

**RHONDDA CYNON TAF COUNCIL PLANNING AND DEVELOPMENT  
COMMITTEE**

**Minutes of the virtual meeting of the Planning and Development Committee held  
on Thursday, 10<sup>th</sup> February 2022 at 3.00 pm**

**County Borough Councillors - Planning and Development**

**Committee Members in attendance:-**

**Councillor S Rees (Chair) (in Chamber)**

**Councillor R Williams (Vice-Chair) (in Chamber)**

**Councillor J Barton                      Councillor D Grehan**

**Councillor G Hughes                  Councillor P Jarman**

**Councillor W Lewis                  Councillor W Owen**

**Councillor S Powderhill          Councillor D Williams**

**Councillor J Williams**

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**Officers in attendance:-**

**Mr C Jones, Head of Major Development and Investment**

**Mr J Bailey, Head of Planning**

**Mr S Humphreys, Head of Legal Services**

**Mr A Rees, Senior Engineer**

**County Borough Councillors in attendance:-**

**Councillor J Barton and Councillor J Brencher**

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Quality House, 6-9 Quality Court, Chancery Lane, London, WC2A 1HP.  
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A THE CHAIR: We move on to the next item on your agenda which deals with Craig Yr Hesg Quarry. Our members will be very familiar with Craig Yr Hesg Quarry. And the reason the reports have been brought back is to seek clarification on the reasons given for refusals on previous applications. Councillor Williams is going to leave---

B COUNCILLOR WILLIAMS: Yes. I have declared interest. Before I leave the meeting, Chair, could I ask that I be given the opportunity to be informed of the result at the end of the meeting, because the meeting may close after this one and I need to inform the community.

C THE CHAIR: Yes, that's fine. Councillor Jarman, Councillor Williams? Councillor Jarman first.

D COUNCILLOR JARMAN: Thank you, Chair. Some clarification. This report asks us to give opinions on previous decisions. Not all members on the present committee were members of the Planning Committee when these two decisions were made. I am asking for some indication as to whether it is in order for all members of this Committee to participate and vote in what we are being asked for, or is it the case that new members of this Committee should be best advised not to participate? It is a very sensitive matter and I would hate this Committee to be pulled up on a technicality at the appeal process.  
E Thank you, Chair.

THE CHAIR: Okay. I will hand over to Mr Humphreys to give you a response to that.

F MR HUMPHREYS: Thank you, Chair. In my point of view this is a Committee decision and the Council has appointed this Committee to discharge the planning decisions on behalf of the Council. So my view is that anyone who is a member of the Committee is entitled to vote. Whether the members feel that they have enough information and they wish to contribute to it is a matter for them, but I am not of the view that there is anything to prevent them from voting on this application. Thank you, Chair.

G THE CHAIR: Thanks, Mr Humphreys. Councillor Julie Williams?

H COUNCILLOR J WILLIAMS: Just to say that I need to leave the meeting by about 10 past/quarter past 4 for a dental appointment. Hopefully we will be finished by then, but I just thought I'd let you know rather than interrupt.

A THE CHAIR: Okay, thank you Councillor Williams. We could potentially be finished by then, I think. I will hand over to Mr Bailey now who will take us right through the report. Thank you.

B MR BAILEY: Thank you, Chair. Perhaps initially just to pick up on Councillor Jarman's point, we have appended the full reports that have come before Committee previously in respect of both applications to this current report. So hopefully that does give new members of the Committee the information that they feel they would need in order to take a decision in respect of the application.

C This is obviously a site and applications that are well known to members of Committee, and it is quite an unusual circumstance in respect of the report that's come back before the meeting today. Just very briefly to go back in terms of the history of the applications, obviously this Committee initially dealt with an application which is the 15/0666 reference for the western extension of the quarry. That would have enabled, D had it been approved, the extraction of a further 10 million tonnes of material from the site and taken the end date to 2047, with a final restoration date then of 2049. That application came before this Committee with a favourable recommendation. However, E members unanimously resolved that they wished to refuse the application, and that earlier resolution was reaffirmed when the matter was brought back before Committee on the second occasion.

F We then in May of last year had a second application in which was a Section 73 application, and that sought to vary the terms and conditions of the ROMP permission for the quarry, and in essence that would have allowed the operator Hansons to continue operations beyond the current end date, which is 31<sup>st</sup> December of this year, to 31<sup>st</sup> G December 2028. So it was seeking another 6 years to take out the material that has already been consented. It wasn't seeking to take out any more material, but a longer period in which to do so. So that was until, as I say, the end of 2028.

