

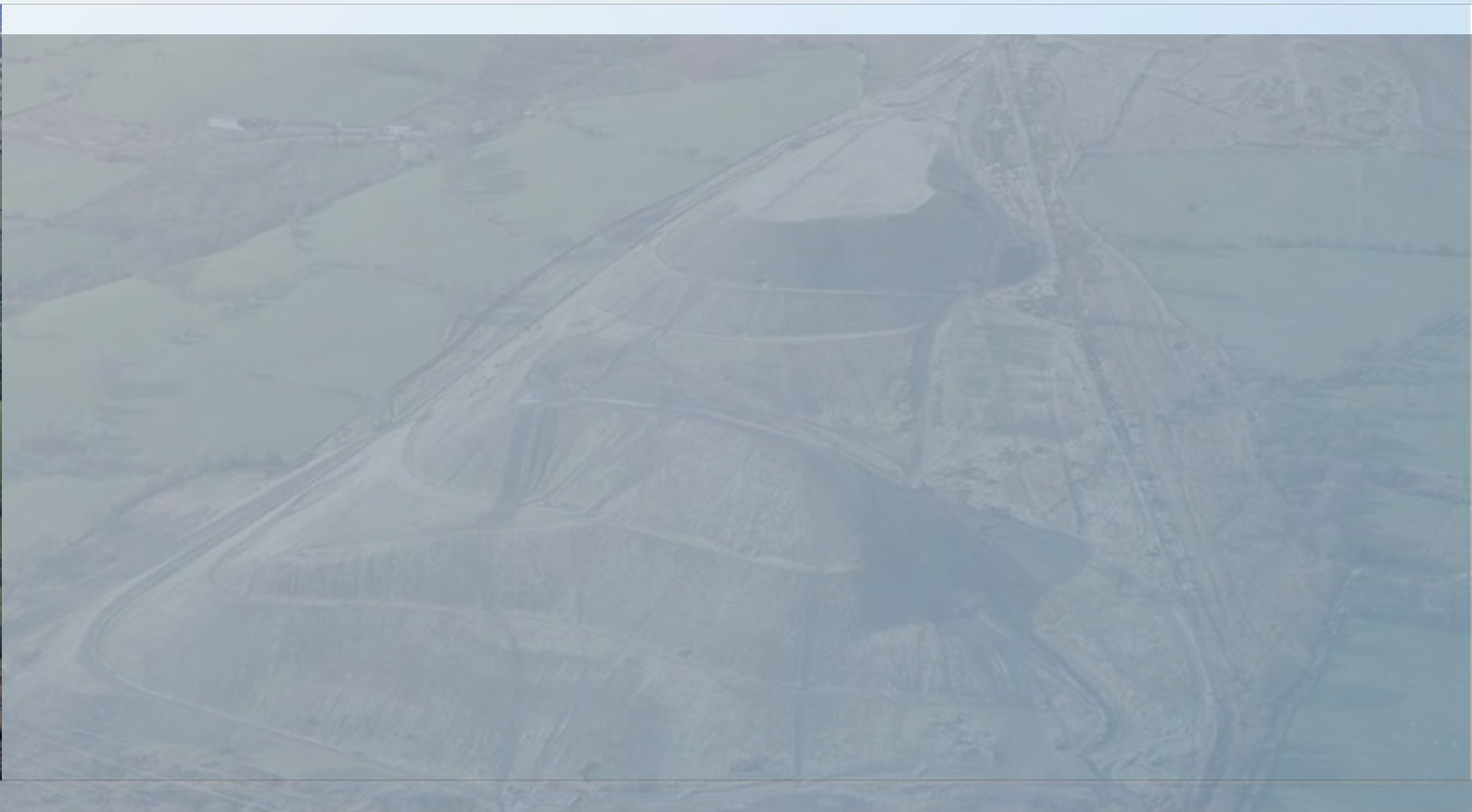


Energy Recovery Investments

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# BEDWAS TIPS RECLAMATION PROJECT

DRAFT - Planning Statement for reclamation of historic  
colliery site for ecological enhancement





## Energy Recovery Investments

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# **BEDWAS TIPS RECLAMATION PROJECT**

Planning statement for reclamation of historic col site for ecological enhancement

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# CONTENTS

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<b>1</b>	<b>INTRODUCTION AND BACKGROUND</b>	<b>1</b>
1.1	INTRODUCTION	1
1.2	BACKGROUND TO SCHEME	1
1.3	PRE-APPLICATION CONSULTATION	3
1.4	PRE-APPLICATION ADVICE	4
1.5	IN DEVELOPING THE PROPOSED SCHEME, THE APPLICANT HAS UNDERTAKEN CONSULTATION WITH REPRESENTATIVES FROM ALL LEVELS OF GOVERNMENT INCLUDING:	4
1.6	ENVIRONMENTAL IMPACT ASSESSMENT SCREENING AND SCOPING	5
1.7	STRUCTURE AND CONTENT OF PLANNING STATEMENT	5
<b>2</b>	<b>THE APPLICATION SITE</b>	<b>6</b>
2.1	WIDER CONTEXT	6
2.2	THE APPLICATION SITE	7
2.3	COMMON LAND	8
2.4	PLANNING HISTORY	9
<b>3</b>	<b>THE PROPOSED DEVELOPMENT</b>	<b>10</b>
3.1	INTRODUCTION	10
3.2	CONSTRUCTION	11
	NEW HAUL ROAD	11
	IMPROVEMENTS TO EXISTING FORESTRY TRACK	11
	ON-SITE HAUL ROAD	12
	DRAINAGE NETWORK	12
	TEMPORARY SPOIL TIP PROCESSING PLANT AND ASSOCIATED BUILDINGS	12
3.3	CONSTRUCTION PLANT AND EQUIPMENT	13
	OPERATION	13

---



HAUL ROAD	13
EXCAVATION OF THE TIPS	13
SPOIL PROCESSING	14
SOIL DEPOSITION	14
DRAINAGE NETWORK	15
<b>3.4 POST CONSTRUCTION AND AFTER PLAN</b>	<b>15</b>
TEMPORARY SPOIL TIP PROCESSING PLANT AND OTHER BUILDINGS	15
DRAINAGE NETWORK	15
LANDSCAPING OF THE SITE AND VEGETATION PLANTING	15
<b>4 PLANNING POLICY CONTEXT</b>	<b>17</b>
<hr/>	
<b>4.2 NATIONAL POLICY AND GUIDANCE</b>	<b>17</b>
<b>4.3 LOCAL PLANNING AND POLICY GUIDANCE</b>	<b>19</b>
<b>4.4 OTHER MATERIAL CONSIDERATIONS</b>	<b>20</b>
<b>5 PLANNING APPRAISAL</b>	<b>22</b>
<hr/>	
<b>5.2 RECLAMATION</b>	<b>23</b>
<b>5.3 TRANSPORT</b>	<b>23</b>
<b>5.4 MINERAL EXTRACTION</b>	<b>23</b>
<b>5.5 REDUCED CARBON COAL EXTRACTION</b>	<b>24</b>
<b>5.6 ENVIRONMENT (WALES) ACT 2016</b>	<b>26</b>
<b>5.7 DESIGN</b>	<b>26</b>
<b>5.8 PUBLIC RIGHTS OF WAY</b>	<b>26</b>
<b>5.9 ENVIRONMENTAL STATEMENT ANALYSIS</b>	<b>27</b>
<b>5.10 AIR QUALITY</b>	<b>27</b>
<b>5.11 CULTURAL HERITAGE</b>	<b>28</b>
<b>5.12 LANDSCAPE AND VISUAL EFFECTS</b>	<b>28</b>
BASELINE – LANDSCAPE CHARACTER	29
BASELINE - VISUAL EFFECT	29
<b>5.13 ECOLOGY AND NATURE CONSERVATION</b>	<b>31</b>
<b>5.14 GEOLOGY AND SOILS</b>	<b>32</b>

5.15	MATERIALS AND WASTE	33
5.16	NOISE	34
5.17	WATER ENVIRONMENT	36
<b>6</b>	<b>CONCLUSIONS</b>	<b>39</b>

---

6.1	NEED FOR THE DEVELOPMENT	39
6.2	MATERIAL CONSIDERATIONS	39

---

## ***FIGURES***

Figure 1 – Extract from Coal Tip Safety database map	2
Figure 2 - Map of Welsh counties (Extract from Welsh National Plan 2040) (Red circle to indicate Proposed Scheme to wider Wales)	6
Figure 3 - Site location of Bedwas and Trethomas (Sourced from Google maps 2023) (Green circle to show proximity of Bedwas to Proposed Scheme, see Figure 4)	7
Figure 4 - Proposed Scheme General Arrangement Plan (Extract from Red Line Boundary v2-S02/0001) (Green circle to show proximity to Bedwas, see Figure 3)	8
Figure 5 - Official Common land designation sourced from CCBC	9

# 1 INTRODUCTION AND BACKGROUND

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## 1.1 INTRODUCTION

1.1.1. This Planning Statement has been prepared by WSP in the UK (the 'agent') on behalf of Energy Recovery Investments Ltd (ERI) (the 'applicant') to support a full planning application for works at two colliery spoil sites outside the town of Bedwas with the intention of land reclamation for ecological enhancement. ERI has previous experience of tip reclamation at Six Bells between 2009 and 2016, where ERI undertook, in the public interest, similar works to those described in this application at Bedwas for the land reclamation of colliery spoil. ERI and its staff also have extensive knowledge of coal tip reclamations with Ryan Group, ERI's predecessor, who carried out more coal tip reclamation schemes, (circa 100) in Wales and Europe than any other company.

## 1.2 BACKGROUND TO SCHEME

1.2.1. Bedwas is located in Caerphilly County Borough (CCB), South Wales, being home to the Bedwas Navigation Colliery which was operational between 1913 and 1985. Caerphilly County Borough Council (CCBC) are the Local Planning Authority (LPA) in the area the Proposed Scheme occupies. From the findings of the 2021 Census<sup>1</sup>, Caerphilly was found to have 175,900 residents out of the 3,107,500 total for Wales.

1.2.2. South Wales has a long association with coal mining and as a result of its legacy, reclamation schemes have been created of which the Proposed Scheme is one. The Proposed Scheme involves the reclamation of two colliery spoil tips formed from the workings of the Bedwas Navigation Colliery utilising the extracted coal to fund the works, and reprofiling the land with appropriate seed mixes for use as upland grazing.

1.2.3. WSP in the UK has been commissioned to undertake an Environmental Impact Assessment (EIA) and planning submission for the Proposed Scheme.

### THE NEED FOR THE SCHEME

1.2.4. As outlined in the previously submitted EIA Scoping Opinion Request ref: EIASCO/20/0001, "*The proposed scheme is a project to restore the CCBC owned degraded and derelict land of the Bedwas coal spoil tips to a more natural habitat in keeping with the surrounding area, in the process extracting coal from colliery spoil providing the means of funding the restoration. The land is to be suitable for upland grazing, thereby enhancing the natural environment and improving the resilience of ecosystems and ecological networks by:*

- *re-landscaping in keeping with the natural character of the area;*
- *improving site drainage and run-off water quality;*
- *improving physical ground conditions and land stability; and*
- *promoting soil recovery, revegetation and enhanced biodiversity.*

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<sup>1</sup> [Caerphilly population change, Census 2021 – ONS](#)

*The proposed scheme is likely to result in community benefits, including providing mineral products which are essential for housing and infrastructure. The proposed scheme will also deliver a high standard of restoration by remediating a derelict site and restoring it to upland grazing and grassland, likely leading to vast improvement of the local environment. The Scheme will also improve the geotechnical stability of the tips due to the engineering techniques used to reprofile the final tip landform”*

- 1.2.5. In February 2020, due to Storm Dennis, the Tylorstown Tip collapsed causing damage to the local area raising concern of other disused coal tips located across Wales. As a result of this, the Welsh Government established the joint Coal Tip Safety Taskforce to assess the immediate risk of unused coal tips<sup>2</sup>. WSP in the UK has previously worked on the Tylorstown landslide project to remediate the area after this event as well as the planning application and Environmental Statement.
- 1.2.6. Coal tip safety is regulated under the Mines And Quarries (Tips) Act 1969<sup>3</sup> of which reforms to policy are currently underway with a White Paper being written from consultation on changes to policy<sup>4</sup>.
- 1.2.7. The tips located at Bedwas have been categorised as of 14<sup>th</sup> November 2023 via a Welsh Government Database<sup>5</sup>. The tips have been given a unique registration code (Tip 1 – T49562, Tip 2 – T36144). As per the map shown in Figure 1, the Tips are classified as Category D which is defined as “A tip with the potential to impact public safety, to be inspected at least twice a year.” From this information, there is further reason for the Scheme to be undertaken to remove a potential impact to public safety and for the reasons outlined previously.



