
Town and Country Planning Act 1990: Section 78 Appeal

**Section 73 application for extension to time limits which
regulate operations at Craig yr Hesg Quarry.**

Land at Craig yr Hesg Quarry, Pontypridd.

Appeal Ref APP/L6940/A/21/3282880

Application Ref: 21/0720/15

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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1.0 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 All statements within the SoCG are agreed between the Appellants and RCT (referred to as 'the parties') unless otherwise stated.
- 1.3 The SoCG is made for the purposes of a Section 78 appeal and inquiry into the refusal by RCT of planning permission to continue the operation of Craig yr Hesg Quarry (the Quarry) without complying with the current planning conditions which require that the winning and working of minerals or depositing of mineral waste shall cease by 31st December 2022.
- 1.4 The application sought to extend the time limit for quarrying operations by 6 years to 31st December 2028, with a number of consequential changes to other conditions which include related time limit restrictions (application ref 21/0720/15, appeal ref APP/L6940/A/21/3282880).

2.0 APPEAL SITE

- 2.1 Craig yr Hesg Quarry (the 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 Quarry comprises two main areas, with the processing plant site situated in the east, with the quarry access off the B4273 south of the plant site, and the main quarry area in the central and western areas of the site linked to the plant site by a narrow cutting and access road at the plant site level, and by a higher-level haul road which provides access to the primary crushing plant at the northern end of the plant site.
- 2.3 The main quarry void comprises a series of faces, benches and haul roads at varying levels, together with locations for the disposal of quarry waste and the storage of quarry fines generated as part of the processing operation. The quarry area is essentially devoid of vegetation, but with some natural recolonisation on the worked out upper faces along the southern side of the quarry.
- 2.4 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.
- 2.5 The plant site comprises a series of crushers and screens with conveyors to aggregate vehicle load out points and storage areas, together with a separate asphalt plant which produces coated roadstone for highway construction and maintenance. The plant site also includes related stockpile areas and surface water drainage infrastructure, together with the site offices, weighbridge, and a staff and visitor parking area.
- 2.6 The appeal site represents the boundary of the permitted mineral site as defined in a 2008 Environment Act ROMP Review application and schedule of updated planning conditions issued by RCT Council in April 2013 (ref 08/1380/10). A copy of the ROMP schedule of conditions is produced as Appendix 1 to this SoC.
- 2.7 The defined 'mining site' (Environment Act 1995, Schedule 14, para 2(1)) is based upon a combination of four mineral permissions and includes peripheral woodland along the southern, eastern and north western sides of the site, together with a substantial area of scrub woodland to the south west of the quarry as illustrated on the aerial photograph produced as application plan ref CYH3. These peripheral areas do not form part of the operational area and would not be disturbed as part of the ongoing development.
- 2.8 In practical terms the operational quarry area includes other areas which have been historically quarried and or disturbed as part of the quarrying operations. These areas are apparent from the aerial photograph plan ref CYH3, including land to the immediate west of the plant site. No further quarrying operations will take place

2.0 APPEAL SITE

outside the defined quarrying area shown on application plans CYH5 and CYH6, but the EIA has considered the quarrying and related operations within the overall footprint of the existing disturbed quarry area, together with the restoration of that overall area.

- 2.9 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 road 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.
- 2.10 Craig yr Hesg Quarry is the only operating sandstone quarry within the administrative area of RCT.

3.0 SECTION 73 APPLICATION

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3.1 The Section 73 application relates to conditions 1-4 (and 45 and 46) of an Environment Act 1995 ROMP Review of conditions, issued by RCT on 24th April 2013 (ref 08/1380/10) which collectively impose time limits in the carrying out of the development.

3.2 Condition 1 states:

“This consent for the winning and working of minerals or depositing of mineral waste shall expire on 31st December 2022”.

3.3 Condition 2 states:

“Following the expiry of the planning consent all extraction, processing and stockpiling of minerals and depositing of mineral waste shall cease”.

3.4 Condition 3 states:

“No later than 12 months following the expiry of the planning consent, or the earlier permanent cessation of winning and working of minerals, as agreed between the mineral operator and the Local Planning Authority, all plant, machinery, hard standings, ancillary workshops, buildings, structures or other works associated with the development shall be dismantled and removed from the site unless otherwise agreed in writing with the Local Planning Authority”.

3.5 Condition 4 states:

“No later than 12 months following the expiry of the planning consent or the earlier permanent cessation of winning and working of minerals, as agreed between the mineral operator and the Local Planning Authority, the sale and transportation of any residual stocks shall cease.”

3.5 Condition 45 requires that not later than 31st December 2022 the operator shall submit for the written approval of the Local Planning Authority a detailed final restoration scheme, with condition 46 requiring that the approved scheme shall be fully implemented within 2 years of the date of approval or by 31st December 2024, whichever is the sooner.

3.6 The Section 73 application sought to continue the currently permitted development without complying with the above conditions, and to substitute the conditions with the following:

[1] The winning and working of minerals and the depositing of mineral waste shall cease by 31st December 2028.

[2] No processing or stockpiling of minerals shall take place after 31st December 2028 or, if sooner, the permanent cessation of the winning and working of minerals.

