



**LRM**  
PLANNING  
LIMITED

**APP11/1**

## **Town and Country Planning Act 1990 Appeal under Section 78**

PEDW Reference APP/L6940/A/20/3265358 and  
APP/L6940/A/21/3282880

Craig yr Hesg Quarry, Glyncoch, Rhondda Cynon Taf  
Hanson UK

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## PREAMBLE

1. I am a Chartered Town Planner and have been a Member of the Royal Town Planning Institute for over 20 years. I am also a Practitioner Member of the Institute of Environmental Management and Assessment.
2. I hold a Bachelor of Arts in Planning and Local Economic Development and a Post-Graduate Diploma in Town Planning, both awarded from Coventry University; an MSc in Residential Development awarded from Nottingham Trent University; and a Certificate in Environmental Management awarded by IEMA.
3. I am a Director of LRM Planning Limited, a Town Planning Consultancy operating across Wales and England. Prior to joining LRM, I was employed by Boyer Planning between 2001 – 2016 and held various positions, including Executive Director. I was also employed by the (then) House Builders Federation between 1998 – 2001, first as a Land and Planning Officer, and then as Regional Planner for the Southwest.
4. I have a great many years' experience in the promotion of land for development, both in the forward planning and development management processes.
5. In recent years I have been involved with development proposals across South Wales and have prepared evidence for and appeared at Section 78 Appeals in Caerphilly, Cardiff, Monmouthshire, Flintshire and Swansea. I also led the promotion of the Bodelwyddan Key Strategic Site in Denbighshire, an allocation in the Local Development Plan of 1715 new homes and 1 million square feet of employment land and advised landowners on the redevelopment of the former Ministry of Defence camp at Cwrt-y-Gollen in the Brecon Beacons National Park as part of the National Park Authority's Local Development Plan.
6. Elsewhere I am advising clients in respect of new settlement and urban extension proposals, broad locations for long term growth as Garden Community proposals, strategic mixed-use allocations in the Green Belt, and waste to energy projects.
7. I am a non-Executive Board Member of Ateb Group, a Housing Association operating in Pembrokeshire and Ceredigion in West Wales. I was previously a Member of the RTPi Cymru Planning Policy Committee.
8. My evidence is to be read in conjunction with that of Mr Jenkins in respect of minerals planning, Ms Hawkins in respect of air quality and dust, Ms Canham in respect of noise, Dr Farnfield in respect of blasting, Dr Buroni in respect of health and Mr Hurlstone in respect of transport.



9. Lastly, my evidence has been prepared and is given in accordance with the guidance of my professional institute and I confirm that the opinions expressed are my true and professional opinions.



# 1 Introduction

- 1.1 My evidence has been prepared on behalf of Hanson UK, the Appellant. It concerns the Well-being of Future Generations Act 2015 (the WBFG Act) and how its well-being goals interact with decisions on planning applications generally, and how, in my opinion, the Appeals Schemes contribute to the achievement of each of these goals.
- 1.2 In this section I provide contextual information relative to the Appeals Schemes.

## The Proposed Developments

- 1.3 Craig yr Hesg Quarry is a long-established quarry which commenced operations in circa 1890. In 2014, pursuant to the Environment Act 1995, a 'Review of Old Mineral Permissions' (ROMP) application was approved by Rhondda Cynon Taf County Borough Council (the LPA). That imposed modern operating and restoration conditions and Craig yr Hesg has been worked in accordance with that determination.
- 1.4 Hanson UK made two planning applications to the LPA in respect of Craig yr Hesg Quarry.
- 1.5 The **First Application** (15/0666/10) proposed the western extension to Craig yr Hesg Quarry, consolidating the existing mineral planning permissions, and extending the end date for quarrying. This would permit the extraction of an addition 10 million tonnes of high specification aggregate considered to be of national importance. This would accord with the status of Craig yr Hesg Quarry in the Local Development Plan as the "preferred area of known mineral resource" for future mineral extraction in Rhondda Cynon Taf to meet the requirements of the Regional Technical Statement. This application was refused by the LPA on the 23<sup>rd</sup> July 2020. This is termed the **Extension Appeal**.
- 1.6 The **Second Application** (21/0720/15) was submitted after the LPA refused the First Application and sought permission to extend the period of quarrying at Craig yr Hesg Quarry to enable the full extraction of the mineral reserve previously permitted. Extending the period of quarrying by 6 years would allow the extraction of the remaining 2.5 million tonnes of high specification aggregate considered to be of national importance. If quarrying operations were to cease on the 31<sup>st</sup> December 2022, those mineral reserves would remain unworked. This application was refused by the LPA on the 8<sup>th</sup> October 2021. This is termed the **S73 Appeal**.

## The Appellant's Case

- 1.7 The Appellant's case is that both Appeals Schemes are important in providing a continuity in the supply of nationally important aggregate and are consistent with the principle in the Local Development Plan that Craig yr Hesg Quarry, as the only



operating sandstone quarry in the County Borough, provides a future supply of minerals. (CD7.3 refers)

- 1.8 The environmental effects of working these minerals can be controlled by means of planning conditions (and other environmental permits and control measures) such that those effects are limited to an acceptable proven limit, would not cause unacceptable harm to human health, and would not cause a significant or unsatisfactory impact on the amenities of neighbouring occupiers.
- 1.9 As such, the Appeals Schemes accord with the Local Development Plan, and absent any other material consideration that would indicate to the contrary, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 planning permission should be granted.
- 1.10 The analysis of the Appeals Schemes against each of the WBFG Act's seven well-being goals indicates that they contribute positively to those, albeit to different extents. In some instances, there are clear positive contributions, for example, a Prosperous Wales, a Resilient Wales, and a Globally Responsive Wales. In other instances, the effects are more limited in that the schemes protect cultural and heritage assets and the Welsh language. In respect of a Healthier Wales, and in the context of the evidence provided on behalf of the Appellant by expert witnesses, the proposed developments would not cause unacceptable harm to human health and there would be no significant impact on the amenities of neighbouring occupiers; noise, dust and air quality effects can be controlled to an acceptable limit. This accords with the principles that Planning Policy Wales and Minerals Technical Advice Note 1 requires in the case of minerals development.
- 1.11 A holistic view must be taken of both the positive and negative effects of any development in order to arrive at a balanced consideration of their merits. This is analogous with the *planning balance* identified in Planning Policy Wales. In this instance, having set out my analysis of the effects of the proposed developments relative to the individual goals, in my judgement, the Appeals Schemes contribute positively to the Welsh Government's well-being goals.

#### **The Local Planning Authority's decisions to refuse the planning applications**

- 1.12 The reasons for refusing the planning applications are set out in CD4.3 and CD4.6 and are different to one another.
- 1.13 Firstly, in respect of the Extension Appeal, the LPA allege that the proposed western extension encroaches within 200m of sensitive development without the applicant providing sufficient evidence of "*clear and justifiable reasons*" as required by Minerals Technical Advice Note 1 (CD10.1).
- 1.14 Secondly, in respect of the S73 Appeal, the LPA allege that the extension of quarrying





by six years unacceptably extends the period of mineral operations, extending noise, dust and air quality impacts, to the detriment of the amenity and well-being of residents contrary to the well-being goal of a “Healthier Wales”. In their opinion, the need for the mineral does not outweigh the amenity and well-being impacts.

- 1.15 My evidence is directed at the reference to and reliance upon the Welsh Government’s WBFG Act and the Healthier Wales goal as the justification for refusing the Second Application (the S73 Appeal). Whilst there is no equivalent reference in the Reason for Refusal for the First Application (the Extension Appeal), the LPA’s Statement of Case seeks to allege that this also causes harm to amenities and that the well-being goal of a Healthier Wales also supports the decision to refuse that application.
- 1.16 Pausing here, it is an established principle that reason(s) for refusal should be precise. The phrase “*especially in terms of...*” in the Reason for Refusal for the Second Application implies that there are other detrimental impacts. I have read carefully the LPA’s Statement of Case and am unable to identify what other unspecified impacts are alleged; curiously, it refers to dust and noise effects but is silent on air quality. More recently, the LPA has indicated that it will not be presenting evidence to the Inquiry in relation to noise effects. I infer from this that it now accepts that the proposed developments can be undertaken without unacceptable noise effects. Nevertheless, I have prepared my evidence on the basis that it is noise, dust and air quality impacts which the LPA alleged are detrimental to the amenity and well-being of residents of Glyncoch.
- 1.17 In both instances, the decisions reached by the LPA were contrary to the advice of its professional officers, who twice recommended that application 15/0666/10 be granted planning permission and, separately, twice recommended that 21/0720/15 be granted planning permission. (CD4.1, CD4.2, CD4.4 and CD4.5 refer).
- 1.18 The Report concerning application 15/0666/10 was prepared by Mr Hugh Towns. The analysis presented in the Report concerning application 21/0720/15 is founded on Mr Towns’ earlier report. Mr Towns is an employee of Carmarthenshire County Council who was seconded to the LPA to assist them by providing specialist mineral planning advice to inform the determination of these Applications. I am aware that Mr Towns is a Minerals Planner with some 35 years’ experience, firstly, at Dyfed County Council, and then at Carmarthenshire County Council where he holds the position of Regional Minerals and Waste Planning Manager. In this role, he provides specialist minerals and waste planning services to Local Planning Authorities in South Wales. I understand Mr Towns has served as the Chair of the Minerals & Waste Topic Group of the Planning Officers Society for Wales and Technical Secretary to the South Wales Regional Aggregates Working Party.
- 1.19 I acknowledge that Members of Planning Committee are not bound to agree with the recommendations of its professional officers. However, in this instance, I view the



specialism and experience of Mr Towns as highly germane to the relevance of the Officers' Report and its recommendations; the careful and considered analysis therein cannot be put to one side lightly. Moreover, the LPA's own professional officers accepted and agreed with Mr Towns' analysis and layered on to this their assessment of the schemes against relevant policies in the Local Development Plan.