**Figure 1 – Extract from Coal Tip Safety database map**

<sup>2</sup> [Coal tip safety | GOV.WALES](https://gov.wales/coal-tip-safety)

<sup>3</sup> [Mines And Quarries \(Tips\) Act 1969 \(legislation.gov.uk\)](https://legislation.gov.uk)

<sup>4</sup> [Coal Tip Safety \(Wales\) White Paper | GOV.WALES](https://gov.wales/coal-tip-safety-white-paper)

<sup>5</sup> [Find disused coal tips | GOV.WALES](https://gov.wales/find-disused-coal-tips)



- 1.2.8. The proposed land reclamation works are an essential step towards cleaning up waste sites created in the past from coal mining for present and future generations as is part of the Future Generations Act (Wales) 2015<sup>6</sup>. The Proposed Scheme promotes a move away from using coal as a fuel by reusing material considered spoil as a product in new construction materials. The need for the Proposed Scheme is to help further enhance and improve the Bedwas area for ecological benefit as well as for the economic growth of Wales.
- 1.2.9. As of 7<sup>th</sup> November 2023, during a Senedd meeting of the Welsh Government, details into coal tip safety were raised<sup>7</sup>. During the meeting, the First Minister, Mark Drakeford, stated the below:
- “As to the involvement of private sector companies in tip remediation, we don't have any objection, of course, to that. They would have to follow the same processes as any other organisation seeking to carry out remediation work, and that normally involves a planning application to the local authority, to make sure that whatever work is planned will genuinely contribute to the improvement of the area, because tip remediation brings with it economic opportunities as well as environmental opportunities, and the system is in place to make sure that those advantages can be gathered for local communities.”*
- 1.2.10. From the above extract, the need for the Scheme as well as support for the Scheme in principle is established. The main goal of the Proposed Scheme is to transform the existing coal site into a visually appealing, biodiversity rich area promoting fire and tip safety and recreational use by the public. From this description and the information stated above, the need for the Scheme is justified.

### 1.3 PRE-APPLICATION CONSULTATION

- 1.3.1. The applicant has prepared a Pre Application Consultation (PAC) Report outlining how the surrounding public has been involved in the Proposed Scheme. PAC is required under the Planning (Wales) Act 2015<sup>8</sup> to provide evidence of consultation before submitting a planning application for a major development.
- 1.3.2. As outlined under article 2 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012<sup>9</sup>: ‘major development’ is classified as one or more of the below factors:
- (a) *the winning and working of minerals or the use of land for mineral-working deposits;*
  - (b) *waste development;*
  - (c) *the provision of dwellinghouses where—*
    - (i) *the number of dwellinghouses to be provided is 10 or more; or*

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<sup>6</sup> [Well-being of Future Generations \(Wales\) Act 2015: the essentials \[HTML\] | GOV.WALES](#)

<sup>7</sup> [Coal Tips: 7 Nov 2023: Senedd debates - TheyWorkForYou](#)

<sup>8</sup> [Planning \(Wales\) Act 2015 \(legislation.gov.uk\)](#)

<sup>9</sup> [The Town and Country Planning \(Development Management Procedure\) \(Wales\) Order 2012 \(legislation.gov.uk\)](#)

*(ii) the development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within sub-paragraph (c)(i);*

*(d) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or,*

*(e) development carried out on a site having an area of 1 hectare or more.*

1.3.3. From the above criteria, the site is greater than 1 hectare and so is considered a major development requiring PAC be completed.

1.3.4. Once PAC has been completed, any feedback or changes made will be applied to this application to further improve the submission and the Proposed Scheme as a whole.

## **1.4 PRE-APPLICATION ADVICE**

1.5 In developing the Proposed Scheme, the applicant has undertaken consultation with representatives from all levels of Government including:

- Senedd – Hefin Davis MS
- UK Parliament – Wayne David MP
- Bedwas, Trethomas and Machen Community Council
- Caerphilly County Borough Council

1.5.1. The applicant conducted a visit with CCBC Councillors and other cabinet members to Six Bells land reclamation scheme on the 27<sup>th</sup> June 2023 to present the applicants previous Scheme.

1.5.2. The applicant has good relations with CCBC regarding the Proposed Scheme and have given their support to the reclamation Scheme. As part of the Proposed Scheme, the applicant will continue to discuss the proposal with various stakeholders to ensure any opinions are incorporated or mitigated as part of the Proposed Scheme for the best result.

1.5.3. To ensure the views of CCBC have been included into the Proposed Scheme, a meeting was held 18<sup>th</sup> December 2023 with several councillors with the majority present showing support for the Proposed Scheme.

1.5.4. Additional consultation with the general public was undertaken on the 20<sup>th</sup> December 2023 of which members of the county council invited local residents to attend a site meeting to raise questions. Responses during the meeting were mainly positive with the public in acceptance of the Proposed Scheme with any questions dealt with clearly to reduce any concerns raised.

## 1.6 ENVIRONMENTAL IMPACT ASSESSMENT SCREENING AND SCOPING

- 1.6.1. The Proposed Scheme is considered to be major development under Schedule 1 of the EIA Regulations<sup>10</sup> and so screening was not required.
- 1.6.2. As part of this planning submission, a full Environmental Statement has been prepared which this Planning Statement will summarise in relation to the Proposed Scheme. An EIA Scoping Opinion request was submitted on 22<sup>nd</sup> April 2020. A Scoping Opinion was received from CCBC on 2<sup>nd</sup> December 2021 requesting the following topics to be assessed:
- Air Quality;
  - Cultural Heritage;
  - Landscape and visual effects;
  - Ecology and nature conservation;
  - Geology and soils;
  - Materials and Waste;
  - Noise;
  - Water Environment; and
  - Traffic and Transport Statement (*Not a part of the EIA*)

## 1.7 STRUCTURE AND CONTENT OF PLANNING STATEMENT

- 1.7.1. As part of this Planning Statement, the site of Bedwas Tips will be analysed to establish a baseline for any proposals and planning legislation. Next, any proposals on the site will be explained followed by an examination of existing National, Regional and Local planning policy relevant to the Proposed Scheme. This policy will then be used to assess whether the Proposed Scheme is compliant with existing legislation as well as the findings of the Environmental Statement. Finally, the Planning Statement will conclude as to the main findings of the document and whether the Proposed Scheme meets the relevant criteria for planning approval.

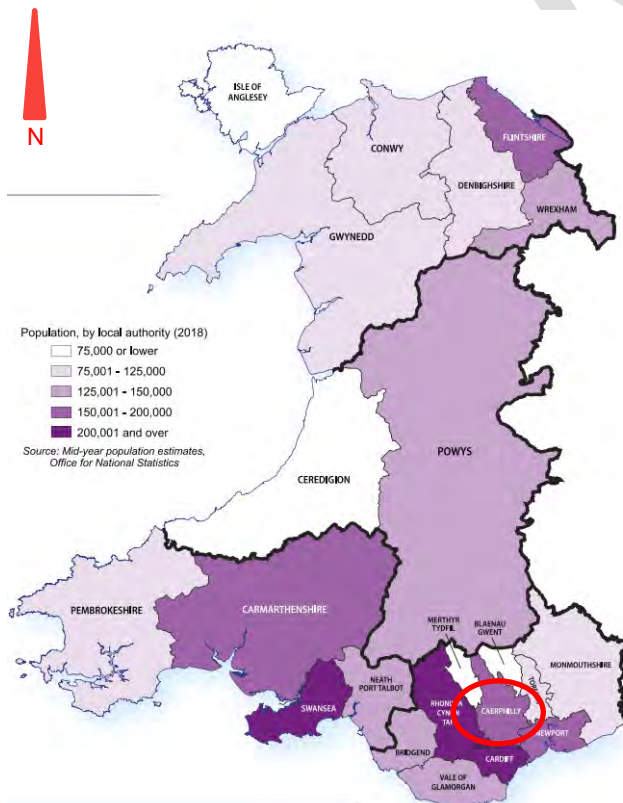
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<sup>10</sup> [The Town and Country Planning \(Environmental Impact Assessment\) \(Wales\) Regulations 2017 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

## 2 THE APPLICATION SITE

### 2.1 WIDER CONTEXT

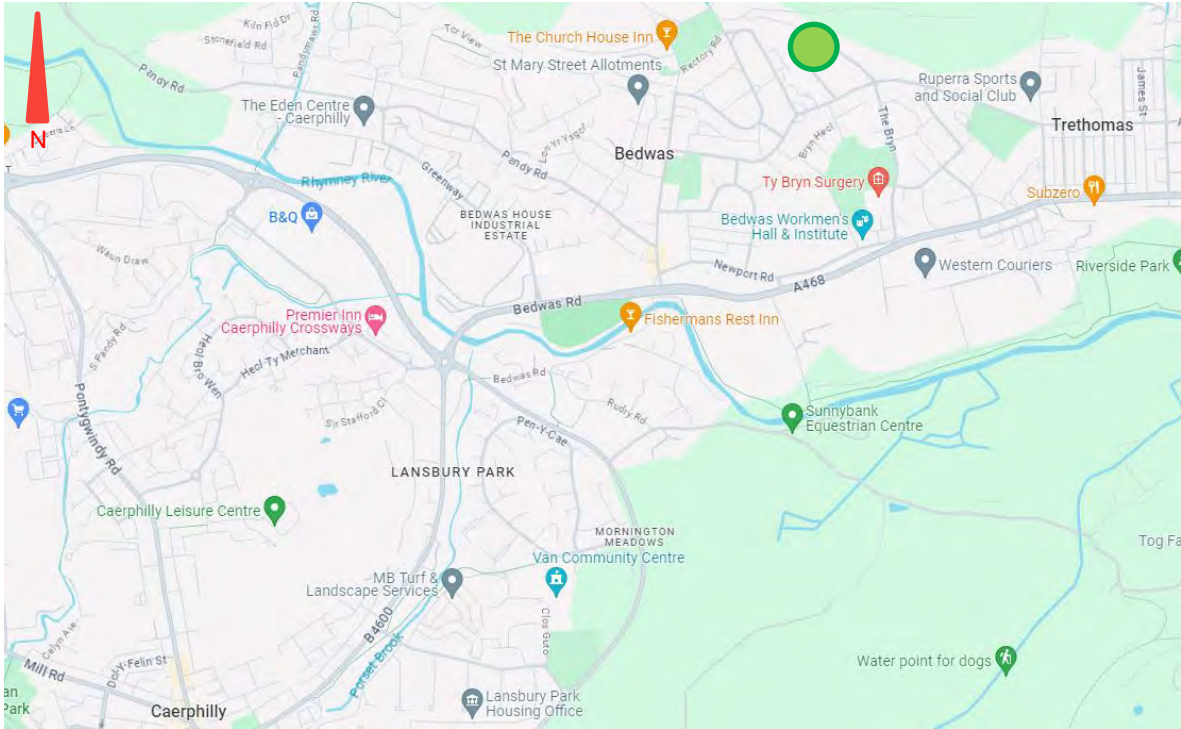
- 2.1.1. Bedwas is situated in CCB, South Wales. Bedwas was historically home to four coal mines including the Bedwas Navigation Colliery which opened in 1913 and closed after the miners’ strike of 1984 – 1985. As seen in Figure 2 CCB borders Torfaen, Cardiff, Newport and Rhondda Cynon Taf and others making the area an important county allowing access to these areas. The Bedwas Navigation Colliery is part of the wider legacy of Welsh coal mining which has received recent attention regarding the visual, fire and stability risks these tip sites present to those using them for recreation and to those living nearby. As such, these tips have an economic impact to local councils to ensure their safety and to reduce the potential impact of these sites.
- 2.1.2. In terms of road infrastructure, to the north of the county is the Heads of the Valleys Road (A465), a critical route connecting the Welsh valleys and facilitating improved access for communities and business as well as an alternative access to the M4 east to west. Additionally, the A472 is another principal route passing through the middle of the county allowing access to the various areas of the county and those bordered by it.
- 2.1.3. A number of main rivers are located through the county such as the rivers Rhymney, Sirhowy and Ebbw flowing north to south and entering the Bristol Channel at Newport and Cardiff. These main rivers define the distinctive Welsh valley geography.



