

Head of Planning and Development
Torfaen County Borough Council
Planning Division
Y Ganolfan Ddinesig
Pont-y-Pŵl
NP4 6YB



**Response to the Glamorgan Power planning proposal
to Torfaen County Borough Council -
Varteg land reclamation/coal recovery scheme
Application reference: 14/P/00637**

16 December 2014

Annwyl Madam/Syr,

Herein is a representation from Friends of the Earth Cymru in response to the application to mine, by opencast, 256,000 tonnes of coal from Varteg Hill.

We do not consider the application to conform to planning policy and request that Torfaen County Borough Council **rejects** the application. In particular, the application:

- Misrepresents government energy policy to claim support for coal, when the opposite is true: energy policy is strongly in favour of rapid decarbonisation
- Fails entirely to recognise the climate change impacts of coal, not least its cause of lasting environmental damage; and assessed alternatives without considering the climate change impacts, which renders the assessment of alternatives void
- Provides no consideration of how the extraction of coal will be rendered carbon neutral, which is a condition of Planning Policy under MTAN 2: Coal
- Places a wholly unacceptable burden of noise on Ysgol Bryn Onnen at levels likely to create severe learning disruption for a period of up to four years
- Fails to even consider the air pollutant PM2.5 even though it is an EU limit value pollutant, and considers air pollution to be harmless when its own HIA proves the contrary
- Will have a major detrimental impact on landscape and visual amenity
- Is likely to have a devastating, permanent effect on the protected ecological resources of the area, with restoration of habitats and species – if it occurs at all – taking up to 100 years
- Provides no details of compensation or mitigation for loss of access land

Yn gywir,



Gareth Clubb
Cyfarwyddwr – Cyfeillion y Ddaear Cymru

Climate change

1. In order to justify the extraction of coal, the applicant quotes [5.1.4] government energy policy from Mineral Planning Policy Wales, which itself quotes from UK Government guidance dated 1998 and therefore predating the existence of the National Assembly for Wales and Welsh Government:
“While UK coal is available and the generators continue to choose it, UK coal contributes to energy diversity and supply”.
2. The applicant also quotes [5.1.5] from an Energy Review dated 2006 which has been superseded by not just one, but by two Energy White Papers.
3. Worryingly, the applicant then uses reference to policies variously 8-16 years old to attempt to claim that coal could conceivably make a contribution to *“reducing carbon emissions as part of the Welsh Government’s approach to tackling climate change”* [5.1.6].
4. Members and planning officials alike at Torfaen County Borough Council will be aware of the latest information from the Intergovernmental Panel on Climate Change, which notes that:
*“the coal industry, producing **the most carbon-intensive of products**, faces almost inevitable decline in the long term”¹*
5. This forecast of decline is echoed by the OECD and International Energy Agency (IEA) assessment of the prospects of coal in the medium term. The IEA notes that prices for European coal have collapsed from \$120 per tonne in March 2011 to \$70-80 per tonne through 2014:
“In 2014, coal oversupply persists and very low coal prices continued to dominate”²
“The coal renaissance in Europe was only a dream... coal use increase in Europe in recent years was a temporary spike... after 2012, coal demand began to decline due to moderate economic growth, energy efficiency gains, increasing renewable energy sources and coal plant retirements. Nothing new has happened to change our views”³.
6. The demand for coal outlined in the application is collapsing as coal plants retire. Even the trade association for the energy industry, and cheerleader for the coal sector, Energy UK, concedes:
“In the UK, thirty one percent of electricity currently comes from coal-burning power stations. However, a third of these power stations are expected to close by 2016 so that they meet EU air quality legislation. This means that Britain will become less reliant on coal as a source of energy and will need to look at alternative energy sources”⁴.
7. The foundation of this application – that energy policy supports an expansion of coal use in general and opencast in particular – is wholly without foundation. The policies are out of date and have been supplanted in planning terms by both the Energy Act (2013) and Welsh Government energy policy which clearly state a direction of decarbonisation – an aim in which coal cannot conceivably have the slightest future other than when used in combination with carbon capture and storage.

