
Town and Country Planning Act 1990: Section 78 Appeal

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

Land at Craig yr Hesg Quarry, Pontypridd.

Appeal Ref APP/A/20/3265358

Application Ref: 15/0666/10

Hanson UK

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

**Statement of Common Ground between the Appellants
(Hanson UK) and
Rhondda Cynon Taff County Borough Council**

Final 24 05 22

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1. Plan ref C10m/134 Separation distances from proposed quarry extension area.
2. Schedule of Agreed Planning Conditions
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1.0 SUMMARY

- 1.1 This Statement of Common Ground (SoCG) sets out the matters which have been agreed between the Appellants (Hanson UK) and Rhondda Cynon Taff County Borough Council (RCT).
- 1.2 The SoCG is made for the purposes of a Section 78 appeal and inquiry into the refusal by RCT of planning permission for a development at Craig yr Hseg Quarry, near Pontypridd, comprising a western extension to the existing quarry to include the phased extraction of an additional 10 million tonnes of Pennant Sandstone, construction of screening bunds, associated works and operations, and consolidation of all previous mineral planning permissions at Craig yr Hseg Quarry, including an extension of the end date for quarrying and an overall restoration scheme (application ref 15/0666/10, appeal ref APP/A/20/3265358).
- 1.3 All statements within this document are agreed between the Appellants and RCT (referred to as 'the parties') unless otherwise stated.

2.0 APPEAL SITE

- 2.1 Craig yr Hesg Quarry is a long-established quarry which commenced operations in circa 1890. It lies on the western side of the Taff Valley, some 1km north of the built-up area of Pontypridd.
- 2.2 The appeal site has an overall area of 36.7 hectares, of which the western extension area comprises 11.24 hectares. The net area proposed for extraction within the proposed extension area comprises 5.52 hectares. The proposed northern screening landform would cover an area of 2.1 hectares.
- 2.3 The proposed western extension area currently comprises former grazing land with some pockets and linear strips of rougher vegetation. A number of intermittent dry-stone walls are present, but they are generally in a poor state of repair. The area comprises mainly gently sloping land which rises to a gentle dome, with steeper slopes to the west down to Darren Ddu Road.
- 2.4 The proposed western extension area is mainly bounded by agricultural land, un-occupied grassland and woodland, apart from in the south east where it is bounded by the existing quarry.
- 2.5 The existing quarry is bounded by Glyncoch Rugby Ground and Clubhouse and the edge of the settlement of Glyncoch to the north; the prominent ridgeline of Coed Graig yr Hesg to the south west, and to the east by a narrow corridor of woodland between the site and the B4273 Ynysybwl Road.
- 2.6 The nearest properties to the western extension area are beyond the un-occupied grassland to the north.
- 2.7 As set out in Section 10.0 of the SoCG, RCT consider that separation distances from the edge of the proposed extraction area should be measured to property curtilages. On this basis, eleven property curtilages (10 houses and Cefn Primary School) would be within 200m of the edge of the Proposed Extraction Area (identified on application drawing CYH E2A (the ' Proposed Extraction Area'),. The closest property curtilage would be that of Cefn Primary School, at a distance of 164m from the edge of the Proposed Extraction Area. The nearest residential curtilage would be that of 36 Conway Close, lying at a distance of 170m from the edge of the Proposed Extraction Area.
- 2.8 Again as set out in Section 10.0 of the SoCG, the Appellants consider that separation distances should be measured to the buildings of properties. On this basis, five of the residential properties are within 200m of the proposed extraction area with the house at the closest property at No 36 Conway Close lying at a distance of 175m from the edge of the Proposed Extraction Area.

2.0 APPEAL SITE

- 2.9 The closest point of the western extension extraction area to the south western area of Glyncoch at the houses at Pen y Bryn is 221m, at a similar distance to the extraction area within the existing quarry.
- 2.10 There is a distance of 251m from the proposed extraction area within the western extension to the closest residential properties to the north of the extension area at Cefn. The distance is some 240m to the curtilage of the closest residential property to the north.
- 2.11 Much of the woodland within the existing quarry site and its surroundings are covered by a Woodland Tree Preservation Order (No 10) (although RCT's appeal questionnaire indicates that there are no TPO's at the site). This TPO adjoins the site of the proposed quarry extension at its southern tip, but the proposed extension would not encroach into it.
- 2.12 The Cwm Clydach Special Landscape Area lies immediately to the south and west of the extension area but does not encroach into the appeal site boundary.
- 2.13 Two-way access to the quarry is from the B4273 (Ynysybwl Road) via a former 'entrance only' access road which was made into a two-way access and egress via a planning permission issued in 2013 (ref 13/1039/10). The previous 'exit only' road is now retained for use only in emergencies.
- 2.14 A small number of residential properties at Rogart Terrace lie to the east of the quarry access road and north of the quarry entrance, fronting the B4273.
- 2.15 The quarry produces aggregate from a deposit of Pennant Sandstone. It has a Polished Stone Value (PSV) of +68 to 70 and an Aggregate Abrasion Value of <10, making it one of the highest quality sources of skid resistant surfacing aggregate not only in South Wales, but the UK. This makes it particularly suitable for major road surfacing projects such as motorways, interchanges and airport runways. The products, referred to as 'high specification aggregate' (HSA) are marketed over a relatively wide geographical area, including South Wales and southern England.
- 2.16 Existing quarrying operations are focused within the western part of the existing quarry site, with the quarry faces and benches being developed in a generally north-westerly direction. The processing plant lies in the eastern part of the quarry, approximately 60m from the nearest residential property at Garth Avenue.

3.0 PLANNING HISTORY

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3.1 The consents for the extraction activities at the site are as follows:

- Application for determination of conditions for mineral site incorporating the four existing planning permissions listed below. (ROMP Review application submitted pursuant to the Environmental Act 1995), determined 24/04/13 ref 08/1380/10.
- Extension to Existing Sandstone Quarry. Approved 20/08/93, ref 56/86/0827:
- Extension of Quarry Working Area. Approved 27/01/70, ref 349(Z)970:
- Extension to Quarry. Approved 20/08/65, ref P22/Z/596:
- Quarry. Approved 07/01/49, ref 5183.

3.2 Other significant consents are as follows:

- Improvements to quarry entrance to provide two-way quarry entrance and exit. Approved 14/03/13, ref 13/1039/10:
- Erection of an asphalt plant pursuant to Class B, Part 19 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995. Approved 18/1/13, ref 13/0825/23.
- Proposal to replace part of existing dry stone processing plant - Approval of detailed plans pursuant to the Town and Country Planning (General Permitted Development) Order 1995. Approved 06/09/99 ref T/99/2567: and
- Crushing, screening and coating plant. Permitted Development (no date) ref 349/223/71 (1971).

4.0 PROPOSED DEVELOPMENT

4.0 DESCRIPTION OF THE PROPOSAL

- 4.1 A detailed description of the proposed development is set out in Chapter 6.0 of the Planning Application Statement [PAS] (May 2015), including details of the preliminary operations, the construction of the northern screening landform, the phased quarry development scheme, the hours of working, processing plant, output and traffic routing, water management, and the countryside amenity / community benefits proposed as part of the application.
- 4.2 A description of the proposed restoration scheme is provided in Chapter 7.0 of the PAS, including details of the restoration of the quarry faces, benches and quarry floor, and the planting and aftercare proposals.
- 4.3 With the exception of a number of minor amendments and small points of clarification confirmed during the processing of the application-as listed below, these details have not changed and are thus not repeated in this SoCG.
- 4.4 The minor amendments and points of clarification are confined to:

(i) Landscape Treatment of Northern Screening Landform

Section 6.2.4 of the PAS proposed that the northern screening landform would be tree-seeded using native species of pre-treated seed. However, following further consideration this was revised to make provision for conventional tree planting as a means of establishing early tree cover to enhance the screening value of the bund. This revision was illustrated on plan ref CYH/E4B submitted on 15th September 2015. The parties agree that this amendment regarding tree planting could be made the subject of a planning condition requiring details of species and planting specification to be submitted for the approval of RCT.

(ii) Location of perimeter palisade fence

Section 6.2.8 of the PAS indicated that the palisade fence which encloses the existing extraction area would be continued around the boundary of the extension area, with the fence to be positioned on the inner, quarry side of the northern screening landform. This was illustrated on the submitted application plan ref CYH/E4A. For security reasons and to ensure the success of the revised proposed tree planting on the northern screening landform it was proposed that the perimeter palisade fence would be re-positioned to run along the outer toe of the landform (with the tree planting on the inner side), with a new hedgerow to be planted on the inner side of the palisade fence. These details were included on plan ref CYH/E4B. The original proposals for the provision of a drystone wall along on the outer toe of the screening landform (PAS paragraph 6.2.7) were superseded by the proposal to provide a palisade fence and hedge along that boundary.

4.0 PROPOSED DEVELOPMENT

In order to ensure consistency with the revisions to the perimeter fence details, the remaining development plans CYH/E4A – E11A inclusive were re-issued on 7th November 2016 as plan ref numbers CYH/E4B - CYH/E11/B inclusive. The perimeter fence position was amended on those plans for consistency with the amendment shown on plan CYH/E4/B, but where the only change to the originally submitted plans related to the position of the quarry fence along the outer edge of the screening landform (and the deletion of the originally proposed drystone wall).

The parties note that there is a typographic error in the legend of plan ref numbers CYH/E5/B and CYH/E6/B which for consistency with the legend on plan CYH/E4/B should refer to 'tree planting' rather than 'tree seeding' on the screening landform B1.

(iii) Diversion of Water Main

Section 6.2.3 of the PAS highlighted the presence of a water main which crosses the extension area broadly from east to west, and the need to divert the main in order to allow the extension operations to progress. It noted that conventional methods are available to allow such diversion works to be undertaken by Dwr Cymru Welsh Water (DCWW). At the time of the application, it was noted that in order to construct the northern screening landform it would be necessary to either place a bridging structure over the route of the pipeline to allow the landform to be constructed above the pipeline, or the pipeline would need to be diverted prior to the construction of the screening landform.

Following further post submission discussions, DCWW have confirmed a preference to divert the pipeline at the outset of the development. A diversion route has been agreed and arrangements will be made between the Appellants and DCWW for the diversion works to be implemented (subject to the receipt of planning permission for the extension development).

- 4.5 There are three further points of clarification to the description of the development set out in Chapter 6.0 of the PAS.

(i) Reserve Update

The development would yield an additional reserve of some 10 million tonnes of sandstone from the extension area, of which some 1.1m tonnes of sandstone along the north-western edge of the existing quarry would become accessible as part of the extension development. These additional reserves would be worked in conjunction with the remaining reserves at the existing quarry, which were confirmed as some 5.7m tonnes as at the time of submission of the application in May 2015 (PAS section 5.5). The remaining reserves reduced to some 3.3m tonnes as at December 2020, and have since reduced to 2.9m tonnes as at December 2021.