**Figure 2 - Map of Welsh counties (Extract from Welsh National Plan 2040) (Red circle to indicate Proposed Scheme to wider Wales)**

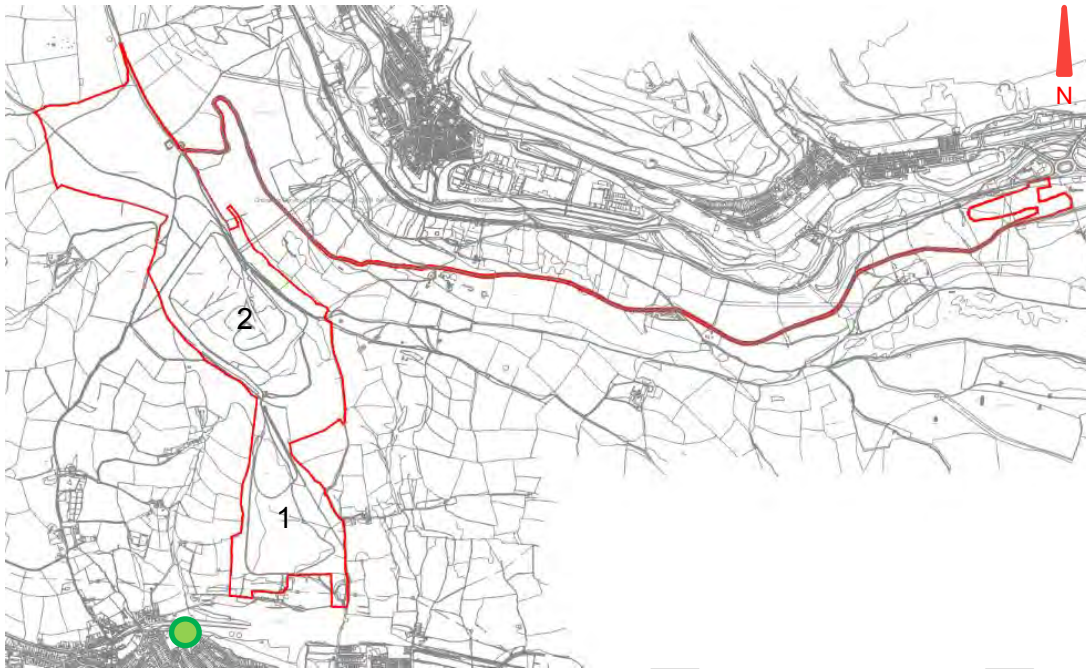
## 2.2 THE APPLICATION SITE

2.2.1. As shown in Figure 3, Bedwas is a small town located approximately 2km northeast of Caerphilly consisting of mainly residential properties with a small amount of commercial units. Located to the east is the town of Trethomas which is of a similar majority. As shown in Figure 4, the Proposed Scheme is located 1km north of Bedwas situated on the hillside surrounding the town. Figure 4 shows the Red Line Boundary of the Proposed Scheme in proximity to the surrounding area.



**Figure 3 - Site location of Bedwas and Trethomas (Sourced from Google maps 2023) (Green circle to show proximity of Bedwas to Proposed Scheme, see Figure 4)**





**Figure 4 - Proposed Scheme General Arrangement Plan (Extract from Red Line Boundary v2-S02/0001) (Green circle to show proximity to Bedwas, see Figure 3)**

- 2.2.2. There are no Conservation Areas within 2km of the Proposed Scheme, however, the site does border several listed buildings as well as two Scheduled Monuments namely Cairn Cemetery on Mynydd Bach, Bedwas (306 SAM MM196) and Twyn Cae-Hugh Round Barrow (2971 SAM MM033).
- 2.2.3. CCBC has Air Quality Management Areas (AQMA) in place in the Caerphilly Town Centre however these are not found in or near to the application site.
- 2.2.4. The site is not in proximity to any Special Areas of Conservation (SAC), Sites of Special Scientific Interest (SSSI), Ramsar sites, Special Protection Areas (SPA) but does contain a Site of Importance for Nature Conservation (SINC) namely Mynydd y Grug as well as the proposed haul road which runs through the Graig Goch Local Nature Reserve (LNR). The site is also designated as a Sandstone safeguarding area with coal mining development referral areas to the north and south. Designations identified in proximity to the Proposed Scheme are shown in V2-S03-0001.

### 2.3 COMMON LAND

- 2.3.1. The north of the Proposed Scheme is designated as Common Land under the Commons Act 2006 which will require a separate Common Land Consent application to be submitted to the Planning Inspectorate to cover the works being completed. This is required before work can commence on site and will need to be adhered to. Figure 5 shows the extent of the Common Land which covers a large section of the Proposed Scheme.



**Figure 5 - Official Common land designation sourced from CCBC**

## 2.4 PLANNING HISTORY

- 2.4.1. As of the writing of this Planning Statement, a check of the CCBC planning portal, there has previously been an application submitted for the same purpose of the works described in this planning statement ref: 5/5/94/0265 and 5/5/95/0730 in 1994. This application was submitted by CCBC for the reclamation of the land and granted conditionally. The works in question were not continued due to funding issues at the time. In addition to this, a set of motor cross track applications, 11/0376/RET and P/06/0806 have been submitted but refused on the grounds of noise and disruption as well as causing visual scaring to the land. From the above, no information is stated why the proposal cannot be constructed on this site in conflict with any other applications.

## 3 THE PROPOSED DEVELOPMENT

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### 3.1 INTRODUCTION

- 3.1.1. As stated, the Bedwas Tips are located in CCB and were in operation between 1913 - 1985 and overlook the town of Bedwas. A review of the planning history of the site, shows that a previous Scheme by CCBC was designed in 2010 to reclaim the site though, due to funding issues, this could not be undertaken. As explained in this planning application, the proposal is to reclaim the Bedwas Tips for the benefit of Bedwas and the wider community/economy, allowing the re-introduction of upland grazing and ecological enhancement.
- 3.1.2. As outlined in the Environment Statement Scoping Opinion Request:
- “The proposed scheme involves the extraction of coal, from colliery spoil, which will provide the funding for the restoration of Bedwas Colliery Tips. The coal will not be used as a thermal fuel in for instance power stations but will be used in essential industrial processes. The spoil will be processed in an on-site beneficiation plant, and the recovered coal will be sold as a reductant (element in material production to reduce oxygen) in cement plants or steel works and as a colourant in brickmaking. The coal produced from this reclamation scheme will reduce reliance on imported coals currently serving these end-users.”*
- 3.1.3. Bedwas Colliery Tips comprises of two colliery spoil tips from the Bedwas Colliery named Tip 1 (Lower and Middle) and Tip 2 (Upper), see Figure 4. Tip 2 is located on the ridge at the top of Mynydd y Grug to the north of Bedwas, while Tip 1 (comprised of multiple tiers) is on the hill side just above Bedwas and Trethomas. Based on historical estimates, the total volume of the Tips is approximately 5,000,000m<sup>3</sup> which equates to around 8,500,000 tonnes of colliery spoil. The Lower Tips have an approximate volume of 2,000,000m<sup>3</sup> and the Upper Tip has an approximate volume of 3,000,000m<sup>3</sup>. The Proposed Scheme is anticipated to cover an area of approximately 80 ha during operations, with the final restored, landscaped and revegetated Tips covering an area of approximately 52ha at Tip 2, and an area of approximately 19ha at Tip 1 being returned to its original land contour. The total area within the red line boundary, including the haul road is 122ha. At present, there is little topsoil or vegetation to be found on the site with previous drainage projects to prevent erosion and scour proving ineffective.
- 3.1.4. The Proposed Scheme works to resolve these issues through the reprofiling of the site, stabilising any remaining tips after the works and through the removal and repurposing of the existing tips. The Proposed Scheme works to revegetate the site while improving the overall condition of the site ensuring the area is safe for those on or off the site.
- 3.1.5. As part of the reclamation works, the subsoil under the Tips will be excavated and used to form the new topsoil of the site allowing vegetation to grow in keeping with the surrounding landscape being considered a Special Landscape Area (SLA). The soil will be returning ‘sealed soils’ to a productive, functioning soil profile, in line with the Welsh Government’s Natural Resources Policy (NRP). This will allow enhanced biodiversity at the site, including a range of habitats. These habitats will support several other ecosystem services such as climate and flood regulation. With the removal of the colliery spoil, water will be able to naturally drain off the site as it would have before mining activities in the area were in operation.



- 3.1.6. The Reduced Carbon Coal (RCC) on site will be washed through the beneficiation/processing plant to remove the usable material. The usable product is then dried and transferred onto the coal loading vehicles for transportation off-site. The specific details of this process and the plant to be installed are attached as part of this planning submission. The remaining material (aggregate and shale) will be used to form part of the modified landforms.
- 3.1.7. An existing Natural Resources Wales (NRW) forestry track is to be expanded to meet the existing B4251 allowing coal loading vehicles to access and exit the site. This haul route will be closed to the public for the duration of the works with provisions in place to stop unauthorised access. Electrically operated security barriers will be sited at either end of the haul road to ensure only tip related traffic will be able to utilise the road. Once works have been completed, the created haul route will be taken over by NRW to access the site and nearby forest.

## **3.2 CONSTRUCTION**

- 3.2.1. The construction activities of the Proposed Scheme will be undertaken during a period of six to nine months. It is anticipated that up to 80 staff members will be on site per day during the construction phase. Working hours will be 6am to 10pm Mon-Fri and 7am to 10pm Saturday, with only maintenance activities being undertaken at other hours.

### **NEW HAUL ROAD**

- 3.2.2. The new section of haul road will be a 575m long and 6m wide sloping road cut into the rock. The rock excavated will be spread to the drop side of the road, to make a bund for safety and also to make the road surface.
- 3.2.3. The road will consist of three sections, with gradients of between 1 in 5 and 1 in 8.5, with two turning circles with an outer diameter of 17m. Land reprofiling will be undertaken to construct the road and provide flat turning circles.
- 3.2.4. The new section of the haul road will tie into the Sirhowy Valley Country Park and to the B4251 and A467, to the north, and the existing forestry track, to the south, see V2-S03/0003.
- 3.2.5. Temporary construction area, compound, facilities for the haul road are detailed on V2-S03/0004.

### **IMPROVEMENTS TO EXISTING FORESTRY TRACK**

- 3.2.6. Sandstone from Tip 2 will be excavated to improve the existing forestry road, where necessary. Several additional passing places with a width of 4-6m for the road and 20m long will be installed every 300m to 400m along the existing forestry track or more frequent if deemed necessary avoiding sensitive receptors where present. The passing places will also be excavated into the hillside or, ideally, where the land allows it, the passing place will be built without excavation. The work will be supplemental to the existing passing places built by the Forestry Commission (FC).
- 3.2.7. It is assumed that NRW will want to retain this access after the Scheme has been completed. The existing site access involves forestry traffic passing through residential streets and unsuitable road networks of which these improvements would be beneficial to improve this current situation. As part of the Proposed Scheme, the proposed haul road will be used for access and transport of material.

## ON-SITE HAUL ROAD

- 3.2.8. An additional Haul Road will be constructed on site, to connect Tip 1 to the Process Plant. This haul road will be seeded in between the sandstone surface once the reclamation works have been completed to act as improved access for maintenance by stakeholders. Vehicles and equipment will use already cleared areas to avoid the need for compounds.
- 3.2.9. Sandstone excavated during the construction of ponds and ditches on site will be used as material to build this haul road. Shale from the excavation of the Tips is considered to be unsuitable for the works and so sandstone (available on-site) has been chosen as an alternative, thereby reducing the need for additional stone to be delivered.

## DRAINAGE NETWORK

- 3.2.10. The drainage network will be constructed, as depicted in V2-S03/0004, at Tip 1 and Tip 2 before operational activities commence. This will include:
- A clean water pond; 10,000m<sup>3</sup>
  - Site water collection and treatment, including the following:
    - Two settling lagoons, at the base of Tip 1 and southern tip of Tip 2;
    - Main process water lagoon, at the southern tip of Tip 2;
    - Plant process water pond, adjacent to the Process Plant;
    - Total of four storage ponds, two ponds at the northern tip of Tip 2, one pond to the south-east of Tip 2 and one pond at the northern tip of the deposition area (Tip 3); and
    - Discharge pond adjacent to the main process water lagoon.
  - The ponds will include an automatic pumping station, flocculent station and associated pipework. All ponds will be safety fenced; and
  - Site bunding and water drainage channels – The soils excavated from the pond will be used in the site bunds. These, along with the constructed drainage channels, will collect water from the site and link to water collection and treatment ponds.
- 3.2.11. The drainage network will collect surface water flows around the site and direct it towards the main process pond. This water will be utilised to feed into the processing during operation.
- 3.2.12. Additional pumps and pipes will be installed to transport water from the clean water pond to the processing plant and from the legacy quarry to the clean water pond.

