

Mr Stephen Tillman  
Director  
Miller Argent (South Wales) Limited  
Cwmbargoed DP  
Fochriw Road  
Merthyr Tydfil  
CF48 4AE

Eich cyf . Your ref:

Ein cyf . Our ref: : A-PP152-07-014

Dyddiad . Date. 11 April 2005

Dear Mr Tillman

**TOWN AND COUNTRY PLANNING ACT 1990:SECTION 77  
APPLICATION BY MILLER ARGENT (SOUTH WALES) LIMITED  
FOR THE FFOS-Y-FRAN LAND RECLAMATION SCHEME, INCORPORATING  
THE EXTRACTION OF COAL BY OPENCAST METHODS, AND BEING THE  
FINAL PHASE OF THE EAST MERTHYR RECLAMATION SCHEME**

1. Following the meeting of Planning Decision Committee (2) 2005/2 on 3 February 2005 to consider the above application a letter dated 7 February 2005, from Carwyn Jones AM Chair of that Committee, was sent to you indicating that following consideration of the report of the Inspector Clive Nield BSc, CEng, MICE, MCIWEM who held a local inquiry into the application, the Planning Decision Committee was minded for the reasons given in the letter to allow, subject to conditions, the application subject to the submission of a completed planning obligation under Section 106 of the above mentioned Act, to include provisions for a financial guarantee to ensure the restoration of the site in the event of the failure of the developer, the taking on of liabilities associated with waste tips on the site and the establishment of a local liaison committee. A copy of that letter is enclosed at Annex A to this letter which also includes a reproduction of the Inspector's conclusions set

Parc Cathays  
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CF10 3NQ

Cathays Park  
Cardiff  
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out in that report. A copy of the Inspector's report was previously enclosed with the letter of 7 February 2005.

2. The letter of 7 February 2005 indicated that on receipt of a satisfactorily completed planning obligation, a grant of planning permission implementing the Planning Decision Committee's decision would issue. At its meeting on 3 February 2005 the Planning Decision Committee agreed that the question of whether any agreement subsequently submitted met the requirements set out in that letter, and any administrative matters relating to the precise wording of conditions to be imposed and the issue of the planning permission could be dealt with by officials.

3. Your letter of 22 February 2005 to the Assembly's Planning Division enclosed a copy of a proposed draft Section 106 Agreement. Following correspondence between you and officials of the Assembly's Planning Division about matters of detail in relation to the draft agreement, and conditions to be attached to a grant of planning permission, a copy of a signed agreement dated 30 March 2005 between Miller Argent (South Wales) Limited and Miller Argent Nominee (No. 1) Limited and Merthyr Tydfil County Borough Council was submitted to the Assembly's Planning Division on 31 March 2005. I am satisfied that this agreement provides a satisfactory completed planning obligation for the purposes of securing the benefits referred to in paragraph 14 of the letter of 7 February 2005 taken account of by the Planning Decision Committee as benefits favouring the grant of planning permission.

4. As indicated at paragraphs 12 and 13 of the letter of 7 February 2005, subject to amendments to suggested condition 34 and 60 in the Annex to the Inspector's report, the Planning Decision Committee agreed with the Inspector that the conditions listed in the Annex to his report would provide adequate and necessary controls over working methods aiming at minimising and mitigating impacts on the environment and local amenity. The conditions as agreed by the Planning Decision Committee are to be imposed subject to the amendments set out in paragraph 5 below.

5. In your letter of 22 February 2005, enclosing a copy of the proposed draft Section 106 Agreement, you referred to your assumption that proposed planning condition relating to the liaison committee (58) and restoration guarantee (60) would be removed to avoid any duplication in any forthcoming consent. With regard to those matters I can confirm the position as that set out in our letter to you of 8 March 2005. I consider that condition 58 should be retained as the provision in Schedule 2 of the Agreement differs from the condition approved by the Planning Decision Committee particularly in that the condition requires that the developer shall establish a liaison committee. As regards condition 60 I consider that this could be removed as its requirements would be met by the provision in Schedule 2 of the Agreement.

#### FORMAL DECISION

6. For the reasons given in the letter of 7 February 2005 from the Chair of Planning Decision Committee (2) 2005/2, and subject to the comments on conditions indicated above, I hereby grant planning permission, implementing the decision of the Planning Decision Committee set out in that letter, in respect of planning application Ref. 030225 dated 30 April 2003 for the Ffos-y-fran Land Reclamation Scheme, incorporating the extraction of coal by opencast methods, and being the final phase

of the East Merthyr Reclamation Scheme on land situated at Ffos-y-fran, East Merthyr, subject to the conditions at Annex B to this letter.

7. This letter, a copy of which has been sent to the Head of Planning Merthyr Tydfil County Borough Council, does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

Yours faithfully

**R O Evans**

Head of Branch 1, Planning Division

Enc: Leaflets "H" and "HC"