

**Y Pwyllgor Deisebau  
Petitions Committee**

Cynulliad  
Cenedlaethol  
Cymru

National  
Assembly for  
Wales



Alun Ffred Jones AM  
Chair of the Environment and  
Sustainability Committee  
Welsh Government  
Tŷ Hywel  
Cardiff Bay  
CF99 1NA

Bae Caerdydd / Cardiff Bay  
Caerdydd / Cardiff  
CF99 1NA

Our ref: P-04-575

October 2014

Dear

*Alun Ffred*

The Petitions Committee is currently considering the following petition submitted by Bethany Walpole which collected 1008 signatures:

**Petition: P-04-575 Call in All Opencast Mining Planning Applications**

*We call upon the National Assembly for Wales to urge the Welsh Government to call in all opencast mining planning applications over 10 years duration or over 350 hectares in size because the implications of these developments are far reaching and long standing with effects beyond the immediate locality.*

At our meeting on 7 October, the Committee considered the attached correspondence from Carl Sargeant, in his previous Ministerial role, and from the Petitioner. I attach copies of this correspondence for your information.

The Committee agreed to seek the Minister's views on the petitioners' comments and thereafter, consider reporting on the petition to the Assembly so that the matter can be debated in plenary as requested by the petitioners.

We also agreed to draw the petition to the attention of Environment and Sustainability Committee and ask whether the general issues underlying the petition are ones that your Committee might consider looking at in more depth as part of its forward work programme.

Bae Caerdydd / Cardiff Bay  
Caerdydd / Cardiff  
CF99 1NA

Ffôn / Tel: 029 2089 8242  
E-bost / Email: [Petition@wales.gov.uk](mailto:Petition@wales.gov.uk)

I would be grateful if you could draw this letter to the attention of the Committee and let me know their views.

I would be grateful if your response could be sent to the Clerking team at [Petition@Wales.gov.uk](mailto:Petition@Wales.gov.uk).

I look forward to receiving your response.

Yours sincerely



**William Powell AC / AM**  
Cadeirydd / Chair

Enclosures:

- Correspondence from the Minister for Housing and Regeneration dated 7 September 2014;
- Correspondence from the Petitioner dated 30 October 2014.



Eich cyf/Your ref P-04-575  
Ein cyf/Our ref CS/01115/14

William Powell AC  
Cadeirydd y Pwyllgor Deisebau

committeebusiness@cymru.gsi.gov.uk

7 Medi 2014

Annwyl Bill,

Diolch i chi am eich llythyr dyddiedig 14 Awst ar ran y Pwyllgor Deisebau. Ynddo, rydych yn ceisio fy marn ynghylch deiseb y Grŵp Gweithredu 'United Valleys', sy'n galw ar Gynulliad Cenedlaethol Cymru i erfyn ar Lywodraeth Cymru i alw i mewn bob cais cynllunio ar gyfer cloddio glo brig sy'n para dros ddeng mlynedd neu sydd dros 350 hectar o arwynebedd gan fod goblygiadau pellgyrhaeddol i'r datblygiadau hyn ac effeithiau hirdymor tu hwnt i'r ardal gyfagos.

Pŵer disgrisiynol sydd gan Weinidogion Cymru i alw ceisiadau cynllunio i mewn; yn gyffredinol, polisi Llywodraeth Cymru yw gadael i'r awdurdodau cynllunio benderfynu ar gynigion ar gyfer datblygiadau gan mai nhw sy'n adnabod eu hardal, ei anghenion a'r materion sensitive y dylid eu hystyried. Nid yw Gweinidogion Cymru yn ymyrryd yn awdurdodaeth yr awdurdodau cynllunio lleol oni bai fod angen gwneud hynny. Mae pŵer Gweinidogion Cymru i alw ceisiadau i mewn yn cael ei ddefnyddio'n ddethol ac edrychir ar bob achos yn unigol. Rhaid i'r penderfyniad galw i mewn gael ei wneud ar ôl ystyried y ffeithiau ac amgylchiadau'r achos penodol dan sylw; ni ddylai Gweinidogion Cymru gyfyngu ar eu disgrisiwn drwy lynu'n haearnaidd at unrhyw bolisi penodol wrth ystyried achosion o'r fath.

