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## PLANNING APPEAL

If you need this document in large print, on audio tape, in Braille or in another language, please contact our Helpline on 02920 823866. **To help you fill in this form correctly please refer to guidance leaflet "How to complete your planning appeal form".**

**Please use a separate form for each appeal**

Before completing this form, please read our leaflet 'Making your appeal: How to complete your planning appeal form' which was sent to you with this form.

### WARNING:

**Your appeal must reach The Planning Inspectorate within 6 months of the date shown on the Local Planning Authority's decision notice, or within 6 months of the date by which they should have decided the application. (NOTE: If any of the "Essential supporting documents" listed in Section K are not received by us within the 6 month period, the appeal will not be accepted)**

**PLEASE PRINT CLEARLY IN CAPITALS USING BLACK INK**

**A. Appellant – The name of the person(s) making the appeal must appear as an applicant on the application form. If this is not the case the appeal cannot be registered.**

Name	Miller Argent (South Wales) Limited
Organisation Name (if applicable)	As above

### **B. Agent (if any) for the appeal**

Name	Roger Leek
Organisation Name (if applicable)	Leek & Weston Ltd
Reference	P/MA/NL/PINS/RJL



### C. Local planning authority (LPA)

Name of the LPA	Caerphilly County Borough Council
LPA's application reference number	13/0732/MIN
Planning Application form dated	10th October 2013
Date of LPA's Decision notice (if issued)	7th August 2015

### D. Appeal site address

Address	Approx. 478.1ha of primarily upland urban common and agricultural grazing land, including most of Cwmbargoed Disposal Point, an inert landfill site, a reservoir, colliery spoil tips and disused shafts/adits. It lies west and south-west of Rhymney, north and west of Pontlottyn and Fochriw, wholly within the County Borough of Caerphilly, edged red on Planning Application Drawing MA/NL/PA/001. Site Centre Grid Ref: 310000E 207300N
Postcode	N/A

	YES*	NO
Are there any health and safety issues at, or near the site which the Inspector would need to take into account when visiting the site? <i>*If yes, please explain in your grounds of appeal(section H)</i>	✓	

### E. Description of the development

Please enter details of the proposed development. This should normally be taken from the planning application form, but if the application was revised while it was with the local planning authority for consideration, you may enter a description of the revised scheme. Please enclose a copy of the **LPA's agreement to the change**.

To work the 'Nant Llesg Surface Mine, Incorporating Land Remediation' over approximately 478.1 ha of land in the County Borough of Caerphilly: to mine approximately 6m tonnes of coal from the Nant Llesg Surface Mine using surface mining methods; to remediate land within and adjacent to the surface mine in response to public safety, mine-water discharge and land drainage concerns; to carry out road improvement works at the junction of Fochriw Road and Bogey Road and access points to Cwmbargoed Disposal Point; to form a new vehicular access to the mine off Fochriw Road; to carry out works on Rhaslas Pond; to provide all necessary buildings, plant and facilities ancillary to the surface mine; to erect a new building at Cwmbargoed Disposal Point and install within it a new coal washing plant; to provide a new water recycling facility at Cwmbargoed Disposal Point; to use facilities at Cwmbargoed Disposal Point to prepare, process and dispatch coal to market for the duration of mining operations at the Nant Llesg Surface Mine; to provide new water treatment facilities for the period 31st December 2024 until the cessation of mining operations at the Nant Llesg Surface Mine; to investigate, treat, remove and/or cap waste materials at an existing licenced inert landfill site within the scheme; and to progressively restore the land in accordance with the proposed restoration strategy followed by a minimum five-year period of aftercare.



### E. Description of the development (continued)

Size of the whole appeal site (in hectares)	478.1 ha
Area of floor space of proposed development (in square metres)	4265 sq.m.
	<b>YES</b> <b>NO</b>
Has the description of the development changed from that entered on the application form?	<input type="checkbox"/> <input checked="" type="checkbox"/>
Is flooding an issue?	<input type="checkbox"/> <input checked="" type="checkbox"/>
Does the development affect the setting of a listed building?	<input type="checkbox"/> <input checked="" type="checkbox"/>
Is the appeal site within an Area of Outstanding Natural Beauty?	<input type="checkbox"/> <input checked="" type="checkbox"/>
Does the site lie within a conservation area?	<input type="checkbox"/> <input checked="" type="checkbox"/>
Does the site lie within a green belt/green wedge?	<input type="checkbox"/> <input checked="" type="checkbox"/>

