Town and Country Planning (Referred Applications and Appeals Procedure) (Wales) Regulations 2017

Town and Country Planning (Development Management Procedure) (Wales) Order 2012, as amended

Town and Country Planning Act 1990: Section 78 Appeal

Proposed western extension to Craig yr Hesg Quarry, consolidation of existing mineral planning permissions, and extension of end date for quarrying.

Land at Craig yr Hesg Quarry, Pontypridd.

Application Ref: 15/0666/10

Hanson UK

Section 78 Appeal against refusal of planning permission by Rhondda Cynon Taff County Borough Council

Statement of Case of behalf of Appellant

Final 16 12 20

CONTENTS

1.0 SUMMARY

1.1 This Statement of Case (SoC) is submitted in support of an Appeal against the decision of Rhondda Cynon Taff County Borough Council (RCT) to refuse planning permission for a western extension to Craig yr Hesg Quarry and associated works, consolidation of all previous mineral planning permissions, and extension of the end date for quarrying.

1.2 Craig yr Hesg Quarry is a long-established quarry which commenced operations in circa 1890. It is situated on the western side of the Taff Valley, some 1km north of the built-up area of Pontypridd and to the south of the village of Glyncoch.

1.3 The Quarry is producing aggregate from a deposit of Pennant Sandstone, which has properties of skid resistance and abrasion which make it particularly suitable for road surfacing in situations where a high degree of skid resistance is needed to minimise the risk of skidding related accidents. These properties are measured in terms of 'polished stone value' (PSV), where aggregate with a PSV of over 58 is regarded as a high skid resistant aggregate. Material with a PSV of over 65 is needed for particularly stressed sites such as certain sections of motorway, interchanges, airport runways etc.

1.4 The Pennant Sandstone at Craig yr Hesg Quarry has a Polished Stone Value (PSV) of +68 to 70 and an Aggregate Abrasion Value of <10, making it one of the highest quality sources of skid resistant surfacing aggregate not only in South Wales, but the UK. The products, referred to as 'high specification aggregate' (HSA) are marketed over a relatively wide geographical area, including South Wales and southern England.

1.5 Remaining reserves of sandstone at the Quarry are now limited, and in order to provide for continuity of production and supply, the quarry owners, Hanson UK, submitted a planning application in May 2015 which sought planning permission for a western extension of the quarry into land currently comprising rough grassland used for grazing. The development would provide additional reserves of some 10 m tonnes which would be worked in conjunction with the remaining reserves of some 5.7m tonnes in the existing quarry (as at the time of the application in 2015, updated to some 3.4m tonnes at September 2020).

1.6 The key features of the scheme comprise:

(i) The construction of a landscaped screening landform around the eastern and northern boundaries of the extension area, prior to the commencement of extraction within the extension area;

(ii) The construction of a soil screen bund along the western boundary of the extension area, again prior to the commencement of extraction;

(iii) The phased extraction of some 10m tonnes of Pennant Sandstone from the extension area;

(iv) The extraction of the remaining reserves within the existing quarry;

(v) An extension of time within which to complete the quarrying operations;

(iv) The use of existing processing plant, ancillary plant and infrastructure to process the reserves from the extension area and the remaining reserves at the existing quarry; and

(v) An overall restoration scheme for the existing quarry and extension area designed to facilitate landscape amenity and nature conservation land uses.

1.7 Of particular relevance to the determination of the application and this appeal is the issue of a buffer zone. The approach to buffer zone distances is set out in paragraphs 70 and 71 of Minerals Technical Advice Note 1 Aggregates (MTAN1), which defines a buffer zone as a zone within which no new sensitive development or mineral extraction should be approved. '*Sensitive development'* is defined as any building occupied by people on a regular basis, including houses and schools. Paragraph 71 of MTAN1 states that buffer zones should be defined from the outer edge of the area where extraction and processing operations will take place, including site haul roads, and recommends for hard rock quarries that the minimum separation distance should be 200m "*unless there are clear and justifiable reasons for reducing the distance*".

1.8 The existing quarry already lies within 200m of a large number of residential properties in the village of Glyncoch, notably along the northern boundary of the quarry. The extension development has been designed to provide buffer distances measured from the extraction area boundary to the closest buildings of 243m to Cefn Primary School to the north, 251m to properties at Cefn Lee Farm to the north west, and 221m to properties at Pen y Bryn to the north east within Glyncoch. A minimum 175m buffer distance has been provided between the extraction area boundary and the closest residential building at Conway Close within Glyncoch, with 5 properties at Conway Close lying within 200m of the extraction area boundary. These distances are shown on application plan CYH/E3A.

1.9 The reduced distance to Conway Close is based upon a need to achieve a logical quarry working area and avoid substantial sterilisation of resources, and the effect of quarrying at this reduced distance can be mitigated by substantial attenuation measures, principally in the form of a landscaped screening landform between the limits of quarrying and residential properties at Conway Close in Glyncoch. The Environmental Impact Assessment (EIA) undertaken as part of the application tested the effectiveness of that landform in minimising effects in terms of visual / landscape impact, noise and dust. The EIA also considered the effects of blast vibration at the separation distances proposed. For reasons explained in the ES, the conclusion reached is that the development could proceed in accordance with the noise and blast vibration limits which have been recommended when working at the distances proposed. This conclusion was accepted by statutory technical consultees and specialist mineral planning officers advising RCT (as discussed further in paragraphs 1.16 and 1.25 below). It should also be noted that working within the closest distance would be confined to a limited period in the context of the overall development.

1.10 In terms of the advice in MTAN1, these conclusions are considered to represent the required "*clear and justifiable reasons*" to quarry to the defined limits, particularly in the context of the desire to avoid sterilisation of a much needed resource of UK importance which is recognised as a 'special case' in MTAN1, para 42.

1.11 The extension site is identified in the RCT Local Development Plan (adopted March 2011) as a 'preferred area' for future quarrying (ref policy SSA/25 'preferred area of known mineral resources'). The allocation of the 'preferred area' as an extension to Crag yr Hesg Quarry is the only 'preferred area' mineral allocation in the LDP, and Craig yr Hesg Quarry is the only operating sandstone quarry within the administrative area of RCT.

1.12 The LDP cross refers to the Regional Technical Statement for South Wales, which identifies the need to allocate additional rock reserves in RCT to ensure a supply of hardstone resources over the period of the LDP. The LDP seeks to meet this requirement via the allocation of a 'preferred area' for extraction as an extension to Craig yr Hesg Quarry.

1.13 The planning application was submitted to RCT on 14th May 2015 accompanied by a Planning Application Statement, a series of phased development plans; an Environmental Statement (ES), Appendices to the ES; and a Non-technical Summary of the ES.

1.14 Supplementary information was subsequently submitted in the form a 'Response to Public Consultation: Well Being and Environmental Health Issues' (June 2016); a response to other consultee comments and responses (September 2016); a Dust Management Plan (August 2017); an updated

ecological baseline report (September 2018), and a note on updated traffic movements (September 2018).

1.15 Minor amendments to the originally submitted application plans were made in September and November 2016, primarily relating to boundary security fencing.

1.16 The planning application was reported to RCT's Planning & Development Committee on 6th February 2020 (hereafter referred to as the 'February Committee'), when the Planning Officer recommended that planning permission be granted subject to conditions and the prior completion of a Section 106 Agreement relating to the extant mineral planning permissions at the site and a financial contribution to air quality monitoring.

1.17 The Planning Committee did not accept the recommendation and resolved to refuse the application based upon concerns relating to impacts on air quality, adverse amenity impacts arising from a reduced buffer zone, and damage to the highway network. The determination of the application was deferred to allow a further report to be presented "*to highlight the strengths and weaknesses of making a decision contrary to the officer recommendation*" (ref minutes of the February Committee).

1.18 The application was reported back to the Planning & Development Committee on 9th July 2020 (hereafter referred to as the 'July Committee'). In his planning assessment, the Planning Officer advised the July Committee that:

> *"it is not considered that a reason for refusal on the grounds of impact on health and air quality can be justified*";
>
> "*In the opinion of your officers the impact of a reduction in the buffer zone below 200m does not result in any identifiable significant adverse impacts as a result of dust, air quality and noise", and*
>
> *"It is not considered that a refusal reason based on damage to the highway network can be sustained"*

1.19 The Planning Officer accordingly reiterated his recommendation that the application be approved(subject to an additional planning condition which would place a limitation on output), but that if having considered the advice members remained minded to refuse planning permission, he suggested that the following reason would reflect those views:

> *'Minerals Technical Advice Note (MTAN) 1: Aggregates (Paragraphs 70 and 71) identifies a suitable minimum distance between hard rock quarries and sensitive development is 200 metres, and states that any reduction*

from this distance should be evidenced by clear and justifiable reasons. The proposed quarry extension encroaches within 200m of sensitive development and the Council does not consider that the applicant has provided sufficient evidence of clear and justifiable reasons for reducing that minimum distance in this case'.

1.20 Following a review of the Planning Officer's Report, and noting the suggested reason for refusal, the Appellants wrote to the Director of Development at RCT on 7th July. The letter noted the suggested additional condition relating to an output restriction and confirmed that Hanson would not object to such a condition. The letter also provided a suggested form of words for such a condition.

1.21 However, on this basis, the letter noted that there is an inconsistency of approach in the Committee Report, where it was evident that a planning condition could address an issue that bore a relationship to output, but the same approach was not being adopted to address a concern regarding the 200m buffer zone distance. The letter thus emphasised that on the basis of the suggested reason for refusal, the application should not be refused when the opportunity is available to address the identified concern by imposing a planning condition which would prevent any quarrying operations within the proposed extension area taking place within 200m of existing sensitive development, as defined in paragraphs 70 and 71 of MTAN1.

1.22 Further, the letter noted that the presumption in favour of sustainable development requires that where an issue may be dealt with by condition then the application should not be refused, but a condition imposed. In short, the application should not be refused when a planning condition is capable of addressing the identified ground of refusal.

1.23 Notwithstanding this available opportunity to resolve the sole identified issue of concern, the Planning Committee resolved to refuse the application for the reason suggested in the Planning Officer's Report. The application was refused by a decision notice dated 23rd July 2020 stating the reason as set out in paragraph 1.19 above.

1.24 It is noteworthy that the reason for refusal does not seek to indicate that a 200m buffer zone must be adhered to in all cases, or that there is a policy embargo against granting permission for mineral development within 200m of a sensitive development. The issue is confined to whether "*sufficient evidence of clear and justifiable reasons*" for reducing the distance has been provided.

1.25 The nature of the shortcomings in the available evidence was not identified by RCT, and the Applicants were not requested to provide additional evidence

which might address any identified deficiencies. Attempts will be made to clarify this issue via a Statement of Common Ground.

1.26 However, for the purposes of this SoC, the Appellants consider that the required evidence was fully set out in the application at the time of determination in terms of the substantial screening which would be in place between the quarry boundary and 5 residential properties which lie within 200m of the proposed extraction area; the ability, acknowledged by the Planning Officer to provide conventional environmental protection measures whilst working within the defined extraction area; the relatively short time period of activity within the reduced distance area; the absence of any technical objections from consultees, including advice from RCT's Public Health Officers, Public Health Wales and Cwm Taf University Health Board; and the benefits of the development in avoiding the sterilisation of high-quality reserves within the proposed extension area, which itself lies within a Preferred Area of Known Minerals Resources identified in the LDP.

1.27 These represent the "*clear and justifiable reasons for reducing the distance"* referred to in paragraph 71 of MTAN1, as explained further in this SoC.

1.28 Furthermore, there is clear consensus between the Planning Officer and key health stakeholders, in that there is no evidence of any material impact to health from what is proposed; no countervailing evidence to contest that provided; no objection from any health stakeholder, and as previously stated during the July Committee, the Planning Officer stated that "it is not considered that a reason for refusal on the grounds of impact on health and air quality can be justified".

1.29 Finally, it is emphasised that the reason for refusal Is confined to a single, narrow topic. No issues have been raised in terms of the acceptability in principle of mineral extraction at the appeal site, nor would this be expected given the allocation in the development plan. In addition, no technical objections have been raised either by RCT or technical consultees in terms of any alleged inability to comply with conventional standards and limits associated with noise, blast vibration or dust controls, or with any other wider environmental or amenity issues, or in terms of the need for the development in relation to aggregate supply.

1.30 It is anticipated that these matters will be confirmed in a Statement of Common Ground, but they are considered further in Section 7.0 of this SoC.

2.0 BACKGROUND

Application Documents and Plans

2.1 The Planning Application was submitted on 14th May 2015 by SLR Consulting Ltd, as planning agents to Hanson UK, and was registered on 15th May 2015 under ref no 15/0666/10.

2.2 The development was described in the Planning Application Statement (Section 3.3) and on the planning application form as:

The construction of a landscape screening landform around the eastern and northern margins of the extension area; construction of a screen mound along the western boundary of the extension area; the extension of Craig yr Hesg Quarry via the phased extraction of some 10 million tonnes of Pennant Sandstone; extraction of the remaining reserves of some 5.7 million tonnes of sandstone within the existing quarry; retention of existing aggregate crushing and screening plant to process sandstone from the existing quarry and extension site, together with related access roads and infrastructure; use of existing approved quarry access road to the public highway; and implementation of a comprehensive restoration scheme for the application site to establish amenity grassland, woodland and nature conservation uses.

2.3 At the request of RCT, and following correspondence between RCT and the Applicants, the description of the application was subsequently abbreviated to:

Western extension to existing quarry to include the phased extraction of an additional 10 million tonnes of pennant sandstone, construction of screening bunds, associated works and operations, and consolidation of all previous mineral planning permissions at Craig Yr Hesg Quarry, including an extension of the end date for quarrying and an overall restoration scheme.

2.4 The application was accompanied by a Planning Application Statement (PAS) which described the details of the proposed development scheme and which included the application plans listed as:

- Application Site Plan - Aerial ref CYH/E1A
- Application Site Plan ref CYH/E2A
- Block Phasing ref CYH/E3A
- Initial Works ref CYH/E4A
- Cross Section - Screening Landform ref CYH/E5A
- Countryside / Amenity Enhancement ref CYH/E6A
- Current Situation CYH/E7A
- Quarry Phase 1 ref CYH/E8A
- Quarry Phase 2 ref CYH/E9A

- Quarry Phase 3 ref CYH/E10A
- Cross Sections – Quarry Phases ref CYH/E11A
- Quarry Restoration ref CYH/E12A
- Cross-Sections – Quarry Bench Treatments ref CYH/E13A
- Concept Restoration Aerial ref CYH/E14A

2.5 The application was also accompanied by an Environmental Statement (ES) as Volume 1, a series of Appendices to the ES as Volume 2; Landscape and Visual Impact Assessment Figures as Volume 3, and a Non-Technical Summary of the ES as Volume 4.

2.6 The consideration of health during the ES was applied through the individual technical studies, and primarily focussed on assessing the scheme against objective thresholds that preclude any manifest health outcome, most notably for changes in air quality, noise and vibration.

2.7 The socio-economic health consequence was not assessed as part of the EIA, as if granted, the project would not create jobs, but sustain and maintain the direct, indirect, induced and catalytic income and employment, important to local and regional communities. These issues were however subsequently reviewed as part of a 'Response to Well Being and Environmental Health Issues: June 2016, discussed below.

2.8 During the processing of the application, a series of discussions were held between the Applicants, Planning Officer and Officers in the RCT Public Health and Protection Department in connection with issues raised by the Public Health and Protection Department and members of the public in relation to well-being and health issues which might be associated with the development. The respective issues were drawn together in a memorandum issued by the Public Health and Protection Department on 24th February 2016, which included a schedule of themes, concerns and questions to which the Applicants were invited to respond to improve transparency, signpost as to how and where health was assessed and addressed through the regulatory planning process, and aid in further responding to community concerns. The required response was submitted on 24th June 2016 in the form of a report entitled 'Response to Public Consultation Well Being and Environmental Health Issues'.

2.9 No gaps were found in the 'Response'; the scope and focus of the assessments undertaken as part of the EIA and drawn together in the 'Response' were proven to be robust, examining all credible health hazards; and all environmental objective levels addressing such hazards and protective of health were met, and further communicated. This complimentary task to the regulatory assessment process (the EIA) was a factor as to why no health objection has been submitted from any health stakeholder.

2.10 On 15th September 2016, the Applicants also submitted detailed comments in response to issues raised by statutory consultees.

2.11 Also on 15th September 2015, an updated plan ref CYH/E4/B was submitted which confirmed a revision to the proposed planting of the outer flank of the proposed northern screening landform. Rather than being 'tree seeded' as originally proposed, it was proposed that the screening landform would be tree planted as a means of establishing early tree cover to enhance the screening value of the bund. For security reasons and to ensure the success of the planting, it was also proposed that the perimeter palisade fence would be re-positioned to run along the outer toe of the landform (with the tree planting on the inner side), with a new hedgerow to be planted on the inner side of the palisade fence. It was suggested that these amendments and details regarding tree planting could be made the subject of a planning condition.