- 1.20 Mr Jenkins' evidence considers the planning policy context for these appeals; the Appeal Site is identified in the Rhondda Cynon Taf Local Development Plan as the "preferred area of known mineral resources". I agree with Mr Jenkins that, as a matter of principle, the continuation of quarrying at Craig yr Hesg and its western extension accords with the Local Development Plan. Equally, I agree with Mr Jenkins that avoiding leaving high specification minerals of national importance unworked is a highly material principle in the context of Planning Policy Wales.
- 1.21 It is instructive that neither Reason for Refusal alleges a conflict with any of the Local Development Plan's policies, even those that concern the protection of the amenity of residents who may be affected by development proposals. Indeed, as Mr Jenkins and other witnesses identify, the analysis conducted by the Council's professional officers, which draws upon, *inter alia*, the consultation responses from the Council's 'Public Health, Protection and Community Services', 'Cwm Taf University Health Board', and 'Public Health Wales', concludes that the proposed development accords with Policies CS10, AW5 and AW10 of the Local Development Plan. Similarly, Officers' analysis of the proposed developments in the context of Planning Policy Wales and Minerals Technical Advice Note 1 is equally favourable.
- 1.22 In my opinion, this is significant for two reasons.
- 1.23 Firstly, the Health Board and Public Health Wales are subject to the public body duty to carry out sustainable development in the WCFG Act.
- 1.24 Secondly, those planning policy statements issued by Welsh Government exist in the context of its duty to carry out sustainable development in the WCFG Act.
- 1.25 The unanswerable logic of this, in my opinion, is that were the proposed developments to genuinely conflict with the duty to achieve sustainable development in the Act, the objective analysis undertaken by consultees and the Council's professional officers would have revealed this at the time the applications were being considered.
- 1.26 Moreover, there is no obvious analysis by the LPA of how the proposed developments are judged against LPA's well-being objectives or the full suite of goals set out in the WCFG Act. Whilst I was not instructed by the Appellant at the time of the respective committee meetings, I have read the transcripts that have been prepared of those meetings and studied the Minutes and am struck by the consideration being the perception of an unacceptable harm to health in the event planning permission was



granted meaning that quarrying should cease, irrespective of the Local Development Plan and the advice not only of its professional officers but relevant consultees. It is in no way evident how social, economic, cultural and environmental issues were balanced. To allege that the proposed development conflicts with one Goal, without a balanced consideration of its contribution in other respects, is not the correct application of the framework provided by the WBFG Act.

### **The Local Planning Authority's Case**

- 1.27 Notwithstanding the two reasons for refusal, in its Statement of Case the LPA's quarrel appears to change. It now suggests that the information provided by the then Applicant does not satisfactorily evidence that the proposed works could be satisfactorily undertaken without giving rise to adverse impacts or that suitable controls or measures could mitigate amenity impacts satisfactorily (paragraphs 3.7 and 3.49 refer). Plainly that is different to saying the development will cause unacceptable harms that are detrimental to amenity, health and well-being such that quarrying should cease, and mineral reserve sterilised. The LPA's Statement of Case also introduces references to Local Development Plan Policies – Policies CS10, AW5, AW10 – that are absent from the reasons in the Decision Notices.

### **The structure of my evidence**

- 1.28 It is in this context that I have prepared my evidence, which is structured as follows:
- 1.29 In Section Two, I discuss the WBFG Act as it relates to public bodies and a decision-maker, who, in the instance of these Appeals, are the Welsh Ministers, and describe the well-being objectives that have been established pursuant to it;
- 1.30 In Section Three, I discuss how Planning Policy Wales presents and applies the WBFG Act as part of the planning process;
- 1.31 In Section Four, I set out my analysis of the proposed developments in the context of each the seven well-being goals; and
- 1.32 In Section Five, I provide a summary and my conclusions.
- 1.33 A separate volume of Appendices to which I refer is at APP11/2. I have reproduced my summary separately as APP11/3.



## 2 The Well-being of Future Generations Act 2015

2.1 In this Section of my evidence, I discuss the Welsh Government's Well-being of Future Generations Act 2015 (the WBFG Act) as it relates to public bodies and decision-makers. I identify the respective Well-being objectives that relevant public bodies have established and the extent to which they have a bearing on the determination of these Appeals.

2.2 The Welsh Government's Development Management Manual helpfully explains the relationship between the WBFG Act and the Planning Acts as they relate to the determination of planning applications. Paragraph 9.7.13 states:

*"... section 2(5) of the Planning (Wales) Act 2015 affords protection to decisions taken under Part 3 of the [Town and Country Planning Act 1990], in that the Wellbeing of Future Generations (Wales) Act 2015 does not alter whether regard is to be had to any particular consideration under section 70(2) of the 1990 Act or the weight to be given to any consideration to which regard is had under that subsection. This means the provisions of the development plan, so far as material to the application, and any other relevant other material considerations remain the primary considerations when determining planning applications. (My emphasis)*

2.3 The practical effect is that development proposals should be viewed through the lens of Section 70(2) of the 1990 Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004 and determined in accordance with the Development Plan unless material considerations indicate otherwise. Were development proposals to be contrary to the public bodies' Well-being objectives such that this did not support achievement of the Welsh Government's Well-being goals when judged together and alongside each other, this would be a material consideration to be taken into account in the planning balance. Put another way, an assertion that something is contrary to a well-being goal does not take precedence over the proper exercise of planning judgement.

### Background

2.4 The Government of Wales Act 1998 gave devolved powers to the newly created National Assembly for Wales. Section 121 of the Act required the National Assembly for Wales to have a scheme setting out how it will promote sustainable development.

2.5 Pursuant to this duty, three Schemes were prepared between 1999 and 2011.<sup>1</sup> The Third Scheme, 'One Wales, One Planet', provided the cornerstone for the 2011 Programme for Government that led to the introduction of the Well-being of Future

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<sup>1</sup> The First Scheme: Learning to Live Differently 1999-2003; The Second Scheme: Starting to Live Differently 2003-2007; and The Third Scheme: One Wales, One Planet, 2007-2011



Generations Act 2015.

- 2.6 This embeds sustainable development as the central organising principle across government and public bodies.

### **The Well-being of Future Generations Act**

- 2.7 Part 2 of the WBFG Act concerns Improving Well-Being.
- 2.8 Section 2 of the WBFG Act 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 well-being goals.” The term “process” is important to recognise as it structures the following Sections of the WBFG Act.
- 2.9 Section 3(1) places a well-being duty on each public body to carry out sustainable development.
- 2.10 Section 3(2)(a) requires each public body to set and publish “well-being objectives” that are designed to maximise their contribution to achieving each of the “well-being goals”.
- 2.11 Section 3(2)(b) requires each public body to take all reasonable steps (in exercising its functions) to meet those objectives.
- 2.12 I draw a distinction between the “well-being objectives” that each public body must set and publish and then take all reasonable steps to meet, and the “well-being goals” described in Section 4 of the WBFG Act at Table 1. A public body’s well-being objectives are separate from but framed by the WBFG Act’s well-being goals. A public body’s well-being objectives are those things that, in the circumstances that exist within its environs or sphere of influence, it affords an importance to so as to contribute to the WBFG Act’s well-being goals.
- 2.13 The “sustainable development principle” referred to in Section 2 is defined in Section 5(1); a public body must act 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*”. This is the longstanding principle first established in the 1987 Brundtland Report.<sup>2</sup>
- 2.14 Each public body must adopt the **Five-ways of Working** that are set out in Section 5(2), which are widely summarised as follows:
- 2.15 Long Term - The importance of balancing short-term needs with the needs to