4.0 PROPOSED DEVELOPMENT

(ii) Phased soil stripping

Section 6.3.3 of the PAS indicated that *'the soils and overburden within Phase 2 (some 18,300m³) would be stripped within the final year of extraction operations in Phase 1'*. This is not fully accurate since in three-dimensions there will be elements of extraction in Phase 1 at lower levels in the quarry which will take place in conjunction with extraction on the upper levels of Phase 2. The parties thus agree that it is more accurate to confirm that *'the soils and overburden within Phase 2 (some 18,300m³) would be stripped once the benches within Phase 1 have been worked close to their minimum widths for the safe loading and haulage of minerals extracted from that phase of the development.'*

(iii) Countryside Amenity / Community Benefits

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

5.0 APPEAL DOCUMENTS AND PLANS

5.0 APPEAL DOCUMENTS AND PLANS

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

5.2 The development was described on the planning application form as:

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

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

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

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

- Application Site Plan - Aerial ref CYH E1A
- Application Site Plan ref CYH E2A
- Block Phasing ref CYH E3A
- Initial Works ref CYH E4A
- Cross Section - Screening Landform ref CYH E5A
- Countryside / Amenity Enhancement ref CYH E6A
- Current Situation CYH E7A
- Quarry Phase 1 ref CYH E8A
- Quarry Phase 2 ref CYH 9A
- Quarry Phase 3 ref CYH E10A
- Cross Sections – Quarry Phases ref CYH E11A
- Quarry Restoration ref CYH E12A
- Cross-Sections – Quarry Bench Treatments ref CYH E13A
- Concept Restoration Aerial ref CYH E14A

5.0 APPEAL DOCUMENTS AND PLANS

- 5.5 For clarity, it is noted that the plan reference numbers in the main title block of the plans do not include the suffix 'rev A', but this rev A suffix is included in the smaller title block on the plans which confirms the scale of the plans. To assist clarity, the subsequently issued plan ref B sequence (discussed below) includes the suffix B in the main title block.
- 5.6 The application was also accompanied by:
- An Environmental Statement (ES) as Volume 1.
 - Appendices to the ES as Volume 2.
 - Landscape and Visual Impact Assessment Figures as Volume 3, and
 - A Non-Technical Summary of the ES as Volume 4.
- 5.7 During the processing of the application, a series of discussions were held between the Applicants, Planning Officer and Officers in the RCT Public Health and Protection Department in connection with issues raised by the Public Health and Protection Department and members of the public in relation to well-being and health issues which might be associated with the development. The respective issues were drawn together in a memorandum issued by the Public Health and Protection Department on 24th February 2016, which included a schedule of themes, concerns and questions to which the Applicants were invited to respond. The required response was submitted on 24th June 2016 in the form of a report entitled 'Response to Public Consultation Well Being and Environmental Health Issues'.
- 5.8 The Response to Public Consultation Well Being and Environmental Health Issues was re-issued to RCT on 12th September 2016, with a number of minor typographic corrections.
- 5.9 On 15th September 2016, an updated plan ref CYH/E4/B was submitted to RCT which confirmed a revision to the proposed planting of the outer flank of the proposed northern screening landform, the re-positioning of the perimeter palisade fence, and proposals for the planting of a new hedgerow on the inner side of the palisade fence (ref section 4.4 (i) and (ii) above).
- 5.10 For consistency, the development plans CYH E4A – CYH E6A and CYH E8A – CYH E11A inclusive were re-issued on 7th November 2016 as plan ref numbers CYH/E4/B - CYH/E6/B inclusive and CYH/E8/B – CYH/E11/B inclusive (all dated 25th October 2016), with the perimeter fence position amended for consistency with the amendment shown on plan CYH/E4/B. The only change on the plans rev B relates to the position of the quarry fence along the outer edge of the screening landform. As noted in paragraph 4.4 (ii) above, there is a typographic error in the legend of plan ref numbers CYH/E5/B and CYH/E6/B which for consistency with the legend on plan CYH/E4/B should refer to 'tree planting' rather than 'tree seeding' on the screening landform B1.

5.0 APPEAL DOCUMENTS AND PLANS

5.11 Based upon the above, and the submission of a series of plans and updated plans, the parties agree that the versions of the plans which are relied upon for the purposes of the Appeal are as follows:

- Application Site Plan - Aerial ref CYH E1 A (dated 5th May 2015)
- Application Site Plan ref CYH E2A (dated 5th May 2015)
- Block Phasing ref CYH E3A (dated 12th May 2015)
- Initial Works ref CYH/E4/B (dated 25th October 2016)
- Cross Section - Screening Landform ref CYH/E5/B (dated 25th October 2016)
- Countryside / Amenity Enhancement ref CYH/E6/B (dated 25th October 2016)
- Current Situation CYH E7A (dated 5th May 2015)
- Quarry Phase 1 ref CYH/E8/B (dated 25th October 2016)
- Quarry Phase 2 ref CYH/E9/B (dated 25th October 2016)
- Quarry Phase 3 ref CYH/E10/B (dated 25th October 2016)
- Cross Sections – Quarry Phases ref CYH/E11/B (dated 25th October 2016)
- Quarry Restoration ref CYH E12A (dated 5th May 2015)
- Cross-Sections – Quarry Bench Treatments ref CYH E13A (dated 5th May 2015)
- Concept Restoration Aerial ref CYH E14A (dated 5th May 2015).

6.0 APPEAL ADDITIONAL INFORMATION

6.0 LODGING OF APPEAL AND SUBMISSION OF ADDITIONAL INFORMATION

- 6.1 An appeal against the refusal of planning permission for the extension and consolidation development was lodged at the Planning Inspectorate (PINS) on 16th December 2020.
- 6.2 On 28th January PINS issued an 'assessment of the environmental statement' (ES) which noted, inter alia, that the ES was written in 2015 and that some of the survey information on which it is based is older. The Appellants were therefore requested to provide an update to the ES to include updated surveys results and any associated revisions to proposed mitigation measures; an update which reflects policy guidance changes which have been issued in the intervening period, and an update to address a number of other minor anomalies.
- 6.3 The requested information was submitted to PINS on 28th April 2021 as a 'Supplementary Environmental Statement' (SES). The numbering of the SES sequentially follows on from the numbering of the originally submitted application documents in being numbered as Volume 5 of the submission. The SES is supported by a volume of Appendices produced as Volume 6, and by a Non-Technical Summary produced as Volume 7.
- 6.4 PINS issued their ES 'completeness report' on 26th August 2021 confirming that with the inclusion of the information contained in the SES, the ES contains the level of information identified in the 1999 Regulations and is therefore complete for the purposes of the Regulations (para 33).

7.0 PLANNING POLICY

- 7.1 For the purposes of the inquiry, the parties agree that the key planning policy documents relevant to the consideration of the appeal are:
- Planning Policy Wales (Edition 11 February 2021) (PPW11)
 - Minerals Technical Advice Note, MTAN (Wales) 1: Aggregates (MTAN1)
 - Regional Technical Statements for the North and South Wales Aggregates Working Parties 2008, 1st Review 2014 (RTS1) supplemented by the Minister's Clarification letter dated 25th July 2014 [dealing with Ministerial Endorsement and Landbank calculations}, and 2nd Review 2020 (RTS2), supplemented by a Welsh Government Clarification Letter dated 11th November 2021.
 - RCT Local Development Plan (LDP), adopted March 2011
 - Emerging RCT Revised Local Development Plan 2022 - 2037.
- 7.2 The parties will draw upon the content of these documents in support of the respective cases to be presented at the inquiry. However, passages of text from the documents are not reproduced in this SoCG since this will be addressed in evidence.
- 7.3 Reference will also be made to the broader context provided by the Well-Being and Future Generations (Wales) Act 2015, and the Environment (Wales) Act 2016.

8.0 PLANNING CONDITIONS AND SECTION 106 AGREEMENT

8.0 PLANNING CONDITIONS AND SECTION 106 AGREEMENT

- 8.1 A schedule of proposed planning conditions was included in the Planning Officer's report presented to the February 2020 Planning Committee.
- 8.2 The July 2020 Report to Committee re-stated the recommendation for approval subject to the conditions set out in the February Report, with an additional condition relating to an output limit of 400,000 tonnes per annum.
- 8.3 The schedule of conditions was discussed between the parties in advance of the February 2020 Committee, and Hanson had agreed the content of the conditions therein.
- 8.4 Hanson made a suggestion for the wording of an additional output limit condition via their letter dated 7th July 2020 to RCT, namely:
- “The average annual output of aggregates from the site shall not exceed 400,000 tonnes when calculated over any period of three consecutive calendar years.”*
- 8.5 A schedule of agreed conditions between the parties is produced as Appendix 2 to this SoCG.
- 8.6 At the time of drafting this SoCG, a Section 106 Agreement is in a close to finalised form, and in accordance with required procedures, it will be submitted in advance of the inquiry. A final draft version is appended to this SoCG as Appendix 3.
- 8.7 The Section 106 Agreement reflects the requirements set out in the February 2020 Committee report relating to the relinquishment of the four existing mineral planning permissions upon implementation of the extension and consolidation permission, and for the payment by the Appellants of an annual contribution towards the costs incurred by RCT in air quality monitoring in the vicinity of the quarry.

9.0 SUMMARY OF MATTERS NOT IN DISPUTE

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The Development Plan

- 9.1 Policy SSA25 identifies land adjacent to Craig Y Hesg quarry, which encompasses the area of the proposed extension to the quarry, as a 'preferred area of known mineral resources'. The supporting text to the policy identifies that "Craig Y Hesg is the only operating sandstone quarry in Rhondda Cynon Taf" and that "the identified Preferred Area is an area of known mineral resource with commercial potential" (para 6.184). *"The Regional Technical Statement identifies the need to allocate additional rock reserves in Rhondda Cynon Taf, and to ensure a supply of general hardstone resources over the period of the LDP..."* (para 6.185).
- 9.2 Policy AW14: Safeguarding confirms that the "Limestone and Sandstone quarries at Forest Wood, Hendy and Craig yr Hesg, will be further safeguarded from development that would adversely affect their operations by 200 metre buffer zones as shown on the proposals maps". The supporting text to Policy AW14 clarifies that *"The identification of safeguarding areas for the above minerals in Rhondda Cynon Taf does not carry any presumption that planning permission would be granted for their extraction"* (para 5.87) and that *"There are also significant constraints to the extraction of the minerals from within these identified safeguarding areas. These constraints are raised in Policy CS 10 through reference to National and other LDP policy. These include firstly the proximity to residential areas and designated sites of landscape and nature conservation"* (para 5.88).
- 9.3 The Proposals Map illustrates a 'buffer zone' drawn 200m from the edge of the existing permitted area for quarrying at Craig yr Hesg Quarry, and from the boundary of the 'preferred area of known mineral resources' (which includes the extension area), also defined on the Map.
- 9.4 There would be no mineral extraction or processing operations within the buffer zone as defined on the Proposals Map, although there are existing residential properties and a school at Glyncoch within the buffer zone. It is recognised that the buffer zone and associated Policy AW14 was settled with those existing residential properties and school within the buffer zone.
- 9.5 Policy CS10 relates to minerals and seeks to *"protect resources and to contribute to the local, regional and national demand for a continuous supply of minerals, without compromising environmental and social issues"*. The policy identifies a number of criteria to be met in order to achieve these goals including, of particular relevance in this instance:
1. *Maintaining a minimum 10 year landbank of permitted rock aggregate reserves throughout the plan period (to 2021), together with an extended landbank in the form of a Preferred Area of Known Mineral Resource;*

9.0 SUMMARY OF MATTERS NOT IN DISPUTE

6. *Ensuring that impacts upon residential areas and sensitive land uses from mineral operations and the transportation of minerals are limited to an acceptable proven safe limit.*
- 9.6 Policy AW5 requires that there should be “*no significant impact upon the amenities of neighbouring occupiers*” and that “(d) the development would be compatible with other uses in the locality”.
- 9.7 Policy AW10 relates to environmental protection and public health and identifies that development proposals “will not be permitted where they would cause or result in a risk of unacceptable harm to health and / or local amenity” as a result of, amongst other matters, “(1) Air pollution”, “(2) Noise pollution”, “(9) or any other identified risk to... local amenity and public health... unless it can be demonstrated that measures can be taken to overcome any significant adverse risk to public health, the environment and / or impact upon local amenity.”
- 9.8 The supporting text to Policy AW10 states that ‘*Pollution may cause significant damage to human health, quality of life and residential amenity, as well as impact upon both the natural and built environment. This policy will ensure that developments that would result in unacceptably high levels of noise, light, water and / or air pollution are located away from residential areas and other sensitive uses. The policy will also ensure that new development is not located in close proximity to existing sources of pollution. Amenity is defined as the pleasant or satisfactory aspects of a location, or features which contribute to its overall character and the enjoyment of residents or visitors*’ (para 5.63).