2.12 In order to ensure consistency with the revisions to the perimeter fence details, the remaining development plans CYH/E4A – E11A inclusive were re-issued on 7th November 2016 as plan ref numbers CYH/E4B - CYH/E11/B inclusive with the perimeter fence position amended for consistency with the amendment shown on plan CYH/E4/B, where the only change related to the position of the quarry fence along the outer edge of the screening landform. It should however be noted that there is a typographic error in the legend of plan ref numbers CYH/E5/B and CYH/E6/B which for consistency with the legend on plan CYH/E4/B should refer to 'tree planting' rather than 'tree seeding' on the screening landform B1.

2.13 On 9th January 2017, following a meeting held on 6th January 2017, confirmation was provided regarding the limited nature of quarrying which would be undertaken within 200m of existing sensitive development and the anticipated limited duration of the operations within the circa 25-30 year overall life of the development.

2.14 On 13th June 2017, the Planning Officer provided a summary of information and points of clarification which they deemed necessary to allow the application to be reported to Committee for determination.

2.15 A comprehensive response was provided via a letter dated 16th August 2017 from SLR. The letter addressed each of the issues raised, and provided confirmation that the Applicants were content to enter into a Section 106 Agreement to make provision for the Applicants to make a financial contribution towards the cost of air quality monitoring to be undertaken by RCT, and to confirm the relinquishment of the old planning permissions upon implementation of a new extension / consolidation planning permission.

2.16 The letter was also accompanied by a requested 'Dust and Particulate Management and Dust Monitoring Plan.'

2.17 Finally, following a suggestion by RCT, on 3rd October 2018, an updated Ecological Baseline Survey was submitted. This confirmed that the site habitats remain broadly comparable to when the initial baseline surveys were completed in 2014, and that the baseline data presented in the 2015 ES remains sufficiently accurate and reflective of the value of the site and suitable for the assessment of the potential ecological impacts of the proposed quarry extension.

2.18 Other than discussions and correspondence regarding a draft schedule of proposed planning conditions, and the content of the draft Section 106 Agreement, there was no further correspondence regarding the details of the proposed development or accompanying information. Following protracted delays and repeated requests from the Applicants for the application to be determined, the application was eventually reported to the RCT Planning and Development Committee on 6th February 2020, with a recommendation that the application be approved subject to conditions and the prior completion of a Section 106 Agreement.

2.19 The content of the February Report to Committee and the ensuing decision is discussed in Section 6.0 below.

Relevant decisions regulating operations at Craig yr Hesg Quarry

2.20 Reference is made in this SOC to three other relatively recent decisions relating to operations at the Quarry.

2.21 Firstly, in August 2008, an Environment Act 'ROMP' review application was submitted as part of the process of updating the planning conditions regulating the ongoing quarrying and related operations. An EIA was subsequently undertaken, and an Environmental Statement (ES) in support of the application was submitted in July 2010. The ES considered the environmental effects of the ongoing operation and made a series of recommendations for environmental and amenity mitigation measures which could be translated into updated planning conditions. RCT determined the application in April 2014 with the issuing of a schedule of conditions to apply to the current four mineral planning permissions in place at the quarry (ref 08/1380/10).

2.22 Secondly, in August 2013, an application was submitted in accordance with Part 19, Class B of the General Permitted Development Order 1995 which sought the prior written approval of the Authority of detailed proposals for the "siting, design and external appearance" of a proposed asphalt plant to be

erected within the processing plant site at the Quarry. The request was considered by the Authority's full planning committee and approval (ref. 13/0825/23) was issued in November 2013. The asphalt plant has been installed in accordance with the approved details.

2.23 Thirdly, in October 2013, a planning application was submitted which sought permission to undertake improvements to the existing site entrance and access road, which would serve to provide a two-way entrance and access road from the Quarry. Permission was granted in March 2014 (ref 13/1039/10), and the scheme has been implemented accordingly.

Craig yr Hesg Quarry Time Limit

2.24 Consistent with the time limits imposed on the planning permissions in place at the quarry, the ROMP schedule of conditions includes a requirement that the winning and working of minerals shall cease by 31st December 2022 (ref condition 1). The application for a western extension to the quarry incorporated a request for an extension to that end date to allow the reserves within the existing quarry and extension area to be extracted. If permission had been granted, then the consolidating nature of the application would have superseded the existing permissions and the time limit on the winning and working of minerals prescribed by the existing condition.

2.25 In view of the current end date for the winning and working of minerals, it is the intention to submit a Section 73 application in the Spring of 2021, which will seek permission to extend the time limit beyond December 2022. As at the date of preparing this SOC it is anticipated that the request will be for a time extension of 6 years to allow the remaining reserves in the existing quarry to be extracted.

2.26 In the event that planning permission is not granted for the requested time extension, or if a decision is not made within the prescribed time period, then it will be the intention to lodge an appeal against a refusal or against non-determination, as appropriate. If an appeal becomes necessary, then a request will be made to conjoin that appeal with the appeal which is the subject of this statement of case, and for both appeals to be heard at the same inquiry. Discussions will be held with the Planning Inspectorate at the appropriate time regarding the administrative arrangements associated with this.

The Appellant's Case

2.27 The merits of the proposed development are to be seen in the following sections of this SOC which describe:

- The working scheme; the measures which are available to mitigate the effects of the scheme; the countryside / amenity benefits which the scheme would bring; and the restoration strategy which would be delivered (ref Section 3.0 of this SOC):

- The need for the development is emphasised via recommendations in the Regional Technical Statement (RTS), provided for to be via an allocation in the RCT Local Development Plan, and supported by planning policy in Minerals Technical Advice Note 1: Aggregates (MTAN1), and Planning Policy Wales Edition 10 (PPW10) (ref Section 4.0 of this SOC): and

- Policy compliance, notably in terms of being in accordance with the development plan with respect to which there is a presumption in favour of permission being granted, compliance with national planning policy in terms of sustainable development, and compliance with more specific mineral planning technical guidance and policy requirements set out in MTAN1 and PPW10; and with wider overarching planning policy set out in related legislation (ref Section 5.0 of this SOC).

2.28 Overall, the scheme is considered to have considerable merit, as evident from the content of the Planning Officers Reports to the February and July Committees; the comprehensive analysis undertaken of the issues associated with the development; the absence of objection from technical consultees and public health stakeholders, and the recommendations made to both Committees that permission be granted subject to conditions (as listed) and the prior completion of a Section 106 Agreement, the terms of which had been substantially agreed (ref Section 6.0 of this SOC).

2.29 Based upon the single reason for refusal, section 7.0 of the SOC responds to what the Appellants assume will be the case to be presented by RCT.

2.30 Section 8.0 of this SOC provides a brief response to consultee and third party comments, noting the absence of objections from technical statutory consultees, and where the Appellant's case is that all environmental and amenity issues relevant to the proposed development can be appropriately addressed by the mitigation measures proposed and can be regulated by planning conditions. This is a view shared by the technical officers at RCT and the consultee regulatory bodies.

3.0 THE PROPOSED DEVELOPMENT

Development Overview

3.1 The boundaries of the appeal site have been drawn to encompass the proposed extension area together with the boundary of the existing permitted Craig yr Hesg Quarry. If the appeal is allowed, the resulting planning permission will provide for a comprehensive approach to regulating development at Craig yr Hesg Quarry, with a single planning permission, and an overall restoration scheme which covers the existing quarry and the extension.

3.2 The new extraction area (shown as a green dash on Drawing CYH E2A: Application Site Plan) extends to 5.52 hectares.

3.3 Extraction of the reserves from the existing quarry is on-going and would continue throughout initial preparation works required to implement the development within the extension area. These works would include the diversion of the Dwr Cymru/Welsh Water main that currently passes in a north-east to south-west direction through the middle of the extension area. The diversion would route the water main along the outer edge of the northern screening landform, to re-join the existing pipeline alongside Darren Ddu Road.

3.4 The preliminary works would then focus on the creation of the northern screening landform and western screen bund. The final preliminary works would involve the erection of a galvanised steel palisade fence to ensure the security of the proposed extraction area, with a hedgerow planted on the inside of the fence to soften its appearance.

3.5 The existing faces and benches would be worked through from the north-western extent of the current working area through Phase 1. Soils and overburden would then be stripped in turn from phases 2 and 3, with the material used for progressive restoration works within worked out non-operational areas within the exiting quarry. These phases are shown on Drawings CYH/E7B to E10B inclusive and provide for quarrying to the defined lateral limits of extraction, and to a maximum depth of 100m AOD.

3.6 The development would yield an additional reserve of some 10 million tonnes of sandstone from the extension area, of which some 1.1m tonnes of sandstone along the north western edge of the existing quarry would become accessible as part of the extension development. These additional reserves would be worked in conjunction with the remaining reserves at the existing quarry of some 5.7m tonnes at the time of the application, updated to some 3.4m tonnes at September 2020.

3.7 Plans CYH/E12A and CYH/E13A illustrate the proposed restoration concept and quarry bench treatments. The proposed restoration strategy would follow the principles of the approved scheme for the existing quarry and is intended to enhance the ecological and nature conservation features of the site. As noted above, on-site soils would be used for restoration planting in selected locations to reflect the pattern of existing woodland adjacent to the site, quarry benches and faces would be restored with a variety of treatments; and the quarry floor would be restored using fine grained material and quarry waste.

Quarry Development Scheme

Preliminary Operations

3.8 The infrastructure for the transport of sandstone from the extension area to the processing plant site is already in place via the system of internal haul roads between the northern edge of the exiting quarry and the plant site. These haul roads would simply be developed into the extension area at the respective quarry bench levels.

3.9 No changes are proposed to the existing processing plant, and thus no preparatory works involving fixed plant or machinery will be required to initiate operations within the extension area.

3.10 Preliminary works within the extension area are illustrated on plan ref CYH/E4B, and comprise:

a) The diversion of the water main to a defined route prescribed by Welsh Water around the northern side of the extension area;
b) Construction of the core of the northern screening landform using sandstone fines from the exiting quarry;
c) Stripping of soils and overburden from phase 1 and use of the material to (i) construct the northern screening landform; (ii) establish a soil profile on the northern screening landform and (iii) construct the western screen bund;
d) Erection of palisade fencing on the outer edge of the northern screening landform and inside edge of the western screen bund, linking to existing palisade fencing around the boundary of the current quarry.
e) Planting of hedgerow on the inside of the palisade fence bounding the screening landform, positioned so as to protrude through the fencing pales.

Diversion of Water main

3.11 The extension area is crossed by a 150mm ductile iron water main which connects from a 200mm ductile iron main which runs north to south along the

eastern side of Darren Ddu Road. The east-west section of the main will need to be diverted to allow the operations within the extension area to progress, and conventional methods are available to allow such diversion works to be undertaken by Welsh Water.

3.13 During the processing of the planning application, discussions were held with Dwr Cymru Welsh Water (DCWW) to review the options of retaining part of the main beneath the screening landform, suitably protected, or diverting the entirety of the main around the perimeter of the extension area and screening landform. DCWW confirmed their preference for the full diversion, and the scheme would progress accordingly. An agreement has been reached in principle with DCWW on a without prejudice basis to divert the entirety of the main at the joint expense of Hanson and DCWW.

3.12 The current route of the pipeline and diversion route (are illustrated on plan CYH/E4B.

Northern Screening Landform

3.13 The northern screening landform will require some 50,800m3 of material to create the profiles illustrated on plan ref CYH/E4B. The 'core' of the landform would be constructed from sandstone fines from the existing quarry (some 30,840m3), and sub soil / overburden stripped from phase 1 (some 11,900m3). The top soils from the footprint of the bund would be stripped in advance of construction of the bund (some 4,400m3), and this material together with a proportion of the top soils stripped from phase 1 (some 3,580m3), would be used to dress the surface of the bund to provide a profile of 600mm of overburden and 400mm of top soil. (The remaining soils and overburden from the phase 1 strip will be accommodated in the main quarry soil storage area together with the soils to be relocated from the existing soil storage area at the north eastern edge of the existing quarry).

3.14 Plan ref CYH/E4B illustrates the profiles of the screening landform in relation to existing contours and the way in which the new landform would be assimilated into the existing topographical profiles. The landform would be a maximum of some 5m above original ground level but would gently merge into existing ground levels on its eastern side.

3.15 The operations associated with the construction of the screening landform would be completed within a maximum period of 8 weeks.

3.16 The landform would be tree planted in the first available planting season following its creation, and appropriately maintained for the duration of quarrying operations at the site. This landform would be retained permanently as part of the restoration scheme, and, if necessary, the tree planting would continue to be maintained as part of the after-care scheme.

Western Screening Bund

3.17 The western screening bund would run parallel with Darren Ddu Road along the western boundary of the site. This would be a smaller bund, with a maximum height of 2m above existing ground levels, and formed from some 1,200m3 of overburden and some 800m3 of top soil.

3.18 This bund would be grass seeded but would otherwise be allowed to regenerate naturally and be retained as a permanent feature.

Palisade fencing

3.20 The existing extraction area is enclosed by a 2.4 high palisade fence, and this would be continued along the boundary of the extension area as shown by the brown dashed line on plan ref CYH/E4B. The fence would be positioned on the outer side of the screening landform and inside of the western screen bund, both for security and to protect the tree planting on the screening landform.

Phased Working Scheme

3.21 The extraction operations within the western extension would tie-in with the operations within the current quarry area and would comprise a straightforward progression of the quarry faces and benches from the existing quarry into the extension area as three broad development phases.

3.22 All current operational elements associated with the processing plant, surface water drainage lagoons and ancillary site infrastructure would continue unchanged within the existing processing plant site.

Phase 1

3.23 Operations in Phase 1 (plan ref CYH/E8B) would develop the existing quarry faces and benches north westwards into the extension area. This would involve the development of the 154m AOD, 168m AOD and 184m AOD benches from the existing quarry into the defined phase 1 area. Cross sections through Phase 1 are shown on plan ref CYH/E11B: Cross Section - Quarry Phases: Sections B-B', C-C' and D-D'.

Phase 2

3.24 The soils and overburden within Phase 2 (some 18,300m3) would be stripped within the final year of extraction operations in Phase 1. These materials would be used for the progressive restoration of benches and faces elsewhere within the quarry, primarily those on the southern and eastern areas where extraction will have been completed.

3.25 Plan ref CYH/E9B illustrates the continued development of the quarry faces and benches in a north westerly direction with the creation of the bench levels at 128m AOD, 139m AOD, 164m AOD, 161m AOD and 176m AOD. The lower bench levels in the west reflect the reducing original ground levels as the development works towards the western site boundary. The cross sections associated with Phase 2 are also illustrated by sections B-B', C-C' and D-D' on Drawing CYH/E11B.

Phase 3

3.26 The final phase would extend the quarry north westwards towards Darren Ddu Road. The stripped soils and overburden (some 8,400m3) would be used in the further progressive restoration of existing benches and faces within the site.

3.27 This phase will involve the excavation of the final benches to 100m AOD, with faces of between 11m and 15m high to the surrounding ground levels.

3.28 The cross sections through the completed quarry landform are illustrated on Drawing CYH/E11B.

3.29 Upon completion of this final phase, a period of a further two years will be required to clear all remaining sandstone stocks, decommission all plant and remove it from the site.

Hours of Working

3.30 It is proposed that operations will be undertaken in accordance with the hours of working set out in the Environment Act Review schedule of conditions (ref 08/1380/10, April 2013) summarised below, but with an additional restriction relating to drilling above 170m AOD in the western extension area and a slightly later start time for weekend soil stripping and bund creation/removal operations, as detailed below.

Operations	Monday to Friday	Saturday	Sunday/Public Holidays
Quarrying Operations (except in emergencies, or unless the planning authority has otherwise agreed beforehand in writing)	07:00 to 19:00 hrs	07:00 to 16:00 hrs	No working

Blasting (except in emergencies)	10:00 to 16:00 hrs	No blasting	No blasting
Drilling (above 180m AOD in the existing quarry and above 170m AOD in the western extension area)	10:00 to 16:00 hrs	No drilling	No drilling
Drilling (below 180m AOD in the existing quarry and below 170m AOD in the western extension area)	07:00 to 18:00 hrs	No drilling	No drilling
Soil stripping or bund creation/removal	08:00 to 17:00 hrs	09:00 to 13:00 hrs	No operations
Other than vehicles associated with manufacture of coated road stone, production of ready mix concrete or servicing etc of plant, no vehicles to enter/leave quarry except between hours:	07:00 to 19:00 hrs	07:00 to 16:00 hrs	No vehicle movements other than as specified opposite.