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<sup>2</sup> Report of the World Commission on Environment and Development: Our Common Future



safeguard the ability to also meet long-term needs;

- 2.16 Integration - Considering how the public body's well-being objectives may impact upon each of the well-being goals, on their objectives, or on the objectives of other public bodies;
- 2.17 Involvement - The importance of involving people with an interest in achieving the well-being goals, and ensuring that those people reflect the diversity of the area which the body serves;
- 2.18 Collaboration - Acting in collaboration with any other person (or different parts of the body itself) that could help the body to meet its well-being objectives; and
- 2.19 Prevention - How acting to prevent problems occurring or getting worse may help public bodies meet their objectives.
- 2.20 Public Bodies to which the duty applies are listed in Section 6(1) and includes *inter alia* (a) the Welsh Ministers, (b) a local authority, (c) a Local Health Board, and (d) Public Health Wales.
- 2.21 Remaining Sections of Part 2 of the WBFG Act prescribe procedural measures that the Welsh Ministers and other public bodies must adhere to.
- 2.22 Part 3 of the WBFG Act concerns the establishment of a Future Generations Commissioner for Wales.
- 2.23 Section 4 establishes public service boards for each local authority area and, pursuant to this, Cwm Taf Public Service Board was formulated for the administrative areas of Bridgend, Rhondda Cynon Taf and Merthyr Tydfil County Boroughs. Like individual public bodies, the public service boards are required to have well-being objectives based on their assessment of well-being in their area. Each public service body must prepare a local well-being assessment and well-being plan.
- 2.24 In the following paragraphs I discuss the relevant public bodies' well-being objectives.

### **Rhondda Cynon Taf Well-Being Objectives**

- 2.25 The Council agreed its new corporate priorities and a new Corporate Plan for 2020-24, '*Making a Difference*', in March 2020. The Council also agreed that these three corporate priorities would be the Council's Well-being objectives. I attach this at *Appendix 1*.
- 2.26 The Council's Corporate Priorities and Well-being Objectives comprise the following:
- Ensuring People are independent, healthy and successful;
  - Creating Places where people are proud to live, work and play; and



- Enabling prosperity, creating the opportunity for people and businesses to be: innovative, entrepreneurial and fulfil their potential and prosper.

- 2.27 Whilst the Objective relating to *People* refers to health, as is evident from *Appendix 1*, the actions themselves are broadly drawn. None of the stated objectives can reasonably be said to relate directly to the Appeals Schemes. Indirectly, whilst there is reference to improving health, this is expressed in the context of healthcare and health services.
- 2.28 The reference to improving air quality is set firmly within the context of transport and movement within and across the County Borough. Ms Hawkins' evidence discusses the air quality effects of associated HGV traffic on NO<sub>x</sub>/NO<sub>2</sub> and PM<sub>10</sub> emissions and the Pontypridd Air Quality Management Area (AQMA). I note that air quality has been improving at this AQMA and that quarry related traffic represents between 0.3-1.7% of the total vehicle flows in that location. As there will be no increase in traffic flows were the Appeals allowed, the proposed developments do not have a significant effect on air quality in the County Borough.
- 2.29 In respect of *Prosperity*, whilst the Appeals Schemes would not create any additional employment, they allow existing economic benefits described in the then Applicants Well-being and Environmental Health Issues Report (CD2.1, Section 6) to be maintained with associated direct, indirect, induced and catalytic income and employment.
- 2.30 Section 8 sets the Council's objectives against the Welsh Government's Well-Being Goals. I recognise that whilst these are cited as *examples*, they are, nevertheless, characteristic of the actions proposed. Again, none of those directly bear upon the Appeals Schemes. Accordingly, these objectives cannot reasonably be said to be a material consideration that indicate planning permission should be refused.

### **Cwm Taf Public Services Board Well-Being Objectives**

- 2.31 The Cwm Taf Public Services Board (PSB) is a collection of public bodies working together to improve the economic, social, environmental and cultural well-being of people who live, work and visit the Cwm Taf area.
- 2.32 In May 2018, the Cwm Taf PSB published well-being objectives in the Cwm Taf Well-being Plan which all partners will work together to deliver. I include this at *Appendix 2*. This comprises a cross cutting objective to *Tackle Loneliness and Isolation*, with three further specific objectives; Objective 1: *Thriving Communities*; Objective 2: *Healthy People*; and Objective 3: *Strong Economy*.
- 2.33 Objective 2 lists immediate, short-, medium- and long-term objectives concerning *Healthy People* and the measures listed there relate to targeting support for early



years and elderly person, encouraging healthy lifestyles and behaviors, and tackling obesity. Such objectives do not bear upon the Appeals Schemes and cannot reasonably be said to be a material consideration that indicate planning permission should be refused.

- 2.34 The long-term vision includes people spending more time outdoors, using and enjoying their local environment to improve their well-being. As the evidence of Dr Buroni illustrates, the effects of the proposed developments on the local environment does not create adverse conditions that preclude local people spending more time outdoors. Conversely, Mr Jenkins refers to measures proposed as part of the Extension Appeal relating to countryside amenity and community benefits that would enable local residents to access the countryside. In my opinion, those measures would contribute to that long-term vision and a dis-benefit of the Extension Appeal being refused is that such measures would not be provided.

#### **Cwm Taf Morgannwg University Health Board Well-Being Objectives**

- 2.35 Following the establishment of Cwm Taf Morgannwg University Health Board in April 2019 a new set of strategic well-being objectives were co-produced with patients and staff to help shape the future direction of the organisation. These are focused on *Connected Communities*, *Choice Programme* (sexual health education), *Healthy Schools Scheme* and *Healthy and Sustainable Pre School Scheme*, *Social Prescribing* and *Sustainable Procurement*. None of those objectives directly bear upon the Appeal Schemes. These cannot reasonably be said to be a material consideration in the context of these development proposals and the determination of these Appeals.

#### **Welsh Government's Well-Being Objectives**

- 2.36 The Welsh Government published its Programme for Government 2021 to 2026: Well-being Statement in June 2021. This sets out the ten well-being objectives that it will use to maximise its contribution to Wales' seven well-being goals and the steps it will take to deliver them. I attach this at *Appendix 3*.
- 2.37 Objective 8 concerns "*Mak[ing] our cities, towns and villages even better places in which to live and work.*" As with each of the Welsh Government's objectives this is broad, with wide-ranging interpretation and application. To the extent that such an objective relates to land use planning this should be considered in the context provided by PPW, which recognises that "*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.*" (PPW, para 5.14.1)

#### **Synthesis**

- 2.38 Having considered each of the relevant public bodies' well-being objectives I have not





identified any that I consider bear directly on these Appeals and none of those objectives can reasonably be said to be a material consideration that indicate planning permission should be refused.

- 2.39 I recognise that one of Welsh Government's objectives concerns improving places and that the Appeals Schemes are considered by the LPA and third parties to be harmful to the existing community of Glyncoch. In this context, the land use planning policies relating to Minerals is especially relevant. It is unanswerable that this objective, and indeed others, requires the efficient use of mineral resources. For example, the social and economic benefits that are realised by construction projects are underpinned by the supply of aggregate. For this reason, the principles and policy approach in PPW are particularly germane to the decision-making process in this instance and I discuss this in Section 3.
- 2.40 At each level, the well-being objectives encourage economic prosperity and a strong economy. As I discuss in Section 4, maintaining the economic value and contribution of Craig yr Hesg supports this. The Extension Appeal contributes to a long-term objective of the Public Service Board by providing countryside amenity and community benefits that enables greater access to the countryside. This also supports Rhondda Cynon Taf's objective of encouraging residents to lead active and healthy lifestyles.
- 2.41 Conversely, were the employment and related economic benefits terminated by the Appeals not being allowed, this would have negative effects that run counter to the broad objective of maintaining and enhancing prosperity.



### 3 Planning Policy Wales

- 3.1 In this Section of my evidence, I discuss the inter-relationship between the WCFG Act and Planning Policy Wales Edition 11 (“PPW”), and the land-use policies and principles set out therein. I also discuss the National Plan 2040 which applies a spatial interpretation to PPW.
- 3.2 The current edition of PPW was published in February 2021; it is written both after and in the context of the WCFG Act having been in effect for a number of years. Indeed paragraph 1.2 casts the primary objective of PPW as ensuring the planning system contributes towards sustainable development and improves social, economic, environmental and cultural well-being. Paragraph 1.7 explains that PPW translates wider Welsh Government objectives, strategies and policy into land use planning policy.
- 3.3 I approach my evidence therefore on the basis that PPW, read as a whole, is consistent with the WCFG Act and gives effect to its well-being goals through its expression of land use policies that are germane to either plan making, or in this instance, decision taking.
- 3.4 PPW is supplemented by *inter alia* Technical Advice Notes. Together these provide the national planning policy framework for Wales. It is an established principle that PPW is a material consideration in determining Appeals.