### F. Reasons for the appeal

This appeal is against the decision of the LPA to:

Please tick **ONE** box only



1.	Refuse planning permission for the development described in Section E.	<input checked="" type="checkbox"/>
2.	Grant planning permission for the development subject to conditions to which you object.	<input type="checkbox"/>
3.	Refuse approval of the matters reserved under an outline planning permission.	<input type="checkbox"/>
4.	Grant approval of the matters reserved under an outline planning permission subject to conditions to which you object.	<input type="checkbox"/>
5.	Refuse to approve any matter required by a condition on a previous planning permission (other than those in <b>3 or 4</b> above).	<input type="checkbox"/>
6.	<i>The failure of the LPA to give its decision within the appropriate period (usually 8 weeks) on an application for permission or approval.</i>	<input type="checkbox"/>

**G. Preferred Procedure (PLEASE CHOOSE ONE PROCEDURE ONLY)**

You should start by reading our guidance leaflet "How to complete your planning appeal" which explains the different procedures used to determine appeals.

There are 3 possible choices- written representations, hearings and inquiries. You should consider carefully which method suits your circumstances before selecting you preferred option.

Please note that when we decide how the appeal will proceed we will take into account the **LPA's views.**



**1. WRITTEN REPRESENTATIONS**

This is normally the simplest, quickest and most straightforward way of making an appeal. Three out of every four people making an appeal choose this method. The written procedure is particularly suited to small-scale developments (e.g. extensions of buildings, individual houses or small groups of houses, appeals against conditions and change of use). It is also very popular with people making their own appeal without professional help. The process **involves the submission of written 'grounds of appeal' followed by a written statement and any supporting documents.** It also provides an opportunity to comment in writing on the Local Planning Authority's reasons for refusing permission (or failing to determine the application). An Inspector will study all of the documents before visiting the appeal site/area and issuing a written decision.

	YES	NO
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a	If the written procedure is agreed, can the relevant part of the appeal site be seen from a road, public footpath, bridleway or other public land?		
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b	Is it essential for the Inspector to enter the site to check measurements or other relevant facts? <b>* If the answer is 'YES' please explain below</b>		
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**NOTE: The Inspector will visit the site unaccompanied by either party unless the relevant part of the site cannot be seen from a road or other public land, or it is essential for the Inspector to enter the site to check measurements or other relevant facts.**



**G. Preferred procedure (continued)**



**2 HEARING**

This process is likely to be suited to slightly more complicated cases which require detailed discussion about the merits of a proposal.

Although you may prefer a hearing the Inspectorate must consider your appeal suitable for this procedure.

**You must give detailed reasons below or in a separate document why you think a hearing is necessary.**

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	<b>YES</b>	<b>NO</b>
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Is there any further information relevant to the hearing which you need to tell us about? If so, please explain below

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**NOTE: If you are proposing that this appeal follows the hearing procedure; you may wish to consider submitting a draft statement of common ground**

**G. Preferred procedure (continued)**



**3 INQUIRY**

This is the most formal of procedures. Although it is not a court of law the proceedings will often seem to be quite similar as the parties to the appeal will usually be legally represented and expert witnesses will be called to give evidence

Although you may prefer an Inquiry the Inspectorate must consider your appeal suitable for this procedure.

**You must give detailed reasons below or in a separate document why you think an Inquiry is necessary.**

It is a large surface coal mining scheme that has generated significant local interest and includes some complex issues which will require expert witness statements to be presented and tested through an advocate. It is therefore the appellant's opinion that an inquiry is likely to be the most appropriate procedure for considering this planning appeal.

**NOTE: If you are proposing that this appeal follows the Inquiry procedure; you may wish to consider submitting a draft statement of common ground**

a	How long do you estimate the inquiry will last? Note: We will take this into consideration, but please note that our estimate will also be <b>informed by other's advice and our own assessment</b>	No. of days	8 to 12 days
b	How many witnesses would you intend to call?	No. of witnesses	5 to 10
c	How long would they need to give their evidence?	No. of days	4 to 8 days
d	If there is any further information relevant to the inquiry which you need to tell us about please do so below		

The above estimate of 8 to 12 days for the duration of the inquiry is based in an assumption that the planning inquiry will be conjoined with an inquiry into an application for the stopping up and diversion of public rights of way under s.247 of the Act and an inquiry into an application for consent to carry out of the works on urban common land under s.38 of the Commons Act 2006.