Processing Plant and Asphalt Plant

3.31 The quarry contains a fixed crushing and screening plant and an asphalt plant which uses aggregate derived from the quarry. No changes to the existing plant arrangements are proposed as part of the extension development. The plants are regulated by an Environmental Permit issued by RCT which imposes detailed controls and monitoring obligations on emissions from the plants.

Output and Traffic Routing

3.32 There are no restrictions imposed on the existing planning permission relating to the rate of output from the quarry, or on the number of vehicles entering or leaving the site.

3.33 Almost all HGV's are routed southwards along the B4273 to Pontypridd, where the majority turn left at the traffic lights with the A473 to travel the short distance to the A470 grade separated interchange. Vehicles then either travel northbound or southbound on the A470 to their market destinations. There are no alternatives to this routing pattern since, with the exception of very occasional local deliveries, there are no markets northbound along the B4273. There are also width and height restrictions on the "Grovers Road" to Abercynon.

3.34 Recent and historic output has averaged some 400,000 tonnes per annum, and this established rate and pattern of movement is not anticipated to change as a result of the extension development. The ES (2015) indicated that based upon a 278.5 day working year, and average vehicle carrying capacities of 20 tonnes, this generates an average of 70 deliveries per day. A more recent review of weighbridge records indicates an average payload of 24 tonnes (27.95 tonnes for articulated vehicles and an average of 16.26 tonnes for all other lorries), giving 58 deliveries per day.

3.35 The July Committee Report indicated that in the event of the Committee resolving to approve the application (as per the Planning Officer's recommendation), an additional condition should be imposed which would limit output to 400,000 tonnes per annum. The Applicants confirmed that they would not object to such a condition and suggested a form of wording for a condition.

Water Management

3.36 The current water management system for the processing plant area and office complex is dealt with via an existing system of settlement lagoons and an off-site discharge regulated by NRW by a consent issued in 2013 (Consent Number AF4029101).

3.37 Within the main excavation and dust stockpile area, seepage from perched groundwater and rainfall / runoff into the main excavation makes its way to the quarry floor, via drainage channels and flows along haul roads. Runoff from the adjacent dust stockpile area is collected in a drainage channel at the base of the tip and gravity fed to the base of the quarry. The water collected at the lower floor level freely seeps into the Pennant Sandstone and migrates downwards to the underlying water table.

3.38 The proposed development would be a continuation of the existing programme of working the quarry benches and faces in a north-westerly direction to the limit of the current excavation footprint and then beyond into the extension area. The base level of the quarry would not extend below 100 m AOD.

3.39 The assessment of potential inflow into the enlarged excavation undertaken as part of the EIA concludes that groundwater flow into the quarry is, and will continue to be minimal, being related to perched water tables within the Pennant Measures. Water derived from rainfall and perched sources will thus continue to be accommodated at the base of the quarry void from where it will seep into the underlying strata and water table.

3.40 Following the cessation of operations it is anticipated that the quarry void will not flood but that rainfall and perched water inflow will continue to freely seep into the Pennant Sandstone and migrate to the underlying water table.

Countryside Amenity / Community Benefits

3.41 In addition to the income and employment retention through continued operations at the existing site, Plan ref CYH/E6B confirms a series of countryside amenity benefits supporting health and wellbeing which would be associated with the development. At the time of submission of the application, these included the offer to dedicate to RCT some 4.6 hectares of land south of the extension area adjoining the north western boundary of the Craig yr Hesg Local Nature Reserve which could be gifted to RCT as an extension to the Nature Reserve. This would have followed a previous gift by Hanson in 1993 of 40 acres of land at Craig yr Hesg to the predecessor authority Taff Ely Borough Council which now comprises the Craig yr Hesg Local Nature Reserve. The additional area lies within the boundaries of the Craig yr Hesg / Lan Wood Site of Importance for Nature Conservation and would have formed a logical extension to the adjoining Local Nature Reserve. However, RCT has indicated that they do not wish to accept this offer (as confirmed in the February 2020 Committee Report).

3.42 Plan CYH/E6B also highlights the proposed woodland which would be established along the northern and southern boundaries of the extension area which would link with existing established woodland to provide a new and attractive woodland corridor. This landscape enhancement would be supplemented by the creation of a new hedgerow along the outer edge of the screening landform which would link with existing woodland areas to the north and south.

3.43 At present there is no formal access to the countryside to the west of Glyncoch, and the proposals thus make provision for a new right of way from Glyncoch westwards to link with existing rights of way at Darren Ddu Road and the network of public footpaths beyond. This includes a link to the Pontypridd Circular Walk and would provide a valuable additional local amenity, as well as significant improvement in access and accessibility with associated community health benefits.

Restoration

3.44 The broad principles of the restoration strategy are illustrated on plan ref CYH/E12A**,** and incorporate three main elements, namely:

(a) on-site soils would be used for restoration planting in selected locations to reflect the pattern of existing woodland adjacent to the site;

(b) quarry benches and faces would be progressively restored during quarry phases, where consistent with operational requirements, with a variety of treatments to enhance the ecological and landscape value of the site; and

(c) the quarry floor would be restored using fine granular material / quarry waste, soils currently in storage and soils stripped from the extension area.

3.45 In view of the recognised ecological potential of restored mineral workings, the main objectives of the restoration proposals are focused on landscape amenity and nature conservation. This is consistent with advice set out in paragraphs 134-135 and 137 of MTAN1, and with the approved restoration strategy for the existing Craig yr Hesg Quarry where the scheme is based upon applying the same restoration treatments and principles within both the existing quarry and extension area as part of a comprehensive approach to restoration of the overall site area.

3.46 The restoration strategy has been based on the anticipated final form of the quarry upon completion of quarrying. Detailed specifications and proposals for the treatment of individual quarry faces and benches will be produced during the development of the quarry when the respective faces and benches are formed and available for restoration in the latter stages of the overall development. However, these finer details would be based upon the overall restoration strategy which has been prepared, and a series of restoration 'treatments' for the quarry benches.

3.47 Opportunities are likely to be available to retain attractive rock outcrops as crags, and to retain naturally occurring crevices and pockets where different types of vegetation will colonise. Quarry faces would generally be left to regenerate naturally, the potential extent of these areas being shown as QF on application plan ref CYH/E14A. Set within existing and proposed woodland, the retained faces would appear similar to natural outcrops occurring within woodland along the steep valley side slopes of the Taf, for example, within Coed Craig yr Hesg to the south of the site.

3.48 Localised small scree slopes and pockets of loose rock would create different conditions with a variable and uneven surface texture creating suitable ground conditions to facilitate ecological succession, encouraging natural regeneration of a diverse range of species, as described in MTAN1, paragraph

135. The resulting variety of vegetation types would avoid uniformity of restoration treatment, increasing biodiversity, geodiversity and landscape interest.

3.49 In relation to the quarry benches, a variety of restoration treatments are proposed focusing on natural recolonisation of bare rock, placed granular fines and placed soils, with tree and shrub planting proposed on placed soils in the more prominent locations where more rapid re-vegetation would be beneficial.

3.50 On completion of quarrying the processing plant, offices, and ancillary buildings would be removed. The area would be re-profiled to smooth flowing contours of a suitable gradient using quarry fines and soils available from the soil stockpile. Similarly, the quarry floor within the quarry void would also be graded to smooth flowing contours using quarry fines and soils. The intention is then to establish species rich grassland across the quarry floor.

Environmental and Amenity Mitigation Measures

3.51 The environmental and amenity effects were assessed in detail as part of an environmental impact assessment (EIA), undertaken in accordance with an EIA scoping opinion issued by RCT, and reported in the Environmental Statement (ES) which accompanied the application. Where applicable, each technical study made recommendations for mitigation measures designed to minimise the effects of the development, consistent with published guidance and standards protective of the environment and health. Most notably in terms of the reason for refusal, this included recommendations for noise mitigation measures and noise limits (ES Chapter 10.0); blast vibration mitigation measures and ground vibration limits (ES Chapter 11.0); and dust / air quality mitigation measures and proposed monitoring arrangements (ES Chapter 12.0).

3.52 These proposed measures were brought together in the ‘Response to Public Consultation: Well-Being and Environmental Health Issues Report: June 2015’ as a summary of environmental controls and commitments, tabulated in Table 4.1 of that Report (ref Section 4.0). These issues and other topics were explored further in Section 8.0 of that Report which included additional mitigation measures as a constructive response to suggestions made as part of the consultation exercise. The Report serves to highlight the attention to detail in devising the proposals, but also the substantial measures which are available to regulate and minimise the effects of the development upon the environment and health. In the majority of cases, these represent existing well-established measures which are proven to be effective. Other measures specific to the project, most notably the eastern and northern screening landform, would bring substantial visual, landscape and noise attenuation benefits.

Planning Conditions

3.53 It follows that the environmental and amenity impacts of the quarry development and restoration scheme summarised above are capable of being mitigated to within acceptable levels and limits and regulated and enforced by planning conditions. A comprehensive package of recommended mitigation measures are capable of being translated into enforceable planning conditions, as is evident from the schedule of conditions included as part of the February and July 2020 Committee Reports, noting in particular conditions 2, 3, 6, 7, 49, 50, 52 and 53.

3.0 PROPOSED DEVELOPMENT

4.0 THE NEED FOR THE DEVELOPMENT

Minerals Technical Advice Note 1: Aggregates (MTAN1)

4.1 Issues associated with the need for the development are to be considered in the context of the sustainability principles of the Well Being of Future Generations Act 2015 (WBFG) and the planning policy requirements of PPW10 which synergise with the WBFG goals and objectives (referred to in Section 5.0 of this SOC).

4.2 This section sets out the position relating to mineral need in terms of the Regional Technical Statements (RTS) and the resource provision to be made by RCT as their contribution towards aggregate supply; the mineral provision made by the adopted development plan (RCT Local Development Plan 2011) consistent with the requirements of the RTS, and general policy issues relating to aggregate supply which provide a context to, and which are relevant to, the sustainable development principles.

4.3 Minerals Technical Advice Note 1: Aggregates (MTAN1) confirms that the overriding objective of planning policy for aggregate provision is to ensure that supply is managed in a sustainable way so that the best balance between environmental, economic and social considerations is struck, while making sure that environmental and amenity impacts of any necessary extraction are kept to a level that avoids demonstrable harm to interests of acknowledged importance" (reference paragraph 7).

4.4 It seeks to meet this objective via 5 principles of 'sustainable minerals planning' set out in the then Minerals Planning Policy Wales and reiterated in Planning Policy Wales Edition 10 (PPW10 - ref section 5.14). This includes the goal to provide aggregate resources in a sustainable way to meet society's needs for construction aggregate in line with objectives to, inter alia, "*ensure planning permissions for futures primary extraction are essential and properly planned for in accord with the Regional Technical Statement* (RTS), reference MTAN1 'Principle A'.

4.5 MTAN1 highlights the limited availability of certain aggregates, such as high specification aggregates (HSA) for road construction that have the ability to provide particular levels of surface skidding resistance and durability. The Pennant Sandstone outcrop in South Wales, of which the mineral resource at Craig-yr-Hesg Quarry is a part, is identified as a resource of UK importance which, notwithstanding the 'proximity principle' may justify transportation over long distances because of the national need for the provision of the specific type of material with limited availability (MTAN1 paragraph 42). The RTS, 2008 (discussed below) further notes that this implies that, given suitable safeguards, additional levels of extraction to meet this particular need should be encouraged e.g. as a means of regenerating local economies.

4.6 MTAN 1 provides advice on the landbank of permitted reserves which should be maintained for aggregates, with a reference to a minimum 10 year landbank for crushed rock to be maintained during the entire development plan period (para 49). It continues by noting that where landbanks already provide for more than 20 years extraction, new allocations in development plans will not be necessary, and mineral planning authorities should consider whether there is justification for further extensions to existing sites or new extraction sites as these should not be permitted save in rare and exceptional circumstances. This may be justified, for example, where supply of an aggregate of a particular specification is clearly demonstrated..... (ref para 49).

4.7 The advice in MTAN 1(2004) has been modified by a Statement issued to the Chief Planning Officers of LPAs in Wales by the Welsh Minister for Housing and Regeneration (25th July 2014), as part of the formal endorsement of the Regional Technical Statement 1st Review (discussed below). This notes in relation to MTN1 para 49 that this was drafted at a time when it was presumed that a plan period would be 10 years. This pre-dated the onset of LDPs and LDP periods of 15 years. The letter thus notes that "*the implication is that it may not be sufficient to conclude that having a 20 year or more landbank will result in the required minimum landbank throughout the plan period. Therefore, it may be prudent to come to this conclusion only if there was in place a landbank of 25 years or more. This letter clarifies that it is where landbanks already provide for more than 25 years of aggregates extraction that new allocations will not be necessary*".

4.8 This advice also needs to be considered in the context of the recognition set out in MTAN1 that the Pennant Sandstone in South Wales should be treated as a "**special case**" in terms of supply, and where as noted above, MTAN1 urges planning authorities to recognise the UK importance of the resource (ref para 42).

Planning Policy Wales Edition 10 December 2018 (PPW10)

4.9 Similar advice is set out in PPW10 which notes that high specification aggregates are of importance to the UK and that "*the UK and regional need for such minerals should be accorded significant weight provided environmental impacts can be limited to acceptable levels*" (ref para 5.14.23). It is the Appellants case that environmental impacts could be limited to "*acceptable levels*" in this case and that the project is thus entitled to be accorded the '*significant weight*' referred to.

4.10 PPW10 also confirms that it is "*essential to the economic health of the country that the construction industry is provided with an adequate supply of the minerals it needs*" (para 5.14.22).

4.11 In terms of ensuring supply' PPW10 confirms that:

Ensuring the sustainable supply of minerals is a strategic issue which plays a fundamental underpinning role in supporting non-minerals development. Each mineral planning authority should ensure that it makes an appropriate contribution to meeting local, regional and UK needs for primary minerals which reflects the nature and extent of resources in the area and their best and most appropriate use, subject to relevant environmental and other planning considerations. For aggregates this should be done under the aegis of the North and South Wales Regional Aggregates Working Parties, whose role is to provide a regional overview of supply and demand and through the framework provided by the Regional Technical Statements for Aggregates (ref para 5.14.10).

4.12 It continues by noting that:

"*The contribution that a resource could make to UK demand where the mineral is of limited or restricted supply or regional demand must be taken into account when taking planning decisions…….*" (ref para 5.14.11), and of relevance to the HSA available at Craig yr Hesg Quarry).

Regional Technical Statement (RTS)

4.13 MTAN 1 requires the two Regional Aggregate Working Parties (RAWPS) in Wales to produce a Regional Technical Statement (RTS) to ensure that adequate supply can be maintained, taking into account the sustainability objectives set out in MTAN1. The relevant parts of the RTS should then be incorporated into the individual development plans of the respective Authorities (reference paragraph 50).

4.14 A RTS for the area covered by the South Wales RAWP was produced in October 2008. The RTS considered future demand in the region based upon both existing consumption patterns and a 'per capita'/population approach. The regional assessment of demand was then 'apportioned'/subdivided between the constituent MPA's as the contribution towards regional aggregate demand which they should make via allocations in their LDPs.

4.15 In relation to RCT, the RTS concluded that early consideration should be given to the need to allocate additional reserves likely to be required in the later part of the 15 year plan period (ref recommendation in section 4.28). It further noted that in preparing LDPs, consideration should be given to whether the factors in 'Box 1' give rise to any requirement for resource allocations. 'Box 1 notes that:

This guidance deals only with the apparent requirements for crushed rock and sand and gravel resources to be made available on the basis of total requirements compared with the current total of permitted reserves in the relevant area and therefore does not take fully into account factors that may be material to the ensuring an adequate supply of aggregates obtained from appropriately located sources. Such factors include:-

- *The technical capability of one type of material to interchange for another.*
- *The relative environmental cost of substitution of one type of material by another.*
- *The relative environmental effects of changing patterns of supply.*
- *Whether adequate production capacity can be maintained to meet the required supply.*

In preparing Local Development Plans, planning authorities need to take these factors into account in determining whether resource allocations are required.

4.16 As part of the preparation of the RCT LDP, Hanson promoted an extension to Craig yr Hesg quarry as a candidate 'preferred area' for future quarrying on the basis that reserves at the existing quarry were likely to be exhausted during the Plan period, and additional reserves needed to be released to allow continuity of production of this important high specification aggregate material. These representations were accepted, and consistent with the context provided by the RTS, the adopted LDP (2011) makes provision for a western extension to the quarry within a 'preferred area of area of known mineral resources' (ref Policy SSA 25).

4.17 A 1st Review of the RTS was published in August 2014 as a 'main document' together with Regional Annexes A and B covering the North Wales and South Wales RAWP areas (RTS1). In contrast to the initial RTS, the 1st Review assesses future demand solely based upon average sales and figures for each MPA in the preceding 10 years (2001 – 2010), and projects the average sales forward for the 15-year period of the RTS Review.

