh fritillary butterflies. A report authored by R N Humphries and R E Leverton of Blakemere Consultants Ltd concluded that the ecology of the potential habitat is supported solely by surface water within the soil layer. The area of butterfly interest is located to the north of the proposed limit of extraction, separated from it by a 20 m exclusion zone and woodland boundary containing historic field drainage channels. As such the field drainage boundaries act to channel surface water drainage from the Application Area towards the catchments of the Afon Marlas and the Afon Lash, thereby by-passing the Ecological Area.
- 4.11 Carmarthenshire Council commissioned Rob Low of Rigare Consultancy to comment on the water-related content of the Planning Application and subsequent data submission by Bryn Bach Coal Limited. On assessment of this report Carmarthenshire Council concluded that the Planning Application required a Hydrogeological Impact Assessment (HIA) for the proposed development.
- 4.12 Groundwater monitoring within the area of butterfly interest proves the existence of two distinct piezometric surfaces within deep and shallow boreholes. The deep boreholes have a response zone within the predominantly argillaceous Carboniferous strata, whereas the shallow boreholes have a response zone within the low permeability Glacial Till. An additional soil water piezometric surface is observed within shallow dipwells. The latter often coincides with the level of the Glacial Till, indicating local confinement of the superficial deposits. As such, there are at least two distinct hydrostratigraphic units beneath the Application Area, with no hydraulic connection between the shallow groundwaters within the superficial deposits and the deeper groundwater within the Carboniferous strata.
- 4.13 The area of butterfly interest is hydrologically isolated from surface water derived from the Excavation Area and hydraulically separated from groundwater within the Carboniferous bedrock. As such, as concluded by Humphries and Leverton, it is considered that there is no potential for the proposed operation to affect the surface water supported ecology within the area. Therefore, the magnitude of the impact upon the Ecological Area is considered to be 'Negligible' giving a 'Negligible' significance of the impact.

4.14 An assessment of the potential impacts associated with the proposed development has been made with consideration to groundwater and surface water flows and quality, proximity to local areas of ecological interest and water abstractions. The potential impacts have been assessed against the extant conditions. Treated run-off water discharged off-site is strictly regulated to defined compliance criteria. The proposed development therefore has no means to impact water features outside the curtilage of the site. The significance of impact of the proposed extraction is therefore considered to be Minor/Negligible. It is considered that there will be no cumulative impacts associated with the Proposed Development.

### Ecology

4.15 The application is supported by a detailed Ecological Assessment and Green infrastructure statement. The detailed reports confirm that the proposed development will maintain and enhance the biodiversity of the site, through the implementation of a detailed Landscape and Ecological Management Plan (LEMP).

4.16 The Landscape and Ecology Management Plan includes prescriptions and an anticipated time-schedule on habitat creation and enhancement to maintain and extend the present range of habitats and structural diversity of vegetation. Appropriate features will be designed into the scheme to provide foraging and roosting, nesting and refuge sites.

4.17 Periodic monitoring will be required to assess the condition of retained, managed habitats and the success of habitat creation, enhancements and site management. Where necessary, the findings of monitoring surveys will inform amendments to management and maintenance prescriptions and schedules. Monitoring will continue for the whole duration of mining operations (7 years) plus the aftercare period (10 years), a total of seventeen years

## 5.0 OVERCOMING PREVIOUS REASONS FOR REFUSAL

- 5.1 The application site was the subject of previous planning application (ref: E/39917) which sought 'permission to mine by surface mining operations, 110,000 tonnes of premium anthracite from the proposed Glan Lash Extension'.
- 5.2 The application was refused by the Council on the 14<sup>th</sup> of September 2023 for several reasons.
- 5.3 The applicant has subsequently reviewed the reasons for refusal and commissioned further professional analysis and reports with a view of overcoming the reasons for refusal.
- 5.4 The attached table provides the applicants justification for overcoming the previous reasons for refusal:

