

Mr Hugh James

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Eich cyf . Your ref: WPS/SAT/WAL320/27

Ein cyf: Our ref: A-PP152-98-003

Date: 6 July 2004

Dear Sir

Town and Country Planning Act 1990:

Section 78 appeal by Walters Mining Limited

For reclamation of derelict land accompanied by extraction, processing and sale of coal and sandstone on land at Winch Fawr West, Winch Fawr Road, Heolgerrig, Merthyr Tydfil

1. Consideration has been given to the report of the Inspector, Andrew Phillipson BSc CEng FICE MIHT, who held a public local inquiry into your client's appeal under Section 78 of the Town and Country Planning Act 1990 (the 1990 Act) against the decision of Merthyr Tydfil County Borough Council to refuse planning permission for the reclamation of derelict land accompanied by extraction, processing and sale of coal and sandstone with associated storage of soils and overburden, construction of water treatment areas and office accommodation at Winch Fawr West, Winch Fawr Road, Heolgerrig, Merthyr Tydfil
2. On 15 October 2002 a direction was issued by the Planning Inspectorate that the appeal should be determined by the National Assembly rather than by a planning Inspector. On 22 June 2004 the National Assembly resolved that a committee to be known as Planning Decision Committee (2)2004/3 be established in accordance with Assembly Standing Order 17 to discharge the functions of the Assembly

under Section 79 of the Town and Country Planning Act 1990 in respect of the above appeal. Accordingly, the Planning Decision Committee has considered the appeal and has resolved under Standing Order 17.16 to adopt this letter.

3. The Inspector's conclusions are set out in paragraphs 13.1 to 13.92 of his report, a copy of which is enclosed, and those conclusions are reproduced as an Annex to this letter. The Inspector recommended that the appeal be dismissed and the Planning Decision Committee agree with his conclusions on the planning merits of the appeal and accept his recommendations.

Planning merits

4. The Planning Decision Committee agree with the Inspector, for the reasons given by him in paragraphs 13.1 to 13.62 of his report, that the proposal would be contrary to the development plan and that the material considerations favouring the development are not such as to indicate a decision other than in accordance with that plan. The Committee agree with the Inspector that having regard to the permanent harm that would result to historic environment, the short term nature of the economic benefits and the potential for benefits from reclamation to be achieved with less damage to the historic environment, and taking all other factors into account, the balance falls against granting planning permission.

Legal and Procedural Matters

5. The Planning Decision Committee agree with the Inspector for the reasons given at paragraphs 13.75 to 13.77 of his report that no fundamental elements of the scheme were changed and no-one prejudiced by the changes made to the scheme since it was considered by the Merthyr Tydfil County Borough Council.

6. In view of their conclusion that there are sufficient grounds to refuse the appeal on its planning merits the Planning Decision Committee do not consider it necessary to comment on the issue of whether the ecological information meets the requirements of the Environmental Impact Assessment Regulations, or the question of licensing under the Conservation (Natural Habitats, &c.) Regulations 1994.

Formal Decision

7. For the reasons given by the Inspector the Planning Decision Committee hereby refuse your client's appeal under Section 78 of the Town and Country Planning Act 1990.

8. A copy of this letter has been sent to the Head of Planning, Merthyr Tydfil County

Borough Council and to those persons and organisations who appeared at the inquiry.

Yours faithfully

Alun Ffred Jones AM

Chair, Planning Decision Committee (2) 2004/3

Enc; Leaflets "H" and "HC"