Planning Policy Wales Edition 11 (PPW11)

- 9.9 Section 5.14 of PPW11 relates to minerals. It identifies that “*society needs, and will continue to need for the foreseeable future, a wide range of materials*” (para 5.14.1). It advises that the “*role of the planning authority in relation to mineral extraction is to balance the fundamental requirement to ensure the adequate supply of minerals with the protection of amenity and the environment*” (para 5.14.2). It identifies the key principles as including:
- provide positively for the safeguarding and working of mineral resources to meet society’s needs now and in the future, encouraging the efficient and appropriate use of high quality materials;
 - reduce the impact of mineral extraction and related operations during the period of working by ensuring that impacts on relevant environmental qualities caused by mineral extraction and transportation, for example air quality and soundscape, are within acceptable limits
- 9.10 The parties agree that the above policies form a basis for determining the acceptability of the development, including the separation distances between the extraction area and sensitive development.

9.0 SUMMARY OF MATTERS NOT IN DISPUTE

- 9.11 There are no specific development plan policies cited in the reason for refusal in support of the reason for refusing the proposed development. The LPA however clarified their new position within their Statement of Case and Supplementary Statement of Case. The Appellants do not accept the basis of the clarified case (as the LPA refer to it) which the LPA wish to present, which departs from the stated reason for refusal.
- 9.12 PPW11 para 5.14.19 requires that *“Where necessary, planning authorities should provide a clear guide to where non-energy mineral extraction is likely to be acceptable and include policies which protect sensitive environmental designations... and environmental and resource protection. This approach brings a high degree of certainty to all. Policies and proposals should relate to identifiable areas of land unless there is good reason why this is not possible... (and)... should be clearly identified on a proposals map and should, in the following order of preference, take the form of:*
- *Specific Sites...*
 - *Preferred Areas which will be areas of known resources with some commercial potential and where planning permission might reasonable be anticipated*
 - *Areas of Search...*
 - *Other areas....*
- 9.13 The LDP Policy SSA25 equates to the ‘Preferred Area’ category in PPW11.

The Need for Pennant Sandstone

RTS Supply Contribution from RCT

- 9.14 The First Review of the RTS (RTS1), published in August 2014, indicated that based upon the landbank of permitted reserves as at December 2010, there was a requirement to make provision for the release of a minimum of 4.25m tonnes of additional crushed rock reserves in the period to 2036.
- 9.15 RCT recognise that there is a typographic error in the February 2020 Committee report where the above figures are transposed to indicate an incorrect requirement for a minimum of 2.45m tonnes [unpaginated page 18 of the Committee Report].
- 9.16 RTS1 relies upon the ‘preferred area’ at Craig yr Hesg in the LDP to meet the minimum required provision for crushed rock over the period covered by RTS1. RTS1 also emphasises that the allocation requirements are minimum amounts and that any applications which exceed the minimum amounts should not be rejected purely on the grounds of exceeding the minimum allocation requirements (ref RTS1 Table 5.3). The parties agree that this is the correct approach
- 9.17 RTS2 published in September 2020, indicates that for RCT there is a requirement to make provision for a minimum of 18.816m tonnes of aggregate over a 25-year period

9.0 SUMMARY OF MATTERS NOT IN DISPUTE

from December 2016. RTS2 indicates a landbank of permitted reserves in RCT of 9.83m tonnes at December 2016 which equates to a 13.1 year landbank at the stated apportionment rate of 0.753m tonnes per annum (tpa), now adjusted to 0.765m tpa (see 8.18 below). This equates to a residual requirement to make a minimum allocation for 8.986m tonnes of new crushed rock reserves via a review of the currently adopted RCT LDP (if a 15 year replacement LDP were to have commenced from January 2017).

- 9.18 On 11th November 2021, Welsh Government issued an RTS2 Clarification Letter following the identification of an arithmetic error which affects the apportionment calculations for all authorities in the 'Former Gwent' sub region, and Cardiff and RCT in the 'Cardiff City' sub region. The effect for RCT was to increase the annualised apportionment from 0.753mt to 0.765mt, which results in an increase in the 25-year minimum provision requirement from 18.816m tonnes to 19.125m tonnes, and an updated residual requirement to make a minimum allocation of 9.295m tonnes via a review of the LDP (as at the RTS2 base date of December 2016).
- 9.19 RCT had intended to revise the LDP with a new 10-year plan period commencing from 2020. However, as a result of delays, it is now intended to stop the preparation of this revised Plan and commence the preparation of a Revised LDP with a 15 year plan period of 2022 to 2037.
- 9.20 Subject to any agreed sub-regional collaboration outcomes and the default and exceptional circumstances issues set out in Annex A of the RTS2 Main Document, such a revised LDP will be required to make provision for a minimum 25 years supply of crushed rock aggregates at the beginning of the plan period (i.e. 15 years supply during the plan period plus a 10 year minimum provision in the form of permitted reserves or allocation(s) for future working at the end of the 2037 plan period). At the revised RTS2 annual apportionment of 0.765m tonnes, this will equate to a minimum requirement to make provision for 19.125m tonnes of crushed rock.

Landbank Requirements

- 9.21 LDP Policy CS10(1) confirms that RCT will contribute to local, regional and national demand for a continuous supply of minerals by maintaining a minimum 10-year landbank of rock aggregate reserves. PPW11 includes a similar requirement for the maintenance of a minimum landbank of 10 years throughout the entire plan period (ref para 5.14.15).
- 9.22 The South Wales Regional Aggregates Working Party (SWRAWP) Annual Report for 2019 (published May 2021) indicates a landbank of permitted reserves in RCT of 11 years as at December 2019 based upon average sales over a 3-year period (2017 – 2019), or 12 years based upon average sales over a 10 year period (2010 – 2019). (The actual reserve figure and average sales in RCT over these periods is not included in the Annual Report since the figures are combined with reserves and sales in Merthyr Tydfil CBC).

9.0 SUMMARY OF MATTERS NOT IN DISPUTE

- 9.23 Permitted reserves within RCT as at the end of 2020 were 6.98 m tonnes, comprising a reserve of 3.33m tonnes at Craig yr Hesg Quarry and 3.65m tonnes at Forest Wood Quarry (based upon Annual Monitoring returns to RCT provided by Hanson). If permission is not granted for the western extension or S73 time extension, then the landbank will be reduced in December 2022 by the removal from the landbank of all remaining reserves at Craig yr Hesg Quarry. In this scenario, the remaining reserve will be present within just one quarry within RCT (Forest Wood) producing limestone, with no available reserves of high PSV sandstone in RCT.

Need general issues

- 9.24 There is a need for additional reserves of crushed rock to be released in RCT to meet the RTS2 requirements and comply with LDP Policy CS10(1) and PPW11 policy regarding the maintenance of landbanks of crushed rock aggregate.
- 9.54 Neither RTS1 or RTS2 differentiate between limestone crushed rock or sandstone crushed rock in terms of overall supply requirements, although aggregates products from these different types of rock are not fully interchangeable in terms of end use.
- 9.26 The Pennant Sandstone reserve at Craig yr Hesg is of national UK importance, due to its very high skid resistance (polished stone value [PSV]) properties.
- 9.27 The UK and regional need for such minerals should be accorded 'significant weight' provided environmental impacts can be limited to acceptable levels (ref PPW11 para 5.14.23).
- 9.28 The current 'ROMP' schedule of planning conditions imposes a time limit of 31st December 2022 for the cessation of quarrying operations. In the absence of an extension to that time limit, supplies of aggregate from the quarry would end upon removal of any residual stock by 31st December 2023.
- 9.29 A requirement for a minimum separation distance of 200m between the limits of extraction in the extension area and the closest residential buildings would sterilise a reserve of some 1.5m tonnes. The requirement for a minimum separation distance of 200m to the curtilages of residential properties and the edge of the curtilage (playing fields) of Cefn Primary School would sterilise a further reserve of some 0.75m tonnes.

Responses from technical statutory consultees.

- 9.30 As recorded in the February 2020 and July 2020 Committee Reports, there are no objections to the proposed development from technical statutory consultees comprising the Public Health Protection and Community Services Division of RCT; Cwm Taf University Health Board; Public Health Wales; Highways Authority, NRW, CADW, Glamorgan Gwent Archaeological Trust, and the Health and Safety Executive.

9.0 SUMMARY OF MATTERS NOT IN DISPUTE

Landscape and Visual Considerations

- 9.31 There are no landscape or visual impact issues which would justify a refusal of the proposed development. The proposed western and northern screening landforms would provide substantial visual and amenity screening, and the woodland planting on the northern screening landform would be of benefit in providing linkage with adjoining woodland.

Ecology

- 9.32 There are no ecological constraints to the proposed development, and the restoration scheme has the potential to enhance the biodiversity value of the site.

Noise

- 9.33 Noise limits in accordance with guidance on noise from mineral working can be regulated by planning conditions.
- 9.34 There is no reason to believe that noise limits in accordance with guidance on noise from mineral working could not continue be regulated by planning conditions in accordance with the identified guidance on noise

Blast Vibration

- 9.34 Monitoring of ground vibration from blasting has consistently confirmed adherence to the current ground vibration limits imposed by planning condition and those same limits would apply to quarrying within the extension area.
- 9.35 There is no reason to believe that blast vibration could not be managed to ensure compliance with the ground vibration limits imposed by current planning conditions, which themselves reflect Welsh Government guidance (ref MTAN1).

Health

- 9.36 Cwm Taf Health Board have indicated that based upon current levels of activity, adverse air quality impacts and consequently human health impacts are unlikely. Consequently, RCT do not intend to adduce specific evidence at the inquiry re health effects.

Highways

- 9.37 There are no highway impact issues which would justify a refusal of the proposed development.

Hydrology and Hydrogeology

- 9.38 There are no hydrological or hydrogeological constraints to the development.

9.0 SUMMARY OF MATTERS NOT IN DISPUTE

Cultural Heritage

- 9.39 There are no cultural heritage constraints to the development.

Agricultural Land Quality

- 9.40 There are no land quality constraints to the development.

Other Matters

Mineral Resource

- 9.41 The resources of stone available at the quarry have a Polished Stone Value (PSV) of +68 to 70 and an Aggregate Abrasion Value of <10, making it one of the highest quality sources of skid resistant surfacing aggregate not only in South Wales, but the UK.

Amenity Benefits

- 9.42 The development would provide a number of amenity benefits in terms of landscape enhancements and wildlife corridors (notably the woodland planting on the screening landform), and rights of way improvements.
- 9.43 At present there is no formal access to the countryside to the west of Glyncoch, and the proposals make provision for a new right of way from Glyncoch westwards to link with existing rights of way at Darren Ddu Road and the network of public footpaths beyond. This includes a link to the Pontypridd Circular Walk.