The above estimate of approximately 4 to 8 days for the appellant's witnesses to give evidence is simply based on an anticipated average of three quarters of a day per witness.



## H. Grounds of appeal

If you have requested the written procedure, please provide your **FULL** grounds of appeal.

If you have requested a hearing or an inquiry, you do not have to provide your full grounds of appeal. You can provide only a brief outline of your grounds, but it must be sufficiently detailed and comprehensive to enable to LPA to prepare their case. Refer to our guidance leaflet 'How to complete your planning appeal form' for help.

*Please continue on a separate sheet if necessary.*

**Do you intend to submit a planning obligation (a section 106 agreement or a unilateral undertaking) with this appeal?**

YES NO

✓

See Continuation Sheets.

**Please continue on a separate sheet if necessary**

**I. COSTS (Hearing and Inquiry cases – see guidance leaflet for further information)**

	YES	NO
<b>Do you intend to submit a costs application with this appeal?</b> <i>If yes, please provide your case below</i>		

To be determined during the course of the inquiry.

**Please continue on a separate sheet if necessary**



## J. Appeal Site Ownership Details (Part 1)

We need to know who owns the appeal site. If you do not own the appeal site or if you own only a part of it, we need to know the name(s) of the owner(s) or part owner(s). We also need to be sure that any other owner knows that you have made an appeal.

**YOU MUST TICK WHICH OF THE CERTIFICATES APPLIES.**

Please read the guidance leaflet 'How to complete your planning appeal form' if in doubt.

Please tick **ONE** box only

**CERTIFICATE A** (If you are the sole owner of the whole appeal site, certificate A will apply)

I certify that, on the day 21 days before the date of this appeal, nobody except the appellant, was the owner (see the guidance leaflet for a definition) of any part of the land to which the appeal relates

OR

### CERTIFICATE B

I certify that the appellant (or the agent) has given the requisite notice (see the guidance leaflet) to everyone else who, on the day 21 days before the date of this appeal, was the owner (see the guidance leaflet for a definition) of any part of the land to which the appeal relates, as listed below:

Owner's Name	Date the notice was served

Please supply owner's address(es) on personal details page

**CERTIFICATES C and D**

If you do not know who owns all or part of the appeal site, complete either Certificate C or Certificate D at Annexes 3 & 4 of our guidance leaflet 'How to complete your planning appeal form' and attach it to the appeal form.



**J. Appeal Site Ownership Details (Part 2) - AGRICULTURAL HOLDINGS CERTIFICATE**  
(this must be completed for all appeals)

We also need to know either the appeal site forms part of an agricultural holding.

Please tick either (a) or (b).

<b>a</b>	None of the land to which the appeal relates is, or is part of, an agricultural holding	<input checked="" type="checkbox"/>
<b>bi</b>	The appeal site is, or is part of an agricultural holding, and the appellant is the <b>sole</b> agricultural tenant	<input type="checkbox"/>
<b>bii</b>	The appeal site is, or is part of, an agricultural holding and the appellant (or the agent) has given the requisite notice to every person (other than the appellant) who, on the day 21 days before the date of the appeal, was a tenant of an agricultural holding on all or part of the land to which the appeal relates as listed below:	<input type="checkbox"/>

Tenant's Name	Date the notice was served
N/A	N/A

Please supply Tenant's address(es) on personal details page

**K. Essential supporting documents**

The documents listed in 1–6 below, must be sent with your appeal form; 7-12 must also be sent if appropriate. If we do not receive all your appeal documents by the end of the 6 month appeal period, we will not deal with it.

Please tick the boxes to show which documents you are enclosing.

<b>1</b>	A copy of the original <b>planning application</b> sent to the LPA	<input checked="" type="checkbox"/>
<b>2</b>	A copy of the <b>site ownership certificate and ownership details</b> submitted to the LPA at application stage (this is usually part of the LPA's <b>planning application form</b> ).	<input checked="" type="checkbox"/>
<b>3</b>	A copy of the <b>LPA's decision notice</b> (if issued).	<input checked="" type="checkbox"/>
<b>4</b>	A <b>site plan</b> (preferably on a copy of an Ordnance Survey map at not less than 10,000 scale) showing the general location of the proposed development and its boundary. This plan should show two named roads so as to assist the location of the appeal site or premises. The application site should be edged or shaded in red and any other adjoining land owned or controlled by the appellant (if any) edged or shaded in blue.	<input checked="" type="checkbox"/>
<b>5</b>	A list (stating drawing numbers) and copies of all <b>plans, drawings and documents</b> sent to the LPA as part of the application. The plans and drawings should show all boundaries and coloured markings given on those sent to the LPA.	<input checked="" type="checkbox"/>
<b>6</b>	A list (stating drawing numbers) and copies of any <b>additional plans, drawings and documents</b> sent to the LPA but which did not form part of the original application (e.g. drawings for illustrative purposes).	<input checked="" type="checkbox"/>