3.0 SECTION 73 APPLICATION

[3] No later than 31st December 2029 or the expiry of 12 months following the permanent cessation of the winning and working of minerals and the depositing of mineral waste, whichever is the sooner, all plant, machinery, hard standings, ancillary workshops, buildings, structures or other works associated with the development shall be dismantled and removed from the site unless otherwise agreed in writing with the Local Planning Authority.

[4] No later than 31st December 2029 or the expiry of 12 months following permanent cessation of the winning and working of minerals and the depositing of mineral, whichever is the sooner, the sale and transportation of any residual stocks from the site shall cease.

[45] No later than 31st December 2028 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, the operator shall submit for the written approval of the Local Planning Authority a detailed final restoration scheme, including drawings to illustrate the proposals for the final restoration of the quarry. The final restoration scheme shall be based upon the restoration concept plan ref CYH7, and include, inter alia, the following matters:.....(list of matters unchanged from current condition 45).

[46] The scheme detailed in condition 45 above shall be fully implemented within two years of the date of approval of the scheme or by 31st December 2030, whichever is the sooner, unless otherwise agreed in writing by the Local Planning Authority.

4.0 PROPOSED DEVELOPMENT

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- 4.1 A description of the proposed development is set out in Chapter 3.0 of the Environmental Statement (ES) accompanying the application (ref Volume 1 May 2021), with a description of the proposed restoration strategy set out in Chapter 4.0 of the ES. These details are thus not repeated in this SoCG.
- 4.2 No changes are proposed to the currently approved ROMP Review scheme of working (ref (ref 08/1380/10, April 2013) in terms of the general sequence of working, the final quarry layout upon completion of quarrying, and the restoration strategy.
- 4.3 The Quarry has reached its full permitted lateral and depth limits, and no new areas of quarrying would be involved with a continuation of the approved scheme for the requested extended timescale. The remaining development would be confined to working back the faces and benches at the middle and lower levels of the quarry to the defined final positions, with then the implementation of the approved restoration scheme.
- 4.4 No changes are proposed to the current processing arrangements at the existing plant site.
- 4.5 In addition to the quarry processing plant, the plant site includes an asphalt plant following the implementation of an approval of details for a new replacement plant issued by RCT in November 2013 (ref 13/0825/23). The time extension application includes for the continuation of the operation of the asphalt plant for the requested extended duration, in conjunction with the aggregates processing plant.
- 4.6 Both plants are regulated by an Environmental Permit issued by RCT (ref PCC/009-3.5 HQPEL/0104D) issued by RCT in June 2020. The Permit also covers the various activities directly associated with the processes and includes the internal haulage routes to the primary crusher, the wheel wash and the site access / exit haul route from the B4273 (termed in the Permit as the 'Regulated Facility').

5.0 APPEAL DOCUMENTS AND PLANS

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- 5.1 The Section 73 Application was submitted on 17th May 2021 by SLR Consulting Ltd, as planning agents to Hanson UK, and was registered on 24th May 2021 under ref no 21/0720/15.
- 5.2 The application is described as “*continuation of quarrying and related operations without complying with conditions 1-4 inclusive and conditions 45 & 46 imposed on the Environment Act ROMP schedule of conditions issued by Rhondda Cynon Taf County Borough Council on 24th April 2013 ref: 08/1380/10.*”
- 5.3 The application was accompanied by:
- An Environmental Statement (ES) Volume 1 setting out the results of an Environmental Impact Assessment (EIA).
 - Appendices to the ES, Volume 2.
 - A Non-Technical Summary of the ES, Volume 3, and
 - A series of ‘application plans’ comprising:
 - CYH 1: Site Location Plan
 - CYH 2: Application Site Plan
 - CYH3: Aerial Photograph
 - CYH4: Current Topographical Survey
 - CYH5: Interim Quarry Development Plan
 - CYH6: Final Quarry Development Plan
 - CYH7: Restoration Concept Plan
 - CYH8: Sections
 - CYH9: Bench Treatment Sections
- 5.4 The approved quarry development plans which are referenced in the ROMP Schedule of conditions (ref condition 5) illustrated the site ‘as existing’ in 2010, a series of quarry phasing plans showing the anticipated progress of quarrying at 2010, 2014, 2016, and a final extent of quarrying upon completion of extraction of the permitted reserves (ref plans SR02 – SR05).
- 5.5 The plans accompanying the Section 73 application provided an update within this approved context to illustrate:

5.0 APPEAL DOCUMENTS AND PLANS

- the site as existing at the end of 2020;(plan ref CYH4)
- a final quarry layout which is consistent with the approved quarry layout (CYH6); and
- an intermediate development plan illustrating the quarry layout at a general mid-way point between the 2020 circumstances and the final quarry layout (CYH5).

5.6 The submitted plans thus update rather than amend the approved ROMP quarry development scheme.

5.7 Following the lodging of an appeal against the failure of RCT Council to determine the application within the prescribed period (discussed in Section 6.0 below), the then Planning Inspectorate (PINS), and now Planning and Environment Decisions Wales (PEDW) undertook an assessment of the submitted ES to establish whether it is 'complete' for the purposes of the Environmental Impact Assessment (Wales) Regulations 2017.