#### **People and Places: Achieving Well-being through Placemaking**

- 3.5 PPW comprises a number of thematic chapters - *strategic and spatial choices, active and social places, distinctive and natural places* and *productive and enterprising places*. These thematic chapters contribute to the central Placemaking principle (paragraphs 2.24 and 2.25 refer). Annex B of PPW demonstrates how the national sustainable placemaking outcomes relate to the seven well-being goals. I discuss this in the context of these Appeals at Section 4.
- 3.6 Paragraph 2.26 explains how PPW is to be used. It affords roles to the four themes in considering development proposals. I address each of these in the following paragraphs.

#### **Strategic and Spatial Choices**

- 3.7 The first step is to assess proposals against the strategic and spatial choices considerations and the national placemaking outcomes. This is referred to as a “*gateway test*”. Naturally individual development proposals will interact with this gateway test to different extents. On this occasion, there is only limited interaction between these proposed developments and certain of the themes within the Strategic



and Spatial Choices. It is an inescapable fact that mineral reserves have to be worked from their fixed location and their availability is not uniform, less so those that are high quality and of national importance. PPW acknowledges this at paragraph 5.14.4.

- 3.8 In the instance of these Appeals, the spatial choice is already determined because Craig yr Hesg quarry is the only operating sandstone quarry in Rhondda Cynon Taf and has been identified as the sole Preferred Area of Known Mineral Resource in the Local Development Plan. As Mr Jenkins explains there is a proven need for this mineral reserve and working this is necessary for RCT to maintain its contribution to mineral supply. This is consistent with the importance afforded in PPW to positively working mineral resources to meet society's needs, both now and in the future, and encouraging the efficient and appropriate use of high-quality materials.
- 3.9 I recognise that other passages of this Section of PPW provide important considerations. In the context of the main issues in these Appeals, the passages on promoting healthier places are relevant (paragraphs 3.19 – 3.24). These passages highlight the role of decision taking in ensuring that health effects are taken into account when determining whether to permit development proposals or not. Paragraph 3.21 states that *“the planning system must consider the impacts of new development on existing communities and maximise health and well-being and safeguard amenity”*. It goes on to state that *“where health impacts or amenity impacts cannot be overcome satisfactorily, development should be refused”*.
- 3.10 There can be no question that the impacts of the quarrying activity both in the Extension Appeal and the S73 Appeal have been considered:
- a) the Appellant prepared a report specifically concerning well-being and environmental health issues (CD2.1);
  - b) relevant consultees, namely Public Health Wales, the Health Board and the Council's own Public Health Department, having considered that material, did not object to either of the proposed developments; and
  - c) officers recommended that planning permission should be granted on the basis that the effects can be controlled by means of planning conditions such that they are within acceptable proven limits, would not cause unacceptable harm to human health, and there would be no significant impact on the amenities of neighbouring occupiers.
- 3.11 The above must also be read alongside paragraphs 5.14.2 and 5.14.3 of PPW which concern minerals specifically, and which I consider places the gateway test in the context of minerals development.
- 3.12 Paragraph 5.14.1 identifies that *“society needs and will continue to need for the*



*foreseeable future, a wide range of minerals*". Minerals are rightly referred to as an essential constituent of meeting present and future development needs and the provision of infrastructure. As such, a *"steady and adequate supply of materials is considered necessary"*. In my opinion, this indicates clearly that PPW (and the Welsh Government) do not see an in-principle conflict between quarrying and sustainable development.

3.13 Paragraph 5.14.2 recognises that, as with all planning decisions, a balance has to be struck between the positive and negative aspects of development proposals; in relation to mineral extraction a balance has to be struck between, on the one hand *"the fundamental requirement to ensure an adequate supply of minerals"* and, on the other, the *"protection of amenity and the environment"*.

3.14 In this context, four key principles are listed:

- a. Provid[ing] 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;
- b. Protect[ing] 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;
- c. Reduc[ing] 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
- d. 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.

3.15 I would also draw attention to paragraph 5.14.23 where high specification aggregates, such as those in Craig Yr Hesg, are discussed. It is instructive that the national and regional needs for such high specification aggregates *"should be accorded significant weight provided environmental impacts can be limited to acceptable standards"* (my emphasis). Again, this frames how the environmental impacts should be considered in the instance of these Appeals.

3.16 Mr Jenkins' evidence establishes the extent to which the reserves at Craig yr Hesg are important to meeting society's need and how the proposed development ensures efficient and appropriate use. My colleagues, who provide evidence both in terms of



the potential environmental effects and the resulting health and amenity impacts, demonstrate that both are within acceptable limits and that human health, safety and general well-being are protected.

- 3.17 Taking these points together, along the status of the site in the Local Development Plan, and the very important qualification at paragraph 5.14.4 of PPW that mineral extraction can only take place where the mineral is found to occur, my view is that the gateway test set by “Strategic and Spatial Choices” is met in this instance.

### **Active and Social Places**

- 3.18 The Active and Social Places theme covers the ‘well-connected cohesive communities’ component of placemaking. It concerns such aspects as “*moving within and between places*”, “*living in a place*” and “*activities in a place*”. None of these aspects can reasonably be said to be relevant to the Appeals Schemes, save for the general point that minerals are seen by Welsh Government as essential for housing and infrastructure in paragraph 5.14.1.
- 3.19 Where under this theme a Healthier Wales is discussed (page 44), it is in the context of reducing emissions and air pollution by minimising the need to travel, maximising the provision of sustainable forms of travel, and improving access to cultural opportunities, green spaces and recreation facilities so that people adopt healthier lifestyles. These measures are aimed at creating the right conditions for better health, well-being and greater physical activity. None of these aspects relate to the Appeals Schemes and certainly not the complaints made in terms of air quality, dust, noise and amenity.
- 3.20 At the foot of page 44 it is explained that “*New development should prevent problems from occurring or getting worse*”. It goes on to list, as examples, a shortage of housing and other matters, but the principle of avoiding harmful effects is the important aspect of this short passage which, mindful that PPW must be read as a whole, is consistent with the approach to environmental considerations set out in its “key principles” for mineral development that I have referred to earlier.

### **Productive and Enterprising Places**

- 3.21 The Productive and Enterprising Places theme covers the ‘economic’ component of placemaking. It concerns such aspects as “economic infrastructure”, “energy” and “material resources”.
- 3.22 At Section 5.14 it provides the Welsh Government’s land use policy relating to Minerals. I have referred to relevant passages from this Section earlier regarding the “key principles” associated with balancing the importance of mineral extraction and protecting amenity and the environment. Mr Jenkins’ evidence discusses in greater detail the context provided by other relevant passages of PPW in respect of the proven



need for minerals. I do not repeat that analysis, save to acknowledge that his evidence, drawing upon the established framework provided by the Regional Technical Statements for Aggregates for determining the required landbank demonstrates that proven need. Conversely, the alternative proposition of not extracting those minerals does not equate to efficient and appropriate use.

- 3.23 Placing that evidence into the context of paragraph 5.14.22 of PPW, which states that “it is essential to the economic health of the country that the construction industry is provided with an adequate supply of aggregates that it needs”, it is plainly the case that these Appeals Schemes contribute towards that overarching principle.
- 3.24 In addition, there is the employment and economic benefits that arise from the operation of the quarry that will cease prematurely in the event that quarrying does not continue beyond the current permission. Whilst certain of these benefits might be transferred in the event another alternative quarry was to commence winning minerals to compensate for the loss of these reserves, they would certainly be lost to the local area; I view this as a disbenefit to the local economy and economic well-being.
- 3.25 Where under this theme a Healthier Wales is discussed (page 74), it is in the context of reduction in emission and air pollution from energy generation. It is silent on minerals.