4.18 RTS1 provides a general strategy for the future supply of aggregates based on a minimum supply requirement of 25 years (15 year period of the RTS + 10 year minimum crushed rock landbank at the end of the 15 year period), with recommendations to each Mineral Planning Authority regarding the minimum quantity of crushed rock aggregate which needs to be provided for within their area (minimum provision), and the total tonnage for any new allocations which need to be made in their Local Development Plans to meet that minimum provision. These calculations are based upon average sales over a 10 year period (2000 - 2010) and the amount of permitted reserves (landbank) available at 31st December 2010. Particular mention is made of 'high specification aggregate' (HSA) which serves different markets and is required for distribution over greater distances, notably the skid resistance aggregates derived from the Pennant Sandstone which are essential for road surfacing applications throughout England and Wales (ref RTS1 para 2.8).

4.19 In relation to circumstances in RCT, the Regional Annex does not differentiate between general rock aggregate from limestone quarries within RCT (Forest Wood and Hendy Quarry), and the high specification aggregate (HSA) from Craig yr Hesg, but assumes combined ongoing sales of some 0.69m tonnes

of rock per annum (sandstone and limestone). This results in a requirement as at December 2010 for a minimum provision of 17.25m tonnes of rock, calculated over the 25-year time horizon. When compared with a landbank of 13m tonnes at December 2010, this gave a residual requirement for a minimum allocation in the RCT LDP of 4.25m tonnes.

4.20 The RTS1 Regional Annex further notes that a new permission for an extension to Forest Wood Quarry has been granted since December 2010 and a preferred area has been identified in the LDP (Craig yr Hesg). It thus concludes that the crushed rock shortfall is already covered by the permission and allocation and that no further allocations are specifically required by the RTS. RTS1 does however emphasise that the allocation requirements are minimum amounts required to meet the RTS requirements and that any applications which exceed the minimum requirements should not be rejected purely on the grounds of exceeding the minimum requirements (ref RTS1 Table 5.3).

4.21 It is thus apparent that RTS1 relied upon the release of additional reserves at Craig yr Hesg to meet future demand for crushed rock over the RTS1 period, but where the importance of the HSA adds further weight to the importance of the release of the additional reserves.

4.22 MTAN1 requires the RTS to be reviewed at 5 yearly intervals, and a second review of the RTS is nearing completion, with a final draft circulated to Mineral Planning Authorities and the Minerals Products Association in October 2020 (RTS2). When finalised, and if endorsed by the Minister it will form the basis of mineral resource provision to be made in LDP reviews, noting that a LDP review for RCT is scheduled to progress during 2021.

4.23 As noted above, the methodology used in RTS1 was based primarily on historical sales averages, combined with an assessment of the various 'drivers' of potential future change. For RTS2, this has been combined with an attempt to reflect planned future development requirements using housing construction activity as a general proxy for future economic activity which itself will require aggregate raw material (recognising that housing only accounts for a proportion of that activity).

4.24 Using this methodology, for RCT, there is an annualised apportionment of 0.753m tonnes of crushed rock, which for the 25 year provision period of RTS2 (15 years plus a minimum 10 year landbank at the end of the period), requires a minimum provision of 18.816m tonnes. With permitted reserves of 9.83m tonnes at 31st December 2016, this equates to a residual requirement to make an allocation for 8.986m tonnes of new crushed rock reserves in RCT's LDP Review.

4.25 It should be noted that the 8.896mt was the minimum required allocation as at the end of 2016. The replacement LDP for RCT is scheduled for adoption in 2024, by which time the Authority's crushed rock landbank will have reduced

by 8 years or around 6.0m tonnes if consumption remains at around 0.75mt per annum.

4.26 The accompanying text notes that:

"*There is already a preferred area for the extension of Craig-yr-Hesg Quarry, amounting to approximately 10 million tonnes. An application to develop that extension was refused in 2019, against officer advice, but may be appealed. That, however, is specifically for HSA Sandstone resources, which would not be able to substitute for any shortage of Carboniferous Limestone*……" (ref page 58).

4.27 Consistent with RTS1, the text also notes that:

"*Where allocation requirements are shown these are the minimum amounts required to meet the RTS requirements. In many cases an application for an individual new permission will exceed these amounts, in the interests of economic viability. Such applications should not be rejected purely on the grounds of exceeding the minimum requirements shown here. In some cases, the suggested allocations may already have been partially or entirely fulfilled, either by new permissions granted since 2016, or by allocations that have already been identified in LDPs*". (ref footnote to Table 5.7 in the RTS2 main document).

4.28 The emerging position for RCT via RTS2 is that there is a need to make provision for some 9 m tonnes (8.986m tonnes) of additional crushed rock aggregate reserves, calculated as at December 2016. As noted below, the 'preferred area' at Craig yr Hesg Quarry identified in the adopted development plan is currently the only means by which this identified requirement could be fulfilled.

4.29 In July 2019 the South Wales Aggregates Working Party published a 2018 Annual Report setting out information on sales and reserves as at 31st December 2018. For RCT this indicated a landbank of permitted reserves of 14 years based on average sales over a the 10-year period from 2009. However, the Report notes that the 3-year average sales for the period 2016-2018 were higher in RCT than the 10 year average which would indicate a landbank of 12 years.

4.30 The analysis set out in the Planning Officers Report to the February Committee notes that utilising the 3-year average as a base, given that it is indicative of rising sales in RCT, the extension area would add approximately 14.67 years to the landbank giving a total of approximately 27 years. This would be just adequate to cover the 25 year provision period of RTS2.

4.31 In that context, it should also be noted that the allocation requirements in RTS2 are 'minimum requirements' and that applications for the release of reserves should not be refused on the basis of any increase above the minimum amounts. This is because the 10 year landbank requirement for crushed rock

identified in MTAN1 is itself a minimum requirement at any point in the life of a LDP.

RCT Local Development Plan LDP)

4.32 The content of the LDP is discussed in section 5.0 below, but suffice to note here that, as noted above, in the context of the advice on aggregate resource requirements set out in the RTS (2008), the adopted LDP (2011) makes provision for a western extension to Craig yr Hesg Quarry, as a means of meeting RCT's contribution towards future aggregate supplies.

4.0 THE NEED FOR THE DEVELOPMENT

5.0 PLANNING POLICY

The Development Plan

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 204 introduced a requirement that planning applications should be determined in accordance with the development plan, unless material considerations indicate otherwise: in effect a presumption in favour of granting planning permission for developments which are in accordance with the development plan. This principle has continued through subsequent planning policy iterations, and, as discussed below, is at the heart of the most recent version of Planning Policy Wales, Edition 10 (PPW10).

5.2 The development plan in relation to the appeal site is the Rhondda Cynon Taf Local Development Plan (LDP) adopted in March 2011.

5.3 As part of the preparation of the LDP, Hanson promoted an extension to Craig yr Hesg quarry as a candidate 'preferred area' for future quarrying on the basis that reserves at the existing quarry were likely to be exhausted during the Plan period, and additional reserves needed to be released to allow continuity of production of this important aggregate material. These representations were accepted, and the adopted Plan makes provision for a western extension to the quarry within a 'preferred area of area of known mineral resources' (ref Policy SSA 25).

5.4 The accompanying text confirms that Craig yr Hesg is the only operating sandstone quarry in RCT, and that the existing quarry currently produces high specification polished stone value (PSV) or 'skid resistance' Pennant Sandstone. It notes that "*the resource is in high demand and is recognised as being an important high specification aggregate (HSA), i.e. a material suitable for the highly demanding use of road surfacing materials*" (ref para 6.184). The Plan also cross refers to the Regional Technical Statement (2008) which "*identifies the need to allocate additional rock reserves in Rhondda Cynon Taff, to ensure a supply of general hardstone resources over the period of the LDP*...."(ref para 6.185).

5.5 The allocation of the 'preferred area' as an extension to Craig yr Hesg Quarry is the only allocation of land for future aggregates production made in the LDP, which the Plan relies upon as part of RCTs contribution to regional supplies as required by MTAN1 and the RTS. Continuity of extraction at Craig yr Hesg Quarry thus represents the primary minerals strategy of RCT via the LDP. It follows that the release of the reserves at the Craig yr Hesg extension site is central to ensuring the required continuity of aggregate supply and the delivery of the LDP minerals strategy.

5.6 In the context of the requirements of Section 38(6) of the Planning Act there is a presumption in favour of permission being granted for developments which are in accordance with the development plan. The Craig yr Hesg application is entitled to this favourable presumption. This is re-enforced by the 'implementation' section of the LDP (Chapter 7) which confirms that the Plan "*provides a framework for rational and consistent decision making*" and that "*it will be the key document in determining development and land use changes in the County Borough in the period up to 2021*" (ref para 7.1)

5.7 The decision to refuse the application the subject of this appeal against the advice of the RCT Officers does not represent "*rational and consistent decision making*" nor is it consistent with a commitment to the delivery of the land use developments promoted by the Plan.

5.8 Policy AW14: Safeguarding confirms that the "*Limestone and Sandstone quarries at Forest Wood, Hendy and Craig yr Hesg, will be further safeguarded from development that would adversely affect their operations by 200 metre buffer zones as shown on the proposals maps"*.

5.9 The Proposals Map illustrates a 'buffer zone' drawn 200m from the edge of the existing permitted area of Craig yr Hesg Quarry, and from the boundary of the 'preferred area of known resources' extension area also defined on the Map. In that context, given that the proposed quarrying area within the 'preferred area' is a substantially reduced area compared to the 'preferred area' there would be no mineral extraction or related mineral operations within the buffer zone as defined on the Proposals Map. .

5.10 The accompanying text to Policy CS10 (discussed below) makes reference to buffer zones, and to the distances indicated in national planning policy (ref MTAN1 discussed below). However, the LDP emphasises that there is '*some scope identified in national guidance where exceptional circumstances of a particular proposal may allow for the reduction in the above standard distances'* (ref para 4.97). Given the reference to 'national guidance' the policy thus needs to be read in conjunction with the wider advice on buffer zones set out in PPW10 and MTAN1, though noting that neither document makes any reference to '*exceptional circumstances'*.

5.11 The draft LDP sought to introduce an additional policy (AW15) relating to 'Community Amenity Protection Zones' which were designed to protect the amenity of settlements by confirming that sandstone extraction "will generally not be permitted within 200 metres of defined settlement boundaries, or other established settlements". In effect, this was a quarry buffer zone in reverse with a zone drawn outwards from a settlement rather than outwards from a mineral working site. Objections to the policy were raised on behalf of Hanson at the LDP examination on the basis that the draft policy was not in accordance with the advice on buffer zones set out in MTAN1, and that it lacked the flexibility enshrined in the advice in MTAN1.

5.12 In his report of the examination, the Inspector concluded that "*rigid distances would conflict with national policy....and the submitted plan does not set out how flexibility can be applied*" (para 12.18). He thus recommended that draft policy AW15 be deleted, and the Plan was modified and adopted accordingly.

5.13 Allied to this, representations were made in support of draft policy AW15 by opponents of the 'preferred area' allocation to the effect that the Cefn Primary School playing fields should be included as part of the Glyncoch settlement boundary. If policy AW15 had been retained, the settlement buffer zone would have been drawn 200m outwards from the boundary of the school playing fields. This was not accepted by the Inspector, who concluded in respect of the potential quarry extension development within the 'preferred area' that "*the assessment of the impact of such a development would necessarily be based on actual effects and not on policy lines. Continuing to exclude the playing field from the settlement would have no material effect on that assessment.*"

5.14 Policy CS10 includes a commitment to contribute to the local, regional and national demand for a continuous supply of minerals, without compromising environmental and social issues by "*maintaining a minimum 10 year landbank of permitted rock aggregate reserves throughout the plan period (to 2021) together with an extended landbank in the form of a Preferred Area of Known Mineral Resource*" (i.e. the Craig yr Hesg extension area).

5.15 The accompanying text notes that minerals impact upon all aspects of our lives, providing resources for construction, roads, energy and our household and commercial needs (ref para 4.90). It continues by recognising that '*quarrying can have major impacts upon the environment and landscape and yet are crucial to the nation's economy'* (para 4.91). It thus confirms that '*the LDP minerals policies will balance the need for safeguarding of nationally, regionally and locally important mineral resources whilst considering their appropriate extraction against the potential impact of such development on residential and sensitive receptors, the landscape and on sites of nature conservation importance*' (ref para 4.92). That balancing exercise resulted in the allocation of the preferred area as an extension to Craig yr Hesg Quarry as an area for 'appropriate extraction'.

5.16 Core Strategy Policy CS10 also seeks to ensure that impacts upon residential areas and sensitive land uses from mineral operations and transportation are limited to an '*acceptable proven safe limit'*. Such impacts can be limited to 'an acceptable proven safe limit' in this case.

5.17 The supporting text refers to the wider need to consider effects on the landscape and on sites of nature conservation interest. This is re-enforced by Policy AW5 which requires that there should be "*no significant impact upon the amenities of neighbouring occupiers*".

5.18 A similar theme is included in policy AW10, which confirms that development proposals will not be permitted where they would cause or result in a risk of unacceptable harm to health and / or local amenity because of, inter alia, air and noise pollution, "*unless it can be demonstrated that measures can be taken to overcome any significant adverse risk to public health, the environment and / or impact upon local amenity*". Again the identified issues have been fully considered as part of the EIA, and measures are available, which can be imposed as planning conditions (or are regulated by other regimes) to ensure that the ongoing development will not give rise to "significant adverse risk'.

5.19 For clarity, the proposed application does not present any material risk to public health, where all environmental objective limits set to be protective of the most vulnerable members of society are and will continue to be met, and the relative change in air quality concentration and noise magnitude, timing and exposure are orders of magnitude lower than is required to quantify any manifest health outcome. It is considered that this is why no health objection has been submitted by any health stakeholder, and why the Planning Officer advised the July Committee that: "it is not considered that a reason for refusal on the grounds of impact on health and air quality can be justified".

5.20 Policy AW8 confirms the need for new development proposals not to cause harm to features of a Site of Importance for Nature Conservation (SINC) or other locally designated sites, unless, inter alia, the proposal will not unacceptably impact on the features of the site for which it has been designated.

5.21 There is a designated Local Nature Reserve (LNR) within the woodland to the south of the existing quarry (partly within land where the rights to quarry were relinquished as part of the 1993 Craig yr Hesg Quarry extension permission), but there would be no direct or indirect effect on this Nature Reserve. Plan ref CYH/E6 illustrates land in Hanson's ownership to the north west of the LNR which could be made available for a possible extension to the LNR, but as noted above, this offer has been declined by RCT.

5.22 The application site includes a small area of the Craig yr Hesg / Lan Wood SINC which comprises an extensive area to the south west of the application site. The small area of the SINC within the application site lies outside the proposed mineral extraction area and would not be affected by the quarry extension.

5.23 Finally, Policy SSA23 identifies 'Special Landscape areas' which cover large parts of the rural area of RCT, and where development will be expected to conform to the highest standards of design appropriate to the character of the area. The SLA boundary in the vicinity of Craig yr Hesg Quarry has been drawn such that it excludes both the quarry and the 'preferred area' and there would thus be no mineral development within the defined SLA area.

5.24 The theme of policy designed to protect the amenities of sensitive properties is not that amenity impacts should be eliminated, but that impacts should be minimised to an 'acceptable proven safe limit' (LDP policy CS10), ensuring no 'significant' impact or adverse risk. Similar themes are set out in MTAN1 and PPW with reference to ensuring that effects are mitigated to within 'acceptable levels' (MTAN1 para 85); to 'acceptable limits' (PPW10 para 5.14.2); and to an 'acceptable standard' (PPW para 5.14.42).

5.25 It is the Appellant's case that these requirements are fully discharged via the mitigation measures enshrined within the proposed development scheme.

5.26 For completeness, it should be noted that in September 2020 RCT commenced work on the preparation of a revised LDP 2020 – 2030 following approval of a 'Delivery Agreement' by Welsh Government on 14th September 2020. The programme anticipates consultation on a Pre-Deposit Plan in November / December 2021; Deposit Consultation in October / November 2022, submission to Welsh Government in April 2023, an examination in August /September 2023, and adoption in March 2024. The exercise is clearly at a very preliminary stage with currently no published documents of relevance to the appeal. However, the progress will be monitored, and evidence will be presented at the inquiry as appropriate.

National Planning Policy Context

5.27 The Well Being of Future Generations (Wales) Act 2015 (WBFGA) places a duty on public bodies that they must carry out sustainable development. The principle of sustainable development has been at the heart of planning policies since Planning Policy Wales (PPW) was first published in 2002. However, the concept has been expanded and reinforced under the WBFG to require a process of improving the economic, social, environmental and cultural wellbeing of Wales (Section 2), by taking action in accordance with the sustainable development principle (defined in Section 5), aimed at achieving the well-being goals (listed in Section 4). The WBFG (Section 3.0) also requires public bodies to set well-being objectives designed to maximise their contribution towards achieving each of the wellbeing goals.