10.0 ISSUES NOT AGREED

10.0 ISSUES NOT AGREED

- 10.1 The issues from the LPAs perspective are that, notwithstanding the agreed position re the need for the development, and the absence of any technical objections re noise, blast vibration and air quality, the need for the development is not sufficient to outweigh the amenity effects associated with a continuation and extension of operations as a result of noise, blasting and dust.
- 10.2 The appellant considers that there is a compelling case of need for the development, and that amenity effects should be assessed against objective criteria.
- 10.3 As part of this, the appropriateness of the appellant's technical evidence base in respect of dust monitoring and the technical assessment of the impacts of this matter upon nearby sensitive receptors is, at the time of writing, in dispute. It should be noted however that updated measurements in respect of dust has been undertaken, and so will form part of a separate, supplementary, Statement of Common Ground.
- 10.4 At the time of determination of the application, the sole issue between the parties based upon the reason for refusal related to the reduced distance below the MTAN1 figure of 200m between the limits of extraction in the extension area and sensitive development. The RCT position has since been clarified (as the LPA describe it) via their SoC and, following consideration by the Planning and Development Committee at a meeting held on 10th February 2022, by their Supplemental Statement of Case, although the Appellants do not accept that the LPA can present a 'new case' (as the Appellants describe it) at that stage in the determination process.
- 10.5 There is also dispute in respect of the measurement of separation distances and 'buffer zones' as set out in MTAN1.

MTAN1, paragraph 70 confirms that:

MPPW (paragraph 40) establishes the principle of Buffer Zones around permitted and allocated mineral extraction sites. Development plans are required to indicate the boundary of the buffer zone. Within the buffer zone, no new sensitive development or mineral extraction should be approved. Sensitive development is any building occupied by peoples on a regular basis and includes housing areas, hostels, meeting places, schools and hospitals where an acceptable standard of amenity should be expected.....”

MTAN1 paragraph 71 confirms that:

The objective of the buffer zone is to protect land uses that are most sensitive to the impact of mineral operations by establishing a separation distance between potentially conflicting land uses. Research has indicated that people living close to mineral workings consider dust to be the main impact of mineral extraction and any processing operations, followed by traffic, and noise and vibration from blasting. After careful consideration, including consultation with a number of

10.0 ISSUES NOT AGREED

interested and informed parties, the Welsh Assembly Government takes the view that the following minimum distances should be adopted unless there are clear and justifiable reasons for reducing the distance. An example may be that, because of other means of control, there is very limited impact from the mineral extraction site.

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

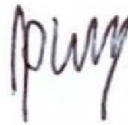
The buffer zone should be defined from the outer edge of the area where extraction and processing operations will take place, including site haul roads, rather than the site boundary, as there may be land within site boundaries where mineral activities are limited or no operations are proposed so that the impact of the proximity of such land is negligible. Where mobile plant is likely to be used it will usually be necessary to control by planning conditions the location of the operational area where plant may operate in order to maintain the buffer zone and thus protect amenity.

- 10.6 It is agreed that the separation distance between the extraction area and sensitive development would be less than the minimum 200m recommended in MTAN 1 para 71, though the method of measurement, and consequently the number of sensitive properties that would lie within this distance is disputed.
- 10.7 The parties agree that since there will be no haul roads for mineral traffic or processing between the limits of extraction and the site boundary, then the defined limits of extraction can be used for the purposes of measuring the separation distance between mineral operations and sensitive development.
- 10.8 The Appellant contends that the measurement should be taken from the edge of the extraction area to the edge of sensitive buildings, and consequently that there would be 5 sensitive buildings (in this case dwellings) within the minimum 200m buffer zone, with the nearest sensitive building, 36 Conway Close, being 175m from the edge of the extraction area.
- 10.9 The LPA contend that the measurement should be taken from the edge of the extraction area to the edge of the curtilage of sensitive uses, and consequently that there would be 11 sensitive uses (in this case 10 houses and a school) within the minimum 200m buffer zone, with the nearest sensitive uses, Cefn Primary School and 36 Conway Close, being 164m and 170m from the edge of the extraction area respectively.
- 10.10 These issues will be explored in evidence.

Signed on behalf of Appellant

A handwritten signature in black ink, appearing to read 'Graham Jenkins', written over a horizontal line.

Graham Jenkins SLR Consulting Ltd
Date: 24th May 2022

A handwritten signature in black ink, appearing to read 'LPA', written over a horizontal line.

Signed on behalf of Local Planning Authority

Date: 24/05/22

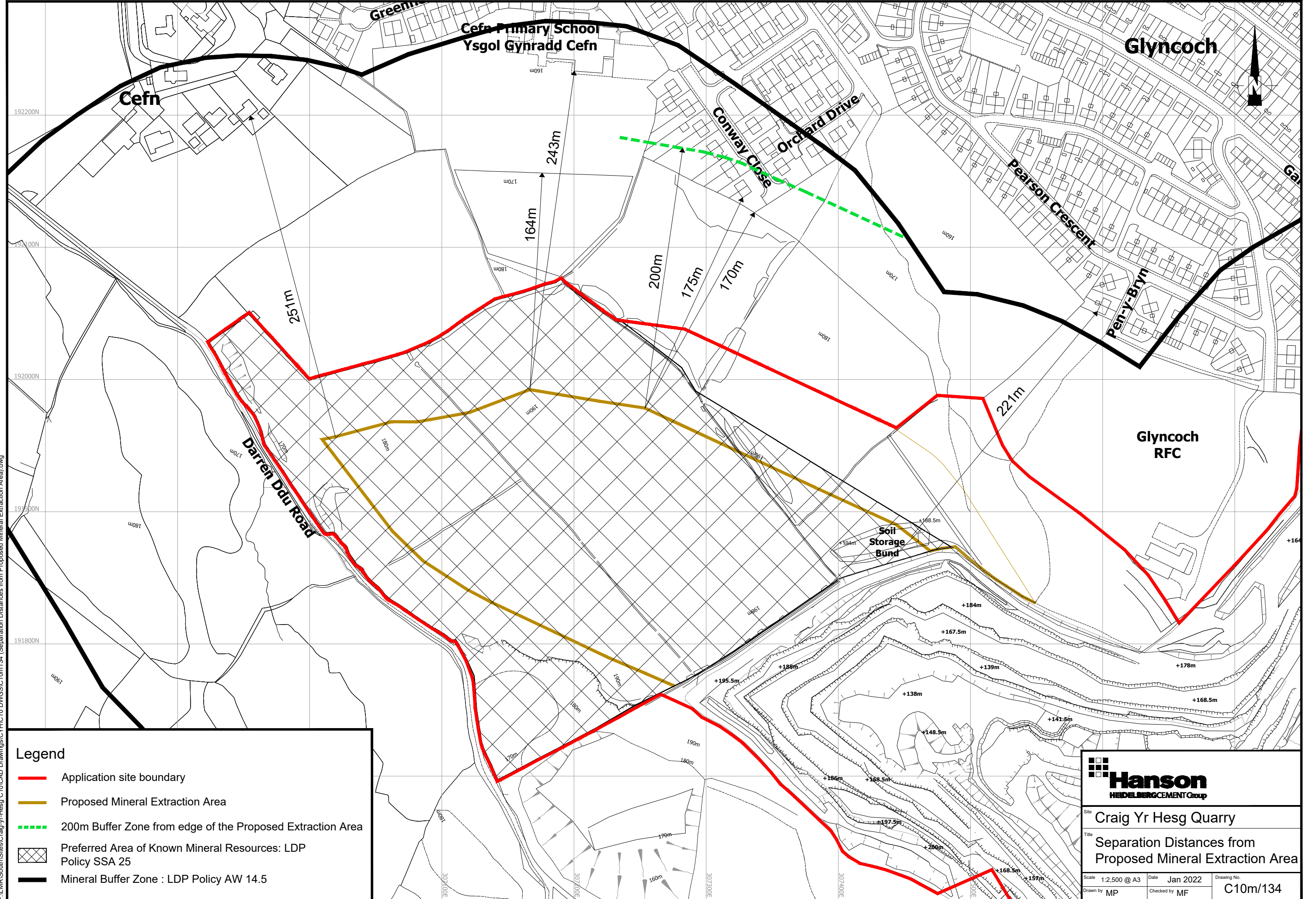


APPENDICES

APPENDICES

1. **Plan ref C10m/134 Separation distances from proposed quarry extension area.**


APPENDICES



F:\MR\South\Sites\Craig-yr-Hesg C10\CAD Drawings\CYHC10 DWG\SSC10m134 (Separation Distances from Proposed Mineral Extraction Area).dwg

Legend

- Application site boundary
- Proposed Mineral Extraction Area
- - - 200m Buffer Zone from edge of the Proposed Extraction Area
- Preferred Area of Known Mineral Resources: LDP Policy SSA 25
- Mineral Buffer Zone : LDP Policy AW 14.5



Hanson
HEIDELBERG CEMENT GROUP

Site: **Craig Yr Hesg Quarry**

Title: **Separation Distances from Proposed Mineral Extraction Area**

Scale: 1:2,500 @ A3	Date: Jan 2022	Drawing No.:
Drawn by: MP	Checked by: MF	C10m/134

APPENDICES

2. Schedule of Agreed Planning Conditions

(Taken from RCT Committee Report 6th February 2020, to be discussed at the inquiry).

APPENDICES

Extension Conditions

1	<p>The development hereby permitted shall be commenced before the expiration of five years from the date of this permission. The developer shall give the Local Planning Authority not less than 14 days prior written notice of the 'date of commencement of development'. This shall be taken as the date of commencement for monitoring purposes. Reason:</p> <p>Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 (as amended)</p>
2	<p>The extraction and processing of minerals from the site shall cease by 31st December 2047, restoration shall be completed by 31st December 2049 and all residual stocks, fixed plant and buildings to which this permission relates shall be removed by 31st December 2049. For a period of 5 years from the date of completion of restoration the site shall be managed in accordance with the approved aftercare scheme submitted under the provisions of Condition 52 below. The planning permission shall expire following the complete restoration and aftercare of the site in accordance with the approved restoration and aftercare schemes submitted under the provisions of Conditions 50 and 52 respectively.</p> <p>Reason: the minerals development permitted is temporary in nature.</p>
3	<p>The development shall be carried out strictly in accordance with the following approved plans and documents, unless otherwise stipulated by conditions:</p> <p>☑ Planning Application Statement (May 2015)</p> <ul style="list-style-type: none"> • CYH/E1 – Application Site Plan – Aerial • CYH/E2 – Application Site Plan ☑ CYH/E3 – Block Phasing • CYH/E4/B – Initial Works • CYH/E5/B – Cross Section - Screening Landform • CYH/E6/B – Countryside/Amenity Enhancement • CYH/E7 – Current Situation • CYH/E8/B – Quarry Phase 1 ☑ CYH/E9/B – Quarry Phase 2 • CYH/E10/B – Quarry Phase 3 • CYH/E11/B – Cross Sections – Quarry Phases • CYH/E12 – Quarry Restoration Concept