### **Distinctive and Natural Places**

- 3.26 The Distinctive and Natural Places theme covers the environmental and cultural components of placemaking. It concerns such aspects as “the special character of places”, “green infrastructure”, “landscape”, “biodiversity and ecological networks”, “water and flood risk”, and “air quality and soundscape”.
- 3.27 The environmental characteristics of the site are described in the respective Environmental Statements (CD1.2, CD.1.3, CD1.4, CD3.1, CD3.2 and CD3.3). The site of the quarry is not subject to any landscape designation. Whilst it adjoins Craig yr Hseg Woodland, which is a Site of Importance for Nature Conservation and Local Nature Reserve, the proposed developments do not have a direct or indirect effect on its important ecological features. Similarly, due to the Sites’ geology, the proposed development does not cause surface water flooding, nor will it increase flood risk elsewhere. The proposed developments would not affect any designated heritage asset. There are no agricultural land quality constraints. Paragraphs 8.31, 8.32, 8.48, 8.49 and 8.50 of the Statement of Common Ground confirm these points.
- 3.28 The Extension Appeal would provide a number of countryside amenity benefits comprising:
- a. The management of a substantial area of woodland adjacent to Craig-yr-Hseg Local Nature Reserve at its north-western boundary with associated biodiversity



and landscape benefits;

- b. New woodland planting along the northern and southern boundaries of the extension area that would connect with the existing established woodland, creating a new woodland corridor;
- c. New hedgerows to complement the above landscape enhancement; and
- d. The creation of a new public right of way from Glyncoch westwards to connect with those at Darren Ddu Road and the network of public footpaths beyond. This improves access to the countryside for residents of Glyncoch.

3.29 It is instructive that paragraph 8.52 of the Statement of Common Ground confirms that these are amenity benefits. These weigh in favour of the Appeal being allowed.

3.30 I recognise that these benefits do not accrue from the S73 Appeal.

3.31 Turning to the specific topic of “air quality and soundscape”<sup>3</sup>, these contribute to a positive experience of a place whilst being necessary for public health, amenity and well-being and are indicators of local environmental quality. Both air quality and soundscape should be “*protected through preventative or proactive action through the planning system*” (paragraph 6.71). Air quality and noise pollution can have a negative effect on people, biodiversity and resilience of ecosystems and should be “*reduced as far as possible*”.

3.32 In the context of minerals development this must be read alongside those passages in paragraph 5.14.2 of PPW which define the measurement associated with air quality and noise effects (i.e., “within acceptable limits”). Ms Hawkins and Ms Canham explain the air quality, dust and noise effects of the proposed developments and how these can be suitably controlled either by means of planning condition or via the Environmental Permit. Dr Farnfield describes how the environmental impact of blasting, which is a regulated activity, is unlikely to cause significant adverse health effects. Dr Buroni draws together the various potential health hazards and risks, and his evidence is that all credible health concerns have been addressed and assessed and the remaining health issue is a perception of health risk and an undefined amenity.

### **The Planning Balance**

3.33 Having regard to the above, I recognise that PPW intends that individual development proposals maximise their contribution to the Welsh Government’s well-being goals (para 2.12 refers). Importantly, PPW acknowledges that “*Not every development or policy proposal will be able to demonstrate they can meet all of these outcomes, neither can it necessarily be proved at the application or policy stage that an attribute*

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<sup>3</sup> The acoustic environment as perceived or experienced and/or understood by a person or people, in the context of the ISO definition (footnote 142 of PPW)



*of a proposal will necessarily lead to a specific outcome” (para 2.20 refers). At paragraph 2.27, PPW goes on to underscore the long-established principle of a *planning balance* that is required in reaching decisions on planning applications. It recognises that “*There may be occasions when one benefit of a development proposal or site allocation outweighs others, and in such cases robust evidence should be presented to support these decisions, whilst seeking to maximise contributions against all the well-being goals.*”*

3.34 Paragraph 2.28 lists key factors that should be considered. I am mindful of these in my assessment in Section 4.

### **Future Wales: The National Plan 2040**

3.35 *Future Wales – the National Plan 2040* is the Welsh Government’s national development framework, setting the direction for development in Wales over the coming decades. It is a development plan with a strategy for addressing key national priorities through the planning system.

3.36 It does not demur from the importance that PPW affords to winning minerals.

3.37 At page 37 it identifies the value of mineral and material resources and that the industry this supports is important at the local, regional and UK levels. It acknowledges the vital role this industry plays in supporting the Welsh construction sector.

3.38 At page 49 it affirms that aggregates underpin economic growth, providing construction related products essential for the delivery of placemaking, housing and infrastructure. It notes that “*effective planning ensures that a reliable supply of minerals, which is capable of simultaneously meeting demand in all regions of Wales, is always available*” and that “*this is vital for our economy and future growth*”. Whilst there is an intention to increase the proportion of secondary and recycled material, there will still be a dependence on primary mineral resources that the Appeals Schemes will provide.

3.39 Amongst the National Plan’s Outcomes, is a Wales where people live in places that “*sustainably manage their natural resources and reduce pollution*”.

3.40 Page 56 explains this outcome in the following terms:

“Wales’ natural resources, including its minerals, soils and geodiversity, coast, water, forests and landscape support a range of activities and sectors and are assets of great value in their own right. The environmental, social and cultural value of our resources will be managed, maintained and enhanced, while economic benefits will be utilised sustainably and appropriately by promoting nature-based solutions and a circular economy. Across Wales the risks of flooding and coastal erosion will be effectively managed and mitigated while better resource choices will be reflected in more





sustainable places. Places will benefit from reduced pollution and be healthier and more liveable”.

3.41 This again illustrates the central tenets of the balance that PPW acknowledges needs to be struck between “*the fundamental requirement to ensure an adequate supply of minerals*” and the “*protection of amenity and the environment*” and the key principles employed by paragraph 5.14.2 of PPW in this regard.

### Synthesis

3.42 In the context of these Appeals, the themes of PPW and its underlying ethos of placemaking have only a narrow focus. That is encapsulated in the four key principles referred to earlier that I reproduced at paragraph 3.14.

3.43 As PPW acknowledges, minerals development is unique. It does not share the characteristics of other types of development where placemaking rightly exerts a meaningful and important purpose.

3.44 In my opinion, in the case of mineral working, the propositions arising from PPW comprise the following:

- a. Have the Appeals Sites been identified in the Local Development Plan for mineral purposes?
- b. Is there justification for working those minerals in order to meet society’s needs?
- c. Can winning those minerals be achieved within acceptable limits?

3.45 I discuss each of these in the following paragraphs.

### **The status of the Appeals Sites in the Local Development Plan?**

3.46 Craig yr Hesg quarry is identified in the Local Development Plan for the purpose of mineral extraction to contribute to local, regional and national demand for a continuous supply of minerals. The expansion area accords with the “preferred area” for future mineral extraction to meet the requirements of the Regional Technical Statement. This reflects a long-term and integrated approach to policy making consistent with the “five ways of working”. With this status, planning permission can reasonably be anticipated.

3.47 Whilst the LDP predates the WCFG Act this is immaterial. I consider the LDP to be an up-to-date plan for the purpose of these Appeals for the following reasons.

3.48 *Firstly*, in correspondence, the (then) Minister for Housing and Communities wrote to clarify provisions in the Planning Act 2015 relating to the duration of Local Development Plans. This confirmed that LDP’s adopted prior to 4 January 2016 remain the LDP for determining planning applications until replaced by a further LDP.



- 3.49 *Secondly*, whilst the LDP was adopted in 2011, it was prepared in the context of PPW as existed at that time. The concept of Sustainable Development has been a cornerstone of PPW since it was first prepared in 2002. Therefore, sustainable development underpinned the preparation of the LDP and its policies and proposals.
- 3.50 *Thirdly*, the LDP was subject to a Sustainability Appraisal (SA).
- 3.51 Land adjacent to Craig yr Hesg Quarry was considered in the Sustainability Appraisal Report as a Preferred Area of Known Mineral Resource at Policy SSA32 (later amended to Policy SSA25). The Report considered this policy proposal against the objectives of the SA Framework, which comprised 16 subject topics. The Site's assessment against these Objectives is summarised below and I include the relevant extract at *Appendix 4*.
- 3.52 In regard to Housing (Objective 1), Economy (Objective 5), Employment (Objective 6), Built Environment (Objective 8), Landscape (Objective 9), Biodiversity (Objective 10), Land and Soils (Objective 14), Waste (Objective 15) and Minerals (Objective 16), no sustainability constraints were identified and development was therefore assessed as being acceptable in respect of these topics.
- 3.53 In terms of Economy (Objective 5) and Employment (Objective 6), the Report confirmed that minerals are an essential requirement for the economy, providing the necessary raw material for infrastructure. It comments that the associated benefits are not restricted to the local economy but can be felt at a national level too.
- 3.54 In respect of Culture and Heritage (Objective 2), Communities (Objective 3), Health (Objective 4), and Water (Objective 11), the sustainability effect was identified as being neutral.
- 3.55 More specifically, it identifies that winning minerals has the potential to impact on Health (Objective 4) through air and noise pollution, however, these effects are to be controlled by Policy AW 17. (It is unclear which topic Policy AW 17 refers to and I believe this is a typographical error and should instead refer to Policy AW 15 which relates to the Community Amenity Protection Buffer Zones.)
- 3.56 The Appraisal identified that there may be some short-term adverse Transport impacts (Objective 7), albeit this would not be long term due to the finite nature of the resource. The overall effect was unknown.
- 3.57 The topics of Climate Change (Objective 12) and Energy (Objective 13) raised some potential sustainability issues, but this appears to infer that these minerals are being mined for use as fossil fuels thus contributing to greenhouse gas emissions.
- 3.58 The LPA's 'Focused Proposed Changes' included an assessment of whether there would be any significant sustainability effects that may arise from the proposed



changes to the LDP. Whilst the Community Amenity Protection Buffer Zone in Policy AW15 was deleted at the request of the Local Plan Inspector, the Appraisal considered that other policies would have the same effects in terms of protecting adjoining and nearby amenities.