H Again that report came before you with a favourable recommendation, and once again unanimously Committee voted to refuse the application, and that was further resolved to be the case when the matter was brought back in September or October of last year.

A Both applications are now subject of appeals, with PEDW, and in pursuance of our requirements under the appeals procedure we have instructed a barrister to lead the Council's case in defending these appeals, and have sought to engage a private planning consultant to present the Council's case.

B Why have we sought to engage a private planning consultancy? Well that is largely because it would have been very difficult for myself or any other officer of the Authority, or Hugh Towns, who we had appointed to largely prepare the report for the Council, and his advice in terms of presenting that matter to you with a favourable recommendation, and therefore we sought to get independent planning advice. And the  
C views of that consultant are set out in the report before members.

D What the report in essence is asking of Committee, Chair, is to address alleged inconsistencies that have come forward in the appellant's statement of case. This is where the appellant Hansons will set out what they feel are the main points and their main arguments in taking their appeals forward. It has been suggested that there is an inconsistency between the reasons for refusal between the first application and the section 73 application, and so this report seeks to secure members' views and  
E clarification as to what was in their thinking when they refused the previous applications that have come before you.

F If I can move to the bottom paragraph on page 33 of the report, Chair, here we are asked to look at the suggested inconsistency. What has been highlighted by the Appellant is the fact that in refusing the first application for the physical extension of the quarry the reason for refusal very tightly focused on the failure to retain a 200 metre barrier between the extent of quarrying operations and the nearest residential receptors. You can see from the red line of the site, Chair, the properties to the north and the primary school, which would also be included as a sensitive receptor in proximity of that  
G proposed extension.

H When we come then to the second application, which was the continuation of operations for a further 6 years under the 2021 application, the reason for refusal largely deals with the continuation of the impacts that are currently being experienced by the residents in the community of Glyncoch, and Committee's feelings that that would be unacceptable for a further period of 6 years. So it has been highlighted by the Appellant

A that surely that would still be the case if you were looking to extend the application site both physically and for a longer period potentially up until 2047.

B So it was to gain members' acceptance that that was indeed in their thinking when they considered and refused the application for the physical extension of the quarry and the 2015 application.

C The second point at the bottom of page 33 is that the Appellants have suggested within their Statement of Case that if the inspector dealing with the appeals were minded to impose a condition that restricted them from coming any nearer than 200 metres, would that address the concerns of the Committee? From the indication given in your discussion when dealing with that, the officer view is that probably that is not the case, but clearly, you know, that is a matter for Committee to clarify.

D Then the third point is that in taking those points into account, would Committee agree with the advice of the planning consultant in taking the defence of the appeals forward in respect of the bullet points that are identified under each of the application references on pages 34 and 35. And those make reference to what the planning consultant feels would be still unacceptable impacts in terms of noise, in terms of dust and air quality, the need to reference the local plan policies within the LDP – which are identified as being Policy CS10, Policy AW5 and Policy AW10 – to note that, notwithstanding there is an allocation of this site within the Local Plan for mineral extraction, that does not presume that that will override the other policies that I have just referred to in the planning weight of consideration, and also acknowledges that the Policies CS10, AW14 and SSA25 again are required to be balanced against those other policies that I have set out within the Local Plan.

E So the way forward in terms of defending the appeals is set out within the bullet points under each reference, Chair, and what I would seek from Committee is their agreement to pursue the appeals and contest the appeals on that basis, which is the advice of the appointed planning consultant and also addressing the specific points in terms of those two issues at the bottom of page 33.

F I am happy to take any questions, Chair, should they arise.

G THE CHAIR: Thank you for that, Mr Bailey. This is an unusual sort of situation that we find ourselves in, but I think members were unanimous in their decisions on both of

A these applications in refusing them. I think members were minded at that time that they  
were particularly unhappy with the first application in relation to encroaching on a  
buffer zone; and on the second application were very concerned about the impact that  
B this quarrying had had on the people of Glyncoch and surrounding areas for an already  
very lengthy period of time, and were minded at that time that to extend it any further  
was unacceptable.

I will go members now for their views. I call on Councillor Powderhill first.

COUNCILLOR POWDERHILL: Thank you, Chair. Last week I was contacted by many  
C irate and probably scared people in Glyncoch who had witnessed a huge explosion there  
that knocked ornaments off their tables. And I passed those people on to Councillor  
Williams, because it's his ward. But it still shows that, you know, it's not fair on the  
D people who live in Glyncoch. It's simply not fair. So you're quite right in saying,  
would we find it acceptable? Absolutely not. Last week was another reason again for us  
to say this is not working for the people who live there.