6.0 LODGING OF APPEAL

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- 6.1 The Section 73 application was reported to RCT's Planning & Development Committee on 26th August 2021. A copy of the Committee Report and minutes will be provided as a Core Document at the inquiry.
- 6.2 In the Report, the Planning Officer recommended that planning permission be granted subject to conditions and the prior completion of a Section 106 Agreement which would secure a contribution towards the costs of the Council's air quality monitoring within the local community.
- 6.3 The Planning Committee did not accept the recommendation and resolved to refuse the application
- 6.4 On 14th September 2021 the Applicants lodged an appeal against the failure of RCT Council to determine the application within the prescribed period of 16 weeks.
- 6.5 On 15th September 2021, the Planning Inspectorate wrote to RCT confirming that the "Authority has until Tuesday 12th of October 2021 to issue a decision under the 'dual-jurisdiction' process."
- 6.6 The application was reported back to RCT's Planning and Development Committee on 7th October 2021 with a continued recommendation for approval. The application however was refused for the following reason: the
- 'The additional period of 6 years proposed for the working of the quarry unacceptably extends the period of mineral operations within 200m of sensitive development within Glyncoch. Glyncoch is a deprived community, and such communities are acknowledged as being disproportionately affected by health problems. The continuation of quarrying within 200m of that community extends the impacts of quarrying (especially in terms of noise, dust and air quality) to the detriment of the amenity and well-being of residents contrary to the well-being goal of a healthier Wales as set out in the Well-being of Future Generations (Wales) Act 2015. The need for the mineral does not outweigh the amenity and well-being impacts.'*
- 6.7 The application was refused for the reason set out in paragraph 6.6 above by a decision notice dated 8th October 2021.
- 6.8 The appeal is thus 'converted' from an appeal against 'non-determination' to an appeal against the refusal of permission for the requested Section 73 time extension.

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 REASON FOR REFUSAL: PLANNING ISSUES

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8.1 The reason for refusal of the application was as follows:

The additional period of 6 years proposed for the working of the quarry unacceptably extends the period of mineral operations within 200m of sensitive development within Glyncoch. Glyncoch is a deprived community, and such communities are acknowledged as being disproportionately affected by health problems. The continuation of quarrying within 200m of that community extends the impacts of quarrying (especially in terms of noise, dust and air quality) to the detriment of the amenity and well-being of residents contrary to the well-being goal of a healthier Wales as set out in the Well-being of Future Generations (Wales) Act 2015. The need for the mineral does not outweigh the amenity and well-being impacts.

8.2 The reason for refusal is based upon 4 issues, namely:

- (i) The extended duration of operations within 200m of sensitive development.
- (ii) The impacts on amenity of operations especially in terms of noise, dust and air quality.
- (iii) Detriment to the well-being goal of a healthier Wales.
- (iv) The need for the development does not outweigh the amenity and well-being impacts.

No other issues are referred to in the reason for refusal.

8.3 The four issues are considered below.

(i) The extended duration of operations within 200m of sensitive development

8.4 The requested extended duration for mineral extraction and processing operations would be 6 years from 31st December 2022 to 31st December 2028.

8.5 The application proposes no change to the currently approved limits of extraction, working methods or processing and mineral treatment arrangements over this period.

8.6 All future quarrying will take place increasingly at depth as the development focuses on quarrying in the middle and lower levels of the quarry (rather than at higher levels on the periphery).

8.7 There would be no other operations which would take place in closer proximity to sensitive development compared to current circumstances.

8.0 REASON FOR REFUSAL: PLANNING ISSUES

- 8.8 The current operations are regulated by a ROMP schedule of 49 conditions issued by RCT in 2013 which were deemed adequate by RCT to control and regulate the ongoing operation (conditions produced as Appendix 1 to this SoCG).
- 8.9 These or similar conditions could be imposed to regulate operations for the requested extended time period (ref agreed schedule of conditions produced as Appendix 2 to this SoCG).
- 8.10 The operation of the processing plant, asphalt plant and related activities are regulated by an Environmental Permit issued by and monitored by RCT. The Permit would remain in place for the requested extended duration of operations and could be updated by RCT if deemed to be necessary.
- 8.11 There would be no changes to the currently approved restoration scheme, and the extraction of the remaining reserves within the requested additional time period would allow the restoration scheme to be implemented as approved. A refusal of permission would require the preparation of a revised restoration scheme based upon a revised final quarry layout where the full reserve would not have been extracted.

(ii) Amenity effects for the extended duration, especially noise, dust and air quality

Development Plan

- 8.12 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).
- 8.13 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).
- 8.14 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

8.0 REASON FOR REFUSAL: PLANNING ISSUES

of the 'preferred area of known mineral resources' (which includes the extension area), also defined on the Map.

- 8.15 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 at Glyncoch within the buffer zone. It is recognised that the buffer zone and associated Policy AW14 was settled with those existing residential properties within the buffer zone.
- 8.16 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;*
 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.*
- 8.17 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”*.
- 8.18 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.”*
- 8.19 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).