- 3.59 The Screening Assessment concluded that whilst the wording of Policy AW14 / AW15 were to be altered slightly, these Policies sufficiently support and progress the Sustainability Appraisal Framework Objectives and therefore no further SA or SEA was required. On this basis, the overall assessment of Craig yr Hesg Quarry provided in the initial Report, as summarised above, remained valid.
- 3.60 In my experience, the Sustainability Appraisal's Framework Objectives are neither peculiar nor contentious; they reflect a great many other such appraisals and many of the policy themes in PPW, both the version current at that time and Edition 11. As such, they provided a sound basis for the assessment that was undertaken and its conclusions as to the appropriateness of the allocation of Craig yr Hesg in the LDP.
- 3.61 *Fourthly*, the LPA published its Review Report concerning the LDP in November 2019. I include an extract of this at *Appendix 5*. This refers to the position set out in the Regional Technical Statement and identifies the positive contribution Craig yr Hesg makes to meeting the required mineral landbank. The Review Report does not indicate that the policies relating to minerals are out of date. I infer from this that the preferred area policy status conferred upon Craig yr Hesg in the adopted LDP is being endorsed.
- 3.62 For each of these reasons I contend the LDP is up to date, and reflecting paragraph 1.18 of PPW, the presumption in favour of sustainable development in accordance with the Local Development Plan is engaged.

**Is there justification for working those minerals in order to meet society's needs?**

- 3.63 Section Three of Mr Jenkins' evidence explains the identified need for working the high specification aggregate of national importance at Craig yr Hesg, with reference to Planning Policy Wales, Minerals Technical Advice Note 1, and the Regional Technical Statement.
- 3.64 I note that extracting the permitted reserve at Craig yr Hesg (i.e., the S73 Appeal) is part of the calculation of existing mineral supply and that the Extension of Craig yr Hesg (i.e., the Extension Appeal) implied by the Preferred Area of Known Mineral Resources status in the LDP is necessary for the required mineral landbank to be achieved and would make a substantial contribution towards meeting forecast future need.



- 3.65 Moreover, I note that there is no alternative supply of crushed rock aggregate within RCT either operating presently or identified in the LDP that could fulfil the role of Craig yr Hesg.
- 3.66 Plainly, there is a demonstrable, and therefore justifiable, need for working those minerals in order to meet society's need.

**Can winning those minerals be achieved within acceptable limits?**

- 3.67 Ms Hawkins has provided two Proofs of Evidence, one concerning Dust<sup>4</sup> and one concerning Air Quality<sup>5</sup>.
- 3.68 *Dust.* Ms Hawkins' evidence demonstrates that, when taking into account inherent mitigation measures there is at most a slight risk of fugitive dust at nearby residential receptors at Garth Avenue due to the continuation of quarrying activities. A Dust and Particulate Management and Monitoring Plan (CD2.6) is proposed which would work alongside the Environmental Permit to limit the potential for fugitive dust and any "disamenity" that might be caused. Ms Hawkins' conclusion is that sensitive receptors will not experience unacceptable levels of dust and there would not be significant adverse impacts.
- 3.69 *Air Quality.* Ms Hawkins' evidence also identifies that the quarrying activities would not cause a change in local air quality, either from Particulate Matter or oxides of nitrogen and nitric oxide emissions to an extent that the established Air Quality Objectives are breached. Sensitive receptors would not experience unacceptable levels of air pollution from Particulate Matter or emissions and there would not be significant adverse impacts.
- 3.70 Ms Canham's evidence concerns the likely effects of the proposed development on soundscape (noise). By reference to background noise measurements, Ms Canham demonstrates in Table 6.2 how the proposed noise limits proposed at various locations around the quarry are either less than or equal to the noise limit defined in Minerals Technical Advice Note 1. It follows that those noise levels would represent an acceptable level as required by PPW and would not represent an unacceptable harmful effect.
- 3.71 Dr Farnfield's evidence explains the potential environmental impacts blasting may cause: Ground Vibration, Air Overpressure, Fly Rock and Dust. He also identifies the extent to which such an activity is controlled by the Quarries Regulations 1999 which Craig yr Hesg must comply with. Dr Farnfield identifies that blasting operations at Craig yr Hesg have and can be controlled to comply with the planning conditions recommended in Minerals Technical Advice Note 1 relating to Ground Vibrations;

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<sup>4</sup> APP5/1

<sup>5</sup> APP6/1



whilst these may be perceptible, they are not at a level that would cause structural or cosmetic damage to properties. Levels of overpressure can also be controlled to a prescribed limit. Fly Rock is an issue that is controlled via the health and safety measures within the aforementioned Regulations.

- 3.72 Dr Buroni describes how all process emissions are regulated through an Environmental Permit, pursuant to the Pollution Prevention Control Act 1999 and the Environmental Permitting (England and Wales) Regulations 2016. Where necessary, the Environmental Permit controls and minimises emissions to achieve a high level of protection for the environment and human health.
- 3.73 Mr Hurlstone's evidence concerns traffic from Craig yr Hesg Quarry. I note that the Statement of Common Ground indicates that there are no highway impact issues which would justify the proposed development being refused. It follows that traffic from the proposed developments would not result in unacceptable adverse impacts in terms of highway safety or the operation of the highway network.
- 3.74 For the reasons given by Ms Hawkins, Ms Canham, Dr Farnfield, Dr Buroni and Mr Hurlstone, it is evident that winning the minerals for which there is an identified need can be achieved within acceptable limits.
- 3.75 As I identified in Section 1, the various public health bodies also considered the proposed developments could be undertaken without unacceptable effects. Their involvement in considering the planning applications and making recommendations regarding planning conditions is consistent with the WBFG Act's "ways of working" in terms of integration, involvement and prevention.
- 3.76 In the context provided by PPW, the planning balance requires consideration of (1) the need for mineral extraction and the status of the Appeals Schemes in this regard, (2) the fact that development can, in the evidence submitted by the Appellant, be undertaken within acceptable limits and that environmental effects can be controlled by planning condition (or environmental permit), and (3) the various other benefits that arise from the Schemes. I agree with Mr Jenkins that this planning balance supports the Appeal Schemes being granted planning permission.
- 3.77 In the following section, I employ the well-being goals as a framework to discuss those merits.



## 4 Analysis of the Seven Well-Being Goals

4.1 In this Section of my evidence, I consider the proposed developments against each of the Well-being goals in the Act.

### **A Prosperous Wales**

*“An innovative, productive and low carbon society which recognises the limits of the global environment and therefore uses resources efficiently and proportionately (including acting on climate change); and which develops a skilled and well-educated population in an economy which generates wealth and provides employment opportunities, allowing people to take advantage of the wealth generated through securing decent work”.*

4.2 As a matter of principle, mineral supply is essential to the economic health of the country. This is acknowledged in PPW (para 5.14.22), the National Plan 2040 (pages 37 and 49), and the LDP (paras 4.90 and 4.91).

4.3 In addition to the value of the mineral supplied by Craig yr Hesg to the national economy, as described in the Appellant’s Well-Being and Environmental Health Issues submission (CD2.1), its quarrying activities:

- a. contribute £2 million per annum to the local economy.
- b. employs 19 members of staff with a further 10 people employed indirectly.
- c. employs between 50 and 60 people with the associated haulage activity.

4.4 The Appeals Schemes enable the identified reserves of a nationally important mineral to be used effectively and the above economic benefits to be maintained over longer periods of time. This supports a productive society.

4.5 The decision by the LPA to refuse planning permission means that:

- a. the available supply of aggregate will fall despite its acknowledged importance; and
- b. the positive economic effects that are experienced locally from employment and expenditure would be lost.

4.6 Neither of these outcomes would contribute to the goal of a Prosperous Wales.

4.7 On the basis that the proposed developments can be undertaken without unacceptable environmental effects and within acceptable health limits, the activities respect the



global environment.