Y cyngor cyffredinol a roddir ym Mholisi Cynllunio Cymru yw y dylid galw cais cynllunio i mewn pan fo'r materion cynllunio sy'n codi o bwysigrwydd ehangach na'r ystyriaethau lleol. Rhoddir chwe enghraifft o sefyllfaoedd lle byddai'n briodol galw cais i mewn, sef:

- cynigion sy'n groes i bolisiâu cynllunio cenedlaethol;

- cynigion a allai gael effeithiau eang tu hwnt i'r ardal gyfagos;
- cynigion sy'n achosi cryn ddadlau y tu hwnt i'r ardal gyfagos;
- cynigion sy'n debygol o effeithio'n fawr ar safleoedd o ddiddordeb gwyddonol, cadwraeth natur neu hanesyddol neu ardaloedd sydd o bwys yn sgil eu tirwedd;
- cynigion sy'n codi materion sy'n ymwneud â diogelwch cenedlaethol;
- cynigion sy'n codi materion cynllunio newydd.

Rwy'n cydnabod bod y deisebwyr wedi ystyried y sefyllfaoedd hyn, gan eu bod yn cyfeirio at y ffaith bod i'r cynigion dan sylw oblygiadau pellgyrhaeddol a hirhoedlog ac effeithiau tu hwnt i'r ardal gyfagos. Serch hynny, am y rhesymau a nodir uchod, dim ond wrth edrych ar ffeithiau ac amgylchiadau pob achos unigol y dylid ystyried a yw'r datblygiad arfaethedig yn debygol o achosi effeithiau o'r fath.

Mae'n bwysig cofio hefyd nad yw ceisiadau'n cael eu galw i mewn am fod amheuaeth ynghylch a ddylid rhoi caniatâd cynllunio neu beidio i'r datblygiad arfaethedig, ond yn hytrach am fod cwestiwn yn codi ynghylch pwy ddylai wneud y penderfyniad. Wrth ystyried a ddylid galw cais cynllunio i mewn ni roddir ystyriaeth i rinweddau'r datblygiad arfaethedig o ran cynllunio. Er hynny mae angen nodi natur a hyd y lled y materion a godir yn y cais er mwyn pennu pwy ddylai wneud y penderfyniad. Mae hyn wedyn yn galluogi Gweinidogion Cymru i ystyried a yw'r awdurdod cynllunio lleol wedi talu sylw i'r polisiâu cynllunio cenedlaethol a'r ddeddfwriaeth/cyfarwyddbau sy'n berthnasol i'r materion hynny ac, os hynny, a yw wedi asesu'r materion hynny mewn ffordd resymol drwyadl gan ddefnyddio'r fethodoleg a'r wybodaeth ddiweddaraf.

Os nad yw'r awdurdod cynllunio wedi gwneud hynny mae'n bosibl y bydd Gweinidogion Cymru'n ystyried galw'r cais i mewn er mwyn i Arolygydd Cynllunio annibynnol ystyried y materion perthnasol a darparu adroddiad i Weinidogion Cymru ar hynny gan argymhell a ddylid rhoi caniatâd cynllunio neu beidio. Ond os yw'r awdurdod cynllunio lleol wedi asesu'r materion yn briodol, mae'n annhebygol y byddai Gweinidogion Cymru'n galw'r cais i mewn gan fod y materion perthnasol wedi'u hystyried eisoes ac y byddai'n fwy priodol i'r awdurdod bwysu a mesur y materion hynny.

Mae'r deisebwyr yn cyfeirio at geisiadau am ganiatâd cynllunio ar gyfer cloddio glo brig ond mae gan Weinidogion Cymru system eisoes sy'n galluogi i ddatblygiadau fel hyn gael eu cyfeirio atynt ac yn rhoi cyfle iddynt ystyried a ddylen nhw arddel eu pwerau disgrisiynol a galw'r ceisiadau hynny i mewn, O dan ddarpariaethau Cyfarwyddyd Cynllunio Gwlad a Thref (Hysbysu) (Cymru) 2012, rhaid hysbysu Gweinidogion Cymru ynghylch ceisiadau am ganiatâd cynllunio ar gyfer Datblygiad Mwynau, sef, at ddibenion y Cyfarwyddyd Hysbysu, datblygiadau sydd:

- (a) yn ymwneud â neu'n cynnwys cloddio neu weithio mwynau;
- (b) i'w cyflawni ar safleoedd newydd neu estyniadau i safleoedd presennol;
- (c) nad ydynt yn cyd-fynd â darpariaethau'r cynllun datblygu mewn grym yn yr ardal,

ac nad yw'r awdurdod cynllunio lleol yn cynnig eu gwrthod. Wrth ystyried a ddylid galw i mewn gais a gyfeiriwyd atynt o dan y Cyfarwyddyd Hysbysu, bydd Gweinidogion Cymru'n cymhwyso'r un egwyddorion a nodir uchod, sef a yw'r awdurdod cynllunio lleol wedi nodi'r polisïau cynllunio cenedlaethol ac, os hynny, a yw wedi asesu'r materion hynny mewn ffordd resymol drwyadl gan ddefnyddio'r fethodoleg a'r wybodaeth ddiweddaraf.

Yn gywir

A handwritten signature in cursive script, reading 'Carl Sargeant'.

**Carl Sargeant AC / AM**  
Y Gweinidog Tai ac Adfywio  
Minister for Housing and Regeneration

United Valleys Action Group (UVAG)  
c/o Terry Evans  
30/9/2014

Steve George  
Clerk to Petitions Committee  
Welsh Assembly Petitions Committee  
Welsh Assembly  
Cardiff Bay  
Cardiff  
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**Re-United Valleys Action Group (UVAG) Views to  
Petition Committee on Ministers response to  
P-04-575 Call in on all Opencast Mining Applications over  
10 years Duration or 350 Hectares in Size.**

Petitions Committee

UVAG's initial view to the response of the Minister is that again it is not the Minister's response to this petition, but the Minister's official's response, where they are just stating the conditions required for a 'call in'.

A responsible Government should consider all opencast applications of over 10 years or 350 hectares in size because

The long term economic viability of opencast mining is very uncertain. Is there likely to be a market for coal in 10 years time? The need for coal is diminishing rapidly, so the demand for coal beyond 10 years will be greatly reduced and cannot be predicted with accuracy. Emission controls alone could kill off the coal industry by making its use not financially viable

Climate change is now accepted by nearly all countries in the world that CO2 emissions must be reduced drastically, burning of fossil fuels is one of the biggest contributors to climate change and is being reduced by all countries

drastically, the Welsh Government must decide on all opencast over 10 years because they should take into account climate change and what the rest of the world's policy is on fossil fuels will be, this is to ensure there is a market for coal, local authorities do not have the necessary knowledge or responsibility to make this very important decision only the Government.

Following on from this, is the 'failure to restore opencast sites', Welsh Government needs to look at what has happened in Scotland, the Welsh government as done research on this and produced a report and therefore should understand the importance of this. The report is at

- 1) <http://wales.gov.uk/topics/planning/planningresearch/publishedresearch/failure-to-restore-opencast-coal-sites-in-south-wales/?lang=en>

Again for this reason the Welsh Government should 'call in' all opencast mining applications over 10 years' duration or 350 hectares in size, because they could be left with a Scottish scenario of un restored sites.

All restoration bonds should be set by the Welsh Government as they are crucial to safeguarding the public purse

Local Authorities do not have the resources, skills or knowledge to handle applications of this size, with regards to Ecology, Hydrology, Biodiversity, Health and European Law; they rely on the applicant's evidence which is unacceptable behaviour

Normally with applications of opencast mines of over 10 years duration or over 350 hectares in size, there will be massive financial incentives under the name of community benefits which will be offered to the local authorities. In this time of austerity and government cutbacks these financial benefits can be of such a magnitude that the local authority's decision will be blinkered or clouded. The Welsh government should determine these planning applications so that the correct decision is made.

Finally there is a very strong risk that local authorities would be legally challenged on their decision, further adding to the costs of handling the application.

UVAG would like to see this petition progressed with the view of having a very important plenary debate on it to urge the Welsh Government to implement the petition.

Terry Evans  
Chair, United Valleys Action Group (UVAG)