	<ul style="list-style-type: none"> • CYH/E13 – Cross Sections – Quarry Bench Treatments • CYH/E14 – Concept Restoration – Aerial <p>Reason: Required to be imposed pursuant to Section 71ZA of the Town and Country Planning Act 1990 (as amended)</p>
4	<p>A copy of this permission and the approved plans showing the method and direction of working and restoration shall be displayed in the operator’s site office at all times during the life of the site. Any subsequent approved amendments shall also be displayed.</p> <p>Reason: To ensure the operator and site contractors are aware of the working programme and the conditions attached to carrying out the development.</p>
5	<p>The operator shall submit detailed survey plans of the site, including levels to Ordnance Datum, every 5 years from the date of commencement until completion of restoration of the site.</p> <p>Reason: to enable the Local Planning Authority to monitor the achievement of the quarry profiles in each phase of the development</p>
6	<p>Prior to the commencement of mineral extraction within Phase 1 of the extension area as indicated on Plan CYH/E3, the construction of the screen bunds B1 and B2 and the erection of the palisade security fence at the locations shown on CYH/E4B shall be completed in accordance with the approved plans</p> <p>Reason: To protect the amenities of neighbouring residential properties in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.</p>
7	<p>Prior to the commencement of mineral extraction within Phase 1 of the extension area as indicated on Plan CYH/E3, a detailed scheme of seeding and woodland planting of the Northern Screening Landform and preparation of the Western Screen Bund to promote natural regeneration shall be submitted for the written approval of the Local Planning Authority. The scheme shall include details of;</p> <ul style="list-style-type: none"> (i) Purpose, aim and objectives of the scheme; (ii) A statement of the plans ecological potential and any ecological constraints; (iii) Details of the landscaping schemes, including; <ul style="list-style-type: none"> a) species composition, b) source of material (all native planting to be of certified British provenance), c) techniques and methods of vegetation establishment (including natural regeneration) d) method statements for site preparation and establishment of target habitat features; e) extent and location of proposed works; f) aftercare and long term management;

	<p>g) personnel responsible for the work; h) timing of the works; i) monitoring; The scheme shall be implemented as approved.</p> <p>Reason: To protect the amenities of neighbouring residential properties in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.</p>
8	<p>Except in emergencies, to maintain safe quarry working (which shall be notified to the Local Planning Authority as soon as practicable), or unless the Local Planning Authority has otherwise agreed beforehand in writing (including email):</p> <p>a) Quarrying operations shall only be carried out between the hours of:</p> <p>0700 hours and 1900 hours Monday to Friday; and 0700 hours and 1600 hours Saturdays; and not at any time on Sundays or Statutory Public Holidays.</p> <p>For the purposes of this permission “ quarrying operations “ shall mean the stripping of overburden, the development of the quarry faces (including drilling), the loading and transportation of stone to the primary crusher and the operation of the primary crusher or any replacement thereof .</p> <p>b) No operations for the formation of the Northern Screening Landform, the Western Screen Bund or the formation and subsequent removal of material from designated soil storage areas shall be carried out at the site except between the following times:-</p> <p>08.00 to 17.00 hours Mondays to Fridays. 09.00 to 13.00 hours on Saturdays.</p> <p>Reason: To protect the amenities of local residents in accordance with Policies CS10 and AW10 of the Rhondda Cynon Taf Local Development Plan.</p>
9	<p>No extraction of minerals shall take place below 100m A.O.D. other than those works necessary for the construction of the quarry sump. Reason: the impact of the proposed development on the natural environment has only been assessed to a depth of 100m AOD.</p>
10	<p>Except in emergencies, or unless the Local Planning Authority has otherwise agreed beforehand in writing, all HGV's and commercial vehicles must enter and leave the site via the access located to the south of Rogart Terrace</p> <p>Reason: in the interests of highway safety</p>

11	<p>No loaded HGV's shall leave the site un-sheeted except those only carrying stone in excess of 75mm.</p> <p>Reason: in the interests of highway safety</p>
12	<p>Within 3 months of the date of this permission the developer shall submit for the approval of the Local Planning Authority a scheme indicating the facilities and/or methods to be put in place to ensure deleterious material is not carried onto any part of the public highway, including provision for revision in the event of the scheme being ineffective and any remedial measures to be put in place to clear the highway of any such material. The scheme shall be implemented as approved and utilised during the period of operation of the quarry.</p> <p>Reason: in the interests of highway safety</p>
13	<p>Following the completion of the construction of the Northern Screening Landform no quarry plant and machinery, other than those required for planting and maintenance, shall travel along the strip of land to the north of the Landform. Reason: To protect the amenities of local residents in accordance with Policies CS10 and AW10 of the Rhondda Cynon Taf Local Development Plan.</p>
14	<p>Prior to the construction of the permissive path between Orchard Drive and Darren Ddu Road shown on Plan CYH/E6, details of the construction, including access on to the existing Public Right of Way along Darren Du Road shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.</p> <p>Reason: To ensure the pathway is suitable for use and does not allow inappropriate access on to the existing Public Right of Way, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.</p>
15	<p>The controls set out in Dust Management and Monitoring Plan dated 16 August 2017 shall be implemented from the date of commencement of the development and shall be complied with at all times until the expiry of the permission. The first formal review set out in section 5.2 of the Plan will be due 2 years from the date of commencement of the development.</p> <p>Reason: To protect the amenities and health of local residents in accordance with Policies CS10 and AW10 of the Rhondda Cynon Taf Local Development Plan.</p>
16	<p>No mobile crushing or screening equipment shall be operated within 200 metres of the boundary of the curtilage of any residential properties or within 200 metres of the boundary of the playing fields at Cefn Primary School without the prior express permission of the Local Planning Authority unless the equipment is located on land below 170m AOD.</p>

	Reason: To protect the amenities of neighbouring residential properties in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.
17	<p>The operator of the quarry shall maintain and operate an automatic weather monitoring station at the primary crusher, in a manner to ensure the accurate measurement of atmospheric temperature, wind direction, wind speed and precipitation. All data shall be recoded in an accessible format and retained by the operator for at least two years and made available for examination by any authorised officer as determined by the Local Planning Authority.</p> <p>Reason: To ensure informed management of the operations at the site to ensure that dust emitted is not a source of nuisance so as to protect the amenities of local residents in accordance with Policies CS10 and AW10 of the Rhondda Cynon Taf Local Development Plan.</p>
18	<p>Unless the Local Planning Authority has otherwise agreed beforehand in writing (including e-mail) drilling operations shall be only be carried out between the hours of 10.00 and 16.00 on Monday to Friday, and not at any time on Saturdays or Sundays or Statutory Public Holidays within the following areas:</p> <p>(a) above 180 metres A.O.D. in the existing quarry (shaded pink on Plan CYH/E7); (b) above 170 metres A.O.D. for the western extension approved by this planning permission (shaded green on Plan CYH/E7);</p> <p>Reason: To protect the amenities of local residents in accordance with Policies CS10 and AW10 of the Rhondda Cynon Taf Local Development Plan.</p>
19	<p>In any part of the quarry below the levels specified in condition 18 above, drilling operations shall only be carried out between the hours of 07.00 and 18.00 Monday to Friday, and not at any time on Saturdays or Statutory Public Holidays unless the Local Planning Authority has agreed beforehand in writing (including e-mail).</p> <p>Reason: To protect the amenities of local residents in accordance with Policies CS10 and AW10 of the Rhondda Cynon Taf Local Development Plan.</p>
20	<p>Except in the case of emergency to maintain safe quarry working, no blasting shall take place at the site except between 10.00 a.m. – 16.00 p.m. Monday to Friday inclusive and there shall be no blasting on Saturdays, Sundays and Public Holidays.</p> <p>For the purpose of this Condition 20, "emergency" means any circumstances in which the operator has a reasonable cause for apprehending injury to persons or serious damage to property.</p>

	Reason: To protect the amenities of local residents in accordance with Policies CS10 and AW10 of the Rhondda Cynon Taf Local Development Plan.
21	<p>Blasting shall be undertaken in such a manner to ensure that ground vibration at any vibration sensitive building, measured as a maximum of three mutually perpendicular directions taken at the ground surface, does not exceed a peak particle velocity (ppv) of 6mms per second in 95% of all blasts measured over any continuous six month period, and no single blast shall exceed a ppv of 10mms per second. The measurement is to be taken at or near the foundations of any vibration sensitive building in the vicinity of the quarry existing at the date of this permission.</p> <p>Reason: To limit ground vibration from blasting operations so as to protect the amenities of local residents and the structure of buildings in accordance with Policies CS10 and AW10 of the Rhondda Cynon Taf Local Development Plan.</p>
22	<p>Blasting shall be undertaken in such a manner to ensure that ground vibration at the site of any Dwr Cymru Welsh Water apparatus, measured as a maximum of three mutually perpendicular directions taken at the ground surface, does not exceed a peak particle velocity (ppv) of 50 mms per second for any blast. The measurement is to be taken at the closest point of the blast to any DCWW apparatus.</p> <p>Reason: To limit ground vibration from blasting operations so as to protect the structure of DCWW apparatus in accordance with Policies CS10 and AW10 of the Rhondda Cynon Taf Local Development Plan.</p>
23	<p>No secondary blasting shall be carried out on the site</p> <p>Reason: To protect the amenities of local residents in accordance with Policies CS10 and AW10 of the Rhondda Cynon Taf Local Development Plan.</p>
24	<p>All individual blasts shall be designed, managed and implemented to minimise the extent of air overpressure resulting from blasts. If air overpressure exceeds 120dB at any nearby sensitive residential property (not owned by the applicant) the Local Planning Authority shall be informed within 7 days and the design, management and implementation of the blasts must be reviewed prior to any further blasting being undertaken at the site, with all future blasting being undertaken in accordance with the findings of the review.</p> <p>Reason: To limit air overpressure from blasting operations so as to protect the amenities of local residents and the structure of buildings in accordance with Policies CS10 and AW10 of the Rhondda Cynon Taf Local Development Plan.</p>
25	Each individual blast shall be monitored in accordance with the Blast Monitoring Scheme submitted on 30 July 2018. All monitoring shall be undertaken in accordance with the terms of the approved scheme for the

duration of quarrying operations at the site. In addition:

(a) Blasting times shall be clearly advertised at the Quarry;

(b) A warning, audible at the site boundary, shall be sounded prior to any blasting operations taking place, and shall be sounded again immediately after blasting has finished.

Reason: To ensure that the impact of blasts on residents is minimised, and to protect the amenities of local residents in accordance with Policies CS10 and AW10 of the Rhondda Cynon Taf Local Development Plan.

26

Between the hours of 07:00 and 19:00 the free field Equivalent Continuous Noise Level LAeq (1 hour) resulting from operations within the site shall not exceed the relevant noise limit specified in Table 1 below at each selected noise sensitive property. Measurements taken to verify compliance shall have regard to the effects of extraneous noise and shall be corrected for any such effects. Measurements and assessments shall be made in accordance with BS4142.

Table 1

Receptor	Criteria
Cefn Heulog	42 dB LAeq
Cefn Primary School	45 dB LAeq
No 36 Conway Close	46 dB LAeq
No 3 Pen Y Bryn	47 dB LAeq
Flat above shop Garth Avenue	54 dB LAeq
No 1 Rogart Terrace	55 dB LAeq

Reason: To ensure that the noise emitted is not a source of nuisance, and to protect the amenities of local residents in accordance with Policies CS10 and AW10 of the Rhondda Cynon Taf Local Development Plan.