Reason 1	<p>The proposal, if approved, would conflict with Carmarthenshire Local Development Plan Policy SP14 – Protection and Enhancement of the Natural Environment which states:-</p> <p>Development should reflect the need to protect, and wherever possible enhance the County's natural environment.</p> <p>All development proposals should be considered in accordance with national guidance/legislation and the policies and proposals of this Plan, with consideration given to areas of nature conservation value, the countryside, landscapes and coastal areas, including those outlined below:</p> <ul style="list-style-type: none"> <li>a) Statutory designated sites including Ramsar sites, SPAs, SACs, SSSIs and National Nature Reserves;</li> <li>b) Biodiversity and Nature Conservation Value, including protected species and habitats of acknowledged importance as well as key connectivity corridors and pathways; (Policy EQ4 and EQ5)</li> <li>c) Regional and locally important sites (and their features) including Local Nature Reserves and RIGS; (see Policy EQ3)</li> <li>d) Areas of identified Landscape and Seascape quality; (including SLAs)</li> <li>e) Features which contribute to local distinctiveness, nature conservation value or the landscape; (see Policy EQ5)</li> </ul>
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	<p>f) The Open Countryside; (see Policy GP2)</p> <p>g) The best and most versatile agricultural land; (Grade 2 and 3a)</p> <p>h) Natural assets: including air, soil (including high carbon soils) controlled waters and water resources. (See Policies EP1 and EP2)</p> <p>In that it is considered, having regard to the Council's Section 6 duty under the Environment (Wales) Act 2016, that the development will not adequately protect, nor adequately enhance the county's natural environment, nor is it consistent with the Council's duty to promote ecosystem resilience.</p> <p>The information provided by the applicant relating to the eco-hydrology is not sufficient to demonstrate beyond reasonable scientific doubt, as legally required under the Conservation of Habitats and Species Regulations 2017 (as amended), that the Caeau Mynydd Mawr SAC Marsh Fritillary metapopulation (a feature of the SAC) will not be adversely affected by the proposal. The Marsh Fritillary is also a protected species under the Wildlife and Countryside Act 1981 Schedule 5, and it is Section 7 Priority Species in Wales.</p>
<p>Applicant's justification</p>	<p>The Marsh Fritillary habitat has been excluded from the area to be mined and will be retained and restored to favourable condition to support the butterfly at the start of the scheme thus enhancing the County's natural environment.</p> <p>Thereafter it will be managed for a period of at least 17 years. Furthermore, many more mature and over-mature trees and hedgerows have been excluded from the revised mining area.</p> <p>a) The scheme will not adversely impact any statutory designated sites. On the contrary it will enhance the area of habitat that supports Marsh Fritillary population associated with the Mynydd Mawr SAC and will ensure its conservation management for at least 17 years.</p> <p>b) On completion of the scheme the areas of woodland and scrub habitats capable of supporting Dormice will have been more than doubled in area and the Marsh Fritillary habitat retained, restored and subject to conservation management for at least</p>

17 years. The habitats established to mitigate the temporary loss of habitats during the mining phase together with habitats restored over the mine site will be designed to provide a habitat network with enhanced habitat connectivity and will considerably increase the nature conservation value of the land subject to the scheme when compared to before the scheme commenced.

c, d) None of these features will be impacted by the scheme.

e) Local distinctiveness will not be affected and on completion of the scheme the nature conservation value of the land will be greatly enhanced and the landscape value will not be significantly different.

f) The open countryside will not be impacted although it should be pointed out that the Tirydail Tip reclamation that was completed as an early stage of the Glanlash Original Site has been given-over to public access and has become a well-used amenity for Ammanford's walkers and dog-owners.

g) No best and versatile agricultural land will be impacted although some pasture land will be substituted with land of nature conservation value in line with current planning guidance.

h) Air, waters and water resources will remain unaffected; soils will be temporarily disturbed but will be replaced in accordance with best practice. High-carbon soils within the Marsh Fritillary habitat area will not be disturbed but will be conserved as part of the conservation land management scheme.

Whilst there will be temporary disturbance to the mine area, the surrounding land which is or will come within the management of the applicant has been or will be protected and enhanced and the mine site, when completed will also be restored and result in habitat enhancement. The habitats within the site (including the restored land at the Tirydail Tip) will remain just as resilient as they are at present or have been in the past.

This is addressed in the hydrology specialists' report which demonstrates that the eco-hydrology of the land in question (ie the Marsh Fritillary habitat) will not be impacted in any way by the mine scheme. It will therefore not impact on the Marsh Fritillary population for which the SAC is designated. The scheme provides for the retention and restoration of the habitat to favourable condition to support the butterfly and for its conservation management for at least 17 years thereafter.