## TEMPORARY SPOIL TIP PROCESSING PLANT AND ASSOCIATED BUILDINGS

- 3.2.13. A temporary spoil tip processing plant will be installed on-site. This will require excavation and laying concrete foundations for the Process Plant, approximately 37m by 35m as shown in V2-S03/0005. Topsoil will be stripped away and the subsoil used in bunds to create a stockyard. Water channels will be created to link into clean water ponds using intermediary ponds to remove suspended solids in water running off the stockyard.
- 3.2.14. Portable buildings for workers and project administration will also be transported to site and assembled, within close vicinity to the processing plant, as indicated on V2-S03/0002.

### 3.3 CONSTRUCTION PLANT AND EQUIPMENT OPERATION

- 3.3.1. The Scheme will operate over a seven year duration, with suitable tip spoil being processed from the temporary onsite beneficiation plant with RCC transported off site as proposed.
- 3.3.2. It is anticipated that approximately 40 staff will be on site per day during the operation phase. The operating hours at the site will be 6am to 10pm Mon-Fri and 7am to 10pm Saturday. Excavation and tip hauling will cease at 6pm each day (excluding Saturday when it will be 1 pm), with loading of spoil by front loader continuing at the washery until 10pm. Process Plant maintenance activities will be undertaken during other hours (nightshift). Nightshift working hours are unlikely to cause a nuisance to residential receptors due to being a distance from operational work on site.
- 3.3.3. At all non-working times the site will have security in place including 24 hour CCTV, barriers where required and security lighting.
- 3.3.4. The likely vehicles and plant on site during operation will be as follows:
- 45 tonne excavator excavating the Tip;
  - Seven 40 tonne dump trucks;
  - A 35-tonne excavator loading the coal spoil;
  - A 12 tonne excavator for ditching etc
  - Two D6 or equivalent Bulldozers;
  - A front loading Shovel;
  - A heavy vibrating roller;
  - A small 5 tonne excavator for tidying up works around the washery; and
  - A JCB 540 telehandler or equivalent for lifting / unloading etc.

#### HAUL ROAD

- 3.3.5. The haul road will be in operation during the majority of the operational phase, with an estimated average of 90 hauls per week to occur over the seven years operational period. This is equivalent approximately to 18 hauls per day. Haulage trucks will have a maximum speed of 20mph along the haul road. The trucks will join the public highway at the Wattsville (B4251/A467) roundabout, and continue south along the A467 before joining the M4. The haul road will be used only by construction staff and is restricted to the public.

#### EXCAVATION OF THE TIPS

- 3.3.6. Tip 1 will be excavated first, followed by Tip 2 with the excavated RCC hauled up to the process plant for beneficiation. It will be excavated from the top down and the area gradually restored to a topography closely aligned with its original topography. The excavation will use best practice to shield the excavation activities from the town of Bedwas and other neighbours such as digging the processing plant into the existing tips to screen from the majority of views.
- 3.3.7. Excavation of the Upper Tip will occur thereafter and be undertaken in select sections. Spoil will be deposited in a specified manner to create the final and stabilised restored tip landform.
- 3.3.8. Excavation and reclamation works will be completed in parallel to each other in phases as work is completed.

- 3.3.9. Subsoil will be excavated from beneath sections of the spoil tips and stored in piles on the new deposition area to be spread as part of the soil forming material throughout the operations when weather permits.

### **SPOIL PROCESSING**

- 3.3.10. The spoil will be transported from the respective Tips to the spoil process plant where the spoil will be processed to recover the RCC.
- 3.3.11. The RCC is fed into the process plant, into the feed hopper, at which point the rest of the process is entirely automated. The process plant will be partially dug into the Tips to allow an elevated position to deposit material into the feed hopper. This will reduce the temporary impact of the processing plant on the site from a visual perspective.
- 3.3.12. It is anticipated that water required for the coal processing will be sourced from the site drainage network and the clean water pond. The clean water pond will store top up water for the process plant. The washing plant will be separating and screening coal fines and shale overburden and will enable a range of homogenous materials to be either recovered or used as part of the remediation. A settling pond of approximately 500m<sup>3</sup> to 1000m<sup>3</sup> will be required to catch any dirty water emanating from the process plant and can be used as an emergency pond.

### **SOIL DEPOSITION**

- 3.3.13. Processed spoil will be deposited in the landform deposition areas, V2-S03/0007 overlapping the Upper Tip and on the northerly deposition area.
- 3.3.14. New areas of deposition will occur to the north / northwest of the Upper Tip. The topsoil from these areas will be made into an outer 3m high bund, with an inner sub soil bund above and below the land intended for deposition. The subsoil will mostly be used to form the inner part of this bund.
- 3.3.15. All soils and sub-soils from areas where spoil will be deposited and re-landscaped will be appropriately stored for use in the final restoration as shown in the soil deposition plans attached to this planning submission. Given that there will be a shortfall of excavated topsoil for the Upper Tip site, subsoil will be used instead. This is possible through the management of the seed mixes to be planted and will ensure the successful revegetation and restoration to upland grazing habitats of the whole reclaimed site.
- 3.3.16. All tip areas will be formed into the appropriate landform in phases, this will commence during the operational phase and be finalised post-operation. The final landform profile of the reclaimed Bedwas Tips will have boundaries corresponding with V2-S03/0008. These will be landscaped to follow original contours, as close as practicable, but with some landscaping features to make the land look natural and attractive.
- 3.3.17. The reformed Tips will be compacted by a vibratory roller to improve stability, apart from the top 2m which will be left uncompacted in order to better support revegetation and drainage. At completion, all areas of the reformed Tips will have a cap of suitable soil forming material.
- 3.3.18. The areas exposed by the removal of the Lower and Upper Tips will also be reformed into a profile essentially following the contours that existed prior to the deposition of the colliery spoil. The subsoil will be excavated and re-spread with green fertiliser and approved biosolids in order to restore the upland grassland on the Upper Tip. ERI will be able to restore the Lower Tip to grazing or amenity land depending upon the requirements of the local community. There will also be some tree planting

where feasible as shown on V2-S03/0004. Drainage of these lower slopes will be maintained by the culverts channelling water to the old quarry where water is culverted to the River Rhymney.

### **DRAINAGE NETWORK**

- 3.3.19. During the operation of the Proposed Scheme, the drainage network at the bottom of the Upper Tip will collect surface water and direct it eastwards, to a setting pond, before it is discharged via the current concrete culvert into an existing quarry at the base of Tip 2. From the existing quarry, the water is then pumped up to the main processing pond for use in the processing plant.
- 3.3.20. The drainage network around Tip 2 will capture surface water across the area surrounding Tip 2 and direct it towards the settling pond before it then feeds into the main processing pond. From this pond, the water will either be pumped up to the processing plant or when clean discharged into an existing culvert.
- 3.3.21. A Sustainable Drainage System (SuDS) will be required as per the works on site which will be completed according to SuDS statutory standards<sup>11</sup>. These SuDS proposals will be sent to the SuDS Approval Body (SAB), CCBC, to ensure the proposal is suitable for the waterflow predicted.

## **3.4 POST CONSTRUCTION AND AFTER PLAN**

### **TEMPORARY SPOIL TIP PROCESSING PLANT AND OTHER BUILDINGS**

- 3.4.1. Once processing operations have ceased, the processing plant and other buildings will be dismantled and removed from site. Final land forming will take place in areas previously occupied by plant and equipment, with final landscaping completed within six months of ceasing operations.

### **DRAINAGE NETWORK**

- 3.4.2. A five-year aftercare period will commence in which any necessary maintenance works are completed. The aftercare programme will include any water and drainage requirements under any relevant planning conditions attached to a consent, should permission be granted. Drainage channels and a selection of ponds will remain after works have concluded as part of this aftercare.

### **LANDSCAPING OF THE SITE AND VEGETATION PLANTING**

- 3.4.3. The final profiling and landscaping of the Tips and new deposition area will be completed within several weeks of ceasing operations. Seeding will be completed according to the time of year/season to ensure the seed grows. Appropriate landscape features, such as ponds, tree planting will be incorporated into the reformed Tips, in keeping with the surrounding terrain. This will help visually integrate the reclaimed land into the surrounding landscape.
- 3.4.4. Prior to seeding, the subsoil will be ploughed lightly and de-stoned. Grass will then be seeded with a quick acting fertiliser being added. Green fertiliser will then be used to improve the substrate and body of the topsoil.

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<sup>11</sup> [statutory-national-standards-for-sustainable-drainage-systems.pdf \(gov.wales\)](#)

- 3.4.5. In order to produce a sustainable grass sward that will resist soil erosion and ensure stability, the seed mix has to contain a quick growing ryegrass typically used on lowland farms. The seed mix will consist of a 70% biodiverse mix with the other 30% quick growing ryegrass. The ryegrass will act as a nurse crop providing quick cover forming thick grassland binding the soil and preventing scour. ERI's previous experience shows that the ryegrass will slowly die out with the slower growing native fescues and bent grasses developing as they are more suited to the local climate. This process takes from five to 10 years to establish. Once established the grassland will return to the various habitats found in upland grasslands. It is considered that as little interference as possible should take place during the period in which the original habitat develops.
- 3.4.6. Soil covering and seeding of re-landscaped areas will take place in the Spring and Autumn of each year commencing within 6 months from the start of operations progressing in phases during the reclamation works.
- 3.4.7. As the maximum elevation of the Upper Tip is 330m, there will be tree planting in the landscaping Scheme predominantly below the Upper Tip (as shown on V2-S01/0006) in order to reduce water migration and to slow the water flows to the existing watercourses.
- 3.4.8. The Proposed Scheme will also include up to two years of additional compost, green waste or approved biosolids to encourage the re-establishment of the upland grazing and grassland habitats.
- 3.4.9. It is possible that there may be some maintenance required on the site which would be dealt with accordingly at the time (for example if heavy rains have disturbed establishment of new vegetation). A 5 year maintenance period will be in place once works have been completed at the Proposed Scheme. On the basis that the final Tip profiling and landscaping is completed in phases during operations and completed utilising best practice methodologies as intended, the amount of remedial work would be expected to be minimal.



## 4 PLANNING POLICY CONTEXT

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4.1.1. It is considered that the following planning policy provisions are of relevance to this application.

### 4.2 NATIONAL POLICY AND GUIDANCE

#### PLANNING POLICY WALES 2021

4.2.1. The Planning Policy Wales (PPW)<sup>12</sup> was originally created in December 2018 to set out the land use policies for the Welsh planning system. The PPW was updated in February 2021 as the overarching document for planning policy in Wales. The document sets out the aspirations of the Welsh Government.

4.2.2. The following policies/sections are of relevancy to the Proposed Scheme:

- Section 1 – Introduction - This section is an introduction to the Welsh planning system, emphasising the importance given to sustainable development and providing an explanation of how Local Planning Authorities should operate and create Local Development Plans;
- Section 2 – People and Places: Achieving Well-being through Placemaking – The PPW sets out the importance and integral part that Placemaking has in Welsh planning policy as well as how to best use the PPW in decision making;
- Section 3 - Strategic and Spatial Choices – The PPW itself is a strategic document which sets out the planning systems impact on the social, economic, environmental and cultural characteristics of a particular area and how these can benefit those living around them;
- Section 5 – Productive and Enterprising Places – This section discusses the growth of energy and mineral extraction sectors with a focus for this planning statement given to coal extraction in the manufacture of construction materials; and
- Section 6 – Distinctive and Natural Places – This section discusses policy in relation to the historic and present landscape of an area as is applicable to the Proposed Scheme which will have an impact on the current landscape of Bedwas.

#### TECHNICAL ADVICE NOTES

4.2.3. To support the PPW, a set of Technical Advice notes (TANs)<sup>13</sup> have been produced to provide detailed planning advice on specific topics which are to be read alongside the PPW. Additionally, Minerals Technical Advice Notes (MTANs) are also of relevance to the Proposed Scheme, considering the extraction of coal from the site, and so have been reviewed. Those of relevancy to the Proposed Scheme include:

- MTAN 1 – Aggregate - The secondary usage of RCC as an aggregate over usage as a fuel source.