27	<p>Between the hours of 19:00 and 07:00 the free field Equivalent Continuous Noise Level LAeq (1 hour) due to operations in the site shall not exceed 42 dB LAeq at each selected noise sensitive property specified in Table 1 set out in condition 29 above.</p> <p>Reason: To ensure that the noise emitted is not a source of nuisance, and to protect the amenities of local residents in accordance with Policies CS10 and AW10 of the Rhondda Cynon Taf Local Development Plan.</p>
28	<p>Noise levels attributable to operations of a temporary nature within or on the periphery of the site such as the formation, removal or alteration of spoil tips, screening landforms and storage embankments, measured at any noise sensitive property specified in Table 1 in condition 26 above, shall not exceed a level of 67dB LAeq, 1hour (free field) These noise limits shall only apply for a maximum of 8 weeks in any calendar year.</p> <p>Reason: To ensure that the noise emitted is not a source of nuisance, and to protect the amenities of local residents in accordance with Policies CS10 and AW10 of the Rhondda Cynon Taf Local Development Plan.</p>
29	<p>Prior to the commencement of any soil stripping operations within the area shaded green on Plan CYH/E7 a revised Noise Management scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The operation of the approved scheme shall commence on the commencement of soil stripping within the area shaded green and thereafter all site operations within the quarry site shall be monitored in accordance with the approved scheme. The submitted scheme shall:</p> <p>(a) specify that monitoring shall be undertaken biannually for the following two years at the properties listed in Table 1 above, and thereafter the frequency of monitoring shall be agreed between the operator and the Local Planning Authority;</p> <p>(b) include the provision of measures to reduce noise levels from site operations and specify the exact locations and methodology for monitoring; and</p> <p>(c) provide for the results of monitoring to be submitted to the Local Planning Authority within 1 month of the monitoring being undertaken, together with confirmation of action required and/or undertaken to remedy any breach of the noise limits set out in Table 1.</p> <p>(d) specify the steps to be taken on receipt of a complaint of noise nuisance, including the commencement or continuation of the noise monitoring programme to assist in the investigation of any relevant complaint.</p> <p>Reason: To ensure that the noise emitted is not a source of nuisance, and to protect the amenities of local residents in accordance with Policies CS10 and AW10 of the Rhondda Cynon Taf Local Development Plan.</p>
30	<p>The best practicable means shall be used to minimise noise from reversing warning devices which are fitted to mobile plant and vehicles on the site. This may include fitting broadband directional alarms to vehicles.</p> <p>Reason: To ensure that the noise emitted is not a source of nuisance, and to protect the amenities of local</p>

	<p>residents in accordance with Policies CS10 and AW10 of the Rhondda Cynon Taf Local Development Plan.</p> <p>Reason: To prevent pollution of nearby watercourses and drainage systems in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.</p>
31	<p>Any facilities for the storage of oils, fuels or chemicals on the site shall be sited in impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, or the combined capacity of inter-connective tanks, plus 10%. All filling points, vents, gauges and site glasses shall be located within the bund. The drainage system of the bund shall be sealed with no discharge to any water course, land or underground strata. Associated pipe work shall be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund.</p> <p>Reason: To prevent pollution of nearby watercourses and drainage systems in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.</p>
32	<p>Throughout the period of working, restoration and aftercare, the operator shall protect and support any ditch, stream, water course or culvert passing through the site and neither impair the flow nor render less effective drainage onto and from adjoining land. Satisfactory provision will be made to deal with any surface water run-off from the site and, in particular, no run-off water from the site shall be permitted to flow down the quarry access road and onto the Berw Road. Reason: To prevent pollution of nearby watercourses and drainage systems in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.</p>
33	<p>Any settlement ponds at the site shall be kept clear of mud and silt as necessary so as to keep them in good order, and the discharge of waste, oil or other pollutant to any settlement pond, ditch, stream, watercourse or other culvert is not permitted. Reason: To prevent pollution of nearby watercourses and drainage systems in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.</p>
34	<p>No floodlighting other than that in existence at the date of this consent, shall be used on the site without the prior written approval of the Local Planning Authority. Any request for prior written approval must identify the impact of the additional lighting on bats and the amenity of nearby residents potentially affected.</p> <p>Reason: To prevent any unacceptable light pollution and to protect the amenities of local residents in accordance with Policies AW8, CS10 and AW10 of the Rhondda Cynon Taf Local Development Plan.</p>
35	<p>No development shall take place within the area shaded green on Plan CYH/E7 until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. The programme of work shall be carried out in accordance with the approved details. The programme should include the requirement that an archaeological watching brief</p>

	<p>would be conducted during ground disturbing activities; and also specify suitable contingency arrangements to ensure that sufficient time and resources are made available to fully investigate and record any archaeological features that are discovered. The results of all the mitigation and fieldwork and any post-excavation work shall be contained in a report to be submitted for the approval of the LPA.</p> <p>Reason: In order that the archaeological operations are undertaken to an acceptable standard and that legitimate archaeological interest in the site is satisfied in accordance with Policy AW7 of the Rhondda Cynon Taf Local Development Plan.</p>
<p>36</p>	<p>Within 6 months of the date of this permission a Species Protection, Habitat Management and Tree & Woodland Protection/Management Plan for all the land in the ownership of the developer within and surrounding the quarry, shall be submitted for the written approval of the local planning authority. The plan shall include:</p> <ul style="list-style-type: none"> a) An appropriate scale plan showing 'Species, Habitat and Tree/Woodland Protection Zones' where development activities are restricted and / or where protective measures will be installed or implemented; b) Details of any protective measures (both physical measures and sensitive working practices) necessary to avoid impacts on species, habitats and trees during development; c) Details of specific species and habitat mitigation measures; d) A plan showing the location of areas of habitat management, mitigation and monitoring; e) Details of a habitat management, creation and monitoring programme; (f) Details of site management, and habitat creation. (g) Details of arrangements for the review and updating of the Plan; (h) Details of habitat monitoring; (i) That no cultivation, drainage, fertiliser or herbicide application will take place to habitat management areas without prior agreement of the Local Planning Authority; (j) Invasive plant treatment and eradication; (k) Preparation of a work schedule <p>The works shall be implemented in accordance with the approved details</p> <p>Reason: To ensure the protection and management of wildlife and habitats, in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.</p>
<p>37</p>	<p>The existing trees, bushes and hedgerows within the control of the developer (other than those shown as being removed on any of the approved plans) shall be retained and shall not be felled, lopped, topped or removed in areas outside of the area of mineral working without the prior written consent of the Local Planning Authority. Any such vegetation removed without consent, dying, being severely damaged or becoming seriously diseased shall be replaced with trees or bushes of such size and species as may be</p>

	<p>specified by the Local Planning Authority, in the planting season immediately following any such occurrences.</p> <p>Reason: In the interests of amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan</p>
38	<p>Trees, shrubs and hedges planted in accordance with the scheme approved under condition 37 above shall be maintained and any plants which within five years of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.</p> <p>Reason: In the interests of amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan</p>
39	<p>All disturbed areas of the site and all topsoil, soil making material and overburden mounds shall be kept free from agricultural weeds until the completion of aftercare.</p> <p>Reason: To prevent a build-up of harmful weed seeds in soils that are being or will be used for restoration in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.</p>
40	<p>All topsoil and subsoil shall be stripped from operational areas prior to those areas being brought into use and shall be used either directly for restoration of completed areas and/or permanently retained on site for use in restoration.</p> <p>Reason: To ensure the appropriate use of soil resources on the site</p>
41	<p>No plant or vehicles shall cross any area of un-stripped topsoil except where such trafficking is essential and unavoidable for purposes of undertaking permitted operations. Essential trafficking routes shall be marked in such a manner as to give effect to this condition. No part of the site shall be excavated or traversed or used for a road or for the stationing of plant or buildings, or storage of subsoil or overburden or waste or mineral deposits, until all available topsoil and subsoil has been stripped separately from that part. The exception is that topsoils may be stored on like topsoils and subsoils may be stored on like subsoils.</p> <p>Reason: To prevent the unnecessary compaction of soils and damage to soil structure.</p>
42	<p>The Local Planning Authority shall be notified in writing at least 14 days before each of the following stages:</p> <ul style="list-style-type: none"> (a) Before each phase of soil stripping is due to commence; (b) Where areas have been prepared ready for soil replacement; (c) On completion of soil replacement <p>Reason: To ensure that the Local Planning Authority is given opportunity to check that soil operations do not occur under unsuitable conditions and to provide sufficient notice for site inspection.</p>

<p>43</p>	<p>Soil stripping shall not commence in any phase until any standing crop or vegetation has been cut and removed.</p> <p>Reason: To avoid incorporation of concentrations of decaying vegetation in soil.</p>
<p>44</p>	<p>Topsoil, subsoil and soil making material shall only be stripped when they are in a dry and friable condition, and no movement of soils shall occur:</p> <p>(a) During the months October to March (inclusive), unless otherwise agreed in writing with the Local Planning Authority; or (b) There are pools of water on the soil surface.</p> <p>Reason: To prevent the unnecessary damage to soil structure</p>
<p>45</p>	<p>All topsoil, subsoil not immediately placed for restoration purposes shall be stored in separate mounds which shall:</p> <p>(a) Not exceed 3 metres in height in the case of topsoil, or exceed 5 metres in height in the case of subsoil; (b) Be constructed with only the minimum amount of soil compaction to ensure stability and shaped so as to avoid collection of water in surface undulations; (c) Not be subsequently moved or added to until required for restoration, unless the Local Planning Authority has otherwise agreed beforehand in writing; (d) Have a minimum 3.0 metre stand-off, undisturbed around each storage mound; (e) Comprise topsoils on like texture topsoils and subsoils on like texture subsoils; (f) In the case of continuous mounds, ensure that dissimilar soils are separated by a third material, which shall have previously been agreed in writing by the Local Planning Authority.</p> <p>Reason: To prevent the loss of soil and minimise damage to soil structure during storage.</p>
<p>46</p>	<p>Soils will be stored at the locations shown on Plans CYH/E8/B, CYH/E9/B and CYH/E10/B or at such alternative locations as may be previously agreed in writing with the Local Planning Authority.</p> <p>Reason: To ensure the availability of the adequate material for the landscaping and restoration of the site in accordance with Policy CS10 of the Rhondda Cynon Taf Local Development Plan.</p>
<p>47</p>	<p>Prior to soil stripping and formation of soil storage mounds, a scheme for grass seeding and management of all storage mounds that will remain in situ for more than three months shall be submitted for the written approval of the Local Planning Authority. Seeding and management of the storage mounds shall be carried</p>

	<p>out in accordance with the approved details.</p> <p>Reason: To protect mounds from soil erosion, prevent build-up of weeds in the soil and remove vegetation prior to soil replacement.</p>
48	<p>Within three months of completion of soil handling operations in any calendar year, the Local Planning Authority shall be supplied with a plan showing:</p> <p>(a) The area stripped of topsoil and/or subsoil; (b) The location of each soil storage mound; and (c) The quantity and nature of material therein.</p> <p>Reason: To facilitate soil stock taking and monitoring of soil resources</p>
49	<p>Within 6 months of the date of this permission, an Interim Restoration Scheme shall be submitted for the written approval of the Local Planning Authority. The Interim Restoration Scheme shall cover the restoration of final benches located outside active quarrying areas and other land within the quarry boundary not required for operational purposes. The Scheme shall be implemented as approved.</p> <p>Reason: In the interests of the amenity of the local area in accordance with Policy CS10 the Rhondda Cynon Taf Local Development Plan.</p>
50	<p>Not later than 31 December 2047 or the expiry of 6 months following the permanent cessation of the winning and working of minerals and the depositing of mineral waste, whichever is the sooner, a detailed final restoration scheme, including drawings to illustrate the proposals for the final restoration of the quarry shall be submitted to and approved by the Local Planning Authority in writing. The final restoration scheme shall be based upon the restoration concept plan CYH/E12 and include, inter alia the following matters:</p> <p>a) the nature of the intended after use of the site; b) the location, depth and treatment of any dust/fine aggregate on the site; c) the ripping of the quarry floor (other than where comprised of bedrock) and the re-spreading over the floor of the excavated area of any overburden, subsoil and topsoil previously stripped from the site, in that order; d) the ripping of any compacted layers of final cover to ensure adequate drainage and aeration; such ripping should normally take place before placing of the topsoil; e) the machinery to be used in soil re-spreading operations; f) the final proposed levels of the site on a contour plan at 5m intervals and the gradient of the restored slopes which shall be graded to prevent ponding of, or erosion by surface water and to conform with the surrounding land; g) the drainage of the restored land including the formation of suitably graded contours to promote natural</p>