8.0 REASON FOR REFUSAL: PLANNING ISSUES

Other Issues

- 8.20 Noise monitoring has confirmed that the current noise limits imposed by RCT are being adhered to in all cases (ref condition 18 of the ROMP schedule of conditions).
- 8.21 In the event that the appeal is allowed the Inspector could seek to re-instate these or similar noise conditions on a permission for the requested extended time period
- 8.22 In the event that the appeal is allowed, the ongoing air quality monitoring can continue for the duration of the requested extended time period, with a contribution from the Appellants to the costs of monitoring to be catered for via a Section 106 Agreement (ref [Appendix 3](#) to this SoCG).
- 8.23 Cwm Taf University Health Board and Public Health Wales have confirmed that local air quality is compliant with the relevant PM10 national air quality objectives.
- 8.24 Fugitive (nuisance) dust is currently regulated by condition 30 of the ROMP schedule of conditions.
- 8.25 Additional controls are proposed via a Dust and Particulate Management and Dust Monitoring Plan which accompanied the application (ref ES Appendix 11.7).
- 8.26 Vibration from each blast is monitored, with the monitoring data confirming that on each occasion, the recorded vibration level is below the ground vibration limits imposed by condition 23 of the ROMP schedule of conditions.
- 8.27 A Blast Vibration Monitoring Scheme is in place at the Quarry, as required by condition 25 of the ROMP schedule of conditions. Proposed condition 24 would require each blast to be monitored in accordance with the Blast Monitoring Scheme Submitted on 30th July 2018.

(iii) Detriment to the well-being goal of a healthier Wales

- 8.28 The Well Being and Future Generations Act (WBFGA) defines 7 well-being goals for a prosperous Wales, a resilient Wales, a healthier Wales, a more equal Wales, a Wales of cohesive communities, a Wales of vibrant culture and thriving Welsh language, and a globally responsive Wales.
- 8.29 The reason for refusal refers to one of these goals – a ‘healthier Wales’.
- 8.30 The WBFGA also refers to 5 ways of working designed to achieve sustainable development.

(iv) The need for the development

- 8.31 The consideration of the need for the development is informed by (i) planning policy requirements relating to the need to maintain landbanks of permitted reserves of aggregate, (ii) by the requirements of a Regional Technical Statement (RTS) which provides advice to Local Planning Authorities on the minimum provision which should

8.0 REASON FOR REFUSAL: PLANNING ISSUES

be made in Local Development Plans for future aggregates supply, and (iii) by any special characteristics of the mineral resources which might add weight to the need for the material.

- 8.32 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. Planning Policy Wales Edition 11 (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).
- 8.33 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).
- 8.34 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). The ten year production average was 590,000 tonnes providing a landbank of 12 years. If permission is not granted for the western extension or S73 time 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 Y 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.
- 8.35 The most recent RTS was published in September 2020 as Regional Technical Statement 2nd Review (RTS2).
- 8.36 This 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 from December 2016. With a landbank of permitted reserves of 9.83m tonnes at December 2016, this equated 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).
- 8.37 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 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).

8.0 REASON FOR REFUSAL: PLANNING ISSUES

- 8.38 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 reparation of this revised Plan and commence the preparation of a Revised LDP with a 15 year plan period of 2022 to 2037.
- 8.39 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 RTS2 annual apportionment of 0.765m tonnes, this will equate to a minimum requirement to make provision for 19.125m tonnes of crushed rock.
- 8.40 At present, Craig yr Hesg Quarry is the only sandstone quarry in RCT and it is a key component of crushed rock aggregate supply.
- 8.41 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 (ref para 2.9 above).
- 8.42 In policy terms, the UK and regional need for such minerals should be accorded 'significant weight' in the determination of planning applications provided environmental impacts can be limited to acceptable levels (ref PPW11 para 5.14.23).

Other Planning Matters in the Determination of the Application

RCT LDP Planning Policy

- 8.43 The adopted RCT LDP makes provision for a western extension to Craig yr Hesg Quarry within a 'preferred area of known mineral resources' (ref Policy SSA 25).
- 8.44 The identification of the 'preferred area' as an extension to Craig yr Hesg Quarry is the only area of land for future aggregates production made in the LDP, which the Plan relies upon as part of RCT's contribution to regional supplies as required by MTAN1 and the RTS.
- 8.45 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".

8.0 REASON FOR REFUSAL: PLANNING ISSUES

- 8.46 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', also defined on the Map.
- 8.47 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 within the buffer zone. It is recognised that the buffer zones and associated Policy AW14 was settled with those existing residential properties within the buffer zone.
- 8.48 A draft LDP Policy AW15 relating to 'Community Amenity Protection Buffer Zones' which would have drawn a 200m buffer zone outwards from settlement boundaries was deleted from the submission draft LDP, as recommended by Inspector in his Report following the LDP Examination based upon his conclusion that rigid distances would conflict with national policy and in light of the agreement that the LDP includes other policies that would enable the Council to resist working in unsuitable locations.
- 8.49 There are no specific policies cited in support of the reason for refusing the proposed development.

Responses from technical statutory consultees.

- 8.50 As recorded in the August 2021 and October 2021 Planning Officer Reports to the RCT Planning & Development Committees, 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 Morgannwg University Health Board; Public Health Wales; Highways Authority, NRW, CADW, Glamorgan Gwent Archaeological Trust, and Dwr Cymru Welsh Water.