¹ <http://www.ipcc.ch/ipccreports/tar/vol4/index.php?idp=196>

² <http://www.iea.org/Textbase/npsum/MTCMR2014SUM.pdf> p11

³ <http://www.iea.org/Textbase/npsum/MTCMR2014SUM.pdf> p12

⁴ <http://www.energy-uk.org.uk/energy-industry/coal-generation.html>

8. A series of papers entitled “*Policy briefs covering the main measures included in the Energy Act*”⁵ is instructive.
9. The policy brief on the Emissions Performance Standard⁶ apprises:
“The EPS will support the planning policy requirement that any new coal-fired power station must have a proportion of its capacity equipped with Carbon Capture and Storage, sending a clear regulatory signal that any new coal-fired power station must be constructed and operated in a way consistent with our decarbonisation objectives”.
10. The policy brief on Decarbonisation⁷ notes:
“The Government announced in November 2012 a landmark agreement on energy policy that will deliver a durable, long-term signal to investors... to set a decarbonisation target range for 2030”.
11. The 2011 White Paper⁸ which preceded the Energy Act refers to coal as follows:
*“Although coal **may** have an important role to play within the UK’s diverse generation mix, it is **important it does so in a manner which complements the transition to a low-carbon economy**”.*
12. Clearly, producing coal for combustion in an unabated manner does not “complement the transition to a low-carbon economy”.
13. Both UK Government energy policy and Welsh Government energy policy have strong steers towards decarbonisation.
14. As such, unless and until such time as customers for Glamorgan Power’s coal can confirm that they are using abatement techniques for reducing the greenhouse gas emissions associated with combustion of this coal (such as carbon capture and storage), **the major adverse climate change consequences of extracting coal from this opencast must be a material factor in determining this application.**
15. MTAN 2 Coal states⁹ that:
“The release of climate change gases, such as methane, from the extraction of coal, should be considered by the MPA... Applicants should mitigate the carbon produced by the extraction process, making the extraction operation itself carbon neutral... in very broad terms, an opencast producing 100,000 tonnes of coal per year could make this carbon neutral by planting an additional half hectare of trees”.

⁵ <https://www.gov.uk/government/publications/energy-bill-policy-briefs>

⁶ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/266882/EPS_Policy_Brief_RA.pdf

⁷

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/266868/Decarbonisation_Policy_Brief_RA.pdf

⁸ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/48129/2176-emr-white-paper.pdf

⁹ <http://wales.gov.uk/docs/desh/policy/090120coalmtanen.pdf> para 225

16. This would suggest that the extraction of 256,000 tonnes of coal would necessitate, for example, the planting of an additional 1.25 hectares of trees in order to achieve carbon neutrality.
17. No indication has been made of the steps that the applicant will take to make the extraction operation carbon neutral.
18. As such, the application does not comply with MTAN 2 Coal planning policy and should be **rejected**.
19. The applicant correctly notes that opencast coaling “*should not be approved*” [5.1.8] if there is “*lasting environmental damage*”.
20. The calorific value of coal from nearby Ffos-y-Fran is around 30GJ per tonne¹⁰.
21. Indirect greenhouse gas emissions associated with the combustion of this coal are 15.61kg CO₂e/GJ¹¹. This works out to be 468.3kg per tonne¹².
22. Direct greenhouse gas emissions associated with the combustion of this coal are 2,308kg CO₂e/tonne¹³
23. Total greenhouse gas emissions associated with the combustion of this coal are therefore 2,776.3kg CO₂e/tonne.
24. Combustion of 256,000 tonnes of coal will result in the emission of 711,000 tonnes of CO₂e of greenhouse gases.
25. To put this into perspective, the annual emissions associated with the public sector (principally heating¹⁴) in Wales are in the region of 440,000 tonnes of CO₂e¹⁵.
26. The coal that Glamorgan Power hopes to extract from Varteg will therefore have an equivalent impact on the global atmosphere as more than 18 months’ worth of the heating needs of every public sector building in Wales.
27. There is no doubt that greenhouse gases cause lasting environmental damage. The IPCC provides a synopsis of the latest peer-reviewed analysis of observed impacts of climate change thus far¹⁶.

¹⁰ http://www.millerargent.co.uk/client_files/default/21942_miller_argent_dry_steam_leaflet.pdf

¹¹ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/224437/pb13988-emission-factor-methodology-130719.pdf

¹² 30 x 15.61

¹³ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/338752/Annex_A.pdf p232

¹⁴ http://uk-air.defra.gov.uk/assets/documents/reports/cat07/1406100827_DA_GHGI_1990-2012_Report_Issue1.pdf

defined, for example, on page 25

¹⁵ http://uk-air.defra.gov.uk/assets/documents/reports/cat07/1406100827_DA_GHGI_1990-2012_Report_Issue1.pdf