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<sup>12</sup> [Planning Policy Wales - Edition 11 \(gov.wales\)](https://gov.wales/planning-policy-wales-edition-11)

<sup>13</sup> [Technical advice notes | GOV.WALES](https://gov.wales/technical-advice-notes)

- MTAN 2 - Coal – The Proposed Scheme has an integral focus on the extraction of coal from the existing spoil tips at Bedwas colliery and so the policy contained within MTAN 2 will be a material consideration;
- TAN 5 – Nature Conservation and Planning – The Proposed Scheme is located next to several protected areas and so care should be made to prevent harm to the natural environment and conservation of the existing land. The land reclamation will result in the area being returned to a similar state to what it would have appeared originally.
- TAN 11 – Noise – The use of machinery and equipment for the extraction of coal is of relevancy to ensure adverse effects are controlled and mitigated;
- TAN 12 – Design – Although the design of the temporary structures will only have a short-term impact, the landform and the changing landscape is of importance and so TAN 12 will be useful in ensuring a high quality of design is delivered;
- TAN 21 – Waste – The Proposed Scheme will be extracting coal, however, there will be aggregate waste to be reused on site as part of the landform and so TAN 21 will need to be adhered to.

4.2.4. In addition to the TANs, a set of circulars/guidance notes have been produced which inform the decisions of the LPA. Those of relevancy to the Proposed Scheme include:

- Town and Country Planning (Minerals) Regulations 1971 (circular 69/71)<sup>14</sup>
- Report on the committee on planning control over mineral working (circular 103/78)<sup>15</sup>
- Local Government, Planning and Land Act 1980: various provisions (circular 13/81)<sup>16</sup>
- The Town and Country Planning General Regulations 1992 (circular 39/92)<sup>17</sup>
- Planning: guidance on environmental impact assessments (circular 11/99)<sup>18</sup>

## **FUTURE WALES: THE NATIONAL PLAN 2040**

The Future Wales: The National Plan 2040<sup>19</sup> outlines the future direction of the Welsh Government over the next 20 years including housing, energy, transport and the protection of the environment. The document is split into four regions of Wales and how each is planned to develop. In relation to the Proposed Scheme, the following are of relevancy:

- Policy 9 – Resilient Ecological Networks and Green Infrastructure – The land at Bedwas Colliery is to be restored to a similar state of that before being used for coal mining and so is in support of Policy 9 of the Future Wales plan.
- Policy 33 – National Growth Area – Cardiff, Newport and the Valleys – Bedwas is located within this National Growth Area and as such will have a beneficial impact on economic development in the area by making efforts to keep the RCC extracted in Wales for use in the construction sector

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<sup>14</sup> [Town and Country Planning \(Minerals\) Regulations 1971 \(circular 69/71\) | GOV.WALES](#)

<sup>15</sup> [Report on the committee on planning control over mineral working \(circular 103/78\) | GOV.WALES](#)

<sup>16</sup> [Local Government, Planning and Land Act 1980: various provisions \(circular 13/81\) | GOV.WALES](#)

<sup>17</sup> [The Town and Country Planning General Regulations 1992 \(circular 39/92\) | GOV.WALES](#)

<sup>18</sup> [Planning: guidance on environmental impact assessments \(circular 11/99\) | GOV.WALES](#)

<sup>19</sup> [Update to Future Wales - The National Plan 2040 \(gov.wales\)](#)



supporting employment on site during the works and through the companies manufacturing the construction products.

### 4.3 LOCAL PLANNING AND POLICY GUIDANCE

#### CAERPHILLY COUNTY BOROUGH COUNCIL LOCAL DEVELOPMENT PLAN UP TO 2021 (CLDP)

4.3.1. As is a requirement of all counties in Wales, a Local Development Plan (LDP)<sup>20</sup> has been produced for CCB outlining the specific planning policy to be adhered to for those wanting to obtain planning permission for a development. In the case of the Proposed Scheme, the following policies are of relevancy:

- NH1 – Special Landscape Areas (SLAs)  
*(NH1.4 – North Caerphilly)*
- NH3 – Sites of Importance for Nature Conservation (SINC)  
*(NH3.148 – Mynydd y Grug, West of Cwmfeinfach)*
- SP3 – Sustainable Development
- SP8 – Minerals Safeguarding
- SP9 – Waste Management
- SP10 – Conservation of Natural Heritage
- SP11 – Countryside Recreation
- CW4 – Natural Heritage
- CW6 – Trees, woodland and hedgerow protection
- CW15 – General Locational Constraints
- CW22 – Location constraint – Minerals

4.3.2. The existing CLDP was adopted in 2010, as of 2021, a review of the plan is underway, however, no policies or documentation except that of an initial review have been produced. Therefore, at the time of writing it is considered that no weight can be given to this review document and so has not been considered as part of this planning statement.

#### SUPPLEMENTARY PLANNING GUIDANCE

4.3.3. To support the decisions of the LPA, a set of Supplementary Planning Guidance (SPG)<sup>21</sup> documents have been produced providing further policy support on particular topics. The SPGs below have been identified as being relevant to the Proposed Scheme:

- LDP4 – Trees and Development<sup>22</sup> - The Proposed Scheme has planned for the planting of trees as shown on V2-S03/0004 with works on the proposed haul route currently being free of tree cover minimising tree loss. A Tree Preservation Order (TPO) map has been produced as part of

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<sup>20</sup> [written-statement.aspx \(caerphilly.gov.uk\)](https://www.caerphilly.gov.uk/written-statement.aspx)

<sup>21</sup> [Caerphilly - Caerphilly County Borough](https://www.caerphilly.gov.uk/Caerphilly-Caerphilly-County-Borough)

<sup>22</sup> [trees and development 2016.indd \(caerphilly.gov.uk\)](https://www.caerphilly.gov.uk/trees-and-development-2016.indd)

the Environmental Statement ensuring the Proposed Scheme minimises tree loss where possible (V2-S09/0002).

## ENVIRONMENT (WALES) ACT 2016

- 4.3.4. The Environment (Wales) Act 2016<sup>23</sup> promotes “*sustainable management of natural resources; to provide targets for reducing emissions of greenhouse gases*”. As the Proposed Scheme needs to ensure any environmental impacts are considered in the planning appraisal, the impacts in with the context of the Environment (Wales) Act will be discussed as part of the Planning analysis.

## 4.4 OTHER MATERIAL CONSIDERATIONS

- 4.4.1. As part of this planning submission, it is important to acknowledge the Welsh Government’s stance on the extraction of coal as outlined in their Coal Policy Statement <sup>24</sup>. They have stated that:

*“in wholly exceptional circumstances, Welsh Government would consider the further extraction of coal. Each proposal would be considered on its individual merits, but must clearly demonstrate:*

- *Why the extraction is required to support industrial non-energy generating uses for coal.*
- *Why the extraction is needed in the context of decarbonisation and climate change emission reductions targets, or to ensure the safe winding-down of mining operations or site remediation.*
- *How the extraction contributes to Welsh prosperity and our role as a globally responsible Wales.”*

- 4.4.2. In addition to the above, the Coal Policy Statement also states “*Whilst coal will continue to be used in some industrial processes and non-energy uses in the short to medium term, adding to the global supply of coal will prolong our dependency on coal and make achieving our decarbonisation targets increasingly difficult. For this reason, there is no clear case for expanding the supply of coal from within the UK. In the context of the climate emergency, and in accordance with our Low Carbon Delivery Plan, our challenge to the industries reliant on coal is to work with the Welsh Government to reduce their reliance on fossil fuels and make a positive contribution to decarbonisation*”

- 4.4.3. Although acknowledged that the extraction of RCC does increase Wales’ coal supply prolonging dependency on fossil fuels, the use of RCC is being reused for alternative solutions for construction products not as a fuel. The benefits of reclaiming the site for upland grazing as well as reusing the coal for construction products rather than combustion weighs in favour of the coal being extracted. As such, the extraction of RCC from the Proposed Scheme adheres to Wales’ Coal Policy Statement by being used for non-energy generation, the usage is for site remediation and that the RCC is used for industrial purposes contributing to the Welsh economy while not being burned for energy usage.

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<sup>23</sup> [Environment \(Wales\) Act 2016 \(legislation.gov.uk\)](https://legislation.gov.uk)

<sup>24</sup> [Coal policy statement | GOV.WALES](https://gov.wales)

- 4.4.4. It has been highlighted that the RCC at Bedwas has the potential to cause fire risks from combustion due to the flammability of coal as a material. By removing the RCC from the site, this risk is reduced to those residents living nearby as well as the environmental impact of such an event occurring releasing large amounts of CO<sup>2</sup>.
- 4.4.5. The current drainage systems used at Bedwas are maintained by CCBC and are considered a costly asset to maintain. By restoring the site to natural drainage through SuDS and vegetation, these maintenance fees will be reduced while also reducing the risk of scour.

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## 5 PLANNING APPRAISAL

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- 5.1.1. At the heart of the PPW is the “*presumption in favour of sustainable development*” (para 1.18). In paragraph 1.2, this is stated as to “*ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales*”
- 5.1.2. Paragraph 2.8 of the PPW presents the presumption in favour of sustainable development, specifically in relation to decision-taking as:
- “Planning policies, proposals and decisions must seek to promote sustainable development and support the well-being of people and communities across Wales.”* Paragraph 1.22 states that *“Planning applications must be determined in accordance with the adopted plan, unless material considerations indicate otherwise.”*
- 5.1.3. At a local level, Policy SP3 of the CLDP provides a set of principles to be followed for developments within the Southern Connections Corridor (containing the application site) in relation to sustainable development. These include:
- “Development proposals in the Southern Connections Corridor will promote sustainable development that:*
- *A) Uses previously developed land within settlement limits*
  - *B) Reduces car borne trips by promoting more sustainable modes of travel*
  - *C) Makes the most efficient use of the existing infrastructure*
  - *D) Has regard to the social and economic function of the area and*
  - *E) Protects the natural heritage from inappropriate forms of development”*
- 5.1.4. In line with the above, the Proposed Scheme can be considered to comply with the criteria set under Policy SP3 as set out below
- 5.1.5. Response to policy test criteria (A-E):
- (A) The land at Bedwas Tips is to be enhanced being classified as previously developed land ensuring greenfield land is retained;
  - (B) The existing footpaths are to be retained while promoting a more natural surroundings to walk or cycle through resulting in less car borne trips;
  - (C) The Proposed Scheme will utilise the existing NRW haul road to transport RCC from the site thereby minimising the need for additional/new tracks or routes;
  - (D) The Proposed Scheme works to improve the social impact of the Bedwas area through improved recreational spaces and reduction in anti-social behaviour as well as the economic benefits gained through job and business development opportunities from the sale of the RCC to fund the reclamation works;
  - (E) A principal objective of the Proposed Scheme is the land reclamation of Bedwas Tips thereby protecting the natural heritage of Bedwas while ensuring the area is used for recreation over other forms of development.
- 5.1.6. From the above analysis, it is considered that the Proposed Scheme meets the principles of sustainable development as outlined in Policy SP3 of the CLDP.

## 5.2 RECLAMATION

5.2.1. In paragraph 5.14.51 of the PPW, the benefits of reclamation are explained including:

- Providing opportunities for creating or enhancing sites for nature conservation;
- Contributing towards UK Biodiversity targets; and
- Conservation of historic assets through the Proposed Scheme;

5.2.2. Further information is included in paragraph 5.12.6 of the PPW stating:

“Industrial by-products have been used for many years to produce secondary aggregates so as to conserve primary resources. The reuse and recycling of material available locally should be encouraged in line with the proximity principle. Where appropriate, development plans should encourage the reuse and recycling of secondary aggregates, construction, demolition and excavation waste, incinerator bottom ash and other appropriate recycled materials.”

5.2.3. As such, the Proposed Scheme will be using the extracted RCC as part of the final landform as aggregate as further explained in paragraph 5.12.6:

*“Slag from steel making, material from colliery shale, ash from power stations and slate waste can be processed and used in construction in place of other minerals and form about 10% of total aggregate supply”*

5.2.4. It is also important that these works are completed to prevent any further visual impacts from “*failure to restore*”. The Proposed Scheme has been proven successful from previous work completed at Six Bells by ERI<sup>25</sup> showing the benefits and acting as a case study to the mineral land reclamation.

## 5.3 TRANSPORT

5.3.1. A Transport Statement was created to accompany the Planning Application to assess the traffic, access and use of transportation at the Proposed Scheme. As stated, an extension to the existing NRW haul road is proposed of which staff will use for the transportation of RCC. The Transport Statement concluded that the Proposed Scheme does not pose any additional impacts to traffic and transport with no significant effects identified during the construction or operational phases.

## 5.4 MINERAL EXTRACTION

5.4.1. To fund the reclamation works, coal extraction will be taking place at the previously used tips. MTAN 2, Coal, sets out the requirements for the extraction of coal and the requirements for the reclamation of land after these activities have been completed. Paragraph 262 lists the requirements for the reclamation of previously used land for coal extraction.