E And also I'm still not happy about Cwm Taf not raising any objections because  
they don't keep records. Again I think that's a crazy situation. You know, they have  
people with severe illnesses, chest illnesses, living in Glyncoch, a very poor area as it  
happens, and it seems crazy that they don't keep records.

Yes, I completely agree with what's been said here, and I agree with (inaudible)  
I'm happy to move that forward, Chair.

F THE CHAIR: Thanks very much for that, Councillor Powderhill. So we've got a motion  
then on the way forward in clarification. Councillor Jarman.

G COUNCILLOR JARMAN: I second that, Chair. I'm very impressed by the report, insofar as  
the defence of our decision by the planning consultancy is recommending from the top  
of page 34 through to 35, and I think the emphasis of the absence of comprehensive  
background noise data, no robust assessment of the impact of the site operation – this  
was mentioned by local members as well as members of this Committee in determining  
this – the absence of comprehensive and up-to-date monitoring data, no robust  
H assessment of that, and so it continues. I think that your introduction to this, Chair, was  
fair when you said that we've spent an awful lot of time on this, we've listened to the  
community, we've listened to the Applicant, we've listened to all sorts of experts in the

A field. As you recall, the Council brought an expert in because we didn't have one  
employed within the Council. So as a Committee we determined this on the background  
of close examination, listening to all the advice we were given as well as public  
representation, and I am very persuaded that the planning consultancy now appointed by  
B the Council will have the right arguments ready in presenting the Council's case on this  
Committee's decision to the Inspector, Chair.

THE CHAIR: Thank you. So you are formally seconding Councillor Powderhill, yes?

COUNCILLOR JARMAN: Yes.

C THE CHAIR: Okay, thank you for that. I have got no other members who have indicated that  
they wish to speak on this item. So we have got a motion then that has been seconded in  
relation to Craig Yr Hesg Quarry and the addition of the clarification of reasons then to  
be presented to the appeal on behalf of this Committee's decision in relation to Craig Yr  
Hesg Quarry. So I will go to the vote then. Councillor Barton?

D COUNCILLOR BARTON: Support the motion.

THE CHAIR: Councillor Grehan?

COUNCILLOR BARTON: O blaid y cynnig.

E THE CHAIR: Councillor Hughes?

COUNCILLOR HUGHES: In line with the motion, Chair.

THE CHAIR: Councillor Jarman?

COUNCILLOR JARMAN: For the motion, Chair.

F THE CHAIR: Councillor Lewis?

COUNCILLOR LEWIS: Support the motion, Chair.

THE CHAIR: Councillor Owen?

COUNCILLOR OWEN: Support the motion, Chair.

G THE CHAIR: Councillor Powderhill?

COUNCILLOR POWDERHILL: Support the motion, Chair.

THE CHAIR: Councillor Julie Williams?

COUNCILLOR J WILLIAMS: Support the motion, Chair.

H THE CHAIR: And Councillor Ross Williams?

COUNCILLOR R WILLIAMS: Support the motion, Chair.

THE CHAIR: I will hand over to Mr Humphreys to sum up, please.

A MR HUMPHREYS: Thank you, Chair. In respect of these applications 15/0666 and 21/0720  
I will just sort of summarise what members have confirmed in the report.

B Members have confirmed today that they agree that there is clear encroachment  
onto sensitive properties was at the forefront of their thinking. They were also mindful  
of the wider health and wellbeing issues in respect of the application. They also  
C confirmed that their concerns relate to both the applications, which includes the western  
extension as well as the existing site. They consider a condition to preclude extraction  
or processing within 200 metres of sensitive development would not address their  
concerns. And they agree with the views of the planning consultancy, as set out on  
pages 34 and 35 of the report and the Statements of Reasons, Chair. Thank you.

THE CHAIR: Thank you, Mr Humphreys. I think that sums it up perfectly, thank you.

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Digital Transcription by Marten Walsh Cherer Ltd  
2<sup>nd</sup> Floor, Quality House, 6-9 Quality Court, Chancery Lane, London WC2A 1HP  
Tel No: 020 7067 2900 DX: 410 LDE  
Email: [info@martenwalshcherer.com](mailto:info@martenwalshcherer.com)  
Web: [www.martenwalshcherer.com](http://www.martenwalshcherer.com)