

# Leek & Weston Ltd

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The Planning Inspectorate  
Crown Buildings  
Cathays Park  
CARDIFF  
CF10 3NQ

Our Ref: P/MA/NL/PINS/231215/RJL

Date: 23<sup>rd</sup> December 2015

Dear Sir or Madam

### TOWN AND COUNTRY PLANNING ACT 1990

#### **NANT LLESG SURFACE MINE, INCORPORATING LAND REMEDIATION – RHYMNEY - CAERPHILLY APPEAL AGAINST REFUSAL OF PLANNING PERMISSION CAERPHILLY COUNTY BOROUGH COUNCIL PLANNING REF: 13/0732/MIN**

I attach an appeal on behalf of Miller Argent (South Wales) Limited against the refusal of Caerphilly County Borough Council ("the LPA") to grant planning permission for the Nant Llesg Surface Mine, Incorporating Land Remediation on land west of Rhydney and north of Fochriw in the County Borough of Caerphilly.

The original planning application was submitted to the LPA on 10<sup>th</sup> October 2013. This was followed by two further submissions, being the First Addenda to the Environmental Statement on 9th January 2014 and the First Addenda to the Planning Statement and the Second Addenda to the Environmental Statement both submitted on 16th October 2014.

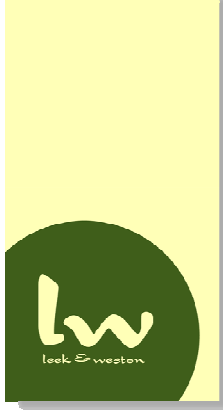
The following documents are enclosed:

#### **1. Appeal Documentation**

- This covering letter;
- Appeal Form – PINS Wales S78 (revised Sept 2014);
- Appeal Form Continuation Sheets with Grounds of Appeal and Personal Details (Section 3a – Appeal Site Ownership Details);
- Site Plan MA/NL/PA/001;
- Notice of Appeal under Article 10 of the Town and Country Planning (General Development Procedure) Order 2012;
- Certificate under Article 11 of the Town and Country Planning (General Development Procedure) Order 2012;
- DVD of the above documents.

#### **2. Original Planning Application – October 2013**

- Covering letter;
- Notice under Article 10 of the Town and Country Planning (General Development Procedure) Order 2012;
- Original Planning Application Documents:



- Planning Application Form App1 (Appendix MA/NL/PA/A002);
- Minerals Planning Application Form (Appendix MA/NL/PA/A002);
- Article 11 Certificates (Appendix MA/NL/PA/A002);
- Planning Statement (with Drawing MA/NL/PA/001 at 1:5000);
- Planning Application Appendices.

#### **Environmental Statement**

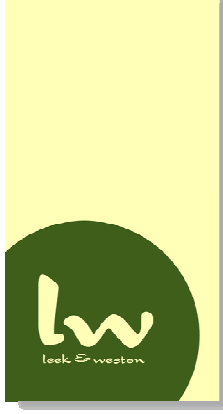
- Non-Technical Summary;
  - Environmental Statement (Volume I) (Parts 1 & 2);
  - Environmental Statement (Volume II): Appendices (Parts 1, 2 & 3).
- Planning Application and Environmental Statement Drawings (ES Volume III);
  - Health Impact Assessment (Appendix MA/NL/ES/A18/001);
  - Sustainability and Carbon Statement (Appendix MA/NL/ES/A19/001);
  - Tree and Woodland Impact Assessment (Appendix MA/NL/PA/A008);
  - Statement of Public Consultation;
  - Design and Access Statement.

### **3. Other Plans and Documents Sent to the LPA**

- Addendum to Environmental Statement – January 2014:
  - Covering letter;
  - Notice under Article 10 of the Town and Country Planning (General Development Procedure) Order 2012;
  - Addendum to Environmental Statement – Chapter 8 Ecology and Nature Conservation;
  - Errata.
- Addendum to Planning Statement and 2nd Addendum to Environmental Statement – October 2014:
  - Covering letter;
  - Notice under Article 10 of the Town and Country Planning (General Development Procedure) Order 2012;
  - Addendum to the Planning Statement;
  - Second Errata to the planning application and supporting documents.
  - Second Addendum to the Environmental Statement;
  - Non-Technical Summary of the Second Addendum to the Environmental Statement;
  - Drawings referred to in the Addendum to the Planning Statement and the Second Addendum to the Environmental Statement;
  - Appendices to the Addendum to the Planning Statement and the Second Addendum to the Environmental Statement (Volumes 1 & 2).