5.28 The seven well-being goals seek to secure a prosperous Wales, a resilient Wales, a healthier Wales, a more equal Wales, a Wales of cohesive communities, a Wales of vibrant culture and thriving Welsh language, and a globally responsible Wales. The relevance of the goals will vary depending on the function being exercised by the public body, but they guide the overarching requirements for public bodies to exercise their functions in order to achieve sustainable development.

5.29 Section 2 of the WBFGA defines sustainable development as the process of improving the economic, social, environmental and cultural well-being of Wales by taking action in accordance with the sustainable development

principle aimed at achieving the well-being goals. Section 5 of the WBFGA defines the sustainable development principle as acting in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. In order to act in that manner, account must be taken of

(i) the importance of balancing short-term needs, with the need to safeguard the ability to meet long term needs;

(ii) the need to take an integrated approach by considering how the wellbeing objectives of the public may impact on each of the wellbeing goals;

(iii) the importance of involving other persons with an interest in achieving the wellbeing goals;

(iv) the need to act in collaboration to meet wellbeing objectives; and

(v) deploying resources to prevent problems occurring or getting worse.

5.30 These are referred to as the 'five ways of working' with elaboration in Planning Policy Wales Edition 10 (PPW10) highlighting the need for policy and development plans to consider the long-term; the integration of policy issues to ensure balanced decisions; collaboration with public bodies and interested parties to secure availability of evidence and assessments; involvement of the public and stakeholders through the planning system; and limiting environmental impacts in the wider public interest.

5.31 The Planning (Wales) Act 2015 introduced a statutory requirement for any statutory body carrying out a planning function to exercise those functions as part of carrying out sustainable development in accordance with the WBFGA for the purpose of ensuring that the development and use of land contribute to improving the economic, social, environmental and cultural well-being of Wales. The planning system is therefore necessary and central to achieving sustainable development in Wales.

5.32 The Environment (Wales) Act 2016 introduces the concept of 'Sustainable Management of Natural Resources' (SMNR) and sets out a framework to achieve this as part of decision making. Natural Resources as defined, includes animals, plants and other organisms, minerals and geological features (reference Part 1 Section 2). Sustainable management of natural resources is defined as using natural resources in a way and at a rate that promotes the achievement of sustainable objectives to meet the needs of current generations without compromising the ability of future generations to meet their needs, and to contribute to the achievement of the wellbeing goals in Section 4 of the WBFGA Act.

5.33 The Planning and Compulsory Purchase Act 2004 (Section 38 [6]), sets a now well-established requirement that planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. It is also relevant to note that sustainable development requirements are re-enforced by Section 39(2) of the Planning and Compulsory Purchase Act which places a duty on plan makers to exercise their function with the objective of contributing to sustainable development. The adopted RCT LDP (2011) was thus prepared in accordance with that duty. In that respect, whilst the preparation, examination and adoption of the RCT LDP pre-dates the 2015 and 2016 Welsh legislation referred to above, and PPW10 (discussed below), the requirement to act in a sustainable way was well established by the 2004 Act and previous iterations of Planning Policy Wales. The allocation of the Craig yr Hesg preferred area in the RCT LDP is thus to be regarded as contributing to sustainable development.

5.34 The importance of the development plan is further emphasised by PPW10 which re-states the established principle that development plans provide certainty for developers and the public about the type of development that will be permitted at a particular location (ref PPW10 para 1.21).

Planning Policy Wales Edition 10 (December 2018)

General Principles

5.35 PPW 10 issued on 5th December 2018 has been redrafted from the previous version 9 to ensure that it is fully aligned with the sustainable development requirements of the Planning (Wales) Act 2015 and the well-being goals defined in the WBFG which underpin sustainable development. It seeks to build upon the five ways of working set out in the WBFG, noting that the planning system is one of the key policy decision making and delivery mechanisms, and it should seek to maximise the delivery of outcomes against all aspects of well-being/sustainable development, thus seeking the maximise the contribution towards the goals of the WBFG Act.

5.36 It sets 5 key principles for planning of:

(i) Growing our economy in a sustainable manner;
(ii) Making the best use of resources
(iii) Facilitating accessible and healthy environments
(iv) Creating and sustaining communities
(v) Maximising environmental protection and limiting environmental impact (ref PPW10 Figure 3).

5.37 PPW 10 indicates that these principles enable the goals and ways of working set out in the WBFG Act and Environment (Wales) Act to be realised through planning, and they provide a context and catalyst for the positive delivery of the planning system across Wales (para 2.14).

5.38 PPW 10 is structured around the themes of sustainable 'place making', with four elements of 'strategic and spatial choices', 'active and social places', 'productive and enterprising places', and 'distinctive and natural places'. It emphasises that in responding to the key principles for the planning system, development proposals must seek to deliver development that addresses the national sustainable placemaking outcomes, albeit recognising that "not every development will be able to demonstrate they can meet all of these outcomes" (ref para 2.20).

5.39 The approach of PPW10 is to firstly to assess proposals against the 'strategic and spatial choices' issues and the 'national sustainable placemaking outcomes'; then to consider the detailed impact and contribution to 'active and social places', 'productive and enterprising places', and 'distinctive and natural places', noting that the consideration within each of these themes will vary on a case by case basis depending on the proposal concerned. Finally, the process should result in a proposal which contributes to the creation or sustaining of sustainable places and which delivers on the national sustainable placemaking outcomes (ref PPW10 Figure 6).

5.40 It also confirms that in assessing the sustainable benefits of development, "social, economic environmental and cultural benefits" should be considered in the decision-making process to ensure a balanced assessment in carried out and to implement the WBFGA and sustainable development principles. There may be occasions when one type of benefit of a development proposal outweighs others.

5.41 PPW10 seeks to ensure that decisions on development proposals take place in the context of securing sustainable development based on achieving economic, social, cultural and environmental benefits, with development to be designed to achieve 'sustainable places', and where development can contribute to the seven wellbeing goals of the WBFGA, and the 'sustainable management of natural resources' required by the Environment (Wales) Act 2016. These are complex inter-relationships, but they are capable of being distilled as part of a consideration of the Craig yr Hesg development.

5.42 In terms of the WBFGA goals, the extraction of HSA and the use of that material for high specification uses contributes to the globally responsible, prosperous and resilient goals. By complying with all environmental objective limits protective of health, potential local health impacts are prevented, no evidence of harm impact has been presented by any party, and no health objection has been submitted by any health stakeholder or the Planning Officer.

5.43 The comprehensive restoration scheme and the nature conservation focus of that scheme contribute to the globally responsible and resilient goals, but also expands and enhances local amenity of value to health and wellbeing, and facilitating healthy, vibrant and sustainable communities.

5.44 The economic activity associated with the development contributes to the prosperous, more equal and cohesive communities' goals, and specifically in maintaining existing direct, indirect, induced and catalytic income and employment, with significant local and regional socio-economic health ramifications.

5.45 The restoration scheme together with the community benefits in the form of the creation of rights of way and tree planting enhancements, contributes to facilitating the delivery of a more resilient, healthier, more equal and cohesive community, while further supporting vibrant culture (recreation) goals.

5.46 The mitigation measures in terms of air quality and dust controls (including the Dust Mitigation Plan) remove any material impact on public health and contribute towards the delivery of the resilient and healthier goals.

5.47 The development would deliver sustainability benefits in terms of economic considerations via the use of a resource of HSA which is a resource of UK importance for which there is an acknowledged need. The environment considerations include the mitigation of effects to 'acceptable levels'

5.48 PPW10 sets 5 key principles for planning, which enables the goals and ways of working set out in the WBFGA to be realised. The proposed development assists in securing the long-term supply of aggregate where the economic benefits would be felt beyond the development site boundaries. It is aligned within the proximity principle in terms of being able to supply aggregate locally rather than seeking to rely upon aggregate supplies from outside RCT, but also recognising the UK importance of the aggregate, meaning that it is marketed over wider distances. The environmental effects of the development have been identified and would be minimised by the mitigation and compensation measures which are proposed, noting the requirement to minimise impacts to "acceptable levels". It is the Appellant's case that the test of "acceptable levels" is met, noting that all mineral extraction operations will give rise to some degree of environmental and amenity impact.

Minerals Planning Policy (PPW Chapter 14)

5.49 PPW10 confirms that:

*"Society needs, and will continue to need for the foreseeable future, a wide range of minerals. Minerals are the principal constituents of most construction products, many pharmaceutical, chemical, agricultural, automotive, metallurgical, electronics, aerospace, plastics ceramic and paper products. Construction related minerals and mineral products are particularly important in Wales and are essential for housing and infrastructure, such as schools, roads, railways, airports and flood defences and a steady and adequate supply of materials is necessary" (*para 5.14.1)

5.50 It further emphasises that:

The role of the planning authority in relation to mineral extraction is to balance the fundamental requirement to ensure the adequate supply of minerals with the protection of amenity and the environment. The key principles are to:

- *provide positively for the safeguarding and working of mineral resources to meet society's needs now and in the future, encouraging the efficient and appropriate use of high quality materials;*
- *protect environmental and cultural characteristic of places, including those highly cherished for their intrinsic qualities, such as wildlife, landscapes, ancient woodlands and historic features, and to protect human health and safety and general well-being;*
- *reduce the impact of mineral extraction and related operations during the period of working by ensuring that impacts on relevant environmental qualities caused by mineral extraction and transportation, for example air quality and soundscape, are within acceptable limits; and*
- *achieving, without compromise, a high standard of restoration and aftercare so as to avoid dereliction and to bring discernible benefits to communities, heritage and/or wildlife, including beneficial after uses or opportunities for enhancement of biodiversity and the historic environment (para 5.14.2).*

5.51 These guiding principles are returned to in sections 7.0 and 8.0 below, notably in relation to reducing impacts to '*within acceptable limits'*, but also noting here the ability to deliver a high standard of restoration, and to bring discernible benefits associated with the restoration scheme.

5.52 As further context, PPW10 notes that:

Mineral working is different from other forms of development in that:

• extraction can only take place where the mineral is found to occur;

• it is transitional and cannot be regarded as a permanent land use even though operations may occur over a long period of time; and

• when operations cease land needs to be reclaimed to a high standard and to a beneficial and sustainable after-use so as to avoid dereliction and to bring discernible benefits to communities and/or wildlife (para 5.14.4).

5.53 Additional context is provided by paragraph 5.14.42, namely:

"*Mineral workings should not cause unacceptable adverse environmental or amenity impact. Where this is not possible working needs to be carefully controlled and monitored so that any adverse effects on local communities and the environment are mitigated to acceptable limits. Any effects on local communities and the environment must be minimised to an acceptable standard"* (re para 5.14.42).

5.54 It is the Appellants case, supported by responses from the technical consultees at the application stage that working is capable of being '*carefully controlled'*; effects on the local community and the environment can be mitigated to '*acceptable limits*'; and in the same way, effects on local communities and the environment can be minimised to an '*acceptable standard'*. In this respect, it is important to note that the national planning policy requirement is not to eliminate effects, but to ensure that they are mitigated and minimised to acceptable limits and standards. This requirement has been discharged in this case.

5.55 Of key relevance in this case based upon the reason for refusal, is the advice on buffer zones, which is quoted in full below:

> *5.14.44 There is often conflict between mineral workings and other land uses as a result of the environmental impact of noise and dust from mineral extraction and processing and vibration from blasting operations. Buffer zones should be used by planning authorities to provide areas of protection around permitted and proposed mineral workings where new development which would be sensitive to adverse impact, including residential areas, hospitals and schools, should be resisted. Within the buffer zone there should be no new mineral extraction or new sensitive development, except where the site of the new development in relation to the mineral operation would be in a location remote from the active mineral site or on the far side of an existing built up area which already encroaches into the buffer zone. Other development, including industry, offices and some ancillary development related to the mineral working, which are less sensitive to impact from mineral operations, may be acceptable within the buffer zone on a case by case basis.*
>
> *5.14.45 To avoid conflict between mineral workings and other land uses buffer zones should be identified in development plans around existing or proposed minerals sites. The maximum extent of the buffer zone would depend on a number of factors: the size, type and location of workings, the topography of the surrounding area, existing and anticipated levels of noise and dust, current and predicted vibration from blasting operations and availability of mitigation measures.*
>
> *5.14.46 Buffer zones will of necessity vary in size depending on the mineral being extracted and the nature of the operation but must be clearly defined and indicated on development plan proposals maps. This will ensure that there is unequivocal guidance on the proximity of mineral operations to sensitive land uses and that the potential impact of existing and future mineral workings is recognised and planned for in the area around the mineral operations. Further guidance on the factors that should be taken into account when defining buffer zones for particular minerals is provided in the MTANs. Whilst the primary purpose of buffer zones is to limit the impact of mineral working their wider beneficial role as part of green*

infrastructure provision and protecting and enhancing biodiversity should be explored.

5.56 In this case, as noted above, a 'buffer zone' has been defined on the Proposals Map accompanying the RCT LDP. No mineral extraction is proposed within the buffer zone as defined on the Proposals Map. It is also the case that the proposed screening landform, which would impinge on the buffer zone, would have a beneficial 'green infrastructure', landscape and biodiversity benefit by virtue of the substantial tree planting proposed.

5.57 In view of the cross reference to Mineral Technical Advice Notes (MTANs), the advice on buffer zones contained in paragraphs 70 and 71 of MTAN1: Aggregates is set out below:

Buffer Zones

70. MPPW (paragraph 40) established the principle of Buffer Zones around permitted and allocated mineral extraction sites. Development plans are required to indicate the boundary of the buffer zone. Within the buffer zone, no new sensitive development or mineral extraction should be approved. Sensitive development is any building occupied by people on a regular basis and includes housing areas, hostels, meeting places, schools and hospitals where an acceptable standard of amenity should be expected. Sensitive development could also include specialised high technology industrial development where operational needs require high standards of amenity.

71. The objective of the buffer zone is to protect land uses that are most sensitive to the impact of mineral operations by establishing a separation distance between potentially conflicting land uses. Research has indicated that people living close to mineral workings consider dust to be the main impact of mineral extraction and any processing operations, followed by traffic, and noise and vibration from blasting. After careful consideration, including consultation with a number of interested and informed parties, the Welsh Assembly Government takes the view that the following minimum distances should be adopted unless there are clear and justifiable reasons for reducing the distance. An example may be that, because of other means of control, there is very limited impact from the mineral extraction site.

Mineral Extraction Type	***Minimum Distance***
Sand and gravel (and others where no blasting is permitted)	***100 metres***
Hard rock quarries	***200 metres***

The buffer zone should be defined from the outer edge of the area where extraction and processing operations will take place, including site haul roads, rather than the site boundary, as there may be land within site boundaries where mineral activities are limited or no operations are

proposed so that the impact of the proximity of such land is negligible. Where mobile plant is likely to be used it will usually be necessary to control by planning conditions the location of the operational area where plant may operate in order to maintain the buffer zone and thus protect amenity.

5.58 A number of points arise from the above policy and advice:

(i) The RCT LDP Proposals Map identifies a 200m buffer zone around the existing permitted area of Craig yr Hesg Quarry and from the boundary of the Preferred Area of Known Mineral Resources defined on the Map (policy reference SSA/25).

(ii) The buffer zone in relation to the existing quarry extends into the community of Glyncoch in a much more substantial way than the buffer zone around the defined extension area.

(iii) The buffer zone defined on the Proposals Map around the Preferred Area of Known Mineral Resources extends into the community of Glyncoch at e.g. Conway Close to a greater extent than that which would be the case with a 200m buffer zone applied to the limits of extraction associated with the appeal proposal which are less extensive than the Preferred Area of Known Mineral Resources defined on the Proposals Map.

(iv) For the purposes of a buffer zone, sensitive development is defined as any building occupied by people on a regular basis (emphasis added).

(v) The buffer zone should be defined from the outer edge of the area where extraction and processing operations will take place, including site haul roads, rather than the site boundary, as there may be land within site boundaries where mineral activities are limited or no operations are proposed so that the impact of the proximity of such land is negligible.

(vii) The mineral operations proposed in the appeal application lie entirely within the Preferred Area of Known Minerals Resource (Policy SSA25) and do not, therefore, extend within the buffer zone identified on the LDP Proposals Map.

(viii) There is no embargo against reducing the 200m buffer zone distance recommended for hard rock quarries in MTAN1 (para 71). The appropriate distance may be judged on a case by case basis where the requirement is that there should be 'clear and justifiable reasons for reducing the distance' The example cited is that, because of other means of control, there is very limited impact from the mineral extraction site.

5.59 These issues are considered further in Section 7.0 in the response to the reason for refusing the application, which is confined to issues associated with the buffer zone.