(v) Environmental Controls

- 8.51 The parties agree that in the event that the appeal is allowed, the ongoing quarrying and processing operations within the existing quarry should be mitigated and managed via the imposition and enforcement of planning conditions similar to those currently in place at the Quarry (ref Appendices 1 and 2 to this SoCG), and the ongoing related emissions management and monitoring in force via the existing Environmental Permit for the site.

9.0 PLANNING CONDITIONS AND S106 AGREEMENT

9.0 PLANNING CONDITIONS AND SECTION 106 AGREEMENT

- 9.1 A schedule of proposed planning conditions was included in the Planning Officer's Report presented to the August 2021 Committee.
- 9.2 A schedule of agreed conditions between the parties is produced as Appendix 2 to this SoCG.
- 9.3 It is the intention to prepare a Section 106 Agreement which reflects the requirements set out in the August 2021 Committee Report relating to 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.
- 9.4 In accordance with required procedures final version will be submitted in advance of the inquiry. A draft version is appended to this SoCG as Appendix 3 (to follow).

10.0 MATTERS NOT IN DISPUTE

10.0 SUMMARY OF MATTERS NOT IN DISPUTE

- 10.1 There are no landscape or visual impact issues which would justify a refusal of the proposed development.
- 10.2 There are no ecological constraints to the proposed development, and the implementation of the approved restoration scheme has the potential to enhance the biodiversity value of the site.
- 10.3 Noise monitoring of the existing operation has consistently confirmed adherence to the current noise limits imposed by planning condition.
- 10.4 There is no reason to believe that noise limits in accordance with guidance on noise from mineral working could not continue to be regulated by planning conditions in accordance with the identified guidance on noise
- 10.5 Monitoring of ground vibration from blasting has consistently confirmed adherence to the current ground vibration limits imposed by the current planning conditions.
- 10.6 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).
- 10.7 Current air quality in the locality is well within the UK Air Quality Objectives
- 10.8 Cwm Taf Health Board have confirmed that they have no grounds for objection based upon public health considerations, and provided the site is operated using best available techniques to control emissions.
- 10.9 Public Health Wales have confirmed that local air quality is compliant with the relevant PM10 Air Quality Objectives (as measured near the existing site operations), but there is a need for continued air quality monitoring at existing locations. In the event that the appeal is allowed air quality monitoring would continue with a contribution towards the cost of monitoring by RCT to be made by the Appellants as an obligation of a Section 106 Agreement (ref Appendix 3 to this SoCG).
- 10.10 Public Health Wales have also stressed the importance of the continued implementation of a Dust Management Plan. Such a Dust Management Plan has been submitted as part of the application and adherence to the measures within the plan could be made the subject of a planning condition (ref condition 12 of the agreed schedule of conditions produced as Appendix 2 to this SoCG).
- 10.11 There are no highway impact issues which would justify a refusal of the proposed development.
- 10.12 There are no hydrological or hydrogeological constraints to the development.

10.0 MATTERS NOT IN DISPUTE

- 10.13 There are no cultural heritage constraints to the development.
- 10.14 There are no land quality constraints to the development.
- 10.15 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.
- 10.16 There is a need to release additional reserves of crushed rock aggregate in RCT if RCT is to meet its share of regional supply as required in RTS2.
- 10.17 The 'preferred area of known mineral resources' adjoining the Quarry identified by LDP policy SSA25 is the only mineral allocation for future extraction identified in the adopted LDP.
- 10.18 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.
- 10.19 LDP policy CS10(1) and PPW11 require the maintenance of a minimum landbank of 10 years throughout the life of the LDP. The latest published data – SWRAWP Annual Report 2019 – identifies a landbank in RCT of 11 years (based on a 3 year average production) as at December 2019.
- 10.20 In the absence of an extension to the current time limit of December 2022, the quarry would close and the remaining reserves at the quarry would be sterilised. Those sterilised reserves would then be removed from the landbank.
- 10.21 The development would provide benefits in terms of maintaining continuity of supply of aggregate acknowledged to be of UK importance and safeguarding direct and indirect employment at the quarry.

11.0 ISSUES NOT AGREED

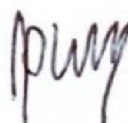
11.0 ISSUES NOT AGREED

- 11.1 The reason for refusing the S73 application was set out in the decision notice dated 8th October 2021. 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.
- 11.2 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 of operations as a result of noise, blasting and dust. The LPA consider that this would give rise to a conflict with the development plan, and that no other material planning considerations carry sufficient weight to justify a decision not in accordance with the development plan. On balance the LPA do not consider that the development would represent sustainable development.
- 11.2 The appellant considers that there is a compelling case of need for the development, and that in the absence of objective evidence of significant adverse amenity effects or an inability to comply with objective criteria designed to protect amenity, there is no conflict with policy in the development plan. No such development plan conflict was alleged in the reason for refusal.