pxv

¹⁶ http://www.ipcc.ch/pdf/assessment-report/ar5/wg2/ar5_wgII_spm_en.pdf

28. Climate change is a material consideration in determining planning applications. Indeed, Planning Policy Wales states the following:
“1.2.2 The planning system must provide for an adequate and continuous supply of land, available and suitable for development to meet society’s needs. It must do this in a way that pays regard to:
- *overall sustainability principles (see 4.3), outcomes (see 4.4) and objectives (see 4.4 and 4.6), **paying particular attention to climate change as a key sustainability concern (see 4.5)**”¹⁷*
29. Planning Policy Wales goes on to state principles that Welsh Government expects “*all those involved in the planning system to adhere to*”:
- *taking a long term perspective to safeguard the interests of future generations, whilst at the same time meeting needs of people today;*
 - *respect for environmental limits, **so that resources are not irrecoverably depleted or the environment irreversibly damaged. This means, for example, mitigating climate change, protecting and enhancing biodiversity, minimising harmful emissions, and promoting sustainable use of natural resources;***
 - *tackling climate change by reducing the greenhouse gas emissions that cause climate change and ensuring that places are resilient to the consequences of climate change”*
30. Planning Policy Wales also makes clear:
*“4.5.1 Tackling climate change is a fundamental part of delivering sustainable development. **Climate change is one of the most important challenges facing the world and the Welsh Government has made a commitment to tackling climate change, resolving that the Government and people of Wales will play the fullest possible part in reducing its carbon footprint (see 1.4.4).** Our commitment to action on climate change is based on a scientific imperative to act and to act urgently to reduce greenhouse gas emissions and deal with the consequences of climate change... We are also committed to achieving at least a 40% reduction in all greenhouse gas emissions in Wales by 2020 against a 1990 baseline...”*
31. There can be no doubt that the proposed development runs directly contrary to planning policy and to the Welsh Government’s intentions to achieve at least a 40% reduction in greenhouse gases by 2020.
32. We therefore recommend that the planning authority **reject this application on the basis of climate change impacts as a cause of lasting environmental damage and a major sustainability concern.**

Consideration of alternatives

33. Glamorgan Power are aware that climate change is a material consideration for planning purposes. Yet in their 20-page dossier considering alternatives, they have not once mentioned climate change. They have therefore failed to balance the alternatives fairly, because the climate consequences of combustion and extraction of the coal as proposed have been accorded zero weight in their

¹⁷ <http://wales.gov.uk/docs/desh/publications/140731planning-policy-wales-edition-7-en.pdf>

adjudication as to whether or not the ‘do nothing’ option is a viable alternative. As such the application should be **rejected**.

Noise impact

- 34. The applicant asserts that World Health Organisation guidelines form the basis for Welsh planning guidance on noise [8.4.4-8.4.5].
- 35. The applicant will therefore also be aware of the WHO noise guidelines for schools and pre-schools, which state that:
“To be able to hear and understand spoken messages in classrooms, the background sound pressure level should not exceed 35 dB LAeq during teaching sessions. For hearing impaired children, an even lower sound pressure level may be needed”¹⁸.
- 36. Hearing loss is apparent in 4.3% of children¹⁹. With 226 on the roll at Ysgol Bryn Onnen²⁰, we might assume that in the region of 10 children suffer a hearing impairment. So 30dB should be the absolute maximum background sound for the school – and realistically something in the region 25dB should be more appropriate.
- 37. The noise maps in the application show the noise level at the façade of Ysgol Bryn Onnen. They are shown in the Table below:

Phase of coal mine	Scenario a	Scenario b	Scenario c
1	55dB for 5 weeks ²¹	45dB for 7 weeks ²²	45dB for 20 weeks ²³
2	45dB for 25 weeks ²⁴		
3	40dB for 53 weeks ²⁵		
4	40dB for 32 weeks ²⁶	50dB for 6 weeks ²⁷	
Minimum disruption	89 weeks	1 year 8 months	
Maximum disruption	130 weeks	2 years 5 months	

- 38. However, revised noise maps also indicate that if the ground is what is termed ‘hard ground’, rather than ‘soft ground’, **the modelled noise will be up to 55dB for the entire duration of the project²⁸**.
- 39. Given the circumstances of teaching, it is impossible to assume that windows will remain closed constantly for the entirety of any period of time, and particularly during the period March-October.