## K. Essential supporting documents (continued)

Copies of the following must also be sent, if appropriate:



7	A copy of the design and Access Statement (if required).	✓
8	Additional plans, drawings or documents relating to the application but not previously seen by the LPA. Please number them clearly and list the numbers below:	✓
9	Any relevant <b>correspondence</b> with the LPA.	✓
10	<b>If the appeal is against the LPA's refusal or failure to approve the matters resolved under an outline permission, please enclose:</b>	
a	the relevant outline application;	
b	all plans sent at outline application stage	
c	the original outline planning permission	
11	The <b>appeal is against the LPA's refusal or failure to decide an</b> application which relates to a <b>condition</b> , we must have a copy of the original permission with the condition attached.	
12	<b>If the appeal is against the LPA's failure to decide an application please supply a copy of the LPA's letter registering your application.</b>	
13	If a copy of any Environmental Statement plus certificates and notices relating to publicity (if one was sent with the application, or required by the LPA).	✓

## L. Other Appeals

If you sent other appeals for this or nearby sites to us and these have not been decided, please give details and our reference numbers.

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**Personal Details** (these will not be made publicly available)

**1. Appellant personal details**

Address	Miller Argent (South Wales) Limited Cwmbargoed Disposal Point Fochriw Road Merthyr Tydfil
Postcode	CF48 4AE
Daytime Telephone	08701115600
Fax	01685845029
E-mail	david.mason@millerargent.co.uk

	E-mail	Post
<b>I prefer to be contacted by</b>	Yes	

**2. AGENT PERSONAL DETAILS (if any)**

Address	Roger Leek Leek & Weston Ltd 29 Gelliwastad Road Pontypridd
Postcode	CF37 2BN
Daytime Telephone	01443 492229
Fax	01443 492230
E-mail	rogerleek@leekandweston.com

	E-mail	Post
<b>I prefer to be contacted by</b>	Yes	



**Personal Details (continued)** (these will not be made publicly available)

**3a. APPEAL SITE OWNERSHIP DETAILS**

Tenant's Name	Address at which Notice was served
See Continuation Sheets	See Continuation Sheets

**3b. AGRICULTURAL HOLDINGS CERTIFICATE (TENANT DETAILS)**

Tenant's Name	Address at which Notice was served
N/A	N/A

 The gathering and subsequent processing of the personal data supplied by you in this form, is in accordance with the terms of our registration under the Data Protection Act 1998. Further information about our Data Protection Policy can be found on our website under "Privacy Policy" ([http://planninginspectorate.wales.gov.uk/privacy\\_policy](http://planninginspectorate.wales.gov.uk/privacy_policy))

**Please sign the form on Page 14**

**Please sign below (Signed forms together with all supporting documents must be received by us within the 6 months time limit)**

I confirm that I have sent a copy of this appeal form and all relevant documents to the LPA (if you do not your Appeal will not normally be accepted)

I confirm that all sections have been fully completed and that the details of the ownership are correct to the best of my knowledge.

I understand that you may use the information I have given for official purposes in connection with the Town and Country Planning Act 1990 and details including my name, the site description and my grounds of appeal will appear on the Planning Portal. By submitting this form I am agreeing to the use of the information I provide in this way.

Signature:



Name (in capitals)

ROGER J LEEK

Date

23rd December 2015

On behalf of (if applicable)

Leek & Weston Ltd (Planning Agent)

**1 COPY to us at:**

The Planning Inspectorate  
Crown Buildings  
Cathays Park  
CARDIFF  
CF10 3NQ

E-mail: [wales@pins.gsi.gov.uk](mailto:wales@pins.gsi.gov.uk)

Helpline: 02920 823866

**Please keep a copy for your records**

**1 COPY to the LPA**

Send a copy of the appeal form to the address from which the decision notice was sent (or to the address shown on any letters received from the LPA).

There is no need to send them all the supporting documents again, send them any supporting documents not previously sent as part of the application.

**When we receive your appeal form, we will write to you letting you know if your appeal is valid, who is dealing with it and what happens next.**

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