Reason 2	<p>Reason 2 The proposal, if approved, would conflict with Carmarthenshire Local Development Plan Policy EQ4 – Biodiversity, which states:-</p> <p>Proposals for development which have an adverse impact on priority species, habitats and features of recognised principal importance to the conservation of biodiversity and nature conservation, (namely those protected by Section 42 of the Natural Environment and Rural Communities (NERC) Act 2006 and UK and Local BAP habitats and species and other than sites and species protected under European or UK legislation) will not be permitted, except where it can be demonstrated that:</p> <p>a) The impacts can be satisfactorily mitigated, acceptably minimised or appropriately managed to include net enhancements;</p> <p>b) There are exceptional circumstances where the reasons for the development or land use change clearly outweighs the need to safeguard the biodiversity and nature conservation interests of the site and where alternative habitat provision can be made in order to maintain and enhance local biodiversity.</p> <p>In that the proposal does not satisfactorily mitigate or compensate for the loss of, or adverse impact on Priority Habitats (lowland mixed deciduous woodland, wet woodland, hedgerows, and Purple Moor-grass and Rush pasture).</p> <p>Nor do the proposals demonstrate that there will be no adverse impacts on Priority Species (Marsh Fritillary).</p> <p>In this case it is considered that the extraction of this coal would not constitute 'exceptional circumstances' which would outweigh the need to safeguard the habitats identified on and around the site. The information submitted relating to alternative habitat provision does not include sufficient detail to ensure that local biodiversity is maintained or enhanced.</p>
Applicant's justification	<p>a) The impacts of the scheme will be satisfactorily mitigated, acceptably minimised and appropriately managed to include net enhancements.</p> <p>b) The arguments for the necessity of the scheme are set out elsewhere in the planning application documents but in essence, anthracite is an extremely valuable commodity which can only be mined where it occurs. The production from Glanlash will only be marketed for water purification, brake-pad manufacture, brickmaking and other high-tech activities. It will not be</p>



	<p>burnt for energy production with the release of CO2 into the atmosphere. To not mine it at Glanlash would result in its importation from across the world including places such as Chile, Canada and Vietnam.</p> <p>The impacts of the scheme will be satisfactorily mitigated and acceptably compensated. Whilst there will be temporary losses to lowland mixed deciduous woodland, wet woodland and hedgerows, the completed scheme will result in a 47.25% biodiversity gain, mainly of these habitats. There will be no losses to Purple Moor-grass and Rush pasture, on the contrary this habitat will be retained in total, restored and managed for at least 17 years</p> <p>The proposals do demonstrate that there will be no impact on Marsh Fritillary, indeed the existing habitat will be retained, restored and managed for at least 17 years.</p> <p>Not only can the scheme be considered to constitute 'exceptional circumstances' as described above, but it will result in considerable enhancements to the areas of valuable habitats that are present within the site. The LEMP gives details of how this will be achieved.</p>
Reason 3	<p>The proposal, if approved, would conflict with Carmarthenshire Local Development Plan Policy EQ5 – Biodiversity, which states:-</p> <p>Proposals for development which would not adversely affect those features which contribute local distinctiveness/qualities of the County, and to the management and/or development of ecological networks (wildlife corridor networks), accessible green corridors and their continuity and integrity will be permitted.</p> <p>Proposals which include provision for the retention and appropriate management of such features will be supported (provided they conform to the policies and proposals of this Plan).</p> <p>In that the proposal adversely affects hedgerows and woodland (the ecological networks) within the application area, and the continuity and integrity of these habitats (both of which have been feature of this landscape over a period of time) will be lost.</p>

	<p>It is the opinion of the authority that the proposals will adversely affect these features which contribute to the quality and distinctiveness of the local area.</p> <p>There is insufficient detail to ensure the long term management of the compensatory habitats such as the woodland and hedgerow planting.</p>
Applicant's justification	<p>The scheme does not adversely affect these qualities and features. In fact, not only does it mitigate for losses and disturbance for the duration of the mining operation but on completion it will provide considerably larger areas of valuable habitats. These include retained and restored existing Purple Moor-grass and Rush pasture and retained mature/overmature trees and hedgerows as well as new replacement woodland, scrub, hedgerows and other habitats of value. Furthermore, the restored landscape will provide ecological networks (wildlife corridor networks) and accessible green corridors and their continuity and integrity will be assured by the guarantee of at least 17 years management for retained and restored existing habitats and 10 years for new habitats created in the restored backfilled mine area.</p> <p>It is acknowledged that the continuity and integrity of the existing hedgerows and woodland within the mining area will be lost. However, the scheme will result in the restoration and management of the much rarer and therefore valuable Purple Moor-grass and Rush Pasture habitat. If the scheme does not proceed this habitat will continue to degrade, eventually being lost by its naturally turning into scrub and woodland. It is relatively easy to replace the scrub and woodland that will be removed by the scheme, in fact, as can be seen at many past mine sites and brownfield land in the area, even if left unplanted, land will, within a few years, become colonised by scrub and woodland.</p> <p>The scheme will result in considerable enhancements to the biodiversity of the site. The LEMP gives details of how this will be achieved.</p>
Reason 4	The proposal, if approved, would conflict with Carmarthenshire Local Development Plan Policy MPP1, which states:-