### **4. Relevant Correspondence with the LPA**

See list in Appeal Form Continuation Sheets and copy documents enclosed in response to Item 9 at Section K of the Appeal Form.



**5. Additional Plans, Drawings and Documents relating to the application but not previously seen by the LPA:**

Exchange of correspondence with the Brecon Beacons National Park Authority. This information is provided in support of the assessments made in the Second Addendum to the Environmental Statement and, as a result, does not require separate assessment. However, for the avoidance of any doubt they will be included in a further addendum to the Environmental Statement which will be advertised under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (as amended) in due course.

**6. Notice of the LPA refusing planning permission**

Planning Decision Notice of Caerphilly County Borough Council dated 7<sup>th</sup> August 2015.

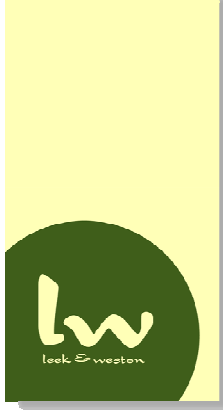
**7. Notice to the Local Planning Authority relating to the Appeal**

I confirm that copies of the appropriate appeal documents have today been sent to the Chief Executive and Case Officer of Caerphilly County Borough Council, along with electronic copies of the documents to be put on their website for inspection by members of the public, in accordance with Article 26 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012. Appropriate documents are to be placed on deposit at Caerphilly County Borough Council Offices as set out in the Article 10 Notice. Please note that in the Article 10 notice we have extended the response time to the 28<sup>th</sup> January 2016 due to the holiday season. We trust this meets with your approval.

A copy of our covering letter to Caerphilly County Borough Council is attached.

It was originally proposed in the planning application that the extent of coal permitted to be exported by road from the Cwmbargoed Disposal Point be limited to 50,000 tonnes, and a condition was proposed to be incorporated in the permission to that effect. This condition was consistent with the conditions imposed on the adjoining Ffos-y-fran Land Reclamation Scheme. Since the date of the planning application, the demand for coal to be delivered by road has increased. As a result the appellant now proposes to make a minor change to the planning application to include deliveries of up to 145,000 tonnes per annum of coal by road from the Cwmbargoed Disposal Point, from both the Nant Llesg Surface Mine and the Ffos-y-fran Land Reclamation Scheme. However, the currently proposed and assessed daily limit of 20 two way vehicle movements per day will not be sought to be increased. Having discussed this minor change in the application with our expert environmental consultants it will not result in any further significant adverse environmental effects to those already assessed in the Environmental Statement and its addenda. However for the avoidance of doubt this will be confirmed via the publication of a further addendum to the Environmental Statement, which will be advertised under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (as amended) in due course. The local planning authority and third parties will therefore have an opportunity to comment on this minor change in the application and their views will be able to be taken into account in determining the appeal. This minor change to the application in the early stages of this appeal will not prejudice any parties and is accordingly permissible pursuant to the principles in *Bernard Wheatcroft Ltd v Secretary of State for the Environment* JPL, 1982, P37. We would therefore be grateful if this minor change could be considered in determining the appeal.

Simultaneously with this appeal, we have made an application under s.247 of the Town and Country Planning Act 1990 in relation to the stopping-up and provision of highways (public rights of way) affected by the planning application, and we have made application for consent for works to be carried out on Common Land (CL38) under s.38 of the Commons Act 2006. A Copy of the s.247 application is enclosed. In the interests of the environment a copy of the s.38 application is not enclosed as this is made to the Planning Inspectorate in any event. In order to



ensure the most efficient progression of this appeal and to minimise the resource requirements of all parties, we would request that any inquiry is conjoined with those other matters.

Should you wish to discuss any aspect of the appeal, please do not hesitate to contact me.

Yours faithfully

A handwritten signature in black ink, appearing to read 'R Leek'.

Roger Leek for  
**Leek & Weston Ltd**