*“The reclamation scheme should:*

- *propose a final landform in keeping with the natural character of the area*
- *demonstrate the suitability of the scheme for the proposed after use*

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<sup>25</sup> [Six Bells - ERI Reclamation](#)

- *set out clearly how site working and reclamation will be phased including how landscape and planting will be phased through the life of the site*
- *include progressive restoration wherever appropriate*
- *explain how uncertainties such as shortfalls in soil will be tackled.*

- 5.4.2. In reference to the above, the final landform created will be returned to a similar state to before the colliery was in operation and so will have a beneficial impact on the natural character of the area. The after use of the Proposed Scheme will be a suitable and beneficial for use as upland grazing with public access being retained via the various PRowS across the site.
- 5.4.3. The Proposed Scheme will be completed in phases starting in Tip 1 and onto Tip 2 with seeding being completed as works progress. This is shown further in the landscape chapter of the Environmental Statement.
- 5.4.4. In reference to shortfalls of soil and the phasing of landscape works, these are outlined in the plans attached to this application with works starting at Tip 1 and progressing to Tip 2 in sequence utilising the money created from the sale of the extracted RCC.
- 5.4.5. In addition to the above, MTAN2 states “*Applications for coal working should demonstrate that actions to reduce carbon emissions from the extraction and transport of coal are included in the proposals.*”
- 5.4.6. The reclamation works on site are considered as a form of carbon sink to absorb large amounts of CO<sup>2</sup> and as such reduces the carbon emissions of the Proposed Scheme. It is acknowledged that the transportation of the coal from the site will not be using alternative fuel sources such as hydrogen or electrical power, however, it is considered the carbon reductions from the carbon sink will be beneficial to compensate for these emissions.

## **5.5 REDUCED CARBON COAL EXTRACTION**

- 5.5.1. The production of RCC/low carbon coal residues are a beneficial by-product of the tip reclamation process.
- 5.5.2. The PPW states in paragraph 5.14.32 “*Coal has predominantly been used for energy production, however coal has other specific uses. These include use for industrial purposes in the steel industry, in speciality carbon markets, in the making of concrete and for domestic use. Coking coal, for example, which is largely imported is used in coke manufacture for the steel industry and directly in blast furnaces. Whilst the use of coal for energy generation should not be permitted if, exceptionally, planning applications come forward for industrial uses for coal then each case would need to be considered individually and the policies contained in MTAN 2: Coal applied, including the test outlined in paragraph 45 of MTAN 2.*”
- 5.5.3. The RCC to be extracted will provide a viable lower carbon alternative to imported industrial coal used by the steel and cement sectors. The remediated coal residues arising from this project will be supplied as an industrial feedstock and enable the displacement of imported foreign coals. Furthermore, cement and steel production are necessary for the construction of green infrastructure as well as to provide necessary housing and infrastructure as recognised in the PPW:



- 5.5.4. *“Construction related minerals and mineral products are particularly important in Wales and are essential for housing and infrastructure, such as schools, roads, railways, airports and flood defences and a steady and adequate supply of materials is necessary. (PPW Dec 2018: para 5.14.1)”*
- 5.5.5. The tests listed under paragraph 45 of MTAN2<sup>26</sup> are:
- “1) The proposal should be environmentally acceptable or can be made so by planning Conditions or obligations, and there must be no lasting environmental damage.*
- 2) If this cannot be achieved, it should provide local or community benefits which clearly outweigh the disbenefits of likely impacts to justify the grant of planning permission.”*
- 5.5.6. Under the explanation found within the PPW, the Proposed Scheme should be considered under these circumstances for industrial uses as outlined above. As explained under the tests in MTAN2, the Proposed Scheme provides clear environmental benefits through land reclamation thereby meeting the first of the above tests – i.e. it is environmentally acceptable. However, as discussed there are community benefits to economic, social and recreational interests also generated by the development.
- 5.5.7. The applicant has identified a number of potential businesses in Wales in regard to the sale of the RCC to secure a contract for supply. The Proposed Scheme is aligned with the Welsh Government’s energy policy to remove coal from power generation with the material extracted from the site being used for the production of cement and building materials rather than allowing increases to carbon emission levels from burning it as a thermal fuel. Any businesses to use the RCC have been identified to work towards decarbonisation and in line with the Welsh Governments energy policy.
- 5.5.8. MTAN1, aggregates, states under Section 34 that effort should be made to *“ensure an increase in the proportion of supply from recycled, secondary and waste materials and a proportional reduction in the amount of primary resources extracted”*. The RCC at the Bedwas Tips can be considered a secondary aggregate and its reuse in the construction industry is a way of reducing the extraction of new aggregates through quarrying. Section 35 continues by stating *“Mineral waste, secondary and recycled materials are available in plentiful supply in certain areas of Wales and their use as aggregates should be maximised”*.
- 5.5.9. As for specific links to the use of coal as aggregate, Section 13 (iii) states coal has been used in the past as an aggregate and accounts for *“0.5 million tonnes in South Wales”* as of the writing of the document.
- 5.5.10. TAN21, Waste, classifies the work at the Bedwas Tips as a type of ‘Recovery’ operation under Section 4.30 stating the use of glass as a secondary aggregate. As seen in MTAN1, it is suitable to say this glass could be replaced with RCC as the aggregate as a form of reusing the RCC waste elsewhere. TAN21 states in Section 2.2 of the environmental benefits of waste management as well

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<sup>26</sup> [Microsoft Word - mtan januaryfinal.doc \(gov.wales\)](#)

as the economic benefits including *“job and training opportunities and safeguard existing jobs as a result of cost savings associated with increased resource efficiency”*.

- 5.5.11. From the above information, the use of coal as a substitute aggregate to fund the land reclamation works at the Bedwas Tips can be justified. The goals stated by the Coal Policy Statement can be achieved including:
- The extraction of RCC will be used specifically for non-fuel purposes within the construction industry as an aggregate and substitute in cement and steel;
  - The benefits of the Proposed Scheme for land reclamation usage and reuse of the RCC work in favour of decarbonisation and a greener future for Wales both from the products created from the spoil and the land used by the Proposed Scheme; and
  - There are economic benefits to the Proposed Scheme from the sale of RCC for construction usage as well as the jobs and opportunities produced from the extraction process.
- 5.5.12. To this respect, the case for coal extraction as part of the reclamation works should be considered under *“exceptional circumstance”*.

## 5.6 ENVIRONMENT (WALES) ACT 2016

- 5.6.1. As stated previously, the purpose of the Environment (Wales) Act 2016 is the *“sustainable management of natural resources; to provide targets for reducing emissions of greenhouse gases”*. In regard to *“natural resources”*, the act specifies these as animals, organisms, air, water, minerals and geological features to name a few. As shown in the following analysis of the Environmental Statement, management and mitigation has been specified to reduce any potential impacts to natural resources ensuring designations located at the Proposed Scheme *“meet the needs of present generations of people without compromising the ability of future generations to meet their needs”*. As a result, through the Environmental Statement, the Proposed Scheme has provided evidence to the management of natural resources.

## 5.7 DESIGN

- 5.7.1. The planning system has an obligation to facilitate well-designed places representing a high standard of design as reflected in TAN12 of which the attached Design and Access Statement (DAS) adheres to. As part of the Proposed Scheme, the permanent effects of design will be focused on the final landform created rather than on the coal processing plant and site compound buildings which will be temporarily on the site rather than a permanent feature to be integrated into the future site. It is envisioned these temporary structures will have an impact during the coal extraction works however these will not be apparent after the completion of the reclamation works. These impacts will be discussed further within the Landscape Character analysis during both construction, operation and post-operation phases.
- 5.7.2. For further information relating to the design principles, please also see the accompanying DAS produced as part of this planning application.

## 5.8 PUBLIC RIGHTS OF WAY

- 5.8.1. Throughout the Proposed Scheme are a set of Public Rights of Way (PRoWs) which will need to be addressed to prevent the obstruction of any existing rights of way. PRoWs will return to dirt/grass tracks as present once reinstated. The alignment of PRoWs is not expected to change and will follow the proposed contours of the site. As part of the Proposed Scheme, the existing landform will



be changing with the removal of RCC and so an application to temporarily divert these will be sought separately to this planning application. This will be completed under the Countryside and Rights of Way Act 2000 Part II Article 57<sup>27</sup>. Discussions with Countryside Access officers will be completed separately to this Planning Application.

## 5.9 ENVIRONMENTAL STATEMENT ANALYSIS

5.9.1. The following is an analysis of the Environmental Statement created to accompany this planning submission which should be read in conjunction with this analysis.

## 5.10 AIR QUALITY

5.10.1. Section 5.14 of the PPW discusses the use of minerals of which care is required to reduce impacts to air quality from mineral working such as dust, pollution, smoke and fumes.

5.10.2. Section 6.7 of the PPW discusses the topics of Air Quality and Soundscape ensuring development does not cause additional harm including pollution prevention and noise reduction where required to mitigate effects. Paragraph 6.7.26 states:

*“Planning authorities must consider the potential for temporary environmental risks, including airborne pollution and surface and subsurface risks, arising during the construction phases of development. Where appropriate planning authorities should require a construction management plan, covering pollution prevention, noisy plant, hours of operation, dust mitigation and details for keeping residents informed about temporary risks.”*

5.10.3. On a local level, the CLDP refers to impacts to Placemaking in relation to air quality in SP6 as:

*“Development proposals should contribute to creating sustainable places by having full regard to the context of the local, natural, historic and built environment and its special features through:*

5.10.4. *H - The incorporation of mitigation measures that improve and maintain air quality”*

5.10.5. The baseline for the Air Quality Assessment has set a 350m buffer from the site boundary and 50m from the proposed haul road.

5.10.6. The assessment concentrated on the levels of particulates and other pollutants specifically NO<sup>2</sup>, PM<sup>10</sup> and PM<sup>2.5</sup> comparing levels from 2019, 2023 and those estimated to be apparent during the construction works on site.

5.10.7. From data collected for 2019 and 2023, the main source of particulates is from road traffic nearby to the Proposed Scheme. The Proposed Scheme is not located within an Air Quality Management Area (AQMA).

5.10.8. The assessment concluded that there are not expected to be any exceedance of pollution as part of the Proposed Scheme with CCBC monitoring data indicating levels of NO<sup>2</sup> to be likely below annual mean objectives. In line with IAQM Construction Dust Guidance methodology, there is a low risk of dust soiling impacts and a low risk to human health from particulate matter.

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<sup>27</sup> [Countryside and Rights of Way Act 2000 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

- 5.10.9. Mitigation to reduce impacts to air quality from the Proposed scheme include best practice and the creation of a Dust Management Plan (DMP) to control emissions and PM<sup>10</sup> during works.
- 5.10.10. The Proposed Scheme is not expected to increase pollution levels and with the implementation of mitigation such as the DMP, any emissions can be controlled and reduced in line with SP6 of the CLDP as well as policies 5.14 and 6.7 in the PPW.

## 5.11 CULTURAL HERITAGE

- 5.11.1. Chapter 6 of the PPW discusses the protection of the historic environment stating, *“The planning system must take into account the Welsh Government’s objectives to protect, conserve, promote and enhance the historic environment as a resource for the general well-being of present and future generations.”*
- 5.11.2. A similar message is conveyed through SP10 of the CLDP *“the Council will protect, conserve, enhance and manage the natural heritage of the County Borough in the consideration of all development proposals within both the rural and built environment”*.
- 5.11.3. To assess the potential impacts to heritage assets, a 250m buffer from the Proposed Scheme was established for local to regional historic assets with a wider 3km buffer for assets with national historic significance.
- 5.11.4. The Proposed Scheme identified five heritage assets which have the potential to be impacted directly or indirectly including the Mynydd y Grug Field enclosure, Ditch and Bank/Pound, the Colliery Tips themselves, a concrete base for a structure and the Twyn Cae Hugh Round Barrow. As part of the Proposed Scheme, the colliery Tips are to be modified significantly due to the purpose of the works. Other impacts include encroachment on heritage assets or partial dismantle of the Mynydd y Grug Field Enclosure.
- 5.11.5. To reduce these impacts, a series of mitigation measures have been proposed including the creation of an Archaeological Watching Brief (AWB) and targeted excavations prior to work commencing. Through their implementation, impacts are expected to reduce to none.
- 5.11.6. It is expected that the seeding and final landform will act as appropriate mitigation measures to the setting and significance of the heritage assets.
- 5.11.7. Through the use of mitigation, the heritage assets identified are expected to be protected, conserved and preserved for the *“well-being of present and future generations”*. As such, the proposals work in favour of Chapter 6 of the PPW and SP10 of the CLDP.