Signed on behalf of Appellant



Graham Jenkins SLR Consulting Ltd
Date: 24th May 2022



Signed on behalf of Local Planning Authority

Date: 24/05/22

APPENDICES

- 1. Environment Act ROMP Review Schedule of Conditions**

Rhondda Cynon Taf County Borough Council

ENVIRONMENT ACT 1995 REVIEW OF MINERAL PLANNING PERMISSION - INITIAL REVIEW DETERMINATION OF CONDITIONS

Client's Name and Address

M M Frampton
Hanson Aggregates
Machen Quarry
Commercial Road
Machen
CF83 8YP

Applicant's Name and Address (if different)

ARC Western Ltd
Hanson House
14 Castle Hill
Maidenhead
Berkshire
SL6 4JJ

Part I - Particulars of Application Number 08/1380/10

Proposal: Application for determination of conditions for mineral site. The Environmental Act 1995 (Section 96 and paragraph 9 of schedule 13).
Location: CRAIG-YR-HESG QUARRY, BERW ROAD, PONTYPRIDD, CF37 3BG
Grid Ref: 307979, 191738

Part II - Particulars of decision

Under Schedule 13, paragraph 9 of the above Act, the County Borough Council as Local Planning Authority HEREBY DETERMINES, in consequence of the Application for Determination of Conditions received from you on 19th August 2008 for Craig Yr Hesk Quarry, Berw Road, Pontypridd, CF37 3BG that the following conditions apply in substitution for the previous conditions applied to the "mineral site" as identified in the application.

CONDITIONS:

- 1 This consent for the winning and working of minerals or depositing of mineral waste shall expire on 31st December 2022.

Reason: To define the consent granted.

- 2 Following the expiry of the planning consent all extraction, processing and stockpiling of minerals and depositing of mineral waste shall cease.

Reason: To ensure that all forms of minerals development cease.

- 3 No later than 12 months following the expiry of the planning consent, or the earlier permanent cessation of winning and working of minerals, as agreed between the mineral operator and the Local Planning Authority, all plant, machinery, hard standings, ancillary workshops, buildings, structures or other works associated with the development shall be dismantled and removed from the site unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that all works associated with the development are removed, in the interests of the amenities of the local area, in accordance with Policy CS10 of the Rhondda Cynon Taf Local Development Plan.

- 4 No later than 12 months following the expiry of the planning consent or the earlier permanent cessation of winning and working of minerals, as agreed between the mineral operator and the Local Planning Authority, the sale and transportation of any residual stocks from the site shall cease.

Reason: To ensure that all mineral activities cease in the interests of the amenities of the local area in accordance with Policy CS10 of the Rhondda Cynon Taf Local Development Plan.

- 5 Unless otherwise agreed in writing by the Local Planning Authority, the working and restoration of the site shall be carried out only in accordance with the quarry phasing plans, drawing numbers A057337 SR02 – 05 inclusive dated July 2009. The sequence of mineral extraction shall be undertaken as illustrated on submitted plan ref numbers A057337 SR001 – 05 inclusive, with the final extraction limits to be confined to those shown on plan ref A057337 SR05. No extraction shall take place outside the limits shown by the Green line on plan Ref SR05a.

Reason: To enable the Local Planning Authority to control the development and to minimise its impact on the amenities of the local area in accordance with Policy CS10 of the Rhondda Cynon Taf Local Development Plan.

- 6 No excavation or extraction of minerals shall take place below 100m A.O.D. other than those works necessary for the construction of the quarry sump.

Reason: To define the consent granted.

- 7 The recovery, storage and management of soils encountered during the course of excavation and development of the north eastern part of the site shall be undertaken in accordance with the details provided on Plan Ref C/10m/0075 dated Aug 2007. Prior to the excavation or development of the site which would disturb any additional suitable overburden or

soil-making materials, a scheme for the recovery, storage and management of such materials (until such time as they shall be used in the restoration proposals for the site to be approved in accordance with Condition 45) below shall be submitted to and approved in writing by the Local Planning Authority. All works shall be carried out in accordance with the approved scheme, unless otherwise approved in writing by the Local Planning Authority.

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.

- 8 A copy of this consent 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.

Reason: To ensure the operator and site contractors are aware of the working programme and the conditions attached to carrying out the development.

- 9 The developer shall submit a revised working programme and phasing plans for the approval of the Local Planning Authority five years from the date of this consent, unless otherwise agreed in writing by the Local Planning Authority, should the Working Programme as previously agreed by the virtue of Condition 5 be proposed to be changed within this time.

Reason: To enable the Local Planning Authority to control the development and to minimise its impact on the amenities of the local area in accordance with Policy CS10 of the Rhondda Cynon Taf Local Development Plan.

- 10 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, or unless otherwise agreed in writing by the Local Planning Authority.

For the purpose of this Condition 10, "emergency" means any circumstances in which the operator has a reasonable cause for apprehending injury to persons or serious damage to property.

Reason: To protect the amenities of local residents in accordance with Policies CS10 and AW10 of the Rhondda Cynon Taf Local Development Plan.

- 11 In any part of the quarry in excess of 180m A.O.D., 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 unless otherwise agreed beforehand in writing with the Local Planning Authority.

Reason: To protect the amenities of local residents in accordance with Policies CS10 and AW10 of the Rhondda Cynon Taf Local Development Plan.

- 12 In any part of the quarry below 180m A.O.D., 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 otherwise agreed beforehand in writing with the Local Planning Authority.

Reason: To protect the amenities of local residents in accordance with Policies CS10 and AW10 of the Rhondda Cynon Taf Local Development Plan.