Minerals Technical Advice Note 1: Aggregates (MTAN1)

5.60 MTAN1 provides further advice on the means by which the five key sustainable principles for minerals planning originally set out in Minerals Planning Policy Wales 2000 are to be delivered.

5.61 The first of the first key principles (A) is to provide aggregate resources in a sustainable way to meet society's needs for construction materials in line with a series of objectives, including:

- *Ensuring planning permissions for future primary extraction are essential and properly planned for in accord with the Regional Technical Statement…….* (ref MTAN1 paragraph 8).

5.62 MTAN 1 sets out detailed advice on the mechanisms for delivering the 'key principle' of reducing the impact of mineral extraction and related operations during the period of mineral working (key principle C). This includes advice on dust, noting that experience has shown that dust emissions can result from:

> *"Haulage, particularly on internal and surfaces routes, or nearby roads which are not adequately wetted, and if vehicles are un-sheeted; crushing and grading operations… surface stripping, including soils and overburden storage, restoration operations" (reference paragraph 72).*

5.63 MTAN1 notes that planning conditions can control certain activities to protect against dust emissions, although many of these are now controlled under the Environmental Protection Act 1990 (now Pollution Prevention and Control Act 1999), as is the case with the processing plant and asphalt plant at the Quarry. However, it highlights a number of issues which might be controlled by planning conditions including the imposition of speed restrictions within the quarry, sheeting of vehicles, the design of working programmes to locate dust emission sources away from sensitive developments, and the timing of soil handling and overburden stripping to suit weather conditions (paragraph 77). These issues are readily capable of being controlled by way of conditions at the appeal site as a continuation of controls which are in place at the existing Quarry.

5.64 MTAN1 also provides advice in relation to noise, with confirmation that the effects of noise should be fully considered in formulating future proposals for aggregates extraction, and noise impact must be minimised to "*acceptable levels*" (reference paragraph 85). Again, these issues are addressed within the ES which concludes that noise can be controlled to within the 'acceptable levels' recommended in MTAN1.

5.65 MTAN1 further emphasises that the visual impact of developments should be assessed carefully, and that attention is to be afforded to determine the potential impact on the character of the landscape. It notes that an

assessment should facilitate a comprehensive understanding of the visual impact of a development from various locations which will assist in devising an appropriate layout and phasing, and the most appropriate restoration strategy (reference paragraph 90). Again, a careful assessment of the landscape and visual effects of the proposed development has been undertaken as part of the EIA process and no objections have been raised by RCT in respect of visual and landscape issues.

5.66 Finally, MTAN1 provides advice on restoration and aftercare as part of the objective to achieve high standards of restoration and aftercare and provide for a beneficial after use (reference key principle D). It proposes that for longer term workings it is appropriate to agree at the outset the outline requirements, with planning conditions requiring the submission of a detailed scheme for restoration and aftercare by a specific stage towards the end of the life of the permission (reference paragraph 120)

5.67 This is the approach taken with the proposed restoration strategy included as part of the development proposals and shown on plan ref CYH/E12A.

5.68 MTAN1 provides more detailed advice on the content of restoration and aftercare schemes, including the benefits of restoration to amenity and nature conservation (paragraph 134), including natural regeneration over parts of the site to allow a mosaic of habitats to establish naturally. These principles have been embraced in the design of the restoration strategy.

Planning Policy Conclusions

5.69 PPW10 recognises that mineral extraction can only take place where the mineral is found to occur; it is transitional even though operations may occur over a long period of time; and any adverse effects on local amenity and the environment need to be mitigated to "acceptable levels" and "acceptable standards" (paras 15.14.42 and 15.14.42). A similar test is set out in the development plan with the requirement to mitigate effects to within an "acceptable proven safe limit" (ref policy CS10) and to avoid "significant" impact (policy AW5) and "significant" adverse risk (policy AW10).

5.70 The language of the development plan and PPW10 recognise that it is unlikely that the environmental effects of mineral extraction can be fully eliminated, and the requirement is thus to mitigate the environmental impacts of mineral extraction and to "carefully control and monitor" effects (PPW10 para 5.14.42).

5.71 The potential amenity and environmental effects have been considered in detail in the ES and in the subsequent 'Response to Public Consultation: Well-Being and Environmental Health Issues Report June 2015', where the express focus of the designed-in mitigation measures and the recommendations for additional mitigation measures has been to ensure that the scheme could proceed in a way which demonstrably minimises environmental effects to

within "acceptable levels and standards". The conclusion reached by the Appellants is that the development would satisfy this underlying requirement.

5.72 Particular consideration has been given to the separation distances between the limits of extraction within the extension area and the closest residential properties in Glyncoch, noting the advice in MTAN1 that a minimum separation distance of 200m should be adopted "unless there are clear and justifiable reasons for reducing the distance" (para 71). Similar advice is provided in the RCT LDP which highlights the scope to allow for a reduction in the standard distance based upon the exceptional circumstances of a particular proposal (LDP para 4.97), noting also the comments made by the Inspector in his report following the LDP examination which expressly rejected the notion of rigid buffer zone distances.

5.73 In this case there are considered to be "clear and justifiable reasons" for reducing the buffer zone distance for mineral operations in the extension area from the recommended 200m to 175m in that:

(i) The noise and blast vibration limits which have been recommended in the EIA and those recommended by planning officers can be met;

(ii) the effects on amenity would be minimised by the screening landform; and

(iii) the operations within 175m would be short term (on the upper benches), intermittent and a comparatively small proportion of the extraction area, where the majority of works, both laterally and at depth within the quarry would be at a distance of in excess of 200m.

5.74 Notwithstanding this conclusion on the way in which environmental effects can be "carefully controlled", planning policy requires that the determination of a planning application needs to consider wider issues as part of an overall planning balance. Uppermost in this is the acknowledged need set out in PPW10 to provide mineral resources to meet society's needs and to maintain a steady and adequate supply of minerals" (para 5.14.1). Moreover, and of significance to the HSA available at Craig yr Hesg Quarry, is the requirement that th*e UK* and regional need for such minerals should be accorded *"significant weight" provided environmental impacts can be limited to acceptable levels*" (ref para 5.14.23). It is the Appellants case that environmental impacts could be limited to "*acceptable levels*" in this case, they do not present any material risk to public health, and that the project is thus entitled to be accorded the '*significant weight*' referred to.

5.75 PPW10 also requires Planning Authorities to "provide positively for the working of mineral resources" (para 15.14.2), and "each mineral planning authority should ensure that it makes an appropriate contribution to meeting local,

regional and UK needs for primary minerals which reflects the nature and extent of resources in the area " (ref para 15.14.10).

5.76 In the case of RCT, this need, and the contribution to local, regional and UK needs is reflected in the allocation of a 'preferred area of known minerals resource ' as an extension to Craig yr Hesg Quarry as the only such allocation in the RCT LDP.

5.77 The underlying requirement of the development plan and PPW10 is to ensure that a proper balance is struck between the need for minerals and the protection of existing amenity and the environment. In this case, the need for the mineral is recognised and acknowledged at both a national and local level and is expressly planned for via the LDP preferred area allocation.

5.78 The other element of the balance – protection of amenity and the environment has been at the forefront of the project design and EIA mitigation measures, and the conclusion reached is that the environmental effects can be successfully minimised to "acceptable limits", and do not constitute any material risk to public health.

5.79 The overall planning policy conclusion is that the development would be in accordance with the development plan both in term of the preferred area allocation and fulfilment of a strategic mineral supply strategy of the Plan, but also in terms of the individual environmental protection policies which have been assessed. The development is thus entitled to a presumption in favour of planning permission being granted (ref Section 38(6) of the Planning and Compulsory Purchase Act 2004).

5.80 In addition, in terms of a wider planning balance, the weight to be afforded to the need for the development; the importance of continuity of supply; the special quality of the high specification aggregate; the economic importance of the development in terms of supply of the high specification aggregate; the absence of any material public health impact and the socio economic benefits of the development through maintained direct, indirect, induced and catalytic income and employment, are such that the balance should fall heavily in favour of the scheme.

5.0 PLANNING POLICY

6.0 DETERMINATION OF THE APPLICATION

6.1 The Application was reported to the meeting of RCT's Planning & Development Committee on 6th February 2020 ('February Report'). The Planning Officers Report to Committee is listed as Document 4 within the list of documents set out in Section 9.0 of this Statement of Case (SOC).

6.2 The Application was recommended for approval, with a summary of the reasons for the recommendation stated as:

> *The site is within an area identified as a "Preferred Area of Known Mineral Resource" in the adopted Local Development Plan. There is an expectation under the terms of the Regional Technical Statement for Aggregates for the South Wales Area (1st Review) that Rhondda Cynon Taf will secure additional reserves for aggregate production in order to meet the requirement to have a minimum of 10 years supply throughout the LDP period.*
>
> *It is considered that the Area of Preferred Known Mineral Resource this application sits within is the only realistic prospect of providing these reserves and therefore extending the quarry is considered acceptable in principle. It is also noted that stone extracted from Craig yr Hesg has a very high skid resistance of UK importance and is used in specialist road surfaces projects due to this.*
>
> *In terms of the details of this application, advice given in Minerals Technical Advice Note 1 gives a standard of a 200 metre separation distance between the operational area of a quarry and sensitive surrounding land uses, for drawing buffer zones around quarries. Such a buffer zone does not exist around Craig Yr Hesg Quarry for this particular purpose, nevertheless this 200 metres can be seen as a key material consideration in the determination of this application.*
>
> *It is acknowledged that the proposed quarry extension when measured from the inner edge of the proposed screening land form to be created does fall within 200 metres of residential properties and their curtilages and within 200 metres of the playing fields of a nearby primary school. However, the impacts in respect of blasting, air quality, operational noise and visual impact have been assessed and it is considered that they can be mitigated and managed to a satisfactory level to grant planning permission for the extension, subject to conditions and a Section 106 Agreement.*

6.3 In arriving at the recommendation for approval, the Planning Officer identified three key issues to be considered in determining whether the application is

acceptable, namely the need for the mineral, distance from sensitive development, and sensitivity of impacts.

6.4 These issues are addressed in detail in the February Report, and with respect to need, the Planning Officer concluded that:

> *There is a clear need for additional reserves of crushed rock to be released in RCT to meet the RTS requirements and comply with policy CS10(1) of the LDP. The site is allocated as a Preferred Area of Known Mineral Resource in Policy SSA25 and the amount of reserves released by the proposal is not considered to be excessive.*

6.5 In relation to the distance from sensitive development, the February Report notes the Applicant's measurements of a distance of 175m to the closest property at Conway Close in Glyncoch (no 36), and 243 metres to Cefn Primary School are based upon measurements to 'buildings' at these locations. The Report notes that MTAN 1 defines sensitive development as "*any building occupied by people on a regular basis*….", but then contends that notwithstanding the reference to 'buildings' the intent of the policy is to provide separation distances between land uses, so the measurement should be taken from the edge of the curtilage of the nearest sensitive development to determine the separation distance. This alternative method indicates distances of 170m measures to the rear garden of No.36 Conway Close and 164 metres measured to the southern boundary of the grounds of Cefn Primary School.

6.6 This alternative approach to measuring the separation distance is not accepted by the Appellant, noting that MTAN1, para 70 is very specific in defining 'sensitive development' as '*any building occupied by people on a regular basis and including ……schools….'* If MTAN1 had intended to refer to wider curtilages, then it would have confirmed this. On that basis it is not correct to regard the external space up to the southern boundary of the Cefn School premises as an area of sensitive development. It is also to be noted that the grassed area that extends up to the southern boundary of the school premises is not part of a formal play area; it is likely to be only intermittently used; and is separated from the proposed extension area by a substantial block of woodland.

6.7 It is also understood that the Planning Officer's measurement to Conway Close is based upon a distance to the inside edge of the screening landform rather than the extraction area boundary, where, in practice, the intervening area between the inner edge of the screening landform and the extraction boundary would only be used intermittently by light vehicles for maintenance access. The Planning Officer's approach is not correct, noting the advice in MTAN1 para 71 that "t*he buffer zone should be defined from the outer edge of the area where extraction and processing operations will take place, including site haul*

roads, rather than the site boundary, as there may be land within site boundaries where mineral activities are limited or no operations are proposed so that the impact of the proximity of such land is negligible". The intervening area between the extraction limit and the screening landform would not be used for processing operations, or as a haul road.

6.8 However, in the light of the analysis which follows in the February Report, and the conclusion regarding the acceptability of the development proceeding within the affected area, there is no great significance in the difference between the alternative measurements. It does however follow that on the basis that the Planning Officer considers that the impacts can be satisfactorily mitigated at the curtilages of the sensitive properties, then the impacts must be acceptable at the respective buildings which are located at greater distance. It is also the case with respect to Conway Close that the difference between 170m and 175m is not material in practical terms.

6.9 The February Report continues by noting that "*clear and justifiable reasons*" need to be established to justify working within 200m of sensitive development, and that in addition to the justifications advanced by the Applicant (including the ability to meet noise and blast vibration criteria; minimising effects by the screening landform, and the intermittent and short-term duration of the works within 200m of a small number of properties at Conway Close), the key issues are the impacts on air quality (fine particulate and nuisance dust), blasting and noise.

6.10 In relation to 'nuisance dust', the February Report notes that large dust particles which make up the greatest proportion of dust emissions from mineral workings will largely deposit within 100m of the source. In that context, it notes that there are no sensitive developments within 100m of the extension area and therefore adverse impacts from nuisance dust are not anticipated provided standard dust management controls continue to be applied as per existing (ROMP) planning conditions.

6.11 The February Report further notes that there are seventeen residential properties within 100m of the quarry plant, and that the impact on these properties was considered as part of the ROMP review when controls (dust mitigation planning conditions) were put in place which can be replicated in any new planning permission granted. The February Report also notes that the mineral crushing and screening plant and directly associated equipment (and asphalt plant) also operate under the terms of an Environmental Permits issued by the Council, the terms of which seek to ensure that all appropriate preventative measures are taken to avoid pollution of the air.

6.12 This context is important in that if it had been concluded as part of the ROMP review application that the potential impact on the defined properties was

deemed to be unsatisfactory, then the Council had powers at its disposal to either impose additional conditions, or ultimately to modify the permission to seek to avoid or further minimise any identified impact. The fact that such measures were not deemed to be necessary is instructive in considering the potential effects on properties located at even greater separation distances, up to or beyond 200m.

6.13 In relation to fine particulate (PM_{10}), the February Report records the monitoring data which confirms that PM_{10} concentrations are well within the National Air Quality Standards which represent a threshold designed to protect public health, and that Public Health Wales considers the current air quality in Glyncoch in terms of PM_{10} concentrations to be 'good'. It also notes an improving trend in air quality which may be partly attributable to ongoing improvements in dust management at the quarry.

6.14 The February Report concludes that:

> *Following consultation and liaison with the Council's Public Health, Protection & Community Services and Public Health Wales it is now considered that sufficient information has been submitted to provide evidence that processes can be managed to ensure a limited impact upon the level of air quality and neighbour amenity in respect of particulate matter and therefore the application is considered to be acceptable in this respect. In particular Public Health Wales and Cwm Taf University Health Board have indicated that based on current levels of activity adverse air quality impacts and consequently human health impacts are unlikely.*

6.15 This conclusion is clear and unequivocal in that all air quality objectives protective of health are, and will continue to be met; local air quality remains good, and the relative change in concentration and exposure remain orders of magnitude lower than is required to quantify any manifest health outcome locally. However, it is further noteworthy in relation to the reason for refusal that the February Report concludes that *sufficient information has been submitted to provide evidence that processes can be managed to ensure a limited impact upon the level of air quality*….(emphasis added). Given that the reason for refusal alleges that the applicant has not provided sufficient evidence to justify reduction on the 200m buffer zone, this cannot reasonably apply to the evidence associated with air quality, dust or health.

6.16 In relation to blast vibration, the February Report highlights the blast vibration limits set out in MTAN1, and the cosmetic damage thresholds referred to in BS5228, but reaches a straightforward conclusion that the current blast vibration limits set out via the ROMP review are consistent with government advice, and that whilst blasting may generate complaints, *"in respect of the*

impact of blast vibrations on residential properties, the proposed ground vibration blasting levels are considered acceptable".

6.17 The February Report also notes that "*these blast vibration limits are set in national guidance and therefore it would be considered unreasonable to reduce this without very good reason*". This is acknowledged, but it is also relevant to note that the existing quarry permission allows extraction to take place within 140m of Gardner Close within Glyncoch. As part of the ROMP review it was recognised that the quarry operation within the existing quarry could proceed in accordance with conventional blast vibration limits, and a planning condition regulating ground vibration from blasting was drafted accordingly, consistent with the limits recommended in MTAN1 (as above). The relevance is that no variance from the MTAN1 recommended limits were deemed appropriate in relation to Gardner Close, which would be closer to blasting activities in the existing quarry than the properties at Conway Close would be to proposed blasting activities in the extension area, and no wider measures were deemed necessary to regulate such activities. It follows that the Planning Officer was correct in not raising concerns with respect to blasting at the greater distances to sensitive property in the vicinity of the proposed extension area.