	<p>Proposals for mineral extraction will be permitted where they would not result in any significant adverse impacts upon public health, the environment, local amenity and the local transport network. Applications for minerals proposals will be assessed against the following criteria:</p> <ul style="list-style-type: none"> <li>a) Suitable access and transport routes have been identified;</li> <li>b) Noise is demonstrated to be within acceptable levels;</li> <li>c) The best practicable means are identified to control dust, smoke, fumes and to ensure that operations do not cause a deterioration in local air quality;</li> <li>d) Blasting is controlled within acceptable levels;</li> <li>e) Potential impacts on groundwater resources, surface water resources and water supplies are identified and demonstrated to be within acceptable levels;</li> <li>f) Adverse impacts upon sites of nature conservation, historic, cultural and landscape importance are identified and demonstrated to be minimal;</li> <li>g) Effective mitigation measures proposed to minimise any potential effects from subsidence or land instability have been identified and demonstrated to the Council's satisfaction;</li> <li>h) Landscape and visual impact are minimised;</li> <li>i) Satisfactory proposals have been submitted for landscaping, after use and after care of the site.</li> </ul> <p>In that the information submitted has not demonstrated that impacts relating to sites of nature conservation, in this case the Caeau Mynydd Mawr SAC and the Marsh Fritillary metapopulation (a feature of the SAC), will be minimal.</p>
<p>Applicant's justification</p>	<ul style="list-style-type: none"> <li>a, b, c, d, e) These are addressed in other documents supporting the application.</li> <li>f) The present document and the LEMP demonstrate that, whilst there will be temporary disruption to some features, on completion, the scheme will result in many overall ecological enhancements.</li> <li>g,h) These are addressed in other documents supporting the application.</li> <li>i) These proposals are detailed in the LEMP.</li> </ul>

	<p>It has been demonstrated that there will be no impact on the Mynydd Mawr SAC. It has also been demonstrated that the Purple Moor-grass and Rush Pasture land to the north of the mine site will be retained, restored and managed for at least 17 years to provide favourable conditions for the Marsh Fritillary to thrive, thus potentially enhancing the butterfly population and therefore the SAC feature.</p>
Reason 5	<p>The proposal, if approved, would conflict with Carmarthenshire Local Development Plan Policy MPP6, which states:-</p> <p>Proposals for mineral working will be required to make provision for the restoration and after-care of the land and for its beneficial re-use and enhancement. The County Council will seek to secure the necessary works by means of financial guarantees included in a Planning Obligation.</p> <p>In that, the restoration and aftercare proposals do not clearly demonstrate how they would adequately deliver the enhancement of biodiversity, having due regard to the existing habitats that would need to be removed as part of the proposed extraction.</p>
Applicant's justification	<p>Details of the provision for the restoration, after-care and enhancement of the site are included in the LEMP. Provision for the beneficial re-use of the site and of financial guarantees are addressed elsewhere.</p> <p>The LEMP provides all the required details.</p>
Reason 6	<p>The Environment (Wales) Act 2016 places a duty on Carmarthenshire County Council to maintain and enhance biodiversity and promote ecosystem resilience. With reference to this duty as it applies within the planning system, it has been further clarified by the WG Chief Planning Officer letter to all local authorities in October 2019, which states:</p>

	<p>“Planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity” (para 6.4.5 in PPW 11 refers to this).</p> <p>The proposals will result in the loss of Section 7 Priority Habitat and Species, and the authority does not consider that the application provides net benefit for biodiversity. Having due regard to the above, it is considered that CCC’s duty to maintain and enhance biodiversity under Section 6 of the Environment (Wales) Act 2016, would not be discharged, should this application be approved. Nor would it be consistent with Planning Policy Wales, and the delivery of the Well-being Goal - A Resilient Wales – as set out in the Well-being and Future Generations (Wales) Act 2015.</p>
Applicant's justification	<p>It is conceded that the scheme will result in the temporary loss of some Section 7 Priority Habitats but overall, it will result in a considerable gain in the area of habitat capable of supporting a protected species listed in the European Habitats Directive (Marsh Fritillary) and its subsequent conservation management for at least 17 years.</p> <p>Furthermore, the revised scheme retains considerably more established mature hedgerows and hedgerow trees when compared with the original scheme.</p> <p>In addition, whilst woodland and hedgerows will be temporarily lost within the mine site, at the start of the scheme, they will be or will have been compensated by the planting of twice the area of comparable woodland on nearby land and on completion of the scheme when the mine site is restored, there will be more than 2½ times the area of woodland and scrub when compared with the area of woodland present prior to the start of the scheme. There will be an overall 47.25% increase in biodiversity value, mainly of woodland and scrub habitat as a result of the scheme.</p>

## 6.0 CONCLUSIONS

- 6.1 The application seeks planning consent to mine, by surface mining operations, 85,000 tonnes of premium quality anthracite from the proposed Glan Iash extension.
- 6.2 As this statement confirmed, the applicant has provided detailed justifications to address the Local Authority's previous reasons for refusal.
- 6.3 All standard Development Control criteria set out in the Adopted Local Development Plan policies and Supplementary Planning Guidance can be achieved.
- 6.4 The proposal is considered to adhere to National and Local Planning Policy and guidelines and should be supported.