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County Hall
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8 December 2019

CONFIDENTIAL

Dear Mr Eirug,

Proposed remediation works at Abbey Consols Mine, Pontrhydfendigaid

The Town and Country Planning (Environmental Impact Assessment) Regulations 2017

The Town and Country Planning (General Permitted Development) Order 1995

I write on behalf of Natural Resources Wales (NRW) to request from Ceredigion County Council (CCC) an Environment Impact Assessment (EIA) Screening Opinion (The Town and Country Planning (Environmental Impact Assessment) Regulations 2017), as well as written confirmation of Permitted Development Rights (PDR) (The Town and Country Planning (General Permitted Development) Order 1995) for proposed remediation works at the abandoned Abbey Consols Mine near Pontrhydfendigaid (SN 74288 66114).

Project background

Abbey Consols is a significant source of pollution to the River Teifi, discharging approximately two tonnes of harmful metals (primarily zinc) each year. The river subsequently fails European Water Framework Directive standards for ~14km downstream of the mine. The two primary sources of pollution are a minewater discharge from the underground workings via the buried adit and run-off from areas of exposed mine waste.

NRW has commissioned WSP to design remedial works to improve safety of land at the site and permanently reduce pollution, thereby improving water quality in the River Teifi. Full details of the proposed works, including outline design drawings, are available in the enclosed Environmental Constraints and Opportunities Record (ECOR). In summary they include:

- Improved capture of minewater from the buried adit entrance enabling transfer to a treatment system, reducing flow through the waste tips and the likelihood of a 'blow-out';
- Construction of a minewater treatment system, including access track, to remove metals from the minewater before discharge to the River Teifi; and

- Excavation, re-profiling and capping of the mine waste tips with an impermeable cap, including improved drainage and groundwater control across the site.

Environmental Impact Assessment (EIA) Screening - The Town and Country Planning (Environmental Impact Assessment) Regulations 2017

An Environmental Screening and Scoping Assessment has been undertaken (enclosed ECOR). This concluded that, due to the relatively small scale of proposed works, the steps that will be taken to avoid, reduce and mitigate potential impacts and with the aim of the project being to reduce pollution from the site, the development is unlikely to have significant adverse effects on the environment. It is therefore our view that the scheme does not constitute EIA development and does not require an Environmental Statement in accordance with The Town and Country Planning (Environmental Impact Assessment) Regulations 2017. It would be appreciated if CCC confirm whether they support this EIA Screening Opinion.

Whilst significant environmental impacts are not anticipated to arise from the proposed works, it is acknowledged that for certain environmental receptors there is potential for impact to occur. In order to manage these risks and in accordance with NRW's good practice, further targeted environmental surveys and assessments are proposed that will inform the scheme's Environmental Action Plan (EAP). The proposed scope of environmental surveys and assessments to be undertaken can be found within Section 4 of the enclosed ECOR. The EAP will ensure that risks of environmental impact associated with the scheme are appropriately managed.

Permitted Development Rights (PDR) - The Town and Country Planning (General Permitted Development) Order 1995

NRW considers that the proposed development benefits directly from PDR, namely Part 2 (Minor Operations) and Part 19 (Development Ancillary to Mining Operations) of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995.

Part 2 Class B permits: ***"The formation, laying out and construction of a means of access to a highway which is not a trunk road or a classified road, where that access is required in connection with development permitted by any Class in this Schedule (other than by Class A of this Part)."***

In reflection of the above, it is considered that the new section of road required to access the minewater treatment system would benefit from PDR under Part 2 Class B.

Part 19 Class C permits: ***"The carrying out with the prior approval of the mineral planning authority of development required for the maintenance or safety of a mine or a disused mine or for the purposes of ensuring the safety of the surface of the land at or adjacent to a mine or a disused mine."***

Subject to prior approval of CCC as the mineral planning authority, it is considered that the other elements of the proposed remediation works beyond the proposed access and including the improved minewater capture, construction of a minewater treatment system, capping of the exposed mine waste and improved drainage across the site would benefit from PDR under Part 19 Class C.

These works collectively represent maintenance activities aimed at improving the quality of water discharged from the disused mine, whilst also making improvements to the safety of the site and adjacent land through reducing the risk of blow-out from the blocked adit, whilst also isolating the highly contaminated mine waste beneath an engineered, impermeable cap.

Owing to the River Teifi Special Area of Conservation (SAC) lying within influencing distance of the site and in accordance with Regulation 63 of the 2017 Habitats Regulations, WSP on behalf of NRW has completed a Test of Likely Significant Effect (TLSE) as part of a Habitat Regulations Assessment (HRA) (otherwise referred to as 'screening assessment'), copy attached. This concluded that the proposed works are likely to have a significant effect upon the River Teifi SAC. We are currently undertaking an HRA Appropriate Assessment (AA), where mitigation measures will be considered. We are content to share a copy upon completion.

Given the TLSE has concluded a Likely Significant Effect, it is our understanding, in accordance with the Town and Country Planning (General Permitted Development) Order 1995, approval must be gained from CCC that PDR still applies.

In summary, we would be grateful that CCC provides:

- An EIA Screening Opinion - The Town and Country Planning (Environmental Impact Assessment) Regulations 2017;
- Written confirmation that the proposed works fall under Part 2 Class B and Part 19 Class C of the Town and Country Planning (General Permitted Development) Order 1995; and
- Subject to CCC acknowledging the proposed works benefit from PDR, we subsequently seek CCC opinion on whether PDR continues to apply given findings of the HRA TLSE.

We would be pleased to meet with you to discuss these matters further if it would be helpful to do so.

Please let me know if you require further information to allow you to give this matter full and due consideration.

Kind regards



Rebecca Gallie
Senior Environmental Consultant

Encl.
Appendix A – WSP Environmental Constraints & Opportunities Record
Appendix B - *****Information to Inform Habitat Regulations Screening*****