6.18 Finally, in relation to noise, the Planning Officer records the limits which should be set at the defined closest properties, and these limits could be enforced by a planning condition (as is the case with draft condition 26 attached to the February Report).

6.19 The overall conclusion reached on these key issues was that:

> *It is considered that the effects of the proposal can be mitigated and managed to a level where they have a minimal impact on sensitive developments surrounding the site. Therefore, it is considered that there are clear and justifiable reasons for not applying the 200m buffer zone rigidly and the application is acceptable, subject to the conditions set out below to ensure this takes place.*

6.20 The February Report continues by considering the significance of other issues (ecology, landscape and visual; amenity, hydrology and hydrogeology, highways, cultural heritage, and other issues), and for the reasons set out, none of these issues were considered to be substantive in terms of the merits of the application and overall determination.

6.21 At the February Committee meeting, during a debate on the application, no questions were put by members of the Committee to the professional Officers. Following representations by individual committee members, they resolved that they were minded to refuse the application on the basis of:

- concerns regarding air quality / health impacts albeit evidentially unsupported, and contrary to Planning Officers advice; and

- the inadequate depth of the buffer zone which would result in significant adverse amenity impacts at residential properties and the primary school, and damage to the highway network from vehicle movements associated with the development.

6.22 A formal decision was deferred to allow a further report to be presented "*to highlight the potential strengths and weaknesses of making a decision contrary to the officer recommendation*" (ref formal minutes of the February Committee meeting).

6.23 Following the meeting, the Applicants wrote to RCT on 25th February making a number of observations on resolution made by the Committee, and highlighting benefits which would be associated with the development (letter included in section 2 of the list of documents referred to in Section 9.0 of the SOC).

6.24 The application was reported back to the Planning & Development Committee on 9th July 2020, ('July Report') (ref Document 5 within the list of documents set out in Section 9 of this Statement of Case).

6.25 The July Report listed the concerns raised by members of the Committee and addressed them in turn. In relation to 'health and air quality' the July Report drew upon the data and analysis presented in the February Report, and concluded that:

> ….."*there is a fundamental weakness in referencing adverse impacts on health and air quality as a reason for refusal of this application. Specifically, Public Health Wales consider the current air quality in terms of PM_{10} particulates in the area to be 'good' and therefore in their opinion the community is not currently experiencing the effects of poor air quality. They and Cwm Taf University Health Board have indicated that based on current levels of activity adverse air quality impacts and consequently human health impacts are unlikely. In addition, Council's Public Health, Protection & Community Services consider that processes at the quarry can be managed to ensure a limited impact upon the level of air quality and neighbour amenity in respect of particulate matter and therefore the application is considered to be acceptable in this respect".*

6.26 The July Report however recognised that the response from The Cwm Taf University Health Board and Public Health Wales was on the basis of a level of activity not being above the 'current levels'. It was therefore suggested that

a planning condition restricting the output of the quarry to 400,000 tonnes per annum would be justified in order to address this issue "*and ensure that human health impacts remain unlikely*", and not grounds for refusal.

6.27 Similarly, the July Report rehearsed issues associated with the distances from sensitive developments and the acceptability of impacts, as set out in the February Report, and reached the same conclusion that:

> *"In the opinion of your officers the impact of a reduction in the buffer zone below 200m does not result in any identifiable significant adverse impacts as a result of dust, air quality and noise".*

6.28 With regard to highway issues, the July Report concluded that:

> *"HGV traffic generated by the site is* [a] *small percentage of overall traffic on the B42739* (7.3%); *increases in traffic movements could be prevented by an output limit restriction; and a legal remedy to address Members concerns already exists* (via Section 59 of the Highways Act). *On that basis it is not considered that a refusal reason based on damage to the highway network can be sustained".*

6.29 Finally, the July Report reminded members that:

> *".....the original report set out in detail the need for additional crushed rock reserves within the County to comply with Policy CS10(1) of the Local Development Plan and the requirements of the Regional Technical Statement for Aggregates. A need existed at the time the Local Development Plan was adopted and the extension of Craig-yr-hesg Quarry was the preferred option to meet that need, hence its identification as a Preferred Area of Known Mineral Resource within Policy SSA25. No other alternative options were identified at that time. If this application is refused it should be noted that this need remains (and is likely to be greater when the Regional Technical Statement – 2nd Review is published later this year) and alternative arrangements to meet that need will have to be made in order to comply with Policy CS10(1) and Welsh Government Policy".*

6.30 The July Report accordingly repeated the original recommendation that the application be approved subject to conditions and completion of a Section 106 Agreement (together with an additional condition limiting output to 400,000 tonnes per annum). However, it indicated that if, having considered the above advice, Members remain of a mind to refuse planning permission, then a reason for refusal was suggested which would reflect their original views (albeit, for the reasons set out above, not supported by the Officers).

6.31 This suggestion was accepted by the Committee and the application was refused for the following reason:

> *Minerals Technical Advice Note (MTAN) 1: Aggregates (Paragraphs 70 and 71) identifies a suitable minimum distance between hard rock quarries and sensitive development is 200 metres, and states that any reduction from this distance should be evidenced by clear and justifiable reasons. The proposed quarry extension encroaches within 200m of sensitive development and the Council does not consider that the applicant has provided sufficient evidence of clear and justifiable reasons for reducing that minimum distance in this case*.

6.32 The Appellants were provided with a copy of the July Committee Report in advance of the date of the Committee, and in response, wrote to the Director of prosperity and Development on 7th July (letter listed within item 2 of the list of documents set out in Section 9.0 of this SoC).

6.33 The letter noted the suggested additional condition relating to an output restriction and confirmed that the Appellants would not object to such a condition. The letter also provided a suggested form of words for such a condition. However, on this basis, the letter noted that there is an inconsistency of approach in the Committee Report, where it was evident that a planning condition could address an issue relating to output, but the same approach was not being adopted to address a concern regarding the 200m buffer zone distance.

6.34 In that context, the letter highlighted the advice in the Development Management Manual that "*conditions and planning obligations can enable development proposals to proceed where it would otherwise be necessary to refuse permission"* (ref para 10.1.1).

6.35 It noted that the same advice is set out in MPG2 that "*the imposition of conditions on a planning permission can enable many development proposals to proceed where it would otherwise be necessary to refuse permission*" (ref para 43).

6.36 It further noted that related advice is set out in Annex 12 to the Development Management Manual: Award of Costs, which includes examples of unreasonable behaviour on the part of a Planning Authority, which can lead to an award of costs being made against a Planning Authority, including "*refusing permission on a ground clearly capable of being dealt with by way of a condition……*" (ref para 3.11).

6.37 The letter thus emphasised that on the basis of the above, it is apparent that the application should not be refused when the opportunity is available to

address the identified concern by imposing a planning condition which would prevent any quarrying operations within the proposed extension area taking place within 200m of existing sensitive development, as defined in paragraphs 70 and 71 of MTAN1.

6.38 It also noted that the presumption in favour of sustainable development requires that where an issue may be dealt with by condition then the application should not be refused, but a condition imposed.

6.39 A clear and straightforward opportunity was thus available to the Planning Committee to address their concerns, as articulated in the suggested reason for refusal, not by refusing the application, but by imposing a planning condition which would prevent development within 200m of sensitive properties.

6.40 It is thus disappointing that this advice from the Appellants was not followed, and that an appeal against an unnecessary decision to refuse the application is now required.

6.41 Finally, the reason indicates that the Appellant '*has not provided sufficient evidence'* of clear and justifiable reasons for reducing the minimum distance. Whilst it is recognised that it is for the Appellants to make their case for the development, it is difficult to understand what additional evidence RCT had in mind which might have addressed an alleged deficiency in the evidence (noting all the available unchallenged evidence regarding an ability to comply with noise, blast vibration, dust and air quality standards whilst working intermittently for temporary periods within the buffer zone area; no evidence of any public health impact or objection from health stakeholders, and the Planning Officers own advice). Again, rather than refuse the application, an opportunity was available to RCT to outline the additional 'evidence' which they may have sought, and to provide the Appellants with an opportunity to provide that additional evidence, noting that the application had been before them for over 5 years during which time there was ample opportunity to have explored this issue further.

6.42 In practice, this exercise had already been undertaken via the very detailed schedule of 'themes' and 'concerns' set out in a letter dated 24th February 2016, which formed the basis of the response contained in the 'Response to Public Consultation : Well Being and Environmental Issues Report: June 2016, (letter produced as Appendix 1 to that Report). Given the breadth of issues associated with that exercise, it is difficult to imagine that any other material issues could be identified which might elicit further 'evidence'.

6.0 DETERMINATION OF THE APPLICATION

7.0 RESPONSE TO THE REASON FOR REFUSAL

7.1 Planning is founded upon a 'plan lead' system which is intended to provide a sustainable context for the determination of planning applications, and certainty for developers and the public about the type of development that will be permitted at a particular location (ref PPW10 para 1.21).

7.2 PPW10 further notes that a development plan sets the context for rational and consistent decision making (para 1.21).

7.3 The importance of the plan lead system is reflected in the long standing requirement originally set out in the Planning and Compulsory Purchase Act (Section 38 [6]), and enshrined in PPW10, that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise, with, in effect, a presumption in favour of granting permission for development which is in accordance with the development plan.

7.4 In this context, the starting point for the determination of the Crag yr Hesg application is the RCT LDP (adopted 2001), and, in particular, the allocation of the appeal site for future quarrying as a 'preferred area of known mineral resources'. The LDP uses slightly different terminology to the hierarchy of mineral allocations referred to in the former Minerals Planning Policy Wales (MPPW) (which was extant at the time of adoption of the LDP), which refers to 'specific sites', 'preferred areas, and 'areas of search', where 'preferred areas' were described as 'areas of known resources with some commercial potential, and where planning permission might reasonable be anticipated' (ref MPPW para 14).

7.5 In this context, the proposed development is, in terms of the principle of the development, fully in accordance with the development plan in terms of adherence to the area identified on the LDP Proposals Map (where actually a smaller extraction area is currently proposed compared to that shown on the Proposals Map).

7.6 It is also relevant to note that this is a development effectively encouraged by RCT as part of their LDP, where the development represents the sole mineral allocation for future extraction, and the key component of the RCT mineral planning strategy for aggregates. Their own strategy, which forms an integral part of the delivery of the plan and the '*rational and consistent decision making'* emphasised by the Plan (para 7.1) should thus not be lightly disregarded without sound reasoning.

7.7 The 'certainty' associated with the 'plan led' system is reinforced in this case by the nature of the extension and consolidation scheme which provides an overall, comprehensive approach to the future development of the quarry. It is noted that the February Planning Officer's Report correctly highlighted that this is aligned with one of the ways of Working in the WBFG Act in terms of long-term thinking in order to achieve well-being goals. The Planning Officer noted that "*It is not considered to be in the best interests of the economy of the County Borough or the local residents to incrementally extend the quarry to merely achieve the minimum quantities set out in the RTS. Such a short-term approach would give the local community no certainty as to the full scale and end date of operations and would not allow the developer to provide for longer term mitigation, such as the landscape screening bund, at an early stage.*

7.7 The consistent theme of both national planning policy and policy in the development plan is not a requirement to eliminate amenity impacts but to ensure that there are no '*significant*' impacts (LDP Policy AW5), and that where unavoidable impacts occur they are limited to within an '*acceptable proven limit'* (LDP Policy CS10), '*acceptable limits'* (PPW para 5.14.2), and to within an '*acceptable standard'* (PPW para 5.14.42).

7.8 These are the tests to be applied in assessing the significance of the amenity impacts arising from the encroachment of the development to within 200m of sensitive development (as defined) , and where the tests need to be applied in the context of the 'limits' and standards' set out in government policy.

7.9 It is the Appellants case that with such ' limits and standards' applied by planning condition there would be no 'significant' impacts, and that the 'limits' and 'standards' with respect to noise, blast vibration, dust and air quality can be applied and adhered to in all cases. There is no technical evidence to refute this from either RCT or any of the technical consultees, and it is noteworthy that the reason for refusal does not allege conflict with any of the policies in the LDP.

7.10 In this respect, not only is there is no technical basis for the concern expressed in the reason for refusal regarding working within 200m of sensitive development, but there is similarly no policy basis for such a concern in terms of the tests to be applied.

7.11 It is further noted Article 24 to the Development Management Procedure (Wales) Order 2012 (as amended) confirms that a refusal decision notice must state clearly and precisely the full reasons for refusal, specifying all policies and proposals in the development plan which are relevant to the decision. As discussed in paragraph 6.41 of this SoC, there is no clarity or precision as to what additional evidence RCT would have required, and on the basis of the decision notice as drafted, it can be deduced that RCT are not relying upon any alleged conflict with policies and proposals in the development plan, noting that

the refusal decision notice does not specify any policies from the development plan.

7.12 The Appellants case is that the appeal should be allowed, and permission should be granted for the development on the basis of the need for the development and the socio-economic benefits which it would bring, notably:

- The need for the development in terms of maintaining 'a steady and adequate supply' (ref PPW para 5.14.1);
- The need to release additional reserves of crushed rock in RCT, acknowledged by the allocation in the LDP; the context provided by the RTS at the time of adoption; reinforced by both RTS1 and the emerging RTS2, and the contribution which RCT needs to make to regional supplies;
- The absence of any alternative provision made for further mineral extraction in RCT;
- The importance of the HSA aggregate available at the quarry which is acknowledged as being a resource of UK importance;
- The continued availability of supply of aggregate from the quarry for construction, which will be particularly significant as the country emerges from the Covid 19 pandemic, and the importance which will be attached to growing the economy, of which construction and capital projects will be a key feature of such growth;
- The compliance with all environmental objective protective of health, the absence of evidence from any party indicating any material health impact and no health objection from any health stakeholder;
- The socio-economic benefits of the quarry associated with employment both direct (circa 24 at the quarry plus 40 HGV drivers), related managerial staff, and other indirect employment associated with servicing and maintenance including drilling and blasting contractors, static and mobile plant maintenance engineers, building maintenance contractors, site security, road sweeping and routine deliveries of fuel spares etc. The maintenance of this employment is important at a time of growing unemployment arising from the Covid 19 pandemic and subsequent economic recovery.

7.13 The Appellants also consider that there are '*clear and justifiable reasons'* for reducing the 200m buffer zone distance in terms of:

- The acknowledged ability to comply with standards and limits whilst working within the reduced buffer zone distance, in a way which would minimise amenity impacts for the short timescale and intermittent duration of the operations;

- The additional mitigation which would be provided in the form of a screening landform between the development area and sensitive properties, which would not only be a substantial physical barrier, but which itself would be a landscape and wildlife enhancement via the substantial tree planting proposed, linking to adjoining woodland features;

- The absence of any specific policy objections;

- The absence of any wider issues raised by RCT associated with working in the reduced buffer zone distance in terms of landscape, ecology, hydrology / hydrogeology or cultural heritage;

- The absence of any material difference in amenity terms of working intermittently at a distance of 175m behind a substantial screening landform compared to a distance of 200m: there would be no change to the ability to meet the noise and blast vibration limits which have been defined, and no change to the conclusions regarding limited dusts and air quality impacts, noting that these conclusions are also valid for the existing quarry (and acknowledged as such via the ROMP review) which is considerable closer to larger numbers of residential properties than the extension area;

- The desirability of defining an extraction area which strikes a balance between maximising the yield of HSA and the mitigation of impacts on local amenity, rather than it being dictated by an arbitrary distance to sensitive property; and finally

- In the context of the above, the need to avoid what would be an unnecessary sterilisation of reserves resulting from an increased separation distance between quarrying operations and residential properties, which at 200m from properties at Conway Close would amount to some 1.5 million tonnes of HSA, which would not be a sustainable approach to the quarry development or aggregates supply within the region.

7.14 MTAN1 indicates that the 200m minimum distance should be adopted unless there are clear and justifiable reasons for reducing the distance. The example cited in paragraph 71 is that "it *may be that, because of other means of control, there is very limited impact from the mineral extraction site".* There are other

means of control in this case in terms of the screening landform between the extraction area and properties, and the acknowledged ability to meet the defined amenity standards and limits whilst operating in the reduced distance area. On that basis, and in the context of the relatively short term and intermittent nature of the operations within the area in question, the Appellants contend that taken together, the proposed mitigation measures, enforceable by planning condition, would ensure that "*there is very limited impact from the mineral extraction site" at the reduced distance.*

7.15 It is also the case that it is difficult to imagine that there would be any material or noticeable difference in amenity terms if working took place at 175m or 200m behind the screening landform. The imposition of a 200m separation distance would thus be purely arbitrary in those terms.