	<p>drainage and the installation of artificial drainage where necessary,</p> <p>h) the position and design of any ditches and watercourses where all such features shall be designed to achieve maximum ecological diversification;</p> <p>i) the reinstatement of the plant site and access roads by clearing plant, buildings, machinery and concrete or brickwork, and other obstructions, replacing of subsoil and then topsoil previously stripped from the site;</p> <p>j) details of the spreading of soils previously stripped and stored on the site including depths and placement areas;</p> <p>k) the method of soil replacement and soil handling;</p> <p>l) position and erection of boundary fencing;</p> <p>The position of any roadways, footpaths and bridleways to be provided linked with existing Public Rights of Way, including the crossing and surfacing of such routes. The restoration works shall be carried out in accordance with the approved restoration scheme and shall be fully implemented within two years of the date of approval of the scheme or by 31st December 2049, whichever is the sooner.</p> <p>Reason: In the interests of the amenity of the local area in accordance with Policy CS10 the Rhondda Cynon Taf Local Development Plan.</p>
<p>51</p>	<p>Prior to the commencement of the Final Restoration Scheme, the operator shall submit a scheme to deal with any potential contamination on the site. The scheme shall include such of the following steps as the Local Planning Authority shall reasonably deem necessary:</p> <p>a) A desk-top study and walk-over survey shall be carried out by a competent person to identify and evaluate all potential sources and impacts of contamination relevant to the site. A report of the desktop study and walk over survey shall be submitted to the Local Planning Authority without delay upon completion.</p> <p>b) Unless the report supplied under i) above satisfies the Local Planning Authority that it is not required, a site investigation shall be carried out by a competent person to fully and effectively characterise the nature and extent of any contamination and its implications.</p> <p>c) A scheme containing a written method statement for the remediation of any contamination revealed by the site investigation in ii) above shall be agreed in writing with the Local Planning Authority prior to commencement and all requirements shall be implemented and completed by a competent person in accordance with a timescale to be approved in writing by the Local Planning Authority.</p> <p>d) A suitable validation report of any remedial works carried out under iii) above shall be submitted to and approved by the Local Planning Authority.</p> <p>If during restoration works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in any remediation proposals above then revised remediation proposals shall be submitted to and approved in writing by the Local Planning</p>

	<p>Authority, and thereafter implemented in accordance with an agreed timescale with the Local Planning Authority.</p> <p>Reason: In the interests of health and safety and environmental amenity in accordance with Policy AW10 the Rhondda Cynon Taf Local Development Plan.</p>
<p>52</p>	<p>Not later than 30 December 2049 or the expiry of 24 months following the permanent cessation of the winning and working of minerals and the depositing of mineral waste, whichever is the sooner, an aftercare scheme, for amenity after use that promotes the use of the site for nature conservation shall be submitted for the approval of the Local Planning Authority. The aftercare scheme shall include the following elements:</p> <ul style="list-style-type: none"> a) A five year period of aftercare following restoration; b) The inclusion of all areas affected by the quarrying activities, and areas outside the extraction area that have been used to store soil or overburden and areas subject to trafficking by mobile plant and equipment; c) The steps to be taken and the period during which they are to be undertaken and who shall be responsible for taking those steps; d) The timing and pattern of vegetation establishment (including grass seeding of restored areas with a suitable herbage mixture and application rates to achieve species rich grassland and heath land restoration, the distribution of native tree and shrub planting including stock types, sizes, spacing, method and position of planting). e) Cultivation practices for the preparation of soils; f) Fertilising and lime application based on soil analysis, weed control; g) Land management techniques; h) The provision of boundary treatment; i) Entry onto the site shall be granted to officials of the Welsh Government at all times during soil stripping or replacement operations, restoration and aftercare of the site; j) An aftercare habitat management plan which shall include; k) The details of the provision of areas to be restored to nature conservation and their application to local biodiversity objectives (to include nesting sites for peregrine falcon and raven, roosting and hibernation areas for bats, native woodland restoration, natural species –rich grassland and heath land restoration); l) Description and evaluation of features to be managed; m) Ecological trends and constraints that may influence management; n) Aims and objectives of management; o) Appropriate management options for achieving aims and objectives; p) Prescription for management actions; q) Work Schedule; r) Personnel responsible for implementation of plan;

	<p>s) Monitoring and remedial/contingency measures triggered by monitoring.</p> <p>Aftercare operations shall be carried out in accordance with the approved aftercare scheme unless otherwise approved in writing by the Local Planning Authority</p> <p>Reason: In the interests of the amenity of the local area in accordance with Policy CS10 the Rhondda Cynon Taf Local Development Plan.</p>
<p>53</p>	<p>Before 31st March of every year during the aftercare period, the site operator shall arrange a formal site meeting to review the aftercare operations which have taken place on the site during the previous year, and also the programme of management for the following year. The parties invited to this meeting shall include the site operator, the owners of the land (if not the operator), any other relevant occupiers, the Local Planning Authority and such relevant advisors and/or representatives of the Local Planning Authority as it shall nominate. At least one month before the date of each annual review meeting, the site operator shall provide a written report to the Local Planning Authority. The report shall contain details of the management and other operations carried out on the site in the previous year and those which are planned for the ensuing year.</p> <p>Reason: In the interests of the amenity of the local area in accordance with Policy CS10 the Rhondda Cynon Taf Local Development Plan.</p>
<p>54</p>	<p>Within 6 months of the date of this consent or prior to the commencement of preparatory construction/excavation works in relation to the eastern landform, whichever is the sooner, a strategy shall be submitted for communication and engagement with the local community. This shall include measures for the setting up of a Community Liaison Group. The strategy shall be implemented in accordance with the approved details</p> <p>Reason: In the interests of the amenity of the local residents in accordance with Policy AW5 the Rhondda Cynon Taf Local Development Plan.</p>

APPENDICES

3. Draft Section 106 Agreement

APPENDICES



DATED

202~~20~~

(1) HANSON QUARRY PRODUCTS EUROPE LIMITED

and

(2) RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

**PLANNING OBLIGATION BY DEED OF AGREEMENT UNDER
SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990**

relating to land at Craig Yr Hesg Quarry, Berw Road, Pontypridd.

Planning application ref: 15/0666/10

[Appeal ref: APP/L6940/A/20/3265358](#)

Knights plc
The Brampton
Newcastle-under-Lyme
Staffordshire
ST5 0QW

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THIS DEED OF AGREEMENT is made on

2022~~0~~

BETWEEN

- (1) **HANSON QUARRY PRODUCTS EUROPE LIMITED** (Company Registration Number 00300002) of Hanson House, 14 Castle Hill, Maidenhead SL6 4JJ (**Owner**); and
- (2) **RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL** whose principal office is at The Pavilions, Cambrian Park, Clydach Vale CF40 2XX (**Authority**).

IT IS AGREED

1. DEFINITIONS

In this deed of agreement (except where the context otherwise requires):

Act: the Town and Country Planning Act 1990 (as amended).

Appeal: means the appeal against the Council's refusal to grant planning permission pursuant to the Application allocated reference APP/L6940/A/20/3265358

Application: an application dated 15 May 2015 with reference 15/0666/10 for the Western extension to the existing quarry to include the phased extraction of an additional 10 million tonnes (approximately) of pennant sandstone, construction of screening bunds, associated works and operations and consolidation of the Existing Mineral Planning Permissions, including an extension of the end date for quarrying and an overall restoration scheme.

Commencement of Development: the commencement of Development within the Extension Area in accordance with section 56(1) of the Act ~~as amended by the Town and Country Planning (Minerals) Regulations 1995.~~

Contribution Date: 28 days following receipt of an invoice from the Authority specifying the amount of Monitoring Contribution payable in respect of the preceding year each anniversary of the Commencement of Development

Decision Letter: the decision letter to be issued by the Planning Inspector confirming whether the Appeal is upheld or refused

Development: the carrying out of ~~the~~ development at the Site pursuant to the Planning Permission and documents and plans referred to therein.

Existing Mineral Planning Permissions:	the planning permissions referred to within the list set out at Schedule 1 relating to winning and working of minerals in relation to part of the Site as reviewed in accordance with the relevant provisions of the Environment Act 1995.
Existing S106 Agreement:	the agreement dated 20 August 1993 and made between Mid Glamorgan County Council (1) Taf Ely Borough Council (2) ARC (Western) Limited (3) and ARC South Wales Limited (4) requiring inter alia quarry operations at part of the Site to be undertaken in accordance with a particular planning permission.
Extension Area:	the part of the Site shown for the purposes of identification only edged green on Plan 2.
<u>Index:</u>	<u>the Retail Prices Index (all items) published by the Office for National Statistics, or any index amending or replacing it.</u>
<u>Index Review Date:</u>	<u>the date of Commencement of Development and each anniversary of it</u>
Monitoring Contribution:	an annual financial contribution of up to the Monitoring Contribution Limit payable per year in arrears after the Payment Date in respect of costs incurred by the Authority in the year up to and including the Payment Contribution Date in carrying out air quality monitoring within 550 metres of the boundary of the Site.
Monitoring Contribution Limit:	the sum of £5,562 (exclusive of VAT) subject to review in accordance with clause 5.5.
Index:	the Retail Prices Index (all items) published by the Office for National Statistics, or any index amending or replacing it.
Index Review Date:	the date of Commencement of Development and each anniversary of it
Payment Date:	28 days following receipt of an invoice from the Authority specifying the amount of Monitoring Contribution payable in respect of the preceding year.
Monitoring Period:	the period from and including Commencement of Development to and including the date on which extraction, and processing and movement of minerals or mineral wastes pursuant to the Planning Permission ceases [or if earlier the date on which the

Commented [A1]: See definition of Contribution Date

Commented [A2]: Amendments to this definition cannot be agreed

Commented [A3]: It is not agreed that there should be monitoring in relation to movement of minerals or minerals wastes which is not associated with extraction or processing

Authority cease air quality monitoring ~~at Glyncoch~~ due to the Development].

Planning Inspector: means the Planning Inspector appointed to determine the Appeal.

Planning Permission: the planning permission to be granted by the Planning Inspector following determination of the Appeal by the Authority pursuant to the Application and any subsequent planning permission granted pursuant to section 73 of the Act to develop the Site without compliance with conditions attached to the Planning Permission.

Plan 1: the plan reference C10m/120 attached to this deed of agreement as Appendix 1.

Plan 2: the plan reference C10m/121 attached to this deed of agreement as Appendix 2.