### **A Resilient Wales**

*“A nation which maintains and enhances a biodiverse natural environment with healthy functioning ecosystems that support social, economic and ecological resilience and the capacity to adapt to change (for example climate change)”.*

- 4.8 The proposed developments do not result in adverse landscape or ecological or hydrological effects.
- 4.9 Rather, the Extension Appeal includes measures that positively contribute to enhancing local landscape and ecological features. The introduction of woodland management, along with new landscape and habitat creation would maintain and enhance a biodiverse natural environment. This supports the goal of a Resilient Wales.
- 4.10 The S73 Appeal is different and does not bring these above benefits because the planning permission already exists and the application is merely seeking to extract the full extent of the minerals originally intended. This Scheme maintains the natural environment in its present state for an extended period. However, as Mr Jenkins identifies in Section 4 of his evidence, if the full extent of mineral resource is not extracted as the longer time period would allow, the established restoration scheme would be compromised and would achieve less of the environmental benefits than would otherwise be the case if it was implemented fully.

### **A Healthier Wales**

*“A society in which people's physical and mental well-being is maximised and in which choices and behaviours that benefit future health are understood”.*

- 4.11 I recognise that minerals development may give rise to considerations relating to the protection of human health and safety and general well-being. This is one of PPW's Key Principles at paragraph 5.14.2. To achieve the necessary balance between the economic need to win minerals and affording such protection, PPW advises that such impacts are reduced to ensure that they are within acceptable limits.
- 4.12 It follows therefore that the effects of permitted quarrying operations are always within acceptable limits and do not give rise to unacceptable effects. Only where operations are in breach of any regulations or conditions would the effects be potentially harmful and in those instances enforcement action can be taken (be it either planning or environmental health) to restore the prescribed operating procedures.
- 4.13 The suggested planning conditions contribute to achieving these acceptable limits along with measures prescribed by the Environmental Permit. As it is an established



principle that planning decisions should anticipate that other regulatory requirements are met and adhered to, the presumption should be that those measures are effective.

- 4.14 On the basis of the Appellant's evidence, and as I have summarised in Section 3, the Appeals Schemes can be undertaken without unacceptable adverse effects on health and well-being.
- 4.15 The Extension Appeal includes the countryside access scheme that creates 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 an indirect link to the Pontypridd Circular Walk. This is an amenity benefit that would provide the opportunity for greater recreational use and contribute to the goal of a Healthier Wales.
- 4.16 Mr Buroni's evidence considers, *inter alia*, the socio-economic characteristics of Glyncoch. Noting that Rhondda Cynon Taf displays pockets of high inequality and that Glyncoch is amongst the 10% most deprived in Wales, he identifies that of the individual domains, its characteristics in terms of housing and physical environment contrast to this and that the existing burden of poor health and relative sensitivity is not associated with a poor-quality environment, but closely associated with socio-economic circumstance, education, deprivation and lifestyle.

### **A More Equal Wales**

*"A society that enables people to fulfil their potential no matter what their background or circumstances (including their socio-economic background and circumstances)".*

- 4.17 The aggregate levy tax to which sales from the quarry contribute is paid to HM Treasury. Presently this is set at £2.00 per tonne; which for Craig yr Hesg would result in a payment of £800,000 per annum. Prior to 2017, a proportion of the levy was made available as an aggregates levy fund administered by the Welsh Government which allowed projects in the vicinity of the quarry to bid for funding. The Glyncoch Community Centre previously received a grant of £403,000 from the fund towards the costs of building the Centre. However, Welsh Government closed the fund in March 2017 and the benefits previously arising from the fund are no longer available.
- 4.18 Irrespective of this, the Appellant has 2030 Sustainability Commitments framed by the 17 United Nations Sustainable Development Goals. In this regard, the Appellant will continue to support the local community having previously assisted local flood victims, supported Glyncoch mini and junior rugby, and provided materials to resurface the community allotments.
- 4.19 I recognise that it is often the case that the aggregate extracted in one location is used for beneficial purposes in a different location; this is acknowledged in PPW in requiring consideration of wider than local geographies in determining the extent of mineral supply. In this instance, because of the high-specification of the aggregate, it is used





across a wide geographic area and both the Appellant's planning application documents and Mr Jenkins' evidence provide a list of schemes where the mineral from Craig yr Hesg has been used – examples include the Porth Bypass in RCT, the Newport Southern Distributor Road, the Heads of the Valley widening and resurfacing the M4.

4.20 I have firsthand experience of the benefit that arose from the construction of the Porth Bypass to the communities of Rhondda Fawr and Rhondda Fach. Equally, the Southern Distributor Road in Newport has served as a catalyst to additional large-scale investment and the redevelopment and regeneration of extensive tracts of previously developed land. The Heads of the Valley widening has been undertaken to improve highways safety and support inward investment to Valleys communities including the Ebbw Vale Enterprise Zone. Elsewhere, the use of the aggregate for road surfacing and re-surfacing is essential to managing, maintaining and improving the local and strategic road network which, notwithstanding objectives to change travel behaviour, are and will remain important to the economic well-being of the country and a Prosperous Wales. These are infrastructure projects that relate to and have delivered wider socio-economic policy objectives.

4.21 Moreover, I understand that aggregate from Craig yr Hesg complies with the Welsh Government's surfacing material specification designed to extend life-cycles and reduce the number of times maintenance works would need to be undertaken in the coming years. It has been awarded contracts by the South Wales Regional Trunk Road Authority (SWTRA) for this reason.

#### **A Wales of Cohesive Communities**

*"Attractive, viable, safe and well-connected communities".*

4.22 Craig yr Hesg quarry has operated at Glyncoch for a considerable period of time alongside the residential community to the north. It operates within the ambit of modern environmental practices and without significant adverse effects and within acceptable limits. Beyond its continued role within the community referred to at paragraph 4.18, granting planning permission for the Appeals would have no material effect on this objective. However, the benefit of the use of extracted minerals in other locations would be positive such is the underlying importance to infrastructure.

#### **A Wales of Vibrant Culture and Thriving Welsh Language**

*"A society that promotes and protects culture, heritage and the Welsh language, and which encourages people to participate in the arts, and sports and recreation".*

4.23 The proposed developments can be undertaken without adverse effects on cultural assets or heritage assets. The proposed development is not one which would cause adverse effects on the Welsh language, either because of its nature or because of its



location. The Appeals Schemes therefore protect culture, heritage and the Welsh language.

- 4.24 The Extension Appeal includes the countryside access that provides the opportunity for local residents to participate in outdoor recreational activity. This is a benefit of that scheme.
- 4.25 This benefit is not replicated in the S73 Appeal, noting of course, and as explained in the (then) Applicant's Planning Statement (CD1.1, Section 3.1), such provision was made previously by Hanson who gifted 16.2 hectares (40 acres) of mature broadleaf woodland to the LPA which has since been designated as Craig yr Hesg Local Nature Reserve. This serves as an enduring beneficial local environmental asset.
- 4.26 It is unlikely that a Minerals Scheme would directly promote and encourage participation in arts, sports or recreation. It is possible that this could be achieved if it were an objective of a long-term restoration plan, but, in this instance, the objectives of that plan are focused on the natural environment, as Mr Jenkins describes.

#### **A Globally Responsive Wales**

*"A nation which, when doing anything to improve the economic, social, environmental and cultural well-being of Wales, takes account of whether doing such a thing may make a positive contribution to global well-being".*

- 4.27 The Appeals Schemes enable mineral reserves to be worked efficiently and appropriately, contributing to the economic health of the country by ensuring that the construction industry is provided with an adequate supply of the minerals it needs.
- 4.28 Sterilising those mineral reserves, either those the extraction of which has already been permitted, or the additional reserves that would be worked through the extension, would unnecessarily limit the supply of high specification aggregate of national importance. This would represent a wholly inefficient use of natural resources – requiring new and additional quarrying activities to be created elsewhere in order to maintain the continuity of supply and this would incur unnecessary costs, economic inefficiencies and as yet unknown environmental effects.
- 4.29 In my opinion, this is the antithesis of sustainable development. In comparison to maintaining and extending this existing operation, where the environmental effects are judged to be acceptable, the uncertainty as to where the equivalent mineral can be worked and what effects might arise, runs counter to the established long-term strategy in the Local Development Plan.
- 4.30 Moreover, the Appellant has made investment at Craig yr Hesg (for example the new vehicular access, plant and machinery), the life cycle value of which would not be fully realised if operations cease before the full extent of minerals has been extracted.