## 5.12 LANDSCAPE AND VISUAL EFFECTS

- 5.12.1. Chapters 2, 3, 5 and 6 of the PPW are of relevancy to landscape and visual effects ensuring any new development does not impact on the existing landscape character and acts to improve wellbeing and placemaking being a core aspect of the PPW.
- 5.12.2. At a local level, the CLDP states a set of county wide policies including CW4, CW6, LE3, NH1, NH2, SI1, SP6, SP10 and TR1.

## BASELINE – LANDSCAPE CHARACTER

- 5.12.3. A study area of 1km from the Proposed Scheme RLB was established focusing on the visual receptors likely to experience significant effects from the Proposed Scheme.
- 5.12.4. The Proposed Scheme is located within a National Landscape Character Area (NCLA) namely NLCA37 Dyffrynnoedd y De/South Wales Valleys. The NCLA consists of deep, urbanised valleys dissecting extensive upland areas with extensive remains of heavy industry from coal mining as well as large blocks of coniferous plantation and deciduous woodland.
- 5.12.5. From a wider perspective, the Proposed Scheme is found within the South East Wales Regional Landscape Character Area (RLCA). The area is defined as having major transport corridors, large areas of woodland and extensive views over upland valleys and the industrial history of Wales.
- 5.12.6. At a local scale, there are 10 Local Landscape Character Areas (LLCA) which are of importance to the overall character of the area. These include:
- Mynydd Y Grug;
  - Sirhowy Valley Slopes;
  - Valley Slopes Machen – Ystrad Mynach;
  - Mynydd y Lan;
  - NW of Mynydd y Lan;
  - Wooded Slopes west of Mynydd y Lan;
  - Wooded Slopes Cwmcarn;
  - Rhymney Valley South of Caerphilly;
  - Risca; and
  - Caerphilly.
- 5.12.7. The Proposed Scheme is also in close proximity to a number of Special Landscape Areas (SLA) including:
- NH1.3 Mynydd Eglwysilian;
  - NH1.4 North Caerphilly;
  - NH1.5 South Caerphilly; and
  - NH1.6 Mynyddislwyn.

## BASELINE - VISUAL EFFECT

- 5.12.8. To assess the visual impact of the Proposed Scheme, a set of 19 viewpoints were established from discussion with CCBC as shown on V2-S08/0015. These include:
- Raven Walk;
  - Footpath by turnings;
  - By the Caerns;
  - Dyke;
  - On gran bank by field gates;
  - Clos Maes Mawr;
  - Entrance to Hynydd Dinlaith Common / Pandymawr Road;
  - Mynydd y Grug Common gateway;
  - Side of the top/Green Lane;
  - View from Meadow Croft (House);
  - Rhiw Caer Celyn;

- Bedwas park;
- Corner Navigation Street;
- The cycle path (Power railway);
- Corner of Coleridge Gardens;
- PRow Common RUDR/FP4/3;
- Caerphilly Castle;
- Road verge Common;
- Caerphilly Common (Moat);
- Parc Bedwas, Northover Drive Industrial Estate; and
- School Staff Car Park – PRow.

- 5.12.9. To assess the potential impacts of the Proposed Scheme on landscape character and any visual effects, a Preliminary Impact Appraisal (PIA) was completed assessing at Year 1, Year 15 and affects during nighttime without mitigation in place.
- 5.12.10. During the construction phase, affects range from slight to major in impact. Affects from static lighting, modification and remodelling of the skyline, impacts to LLCAs and loss of exposed upland character are listed to be impacted.
- 5.12.11. Effects during the operational phase of the Proposed Scheme range from slight to major adverse with impacts arising from construction work and lighting, views of the process plant and views of heavy plant.
- 5.12.12. At Year 1, affects range from neutral to major adverse resulting from reformatting the land and the movement and reposition of tip material. Other affects noted are a loss of enjoyment and access to local recreational landscape spaces during the works as well as impacts to the Craig Goch LNR of which the proposed haul road passes through.
- 5.12.13. The decommissioning of the Proposed Scheme is programmed for Year 7 with affects ranging from negligible adverse to moderate adverse with the majority of construction activities having concluded resulting in less adverse conditions than during the operational phase.
- 5.12.14. At Year 15, the effects of the Proposed Scheme are considered neutral to minor beneficial with the land being returned to recreational use including the reinstatement of PRows diverted as part of the works.
- 5.12.15. Overall, impacts of the Proposed Scheme without mitigation in place are expected to result in a minor to major adverse impact until post-completion.
- 5.12.16. To reduce the effects identified in the assessment without mitigation, the following mitigation has been proposed to reduce or eliminate these impacts. These include:
- Processing plant screened for majority of views by colliery spoil tips;
  - Soil bunds positioned along haul road and at processing plant to screen views;
  - Potential to plant trees to screen construction phase of Proposed Scheme;
  - Reprofilling of Proposed Scheme to follow existing contours where possible; and
  - Monitoring of Proposed Scheme to ensure mitigation is working as intended.
- 5.12.17. Effects at Year 1 are to remain neutral to major adverse however through the implementation of mitigation, effects at Year 15 are expected to be slight to moderate adverse effects. Although not all impacts can be mitigated against, with mitigation in place, the Proposed Scheme will produce an improved landform than that at present.

- 5.12.18. In relation to planning policy, the Proposed Scheme in relation to landscape and visual effects adheres to and ensures the surrounding landscape will not be impacted but enhanced by the proposals at Bedwas Tips and where required the implementation of mitigation measures in line with the PPW.
- 5.12.19. At a local level, the Proposed Scheme ensures the protection of designated sites and landscape areas highlighted with mitigation measures in place where required to reduce potential impacts.
- 5.12.20. As such, the Proposed Scheme adheres with the PPW and CLDP in relation to landscape and visual effects.

## **5.13 ECOLOGY AND NATURE CONSERVATION**

- 5.13.1. Chapter 6 of the PPW, distinctive and natural spaces, ensures the planning system contributes towards the delivery of sustainable development.
- 5.13.2. At a local level, the CLDP refers to NH3 – SINC, SP10, conservation of Natural Heritage, and CW6, Trees, woodlands and hedgerow protection.
- 5.13.3. Reference can also be made to TAN5, Nature Conservation and Planning which provides guidance on how the planning system should contribute to the protection and enhancement of biodiversity and geological features.
- 5.13.4. The construction and operational phases of the Proposed Scheme have the potential to cause impacts upon biodiversity through habitat loss, disturbance, direct mortality, insensitive timing of works coinciding with specific life cycle phases such as hibernation or breeding, pollution of air, water or land leading to habitat modification or reduction in prey species etc.
- 5.13.5. To reduce and or eliminate these impacts, a set of mitigation measures have been proposed. These include:
- Extracted soil will be stored away from designated sites where possible;
  - Site clearance to occur at appropriate times of year under ecological supervision;
  - Standard pollution prevention measures to be adhered to;
  - Five year aftercare plan to include monitoring of landscaped areas and remediation actions;
  - No passing places to be installed near Graig Goch LNR;
  - Avoid mature trees on site such as beech;
  - Minimising loss of SINC; and
  - Obtaining a European Protected Species License to minimise impacts to Great Crested Newts (GCN).
- 5.13.6. Through the above mitigation, impacts from the construction and operational phases have been reduced to neutral to slight adverse.
- 5.13.7. In line with planning policy highlighted, with mitigation in place, any SINC identified are protected in line with NH3, natural heritage is upheld in line with SP10 and trees are protected such as those along the proposed haul road extension in line with CW6.
- 5.13.8. In line with Section 6 of the PPW, the Proposed Scheme in relation to ecology provides high quality green space to be used by the public for recreational use as well as helping to create a more biodiverse area through the reclamation works such as the composition of the seed mix using a 70% biodiverse mix to 30% rye grass mix. From the information provided, the Proposed Scheme works in favour of Section 6 of the PPW.



## 5.14 GEOLOGY AND SOILS

- 5.14.1. Chapter 13 of the PPW sets out the requirements for the protection of the natural environment and natural resources and the guidelines to regulate these. As set out in Chapter 13, Planning Authorities should:
- consider the potential impacts of pollution or unstable land to ensure that a development is appropriate for its intended location;
  - consider the nature, scale and extent of contamination which may pose risks to health; and
  - should ensure that a site is suitable for use with regards to ground conditions (including land contamination) and land instability and that after remediation, as a minimum, land should not be capable of being determined as contaminated land as defined in Part 2A, and that adequate specialist investigation and assessment is presented in support of a development.
- 5.14.2. At a local level, reference is made to Policies CW4 and CW15 to the protection of the natural environment from potential contaminants which may have an impact on designations.
- 5.14.3. The baseline for the geology and soils assessment has established a 250m buffer around the Proposed Scheme as well as an additional 1km buffer for water abstraction.
- 5.14.4. Due to the previous usage of the site, there is a high potential for contamination to groundwater from the colliery tips due to a combination of metals found including iron and sulphur which can produce acid. The levels of contamination on site are not considered to pose a significant risk to potential and future usage on site from test samples undertaken in 2020, however, these conditions should be mitigated against.
- 5.14.5. A set of natural springs of which water can travel through have been identified above and below ground including under the colliery tips themselves.
- 5.14.6. The bedrock beneath the site is classified as a Secondary A Aquifer comprising a set of permeable layers which can support water supplies for rivers. The soil on site has a high groundwater vulnerability which can let pollutants enter such as contaminants from the colliery tips.
- 5.14.7. During construction, the Proposed Scheme has the potential to reduce water and soil quality resulting in a minor adverse impact. Post-operational impacts are assessed as being beneficial from the stability of the slopes from seeding and the final landform as well as an improvement in soil and water quality from the reduction of leeching into surface water and soil.
- 5.14.8. To impact any impacts such as those from soil and water quality, a Construction Environment Management Plan (CEMP) will be produced to ensure safe control and storage of materials while reducing impacts to nearby residential receptors from these effects. Other mitigation measures include the construction of settlement ponds and the proposed soakaway system to prevent contaminants entering nearby watercourses and decreasing water and soil quality.
- 5.14.9. From the planning policy highlighted, the Proposed Scheme works in favour of Chapter 13 of the PPW ensuring any potential contaminants are controlled and reduced through the mitigation specified as well as improving soil and water quality for the continued use of the site.
- 5.14.10. In line with local planning policy, the Proposed Scheme works in favour of CW4 by conserving the natural environment through a reduction in contaminants which have the potential to impact designated and other species located nearby. Policy CW15 also works in favour of the Proposed

Scheme being a reclamation scheme and as such “*outside settlement boundaries*” has been considered.

## 5.15 MATERIALS AND WASTE

5.15.1. Policy SP8 of the CLDP, Mineral Safeguarding, states:

*“The Council will contribute to the regional demand for a continuous supply of minerals by:*

- *Safeguarding known resources of coal, sand and gravel and hard rock*
- *Maintaining a minimum 10-year land bank of permitted aggregate reserves in line with national guidance”*

5.15.2. Policy SP9 of the same local plan, Waste Management, states:

*“The Council will implement a sustainable, integrated approach to waste management, which minimises the production of waste and its impact on the environment, and maximises the use of unavoidable waste as a resource. To assist in this aim the following land use commitments are made:*

- *All allocated and protected class B2 industrial sites are designated as potentially suitable locations for new in-building waste management facilities, which provides substantial choice in meeting the estimated land requirement of up to 10.4 ha.*
- *The Area of Search maps identified in the RWP are adopted as appropriate advice as to where developers should first seek sites for in-building and open air facilities.”*

5.15.3. The baseline for the waste and materials assessment has defined all colliery spoil connected to the historic usage of the site contained within the RLB for Tip 1 and Tip 2. This will act as the baseline for the assessment as well as for post and operational phases of the Proposed Scheme.

5.15.4. The site has been identified as an area underlain with sandstone and high specification aggregates considered as Category 1 which are considered of national importance.

5.15.5. The ground profile is made from a mixture of made ground, tip spoil and glacial deposits. The Tips themselves consist of 32m depth in Tip 1 and 20m in Tip 2 of historic colliery spoil.

5.15.6. In addition, one historic landfill site has been identified 500m south of the Proposed Scheme associated with the coke works at the Bedwas Navigation Colliery.

5.15.7. During the construction works, approximately 8 million tonnes of colliery spoil will be excavated from the site at a rate of 30,000 cubic tonnes per week. An approximate 8% of this material will be reprocessed for industrial use with the rest being used for the reclamation Scheme landform. Any contaminated material will be extracted and disposed of at a licenced facility. No additional material will be required from off site to form the final landforms.