- 13 Unless required to fulfil a specific contract, in which case notification shall be given to the Local Planning Authority at least two working days in advance of the contract being fulfilled, no vehicles associated with the production of ready mixed concrete shall enter or leave the area which is the subject of this planning permission on Sundays or Statutory Public Holidays unless otherwise agreed beforehand in writing with the Local Planning Authority.

Reason: To protect the amenities of local residents in accordance with Policies CS10 and AW10 of the Rhondda Cynon Taf Local Development Plan.

- 14 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 before hand in writing, quarrying operations shall only be carried out between the hours of 07.00 and 19.00 Monday to Friday and 07.00 and 16.00 on Saturday and not at any time on Sundays or Statutory Public Holidays.

For the purposes of this condition 14, 'quarrying operations' shall mean the operation of the primary crusher, the stockpiling and loading or unloading of materials associated with the primary crusher and the haulage of rock from the quarry faces to the primary crusher or any stockpile.

Reason: To protect the amenities of local residents in accordance with Policies CS10 and AW10 of the Rhondda Cynon Taf Local Development

Plan.

- 15 No vehicles other than those associated with the manufacture of coated road stone, the production of ready mix concrete or the servicing, maintenance and testing of plant and machinery shall enter/leave the Quarry except during the hours of 07.00 and 19:00 Mondays to Friday and 07.00 and 16.00 on Saturday.

Reason: To protect the amenities of local residents in accordance with Policies CS10 and AW10 of the Rhondda Cynon Taf Local Development Plan.

- 16 No soils shall be stripped or replaced, no topsoil or subsoil mounds shall be formed or removed except between the following times:

08.00 to 17.00 hours Mondays to Fridays.
08.00 to 13.00 hours on Saturdays.

Reason: To protect the amenities of local residents in accordance with Policies CS10 and AW10 of the Rhondda Cynon Taf Local Development Plan.

- 17 Except in the case of an emergency, to maintain safe quarry working, or with the prior written agreement of the Local Planning Authority, no development or activities other than water pumping, environmental monitoring, servicing, maintenance and testing of plant and equipment, activities associated with the production of coated roadstone or ready mixed concrete shall be undertaken on Sundays or Statutory Public Holidays.

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.

- 18 Between the hours of 07:00 and 19:00 the free field Equivalent Continuous Noise Level $L_{Aeq,T}$ due to 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.

Table 1

Receptor	No 36 Conway	No 3 Pen y Bryn	Flat above	No 1 Rogart Terrace

	Close		shop Garth Avenue	
Criteria	49dB L _{Aeq,1hr}	47 dB L _{Aeq,1hr}	54 dB L _{Aeq,1hr}	55 dB L _{Aeq,1hr}

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.

- 19 Between the hours of 19:00 and 07:00 the free field Equivalent Continuous Noise Level L_{Aeq,T} due to operations in the site shall not exceed 42 dB L_{Aeq,1hr} at each selected noise sensitive property specified in Table 1 above.

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.

- 20 Noise levels attributable to operations of a temporary nature on the periphery of the site such as the formation, removal or alteration of spoil tips, screening and storage embankments, measured at any noise sensitive property specified in Table 1 above, shall not exceed a level of 67dB L_{Aeq,1hr} (free field). These noise limits shall only apply for a maximum of 8 weeks in any calendar year.

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.

- 21 Noise monitoring shall be undertaken at the properties listed in Table 1 or other representative properties biannually for the first 2 years from the date of this consent, then annually for the following three years. Thereafter, the frequency of monitoring shall be agreed with the Local Planning Authority. The results of monitoring shall be submitted to the Local Planning Authority, together with confirmation of action taken to remedy any breach of the limits set out in Table 1.

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.

- 22 Within three months of the date of this consent a noise management

scheme for the site shall be submitted to and approved in writing by the Local Planning Authority, which shall, if practicable, include the provision of measures to reduce noise levels from site operations including the provision of any perimeter bunds/barriers, and specify the locations and methodology for monitoring carried out as required by condition 21 above. All site operations and noise monitoring shall be carried out in accordance with the approved scheme, unless otherwise approved in writing by the Local Planning Authority.

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.

- 23 Blasting shall be undertaken in such a manner to ensure that ground vibration, measured as a maximum of three mutually perpendicular directions taken at the ground surface, does not exceed a peak particle velocity (ppv) of 6mms^{-1} per second in 95% of all blasts measured over any continuous six month period, and no single blast shall exceed a ppv of 10mms^{-1} 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 consent.

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.

- 24 Blasting shall be designed in such a manner that air over pressure resulting from any blast does not exceed 120dB at any residential property.

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.

- 25 Each individual blast shall be monitored in accordance with a Blast Monitoring Scheme to be submitted to the Local Planning Authority within 3 months of the date of this consent. That scheme shall include provision for the recording of details which shall include the location of the monitoring station(to be provided at a minimum of one of the properties listed at Para 10.3.1 of the Environmental Statement, or such other location previously agreed in writing with the Local Planning Authority); the position of the blast holes; weather conditions; the specification of the blast in terms of MIC, ppv data and total charge weight, and provision for the results to be made

available immediately to the Local Planning Authority on request. All monitoring shall be undertaken in accordance with the terms of the approved scheme for the duration of mining operations at the site.

Reason: To ensure adequate monitoring of blasting operations in the interests of the amenities of local residents in accordance with Policies CS10 and AW10 of the Rhondda Cynon Taf Local Development Plan.