### Synthesis

- 4.31 The above analysis demonstrates how, in my opinion, the Appeals Schemes contribute to the WBFG Act's goals. As PPW alludes to, decision making in respect of development proposals should seek to maximise delivery of outcomes against all aspects of well-being and sustainable development, thus seeking to maximise contributions towards all of the goals of the WBFG Act. Naturally, different projects contribute differently to those individual goals; projects are type and location specific (i.e., they are case sensitive) and not all will interact with those goals to the same extent. Some will not interact with certain of those goals at all.
- 4.32 In my view, the important consideration is where there is a clear relationship or interaction, account is taken of that, and the development project takes advantage of the ability to contribute to the relevant goals. Similarly, where new development might cause an adverse effect, this should be mitigated to the fullest extent so as to minimise those effects. A holistic view must then be taken of both the positive and negative effects of the proposed development in order to arrive at a balanced consideration of its merits. This is analogous with the *planning balance* identified in PPW.
- 4.33 In this instance, having set out my analysis of the effects of the proposed development relative to the individual goals, in my judgement, the Appeals Schemes contribute positively to the Welsh Government's well-being goals. This is a material consideration that weighs in favour of planning permission being granted.
- 4.34 In contrast, to allege as do the LPA, that the proposed development conflicts with one Goal, without a balanced consideration of its contribution in other respects is not the correct application of the framework provided by the Act.



## 5 Summary and Conclusion

- 5.1 My evidence has been prepared on behalf of Hanson UK, the Appellant. It concerns the Well-being of Future Generations Act 2015 (the “WBFG Act”) and how its well-being goals interact with decisions on planning applications generally, and how, in my opinion, the Appeals Schemes contribute to the achievement of each of these goals.
- 5.2 In particular, I discuss:
- a. The WBFG Act as it relates to public bodies and a decision-maker, who, in the instance of these Appeals, are the Welsh Ministers, and describe the well-being objectives that have been established pursuant to it.
  - b. How Planning Policy Wales presents and applies the WBFG Act as part of the planning process.
  - c. My analysis of the proposed developments in the context of each the seven well-being goals, given that the LPA have alighted upon an alleged conflict with one goal, that being a healthier Wales.

### The Appellant’s Case

- 5.3 The Appellant’s case is that both Appeals Schemes are important in providing a continuity in the supply of nationally important minerals and are consistent with the principle in the Local Development Plan that Craig yr Hesg Quarry, as the only operating sandstone quarry in the County Borough, provides a future supply of minerals.
- 5.4 The environmental effects of working these minerals can be controlled by means of planning conditions (and other environmental permits and control measures) such that they are within acceptable proven limits, would not cause unacceptable harm to human health, and would not cause a significant or unsatisfactory impact on the amenities of neighbouring occupiers.
- 5.5 As such, the Appeals Schemes accord with the Local Development Plan, and absent any other material consideration that would indicate to the contrary, planning permission should be granted, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004.
- 5.6 The analysis of the Appeals Schemes against each of the WBFG Act’s seven well-being goals indicates that they contribute positively to those, albeit to different extents. In some instances, there are clear positive contributions, for example, a Prosperous Wales, a Resilient Wales, and a Globally Responsive Wales. In other instances, the effects are more limited in that the schemes protect cultural and heritage assets and



would not harm the Welsh language.

- 5.7 In respect of a Healthier Wales, and in the context of the evidence provided on behalf of the Appellant by expert witnesses, the proposed developments would not cause unacceptable harm to human health and there would be no significant impact on the amenities of neighbouring occupiers; noise, dust and air quality effects can be controlled to an acceptable limit. This accords with the principles that Planning Policy Wales and Minerals Technical Advice Note 1 requires in the case of minerals development.
- 5.8 The various public health bodies also considered the proposed developments could be undertaken without unacceptable effects. Their involvement in considering the planning applications and making recommendations regarding planning conditions is consistent with the WBFG Act's "ways of working" in terms of integration, involvement and prevention.
- 5.9 A holistic view must be taken of both the positive and negative effects of any development in order to arrive at a balanced consideration of their merits. This is analogous with the *planning balance* identified in Planning Policy Wales.

#### **The well-being objectives of relevant public bodies**

- 5.10 As public bodies defined by the WBFG Act, Rhondda Cynon Taf County Borough Council, Cwm Taf Public Service Board, Cwm Taf Morgannwg University Health Board, and the Welsh Government each have well-being objectives. These are distinct from but framed by the WBFG Act's seven well-being goals.
- 5.11 I have not identified any objectives that I consider bear directly on these Appeals and none of those objectives can reasonably be said to be a material consideration that indicate planning permission should be refused.
- 5.12 Improving cities, towns and villages as places to live is an objective of the Welsh Government. As with each of the Welsh Government's objectives this is broad, with wide-ranging interpretation and application. It is unanswerable that this objective, and indeed others, require the efficient use of mineral resources. For example, the social and economic benefits that are realised by construction projects are underpinned by the supply of aggregate.
- 5.13 To the extent that such a well-being objective relates to land use planning, this should be considered in the context provided by PPW in respect of Minerals. PPW and the National Plan 2040 recognise that "*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.*" For this reason, the principles and policy approach in PPW are particularly germane to the decision-making process.



### Planning Policy Wales

- 5.14 Planning Policy Wales interprets and presents the WCFG Act as part of the planning process. In the context of these Appeals, the themes of PPW and its underlying ethos of placemaking have only a narrow focus. That is encapsulated in PPW's four key principles for Minerals:
- a. Provid[ing] 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;
  - b. Protect[ing] 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;
  - c. Reduc[ing] 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
  - d. 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.
- 5.15 Mr Jenkins' evidence explains the identified need for working the high specification mineral of national importance at Craig yr Hesg, with reference to Planning Policy Wales, Minerals Technical Advice Note 1, and the Regional Technical Statement.
- 5.16 Craig yr Hesg Quarry is identified as the **Preferred Area of Known Mineral Resource** in the Local Development for mineral extraction to meet identified needs set out in the Regional Technical Statement. This reflects a long-term and integrated approach to policy making consistent with the "five ways of working". Reflecting this status, planning permission for mineral extraction can reasonably be anticipated.
- 5.17 I note that extracting the permitted reserve at Craig yr Hesg (i.e., the S73 Appeal) is part of the calculation of existing mineral supply and that the Extension of Craig yr Hesg (i.e., the Extension Appeal) implied by the Preferred Area status in the LDP is necessary for the required mineral landbank to be achieved and would make a substantial contribution towards meeting forecast future need.
- 5.18 Moreover, I note that there is no alternative supply of crushed rock aggregate within RCT either operating presently or identified in the LDP, that could fulfil the role of Craig yr Hesg. Plainly, there is a demonstrable and therefore justifiable need for working



those minerals in order to meet society's need.

- 5.19 For the reasons given by Ms Hawkins, Ms Canham, Dr Farnfield, Dr Buroni and Mr Hurlstone it is evident that winning the minerals for which there is an identified need can be achieved within acceptable limits. As is conventional, controls secured either by planning condition or via the environmental permit will prescribe satisfactory operating procedures to regulate these aspects of the developments.

### **Contribution to Welsh Government Well-being Goals**

- 5.20 I have set out my analysis of the proposed developments in the context of each of the seven well-being goals:
- a. Allowing the Appeals would enable the mineral resources to be used effectively and local economic benefits would be maintained, supporting a productive society.
  - b. Conversely, there would be detrimental economic impacts if the Appeals are dismissed, and quarrying was required to cease whilst there remain unworked minerals.
  - c. The proposed developments do not result in adverse landscape or ecological or hydrological effects and there are benefits that can be achieved from the Extension Appeal to woodland management, new planting and habitat creation.
  - d. The proposed developments can be undertaken without unacceptable adverse effects on health and well-being and within acceptable limits, consistent with the tests in the Local Development Plan and PPW for mineral development.
  - e. The Extension Appeal provides a recreational route that would encourage use of the wider footpath network and allow access to the countryside.
  - f. The Appellant has previously made investments in the local community and would continue to play an active role in supporting local initiatives.
  - g. The proposed developments protect cultural and heritage assets and would not harm the Welsh Language.
  - h. The Appeals Schemes enable mineral reserves to be worked efficiently and appropriately, contributing to the economic health of the country by ensuring that the construction industry is provided with an adequate supply of the minerals it needs.
  - i. Were the winning of minerals to cease and the reserves sterilised, this could only be described as an inefficient use of natural resources. Whilst this may be justifiable in instances where the effect of continued quarrying is beyond an



acceptable limit so as to warrant that, plainly that is not the case in this instance.

- j. Investment has been made by the Applicant at Craig yr Hesg based on the extent of the minerals permitted to be worked and the reasonable anticipation that planning permission would be granted for quarrying in the “preferred area” for future mineral extraction. If winning of minerals were to cease, the lifecycle costs of those investments would not be fully realised, and this would represent an inefficient use of resources.

5.21 In my opinion, when considered in the round, the Appeals Schemes contribute to the achievement of the Act’s Well-being Goals. Contrary to the LPA’s view, this represents a material consideration that supports the grant of planning permission.

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May 2022***