¹⁸ <http://www.who.int/docstore/peh/noise/Comnoise-4.pdf> p61

¹⁹ <http://www.patient.co.uk/doctor/deafness-in-children>

²⁰ <http://www.ysgolbrynonnen.com/cms/news/downloadaddoc.asp?DocRef=845&DocCount=13&MediaFolder=news>

²¹ <http://www.planapps.torfaen.gov.uk/Varteg/Documents/Volume%202/ES%20Chapter%208%20-%20Noise%20Impact%20Assessment.pdf> fig 8.6

²² Fig 8.7

²³ Fig 8.8

²⁴ Fig 8.9

²⁵ Fig 8.10

²⁶ Fig 8.11

²⁷ Fig 8.12

²⁸ Figs 8.13-8.19

40. Education also takes place outside – particularly during the formative Foundation phase. Such education will be extremely disrupted by the expected noise levels.
41. As a result we strongly contest the applicant's conclusion [15.3.3] that:
“With regard to noise although noise levels are expected to increase during the coal extraction phase this increase will not be sufficient to exert an influence on health apart from annoyance experienced by those in nearby sensitive receptors”.
42. We consider the disruption to Ysgol Bryn Onnen to be totally unacceptable and request that the planning authority **reject** this application.

Air quality

43. The applicant has considered two ‘pollutants of concern’: correctly, they assess nitrogen dioxide on the basis of both annual mean concentration and one-hour mean concentration; and PM10 on the basis of annual mean concentration and 24-hour mean concentration. The applicant describes the limits for these pollutants as “EU limit values which are mandatory”.
44. However, the other pollutant that should have been considered and for which an EU value exists is PM2.5. This pollutant has been assigned a ‘target value’ since January 2010, and becomes assigned a ‘limit value’ on 1 January 2015²⁹. It is wholly remiss of the applicant to ignore a limit value that will become a legal requirement from before the date of onset of works, even if the applicant had hoped to obtain planning permission prior to that date.
45. This omission is all the more striking given the Health Impact Assessment's statement³⁰ that:
“Short-term and long-term exposures to ambient concentrations of particulate matter in the urban atmosphere are associated with a number of health outcomes, as described in the literature review. These include respiratory and cardiovascular illness and mortality. The associations are believed to be causal. It is not currently possible to discern a threshold concentration below which there are no health effects on the population. The impact of particulate matter depends on the size of the particles. For particles with diameter of 10 microns and below (PM10), inhalation and penetration into the thoracic region of the respiratory tract are likely to occur. Recent reviews by the World Health Organization and the Committee on the Medical Effects of Air Pollutants (COMEAP) have suggested exposure to a finer fraction of particles (PM2.5) give a stronger association with many of the observed ill-health effects”.
46. These concerns are further enhanced by new research that strongly implicates both PM10 and PM2.5 as causative factors for mortality, particularly among elderly people, people with

²⁹ <http://ec.europa.eu/environment/air/quality/standards.htm>

³⁰

<http://www.planapps.torfaen.gov.uk/Varteg/Documents/Supporting%20Documents/Varteg%20Hill%20HIA%20Final%20Draft.pdf> pp39-40

cardiovascular problems, and during the summer. In summer there was a 7.2% increase in cardiovascular mortality for each 10 µg/m³ increase in particulate air pollution³¹.

47. Not least because of this grave deficiency in the application in relation to PM2.5, we find it impossible to agree with the applicant's conclusion [15.3.2] that:
"air quality is unlikely to be affected sufficiently to harm human health. [The HIA] states that scientific literature demonstrates that dust from opencast mining does not have a direct affect on health but there may be annoyance associated with increased dust deposition rates at sensitive receptors".
48. More seriously, this statement is in direct contradiction with the facts as presented by the applicants themselves. The HIA categorically states that air pollution – particularly particulate emissions – have a direct effect on health, including *"respiratory and cardiovascular illness and mortality"* (see above).
49. As a result of both the applicant's total failure to have due regard to the serious consequences of air pollution on health and their failure also to conduct an air quality assessment to the minimum acceptable standards we urge the planning authority to **reject** the application.

Landscape and visual impact

50. Planning Policy Wales states that one of the three priorities for rural areas is:
"an attractive, ecologically rich and accessible countryside in which the environment and biodiversity are conserved and enhanced".
51. The applicant acknowledges [11.10.1]that:
"there will be significant impacts on the landscape and on visual receptors whilst [the mine] is in operation".
52. Major adverse impacts are foreseen for six viewpoints [11.9.35], and moderate adverse impacts for eight further viewpoints [11.9.36], for the duration of the operational phase (roughly four years). Major adverse impacts will also blight three viewpoints for between one and five years after the end of operations [11.9.38-11.9.39].
53. Moderate adverse impacts are anticipated for upland grazing areas – defined in section 11.9.9 of the applicant's statement³² as *"having a high overall sensitivity"*.
54. Moderate adverse impacts are also expected for public rights of way and access land [11.9.20] – again, areas defined as having a high overall sensitivity, and:
"much of the access land will remain closed to allow establishment of vegetation"

³¹

http://ec.europa.eu/environment/integration/research/newsalert/pdf/French_study_reveals_deadly_effects_of_particulate_matter_pollution_397na4_en.pdf