7.16 The Appellants will call company, planning, noise, blast vibration, dust and air quality expert evidence in order to demonstrate the above. With regards to public health, Dr Andrew Buroni Director of Health and Social Impact Assessment at RPS has reviewed all the case material and provided input to the Statement of Case and has confirmed his willingness to present health evidence at the Public Inquiry, if deemed appropriate.

7.17 The Appellants case is that no material reason for refusal has been substantiated, the appeal should be allowed, and permission should be granted for the development scheme as submitted to RCT (subject to the minor amendments to the application plans referred to in section 2.0 of this SoC).

7.18 However, if notwithstanding the above the Inspector concludes that a 200m separation distance should be rigidly adhered to, then the opportunity is available to impose a condition requiring that no extraction, processing operations or haul roads will be permitted within 200m of sensitive properties. If such a condition is imposed, then it is respectfully requested that the Appellants interpretation of the buffer zone distances measured to 'buildings' should be adopted (ref paras 6.5 – 6.7 of this SoC). The alternative, if the (incorrect) distances suggested by RCT are adopted would be the sterilisation of a further 0.7m tonnes (2.2m tonnes overall) with a further unnecessary standoff required to the grounds of Cefn Primary School.

7.19 In summary therefore, the appeal is to progress in the alternative of:

(i) A request for the appeal to be allowed on the basis of the proposed quarry development scheme; and

(ii) In the event that this is not accepted, the scheme to be allowed with an additional planning condition preventing any extraction or processing

operations within the proposed extension area taking place within 200m of existing sensitive development.

7.20 This was the alternative position presented and available to RCT at the time of determination in July 2020, which as noted above, they chose not to progress in terms of option (ii).

8.0 RESPONSE TO CONSULTEE AND THIRD-PARTY COMMENTS

8.1 The comments from the key statutory consultees are summarised in the 'Consultation' section of the February 2020 Committee Report, as are the representations submitted following publicity of the application.

8.2 Unfortunately, the link to the planning application available on the 'planning applications' section of the RCT Planning web site does not include copies of the final representations from the consultees, as summarised in the Committee Report, nor does it contain copies of the public representations. For the purposes of this response and pending the issuing by RCT of the 'appeal questionnaire', reliance is thus placed upon the summary of responses set out in the Committee Report. However, in these circumstances, the Appellants reserve the right to make further comments via either a supplement to this SoC or in evidence to be presented at the inquiry.

8.3 Of particular relevance to the issues alluded to in the reason for refusal are the comments from the following consultees (drawing upon the summary of the response set out in the Committee Report).

8.4 The Public Health, Protection & Community Services Division of RCT confirmed that they had:

> *"….provided advice on what information is required to ensure impacts from the quarry in terms of air quality, noise and well-being can be limited, including a particulate matter management plan. Have suggested a financial contribution is made towards the Council carrying out air quality monitoring in the area. Have suggested that vibration levels and air overpressure limits are set in order to minimise any impact on the local community":*

8.5 This response raises three key issues:

(i) Advice was provided on the information required to ensure that impacts on air quality, noise and well-being can be limited, including the need for a particulate matter management plan. The requested information has been duly provided, notably via the 'Well Being and Environmental Health Issues Report: June 2016; the related response to consultee comments (September 2016); and the submission of a Dust and Particulate Management Plan and Dust Monitoring Plan: August 2017. This belies the suggestion in the reason for refusal that further 'evidence' is required: the requested 'evidence' has been submitted to

the satisfaction of the Council's Public Health Protection and Community Services Division.

(ii) The Appellants have agreed to make an annual financial contribution towards ongoing air quality monitoring, and this is obligation is enshrined in a draft Section 106 Agreement.

(iii) Blast vibration limits and controls over air overpressure can be set and are included in the schedule of conditions accompanying the February 2020 Committee Report (ref conditions 21 – 25). (Note, the Blast Monitoring Scheme referred to in condition 25 was submitted pursuant to a condition imposed on the ROMP Schedule of conditions~~,~~ and it is evidently acceptable to also be applied to the extension development).

8.6 This response was updated as a summary comment provided in the July Committee Report which confirmed that:

The Council's Public Health, Protection & Community Services consider that processes at the quarry can be managed to ensure a limited impact upon the level of air quality and neighbour amenity in respect of particulate matter and therefore the application is considered to be acceptable in this respect.

8.7 The response from the Cwm Taf University Health Board confirmed that:

Works may give rise to annoyance from visible dust, noise and vibration. It is unlikely that these would result in direct health effects but rather indirect well-being and quality of life effects. Local Air Quality is compliant with the relevant NAQS for PM10 but some deterioration is probable even though it would still be likely to meet NAQS objectives. A dust management plan should be a priority together with continued air quality monitoring. Welcome proposals to engage with the community via Site Liaison Committee and other methods.

8.8 This raises four issues:

(i) It is recognised that all mineral extraction developments give rise to some degree of amenity effects, and this is inevitable given the nature of mineral extraction operations. However, as highlighted in the planning policy section 5.0 of this SoC, the requirement is not to eliminate impacts but to ensure that they are mitigated and adequately controlled within prescribed limits. This would be the case with the proposed development, and it is noted that Cwm Taf Health Board confirm that direct health effects are unlikely.

(ii) The response indicates that local air quality is compliant with NAQS for PM_{10}, but *some deterioration is probable*. This is not strictly the case. A potential increase in PM_{10} concentrations may be experienced at the nearest receptors to the proposed extension as PM_{10} generating activities move closer to these, although any such increases were concluded in the air quality assessment to have negligible impacts. A deterioration in the wider local air quality is not predicted and total concentrations would be expected to remain well below the NAQS objectives The latest RCT air quality progress reports confirm that local air quality is compliant with the NAQS objectives and indeed notes that the available evidence may suggest that the levels of PM_{10} have improved in recent years potentially corresponding to known improvements to the control of particulate matter emissions from the quarry.

(iii) A Dust Management Plan has been submitted and is referred to in condition 15 of the schedule of conditions accompanying the February 2020 Committee Report. Continued air quality monitoring is addressed in the draft Section 106 Agreement.

(iv) The Appellants have committed to engage with the community, but this will require the cooperation of the community. The Appellants have offered to engage, but community representatives have confirmed that they do not wish to engage while the determination of the application is ongoing.

8.9 The response from Public Health Wales noted that:

"….there are no proposals to increase throughput or output at the site (although the report does state there are no restrictions on production at the site), which averages 400,000 tonnes per annum. With regards local air quality impacts, the Air Quality Progress Report 2019 shows latest PM10 monitoring data (from Upper Garth Avenue, Gyncoch, for January to September 2018) in the locality is good and that PM10 concentrations comply with both long and short term health based national air quality objectives. As such and providing there is no increase in activity at the quarry site, adverse air quality impacts – and consequently human health impacts - are unlikely. This is confirmed by the Air Quality Progress Report 2019.

8.10 This raises three issues:

(i) Importantly, it confirms that air quality in the locality is 'good' and that *PM_{10} concentrations comply with both long and short-term health based national air quality objectives*

(ii) It also confirms that providing there is no increase in activity, *adverse air quality impacts – and consequently human health impacts - are unlikely.*

(iii) The February Committee Report suggested that this could be addressed by imposing a planning condition limiting output to 400,000 tonnes per annum, thereby ensuring 'no increase in activity'.

8.11 The responses were summarised further in the July Committee Report to the effect that:

> *Public Health Wales consider the current air quality in terms of PM_{10} particulates in the area to be 'good' and therefore in their opinion the community is not currently experiencing the effects of poor air quality. They and Cwm Taf University Health Board have indicated that based on current levels of activity adverse air quality impacts and consequently human health impacts are unlikely.*

8.12 The response from the Highways Authority confirmed that they raise no objections to the development, noting also that the access arrangements following the improvements to the southern access are considered acceptable. The acceptance of the access arrangement must of course be the case since RCT approved a planning application for improvements to the southern access, with the endorsement of the Highways Authority (permission ref 13/1039/10, dated 14th March 2014).

8.13 The Highways Authority also requested that a financial contribution be made towards the maintenance of the public highway, but as noted in Section 6.0 of this SoC, this request was rejected by the Planning Officer on the basis that other and more appropriate avenues are available to recover costs for damage to a public highway (Section 59 of the Highways Act), and the matter was not pursued further.

8.14 Elsewhere, it is noteworthy that no objections have been made by any of the technical consultees, including NRW, CADW, Glamorgan Gwent Archaeological Trust, and the Health and Safety Executive. This absence of any technical objection underlines the inherent acceptability of the scheme based upon objective analysis. (It is anticipated that a holding objection from DCWW will be withdrawn given that an agreement has been reached in

principle with DCWW on a without prejudice basis to divert the entirety of the main at the joint expense of Hanson and WWDC- ref para 3.13 above).

8.15 It is recognised that the application has generated objections from local residents and other interested parties who have raised a very wide range of residential amenity, environmental, policy, traffic, need and other concerns. Where relevant in terms of material planning issues, each of the topics and issues have been considered in the ES, and related submissions, and the Appellants will draw upon this submitted information in refuting the concerns which have been raised noting, importantly, that with the exception of the issue of a reduced buffer zone, the concerns are not supported by RCT officers or the statutory consultees.

8.16 As an overview, PPW recognises that minerals can only be worked where they are found to occur (para 5.14.4) and by virtue of the nature of mineral extraction operations there will always be some impact on the environment and amenity. The requirement is thus not to provide for mineral development to take place with no impact, but to "*reduce the impact of mineral extraction and related operations during the period of working by ensuring that impacts on relevant environmental qualities caused by mineral extraction and transportation for example air quality and soundscape* (noise), *are within acceptable limits"* (ref para 5.14.2).

8.17 PPW further requires that when operations cease, land needs to be reclaimed to a high standard and to a beneficial and sustainable after-use so as to avoid dereliction and to bring discernible benefits to communities and/or wildlife (para 5.14.2). The requirements are thus to carefully control impacts to within "acceptable limits" and to provide reclamation to "high standards" with sustainable after uses which bring "discernible benefits".

8.18 In this case a site has been identified with a proven reserve where the land use principle of mineral extraction has been endorsed by the LDP (reference Policy SSA25). As evident from statutory consultee responses, the mitigation measures designed into the scheme satisfy the test of mitigating environmental impacts to "acceptable limits". The restoration scheme would provide a beneficial and sustainable after use with discernible landscape and bio-diversity benefits.

8.19 The extent to which the Applicants have met the obligations to minimise impact to within acceptable limits can be judged from both the responses from statutory consultees and the detailed appraisal in the Planning Officers Report, leading to the recommendation of the Planning Officer at both the February and July Committees that planning permission should be granted.

8.0 RESPONSE TO CONSULTEE AND THIRD-PARTY COMMENTS

8.20 The Appellant's case is that notwithstanding objections raised by third parties, all environmental and amenity issues relevant to the proposed development can be appropriately regulated by planning conditions. .In this regard, the conditions recommended in the February Committee report were already agreed by the Appellants, and a suggested output limit condition was put forward by the Appellants in the letter dated 7th July (paragraph 6.32 above). It is hoped that these issues can be agreed with RCT as part of a Statement of Common Ground (SoCG).

8.21 In the event that third parties are represented at an inquiry and secure 'Rule 6' status, then attempts will also be made to agree a SoCG with the Third Parties.

9.0 DOCUMENTS TO BE REFERRED TO IN EVIDENCE

9.1 The Appellants will refer to the following documents:

1. Application Documents

a) Planning Application Statement, application plans (as amended – ref section 2.0 of this SOC); Environmental Statement (ES) and Non-Technical Summary (NTS) of ES: May 2015.

b) Response to Public Consultation Well Being and Environmental Health Issues Report June 2016.

2. Key items of correspondence

1. Letter dated 15th September 2016 accompanied by a response to consultee comments

2. E mail from SLR to RCT 9th January 2017

3. Letter dated 13th June 2017 from RCT with request for further information.

4. Letter dated 16th August 2017 from SLR to RCT with the information requested by RCT on 13th June 2017, including the provision of a Dust and Particulate Management Plan and Dust Monitoring Plan.

5. E-mail dated 30th July 2018 from Mark Frampton of Hanson to Hugh Towns, Carmarthenshire CC, acting as minerals planning adviser to RCT supplying a Blast Monitoring Scheme (as referred to in draft Condition 24 in the schedule of proposed planning conditions within the February Committee Report].

6. E mail dated 3rd October 2018 from SLR to Hugh Towns of Carmarthenshire County Council, acting as mineral planning advisor to RCT, accompanied by an updated ecological baseline review letter (dated 24th September 2018), and a note on output and traffic movements.

7. Letter dated 25th February 2020 from SLR to RCT

8. Letter dated 7th July 2020 from SLR to RCT

9.0 DOCUMENTS TO BE REFERRED TO IN EVIDENCE

3. Planning policy and related documents

- Planning Policy Wales Edition 10
- MTAN1
- RTS (2008)
- RTS First Review (2014)
- RTS Second Review Final Draft
- RCT LDP and supporting background documents, including the Deposit Plan and Inspector's Report

4. Planning Officers report to Committee: 6th February 2020

5. Planning Officers Report to Committee 9th July 2020

6. Responses from Consultees (to be provided by Planning Authority as part of appeal questionnaire**)**

7. Other documents, guidance, research and publications

- Craig yr Hesg Quarry ROMP Review schedule of conditions April 2014
- Environmental Permit for processing plant and asphalt plant
- General Permitted Development Order approval of asphalt plant November 2013 (ref. 13/0825/23).
- Planning permission for quarry two-way site entrance and access road: March 2014 (ref 13/1039/10).
- BS 7385-2:1993 Evaluation and measurement for vibration in buildings - Part 2: Guide to damage levels from groundborne vibration.
- BS 6472-2:2008 Guide to evaluation of human exposure to vibration in buildings Part 2: Blast-induced vibration.
- Blast Vibration Monitoring, Prediction and Control at Old Cliffe Hill Quarry. Dr Rob Farnfield Technical Services Manager, EPC-UK and Dr Mark Pegden Technical Services Engineer, EPC-UK. Published by the International Society of Explosives Engineers. 2010

9.0 DOCUMENTS TO BE REFERRED TO IN EVIDENCE

- Welsh Government, Local Air Quality Management in Wales, Policy Guidance, June 2017.

- Defra, Local Air Quality Management, Technical Guidance (TG16), February 2018.

- Institute of Air Quality Management, Guidance on the Assessment of Mineral Dust Impacts for Planning, May 2016 (v1.1)

- All other relevant policy and guidance documents and monitoring reports

9.0 DOCUMENTS TO BE REFERRED TO IN EVIDENCE

10.0 CONCLUSIONS

10.1 In mineral planning policy terms, the development would meet an acknowledge need for aggregate (reference LDP Policy SSA/25) in a way which is fully consistent with mineral planning policy objectives to minimise the effects of mineral extraction developments.

10.2 RCT are solely reliant upon an extension to Craig yr Hesg Quarry to meet its share of regional production referred to in the respective versions of the RTS, with no alternative aggregates mineral extraction site identified in the LDP. This reinforces the importance of the release of reserves at the site for extraction, and the compliance with this key component of the development plan.

10.3 The significance of this is underlined by the fact that the aggregate reserves which are available comprise Pennant Sandstone, recognised as a “high specification aggregate” of strategic UK importance, the need for which is to be accorded ‘significant weight’.

10.4 PPW10 also confirms that it is “essential to the economic health of the country that the construction industry is provided with an adequate supply of the minerals it needs

10.5 The Planning Officer’s detailed and comprehensive analysis of the application set out in the February and July Committee Reports acknowledge the need for the development in terms of the development plan allocation; the contribution which the development would make to regional supply; and the absence of any alternative allocations within RCT.

10.6 Set in the context of this acknowledged need and following a detailed analysis of environmental and amenity effects, the Planning Officer confirms that there are no issues which would justify a refusal of the application.

10.7 The reason for refusal which has emerged could have been readily addressed by granting planning permission with the imposition of a planning condition which would prevent any quarrying operations within the proposed extension area taking place within 200m of existing sensitive development. This outcome is contrary to long established advice that planning permission should not be refused on a ground clearly capable of being dealt with by way of a condition.

10.8 The appeal is thus lodged in the alternative of:

(i) A request for the appeal to be allowed on the basis of the proposed quarry development scheme; and

(ii) In the event that this is not accepted, the scheme to be allowed with an additional planning condition preventing any extraction or processing operations within the proposed extension area taking place within 200m of existing 'sensitive development' (as defined in MTAN1, para 70).

10.9 The Appellant's thus contend that planning permission should be granted for the proposed development on the basis of option (i), but in default, on the basis of option (ii).

10.10 If, as is assumed, the Appeal proceeds my means of Public Inquiry, evidence will be presented in support of the issues presented in this SOC.