Set-up Contribution: a financial contribution of £1,591 (exclusive of VAT) in respect of the set-up costs to be incurred by the Authority in preparation for carrying out air quality monitoring within 550 metres of the boundary of the Site.

Site: the land the subject of the Application shown for the purposes of identification only edged red on Plan 1 being land at Craig Yr Hesg Quarry, Berw Road, Pontypridd.

Suspension Period: any period beyond a period of 12 months when extraction and processing of minerals pursuant to the no works have been undertaken in accordance with the Planning Permission ~~has not taken place.~~

Commented [A4]: Amendments to this definition not agreed

- 1.1 References to the masculine, feminine and neuter genders shall include the other genders.
- 1.2 References to the singular include the plural and vice versa unless the contrary intention is expressed.
- 1.3 References to natural persons are to include corporation and vice versa.
- 1.4 Headings in this deed of agreement are for reference purposes only and shall not be taken into account in its construction or interpretation.
- 1.5 The expressions Owner and Authority shall include their respective successors in title and assigns.

- 1.6 A reference to a clause, paragraph or schedule is (unless the context otherwise requires) a reference to a clause, paragraph or schedule of this deed of agreement.
- 1.7 Words denoting an obligation on a party to do any act or thing include an obligation to procure that it be done and words placing a party under a restriction include an obligation not to cause, permit or suffer any infringement of such restriction.
- 1.8 Where in this deed of agreement a party includes more than one person any obligations of that party shall be joint and several.
- 1.9 Any references in this deed of agreement to any statute, or to any section of a statute, includes any statutory re-enactment or modification of it and any reference to any statutory instrument includes any amendment or consolidation of it from time to time and for the time being in force.

2. INFORMATION

- 2.1 The Owner is the registered proprietor of a leasehold surface interest in that part of the Site coloured green on Plan 1 registered at the Land Registry with title number WA689401.
- 2.2 The Owner is the registered proprietor of the freehold surface interest in the part of the Site coloured blue on Plan 1 registered at the Land Registry with title number CYM706100, together with other land.
- 2.3 The Owner is the registered proprietor of the freehold interest in the remainder of the Site registered at the Land Registry with title numbers CYM706100 CYM678259 and WA698404.
- 2.4 The Authority is the mineral planning authority for the purposes of the Application and the Act and for the Site.
- 2.5 The Owner has by the Application applied to the Authority to carry out the Development on the Site.

~~2.6 The Authority has refused to grant planning permission pursuant to the Application. is satisfied that the Application is such as may be granted (subject to conditions) subject to the Owner covenanting in the terms of this deed of agreement.~~

~~2.6.7 The Owner has submitted the Appeal following the Authority's refusal to grant planning permission pursuant to the Application.~~

3. STATUTORY AUTHORITY AND LEGAL EFFECT

- 3.1 This deed of agreement is made pursuant to section 106 of the Act and all other enabling powers and enactments which may be relevant for the purpose of giving validity to this deed of agreement.

- 3.2 The obligations of the Owner in this deed of agreement are planning obligations for the purposes of section 106 of the Act and are enforceable by the Authority as Mineral Planning Authority.
- 3.3 Subject to clause 3.4, the Owner covenants with the Authority to the intent that this deed of agreement shall be enforceable without limit of time (other than as expressly mentioned in this deed of agreement) against the Owner respectively and any person deriving title through or under them to the Site or any part or parts of it as if that person had also been an original covenanting party in respect of the interest or estate for the time being held by that person.
- 3.4 No person shall be bound by any obligations, rights and duties contained in this deed of agreement and/or be liable for any breach of a covenant and/or obligation contained in this deed of agreement after they shall have parted with all interest in the Site or the part in respect of which such obligation relates or such breach occurs provided that they shall remain liable for any subsisting breach of covenant prior to parting with their interest.
- 3.5 No statutory undertaker shall be bound by any obligations, rights and duties contained in this deed of agreement and/or be liable for any breach of a covenant and/or obligation contained in this deed of agreement in respect of any site used only as an electricity substation, gas governor or pumping station.
- 3.6 If the Planning Permission expires (within the meaning of sections 91, 92 or 93 of the Act) or is revoked or is quashed following a successful legal challenge or otherwise withdrawn this deed of agreement shall forthwith determine and cease to have effect and the Authority shall forthwith cause the cancellation of all entries made in the Register of Local Land Charges in respect of this deed of agreement at no cost to the Owner.
- 3.7 Nothing in this deed of agreement shall be construed as prohibiting or limiting any right to develop any part of the Site in accordance with a planning permission (other than the Planning Permission) granted (whether or not on appeal) after the date of this deed of agreement.
- 3.8 Nothing in this deed of agreement shall be construed as restricting the exercise by the Authority of any powers exercisable by it under the Act or under any other statute or any statutory instrument, order or byelaw in the exercise of their functions as a local authority.

4. CONDITION PRECEDENT

- 4.1 The planning obligations contained in this deed of agreement shall not be enforceable by the Authority until the date of Commencement of Development other than the provisions of clauses 5.2, 5.3, 7, 10.1 and 11 which shall be enforceable from the date of this deed of agreement.
- 4.2 The Deed shall be null and void if for any reason the Planning Inspector decides not to grant the Planning Permission for the Development pursuant to the Appeal.

4.3 In the event that the Planning Inspector makes a finding and expressly states within the Decision Letter that any of the individual planning obligations in this deed (or part of said planning obligations) are not in accordance with the statutory requirements of Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) then such obligation(s) (or part of such obligation) herein as is so identified by the Planning Inspector shall not be enforceable and shall cease to have effect notwithstanding the remaining provisions of this deed which (for the avoidance of doubt) shall take effect and remain in effect and enforceable.

5. OBLIGATIONS

5.1 The Owner covenants with the Authority that they will not from the date of Commencement of Development carry out further winning and working of minerals on the Site pursuant to the Existing Mineral Planning Permissions.

5.2 The Owner covenants with the Authority to pay the Set-up Contribution on the date of this deed of agreement].

5-25.3 ~~The Owner shall give the Authority not less than seven days' notice in writing in advance of the date of Commencement of Development and no less than seven days' notice in writing in advance of the date that the winning and working of minerals commences in accordance with the Planning Permission.~~

5-35.4 Subject to clause 5.5 below the Owner covenants with the Authority to pay the Monitoring Contribution ~~on each Payment Date~~ within 28 days of receipt of an invoice from the Authority specifying the amount due.

5-45.5 No Monitoring Contribution shall be payable for any period during the Monitoring Period when no air quality monitoring (as described in the definition of the Monitoring Contribution) cost is incurred by the Authority and/or for any period comprising a Suspension Period.

5-55.6 The Monitoring Contribution Limit shall be reviewed on each Index Review Date to equal:

(a) $\frac{A \times B}{C}$ where

A is the sum of £5,562,

B is the index value for the Index for the month immediately before the month in which the relevant Index Review Date falls; and

C is the index value of the Index for the month of April 2019

(b) If the reference base used to compile the Index changes after the date of this Lease, the figure taken to be shown in the Index after the change is to be the figure that would have been shown in the Index if the reference base current at the date of this Lease had been retained.

5-65.7 The Authority covenants with the Owner that:

(a) if for any reason the Planning Inspector decides not to grant the Planning Permission for the Development pursuant to the Appeal it will refund the Set-up Contribution paid in accordance with clause 5.2 above to the Owner within 10 working days of any such decision;

(a)(b) if Commencement of Development does not take place within 5 years of the grant of the Planning Permission then it will refund any part of the Set-up Contribution that has not been expended in accordance with the terms of this deed of agreement to the Owner;

(b)(c) it will expend the Set-up Contribution only on set-up costs relating to preparation for air quality monitoring within 550 metres of the boundary of the Site;

(e)(d) it will expend the Monitoring Contribution only on air quality monitoring within 550 metres of the boundary of the Site; and

5-75.8 The Authority agrees with the Owner to grant the Planning Permission as soon as is reasonably practicable after completion of this deed of agreement.

6. EXISTING SECTION 106 AGREEMENT

- 6.1 On the date of Commencement of Development the Existing S106 Agreement is discharged and for the avoidance of doubt the Owner and their successors in title assigns and those deriving title from them are released from all obligations and covenants within the Existing S106 Agreement.
- 6.2 The Authority confirms to the Owner that the reference in the Existing S106 Agreement to the 1993 Permission is a reference to that permission from time to time such that the updated conditions applied to it by virtue of a determination of conditions (Reference 08/1380/10) dated 24 April 2013 should be considered part of that permission.

7. COSTS

The Owner agrees to pay to the Authority on the signing of this deed of agreement their reasonable costs and disbursements which are incidental to the preparation and execution of this deed of agreement up to a maximum of £1,000 with no VAT being payable.

8. INVALIDITY

It is agreed and declared that if any clause or sub-clause of this deed of agreement shall be deemed to be unenforceable or ultra vires the remainder of this deed of agreement shall remain in full force and effect provided severance from this deed of agreement is possible.

9. CONTRACTS (RIGHTS OF THIRD PARTIES) ACT 1999

Nothing contained in this deed of agreement shall give, or be construed as giving, any rights, privileges, powers or enforceability other than to the Authority and to the specific person

executing this deed of agreement as the Owner and their successors (if any) as defined in this deed of agreement and the provisions of the Contracts (Rights of Third Parties) Act 1999 ("1999 Act") and any benefits or rights which could arise from it are expressly excluded to the intent that no other third party within the meaning of the 1999 Act shall have any rights of enforcement in respect of any matter contained in this deed of agreement.

10. OTHER MATTERS

- 10.1 The Owner agrees with the Authority to give the Authority written notice of any change in ownership of any of their respective interests in the Site occurring before all the obligations under this deed of agreement have been discharged such notice to give details of the transferees full name and registered office (if a company or usual address if not) together with the area of the Site purchased by reference to a plan.
- 10.2 The provisions of section 196 of the Law of Property Act 1925 (as amended) shall apply to any notice or approval to be served under or in connection with this deed of agreement and any such notice of approval shall be in writing and shall specifically refer to the name, date and parties to this deed of agreement and shall cite the number and clause of this deed of agreement to which it relates.
- 10.3 This deed of agreement shall be registered as a Local Land Charge.

11. JURISDICTION

This deed of agreement is governed by and interpreted in accordance with the law of England and Wales as applied in Wales.

IN WITNESS of which the Parties have executed this agreement as a Deed and have delivered it upon dating the day and year first before written.

SCHEDULE 1 - EXISTING MINERAL PLANNING PERMISSIONS

1. Planning permission with reference 56/86/0827 dated 20 August 1993;
2. Planning permission with reference 349/Z/970 dated 27 January 1970;
3. Planning permission with reference P.22/2/596 dated 20 August 1965; and
4. Planning permission with reference 5183 dated 7 January 1949.

all subject to the conditions contained in a determination following review of those permissions pursuant to the Environment Act 1995 dated 24 April 2013 Reference 08/1380/10.

EXECUTED AS A DEED BY HANSON)
QUARRY PRODUCTS EUROPE LIMITED) Director
acting by:)
.....
Director/Secretary

THE COMMON SEAL of RHONDDA CYNON)
TAF COUNTY BOROUGH COUNCIL was)
affixed to this Deed of Agreement in the)
presence of:)
.....
Authorised Signatory

APPENDIX 1 – PLAN 1

APPENDIX 2 - PLAN 2

APPENDIX 3 - DRAFT PLANNING PERMISSION