5.15.8. Approximately 2,000 tonnes of sandstone will be excavated for use in the haul roads which, in line with paragraph 5.15.4, the material excavated for use is not expected to impact the high quality material stored below ground with the Proposed Scheme using lower quality stock from the top of the material layers.

5.15.9. In line with CW22 of the CLDP, proposals for permanent development within Mineral Safeguarding Areas such as the Proposed Scheme will only be accepted on the grounds of:

- The applicant can demonstrate that the mineral is no longer of any value or potential value, or
- The mineral can be extracted satisfactorily prior to the development taking place, or

- There is an overriding need for the development, or
- The development comprises infill development within a built up area or householder development or an extension to an existing building.

5.15.10. The applicant has demonstrated that the sandstone layer to be extracted at Bedwas is of low quality and as such is not expected to impact the Mineral Safeguarding Area.

5.15.11. Materials excavated during the works will be stored through a temporary storage area for later use as part of the reclamation works.

5.15.12. The following waste may be generated by the Proposed Scheme:

- Contaminated or unsuitable excavated materials;
- Vegetation from site clearance;
- Waste associated with construction vehicle and plant maintenance; and
- Construction worker welfare wastes.

5.15.13. In regard to waste and materials, the post operation phase of the Proposed Scheme is considered to be low and unlikely to impact the surrounding area and is assessed as negligible and not significant.

5.15.14. To mitigate the amount of material use on site going to landfill, a CEMP will be produced to include the following:

- Prevention and control methods for impacts such as dust and contaminated materials;
- Reuse of temporary construction materials in the final landform; and
- Disturbance to vegetation and environmental impacts.

5.15.15. In addition to the CEMP, A Materials Management Plan (MMP) will be produced to demonstrate the amount of material to be used, their origins and suitability for reuse on site with no risk to human health. The MMP will also outline donor sites for any material which cannot be reused on site to avoid landfill.

5.15.16. In line with the planning policy highlighted, the Proposed Scheme works in favour of SP8 due to Caerphilly currently having a 41 year crushed aggregate supply of which the Proposed Scheme is unlikely to impact<sup>28</sup>. Policy SP9 is adhered to through the reuse of construction and site won materials to reduce waste production as part of the Proposed Scheme.

5.15.17. In the context of the matters addressed above it is considered the Proposed Scheme is in accordance with the requirements of Policies SP8 and SP9 of the CLDP.

## 5.16 NOISE

5.16.1. Paragraph 6.7.26 of the PPW states:

*“Planning authorities must consider the potential for temporary environmental risks, including airborne pollution and surface and subsurface risks, arising during the construction phases of development. Where appropriate planning authorities should require a construction management*

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<sup>28</sup> [SWRAWP Annual Report 2020 Final.pdf \(swrawp-wales.org.uk\)](#)



plan, covering pollution prevention, noisy plant, hours of operation, dust mitigation and details for keeping residents informed about temporary risks.”

5.16.2. At a local level, Policy CW23 Section 2.51 of the CLDP states:

*“Buffer zones aim to reduce the conflict between mineral extraction / processing and vibration from blasting. No new mineral development will be permitted within the buffer zone to prevent encroachment towards the sensitive land uses. No new sensitive development will be permitted both to prevent any encroachment but also to prevent an additional constraint for the mineral working.”*

5.16.3. In addition, Policy CW2 – Amenity, Section 2.9 states:

*“Development proposals must have regard for all relevant material planning considerations in order to satisfy the following requirements:*

- *There is no unacceptable impact on the amenity of adjacent properties or land.*
- *The proposal would not result in overdevelopment of the site and / or its surroundings.*
- *The proposed use is compatible with surrounding land-uses and would not constrain the development of neighbouring sites for their identified land-use.*
- *Where applicable, the viability of existing neighbouring land uses would not be compromised by virtue of their potential impact upon the amenity of proposed new residential development.”*

5.16.4. Chapter 13 of the ES is responsible with assessing the impacts from the Proposed Scheme on the surrounding area from operational noise impacts during the reclamation works.

5.16.5. The noise study area for the assessment consists of a 300m offset from the Proposed Scheme RLB describing the area as rural with a small selection of residential and farming dwellings located nearby. These have been defined as sensitive receptors considering the potential noise impacts generated by the Proposed Scheme. The noise assessment completed focuses on noise levels during the construction phase stating vibrations were scoped out of the ES due to no potential sensitive receptors being located 100m from the Proposed Scheme. The Proposed Scheme during operational phase is not anticipated to cause additional noise levels and so has not been assessed. The baseline for the assessment measured the noise levels on site ranging from 41db to 48db.

Position	Measured Sound Pressure Levels (dB)		
	L <sub>Aeq,12h weekday daytime</sub>	L <sub>Aeq,4h weekday evening</sub>	L <sub>Aeq,8h night-time</sub>
A	48	46	41

5.16.6. A noise model was created to estimate the noise impacts during the construction phase of the works on site to ensure the levels would be suitable for those living nearby to the Proposed Scheme.

Receptor	Construction noise levels [dB(A)]		
	L <sub>Aeq,1h,typical</sub> Tip 1	L <sub>Aeq,1h,typical</sub> Tip 2	L <sub>Aeq,1h,typical</sub> Haul road
G Owens Farm	41	41	38
Ty Canol Farm	55	38	36

Receptor	Construction noise levels [dB(A)]		
	L <sub>Aeq,1h,typical</sub> Tip 1	L <sub>Aeq,1h,typical</sub> Tip 2	L <sub>Aeq,1h,typical</sub> Haul road
Cottages near Colliery Rd	55	40	20
MG-Watts Farm	51	39	28
Ynys Hywel Centre	41	42	38
Residents near B4251	38	38	38

- 5.16.7. From this model, construction noise levels at the closest sensitive receptor, Ty Canol Farm, were estimated to be 55db. In line with BS 5228-1, a 55db noise limit for daytime and evening working should be set for the Proposed Scheme.
- 5.16.8. As additional mitigation, residents will be given the contractors contact details if a complaint is to be made of which the contractor will monitor noise levels if concerns are raised. In addition, if noise levels are continuously breached, noise barriers will be installed at affected sensitive receptors. Construction will also only take place during the specified working hours to ensure noise levels are not breached.
- 5.16.9. In line with the planning policy highlighted, the Proposed Scheme adheres with paragraph 6.7.26 of the PPW ensuring site working hours are adhered to and the implementation of mitigation measures to reduce noisy plant where required. In regard to the CLDP, Policy CW23 is adhered to with vibrations from site being scoped out of the ES due to limited impacts being anticipated and so impacts to Mineral Safeguarding Areas are not anticipated. CW2 is also adhered to due to mitigation being in place to ensure any impacts to residential receptors are mitigated against as well as the Proposed Scheme being suitable for the site and an area for upland grazing.
- 5.16.10. In the context of the matters addressed above it is considered the Proposed Scheme is in accordance with the requirements of Paragraph 6.7.26 of the PPW and Policies CW23 and CW2 of the CLDP.

## 5.17 WATER ENVIRONMENT

- 5.17.1. At a national level, the PPW Section 6.6 makes reference to policy which protects people and properties from flooding which informs the decision making process as to future development locations and ensuring these are not in proximity to flood zones.
- 5.17.2. At a local level, the CLDP makes reference to CW5, Protection of the Water Environment, ensuring development does not cause adverse impact to the water environment or water quality.
- 5.17.3. A study area of 2k from the Proposed Scheme RLB was established for the baseline of the assessment.
- 5.17.4. The Proposed Scheme is in proximity to two main rivers namely Rhymney River and the Sirhowy River. Both main rivers are subject to Water Framework Directives (WFD). A number of ordinary watercourses have been identified within 2km of the Proposed Scheme including the Nant y Bwch and Nant Cwmhenfelin.

- 5.17.5. Surface water from the coal tips currently drains into a quarry pond located to the south of the Proposed Scheme through a system of concrete lined channels. The pond prevents coal waste reaching the Rhymney River of which any sediment collected is extracted on a regular basis by CCBC. Waterbodies located in the nearby area are affected by the historic mining on the site including the water quality of the Rhymney River.
- 5.17.6. The Proposed Scheme is found to be in a high Groundwater Vulnerability Area which allows the easy transmission of pollutants to the surrounding groundwater.
- 5.17.7. Two habitats have been identified which have a dependency on groundwater which are the Mynydd y Grug and Mynydd Bach Slopes SINC.
- 5.17.8. From the findings of a flood assessment, the Proposed Scheme is located within Flood Zone 1 having little to no risk of fluvial flooding. Small drainage channels located on the Tips are designated as Flood Zone 3 of which flows run southwards towards Trethomas. The haul road is not shown to be at risk of flooding from surface water.
- 5.17.9. The Proposed Scheme is expected to have negligible affects to hydromorphology with negligible impacts to downstream receptors. The Proposed Scheme will not physically alter any main rivers though due to an increase in infiltration, the impact is anticipated to be slight adverse.
- 5.17.10. Due to the transport of materials, there is the potential for material to impact water quality if these escape during transport. There is also the potential for dust, soil and pollutants to enter watercourses from vehicle movement which could reduce water quality and poison animals and plants found along the river banks. Excavation works during construction have the potential to disturb ground contaminates which could impact the main rivers nearby.
- 5.17.11. After the Proposed Scheme has been completed, decommissioning of the plant and other facilities is anticipated to have a negligible impact to water quality, hydromorphology and to contaminates entering nearby watercourses. The improved water drainage as per the Proposed Scheme is expected to have beneficial impacts replacing the current system which is falling into disrepair. As part of the Proposed Scheme, water quality is expected to be improved due to the removal or remediation of contaminated colliery spoil.
- 5.17.12. To mitigate against any potential affects, a set of specific mitigation has been created including:
- Creation of a CEMP to control spillage and contamination and the storage of hazardous materials which could impact watercourses nearby;
  - Water monitoring and backup pumps to reduce risk of flooding;
  - Creation of settlements ponds lined with clay and highly weathered shale to prevent leaching of contaminates;
  - Undertaking boreholes at nearby historic landfill to investigate further potential contamination from infiltration;
  - Materials used to form deposition area will be contoured to not affect existing drainage capacity;
  - Haul road will avoid watercourses eliminating direct effects; and
  - Maintenance of drainage system.
- 5.17.13. In regard to the planning policy highlighted, the Proposed Scheme is in line with Section 6.6 of the PPW not being located in Flood Zone 1 as well as not increasing the risk of flooding to other sensitive areas or causing further risk to residential receptors. At a local level, the Proposed Scheme adheres to CW5 through the set of mitigation provided ensuring watercourses do not become



contaminated by the works on site with the improved water drainage expected to provide beneficial impacts to water quality.

5.17.14. In the context of the matters addressed above it is considered the Proposed Scheme is in accordance with the requirements of Section 6.6 of the PPW and Policy CW5 of the CLDP.

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## 6 CONCLUSIONS

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### 6.1 NEED FOR THE DEVELOPMENT

- 6.1.1. There are considered to be clear and significant public benefits arising from the Proposed Scheme of which this Planning Statement explains such as the stabilisation of the existing colliery tips of which have been assessed to be at risk of collapse as has been seen at other sites such as Tylorstown.

### 6.2 MATERIAL CONSIDERATIONS

- 6.2.1. All other material considerations are discussed in this report and in more detail in the accompanying ES, DAS and other documents. Through careful design, supported by consultation (including a PAC exercise), the potential negative issues and impacts identified have been mitigated as far as possible.
- 6.2.2. There are no impacts on national or European protected sites and the proposed mitigation measures will ensure there is no impact on protected species. Impacts identified as part of the landscape and visuals chapter of the ES have been mitigated reducing the effect created from the change in landform. This change in landform brings with it benefits including the stabilisation of the colliery tips as well as being integrated with the existing contours of the site in comparison to present. As such, visual impacts during the construction and operational phases is outweighed by the safety and recreational benefits the site can bring.
- 6.2.3. The extraction of RCC was considered to be a material consideration to this Planning Application of which this Planning Statement has gone through the tests set out in MTAN1 and the Coal Policy Statement providing evidence for the extraction of coal from the site to fund the reclamation works.
- 6.2.4. A Common Land Consent application is to be sought separately to this Planning Application to allow works on site to commence at Mynydd y Grug Common. As part of this application, effort has been made to avoid the use of this area however for the site to be acceptable its inclusion is necessary.
- 6.2.5. It is considered that there are no outstanding fundamental planning issues that would prevent approval.
- 6.2.6. It is therefore considered that the applicant has taken account of all the key planning issues raised by the Proposed Scheme, that the submitted proposal is compliant with national and local planning policy and that environmental and other impacts have been addressed to acceptable levels.



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