³² <http://www.planapps.torfaen.gov.uk/Varteg/Documents/Volume%202/ES%20Chapter%2011%20-%20Landscape%20and%20Visual%20Impact.pdf>

55. So for a total of up to nine years, major adverse visual impacts will be visited upon landscapes of high sensitivity. There will also be moderate impacts– which should influence decision-making if they lead to an increase in the overall adverse effect – for up to a decade on tourists and locals alike travelling on local roads and enjoying the World Heritage Site and National Park. This is a material consideration for consideration by the planning authority.
56. In light of the very important major adverse landscape and visual impacts, and the cumulative moderate impact on people from a large number of vantage points including the World Heritage Site and National Park, it is difficult to see how our landscape and visual concerns have been addressed by the applicant.
57. Taking the landscape and visual impacts into full consideration, and Planning Policy Wales’ priority for an attractive, accessible countryside in which the environment is conserved and enhanced, the planning authority should **reject** this application.

Ecology

58. We have concerns that the repeated references to the Countryside Council for Wales [12.3.6-12.3.10] – despite that organisation’s demise on 31 March 2013 – suggests that the information in the report is nearly two years out of date. We should like a full reassessment of the sections that are relevant to the views of the Welsh Government’s statutory environmental advisor.
59. We are also very concerned that much of the information is nearly a decade out of date. Much of the work to inform the ecology report dates from 2005, with some update of species records for 2010 and 2014. No detailed habitat assessment has taken place since 2005, nor any survey of lichens, or bryophytes, or birds, or badgers, otters, water voles, odonata (dragonflies) or white clawed crayfish. No date is given for the survey of the Silurian moth in the ecological assessment, and the survey itself is not available online, with the link leading to a site declaring “the request is not supported”.
60. The report confirms [12.3.33 and 12.3.35] that acidic grassland on the site (a Section 42 and LBAP Priority Habitat) is:
“species rich, containing many of the typical species, and offers habitat opportunities for a range of fauna... The natural character of the habitat and the absence of any untypical species indicates that the vegetation is of high quality.”
61. Within the marshy grassland [12.3.40], which is described as a priority Section 42 habitat:
“marshy vegetation is particularly species rich and contains a good number of characteristic species”
62. Further Section 42 habitats include a mosaic of dry heath/acid grassland; dry heath; and acid flush [12.4.1].
63. Following the 2014 survey, heath vegetation on the site is also included as a BAP Priority Habitat [12.3.54].

64. A place on this Priority Habitat list indicates that such habitat requires “*special protection*”³³. Under section 40 of the Natural Environment and Rural Communities Act 2006, decision makers must “have regard to” the conservation of biodiversity in all their activities. During the determination of this planning application the conservation of the ecology, including the priority habitats, of this site must therefore be a material consideration.
65. The presence of the following species on the site reinforces the importance of this location for nature conservation:
- Eight species of lichen described as Nationally Scarce [12.3.56]
 - Dartford Warbler, a Schedule 1 species
 - Skylarks, lapwings, cuckoos, grey partridges, song thrushes, linnets, reed buntings and dunnocks – each breeding on site and each of which is a Section 42 species of Principal Biodiversity Importance in Wales [12.3.67]
 - Eleven species of moths protected under Section 42 [12.3.106] (also noted to be 13 species [12.4.1])
 - Scarce blue-tailed damselfly (a Red Data Book species that is nationally scarce) [12.3.109]
66. The applicant acknowledges that colonisation of this site has taken 50-100 years [12.5.4], and therefore we might expect some sort of re-colonisation to take place over the next century. However, it is extremely unlikely – not least given the impact of climate change that the extracted coal will aid – that the assemblage of habitats, plants and animals present will ever return.
67. The applicant concedes that there will be major negative impacts for habitats and biodiversity [12.5.23, 12.5.60, 12.5.97].
68. Very large portions of the ecological assessment are by now nearly a decade out of date. The ecological assessment must be undertaken again in full.
69. On ecological grounds alone, given the statutory requirement for the planning authority to have regard to conservation of Section 42 habitats and species, the application should be **rejected**.

Social and health impact

70. We can detect no mitigation nor compensation for the loss of access land, nor has it become obvious through our assessment of the application of the extent of access land that will be withdrawn from public access through the proposed development.
71. The applicant should provide a clear statement of mitigation and provision of alternative access land for the benefit of residents and tourists.
72. Without this statement of ways in which the applicant will protect access rights, the application should be **rejected**.

³³ <http://www.biodiversitywales.org.uk/49/en-GB/Section-42-Lists>