- 26 Blasting times shall be clearly advertised at the Quarry and 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 give reasonable warning of blasting operations in the interests of public safety and the amenities of local residents in accordance with Policies CS10 and AW10 of the Rhondda Cynon Taf Local Development Plan.

- 27 There shall be no secondary breakage of stone by the use of explosives.

Reason: To limit blasting operations so as to protect the amenities of local residents in accordance with Policies CS10 and AW10 of the Rhondda Cynon Taf Local Development Plan.

- 28 The best practicable means shall be used to restrict the generation of dust: on the haul roads and access road and within the remainder of the quarry, as a result of the storage and transportation of any material at the site e.g. pre-coated bituminous road stone or as a result of blasting. The best practicable means shall include the provision for haul roads and access roads to be watered during dry weather to lay the dust.

Reason: 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.

- 29 At all times during the carrying out of operations, a water bowser or similar equipment shall be available on site, and shall be used to minimise the emission of dust from the operational area.

Reason: 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.

- 30 Measures shall be taken to minimise dust emissions from quarrying operations, in accordance with the following protocols:

- (i) Soils and overburden shall not be handled during dry conditions which could result in the emission of visible dust unless the material has been suitably treated with water or other suitable agents.
- (ii) Drilling of shot holes shall be undertaken by drilling rigs fitted with a suitable dust collection system;
- (iii) Site roads within the quarry shall be dampened down as appropriate, using a water bowser, in accordance with the requirement of Condition 29;
- (iv) The speed of haulage vehicles at the site will be restricted to 10mph.
- (v) All site vehicles will be fitted with upswept exhausts and radiator fan shields.
- (vi) Lorries will be loaded to avoid spillages.
- (vii) All site traffic will be kept to the designated haul routes.
- (viii) Any product or waste spillages will be cleared to avoid accumulations.
- (ix) Drop heights will be minimised at loading and discharge points.
- (x) Measures shall be taken to ensure that mud and other detritus from site operations shall not accumulate onto the public highway. Such measures shall include the weekly cleaning/sweeping of the public highway used to access the site, as well as additional cleaning/sweeping of the public highway, if, in the opinion of the Local Planning Authority, significant accumulations have occurred which require action.
- (xi) Regular compaction, grading and maintenance of all on site non metalled roads used as a consequence of the quarrying operations.
- (xii) All product and waste stockpiles shall be watered as and when necessary to minimise the suspension of dust.
- (xiii) Existing vegetation along the site boundary to the north of the site which provides screening protection from dust shall be maintained unless a suitable screening replacement is otherwise approved in writing by the Local Planning Authority.
- (xiv) Before entering onto the public highway the wheels, of all lorries travelling from the site shall be cleaned and, their loads shall be secured and fully covered and in such a condition as to avoid the deposit of slurry, mud, or other material upon the public highway.

Reason: 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.

- 31 Six months prior to the commencement of any alternative means of access from the plant area to the primary crusher there shall be submitted to and approved in writing by the Local Planning Authority a scheme for additional dust minimisation measures which shall include the provision of additional screening along the site boundary in the vicinity of the primary crusher. All

works shall be carried out in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

Reason: 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.

- 32 The operator of the mineral activity shall undertake a further study of Fine Particulate Matter PM 10 at Craig Yr Hesg over a twelve consecutive month period to obtain 90% data capture, or less if agreed in writing with the Local Planning Authority, to assist in the evaluation of existing and new abatement techniques deployed at Craig Yr Hesg. The method, to be based upon previous assessment monitoring utilising Dutschan, and the monitoring location and commencement date, shall be agreed in writing in advance with the Local Planning Authority. The results of the exercise shall be reported to the Local Planning Authority within eight weeks of the end of the twelve month period. The need to continue the monitoring beyond the 12 month period shall be reviewed by the Local Planning Authority with the operator following submission of the aforementioned report. The 12 month period of monitoring shall commence within 3 months of the date of this consent.

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.

- 33 The operator of the mineral activity 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, to be agreed in writing by the Local Planning Authority, and kept at the site by the Operator for at least two years and made available for examination by any authorised officer as determined by the Local Planning Authority.

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.

- 34 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.

Reason: To prevent any unacceptable light pollution and to protect the amenities of local residents in accordance with Policies CS10 and AW10 of the Rhondda Cynon Taf Local Development Plan.

- 35 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.

Reason: To prevent pollution of nearby watercourses and drainage systems in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

- 36 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.

- 37 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.

- 38 No excavation shall take place below the depth of the water table until a Hydro geological Impact Appraisal for dewatering and a scheme of working has been submitted to and approved in writing by the Local Planning

Authority. All works shall be carried out in accordance with the approved scheme, unless otherwise approved in writing by the Local Planning Authority.

Reason: To prevent derogation of the ground water resource at the site in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

- 39 All the site, including topsoil and subsoil dumps shall, so far as practicable be kept free from noxious weeds, and all necessary steps shall be taken to suppress such weeds at an early stage of growth to prevent seeding and spreading.

Reason: To protect the environment in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

- 40 Unless otherwise agreed beforehand in writing with the Local Planning Authority all vehicular access to or from the site shall be via the existing entrance and exit points on the B4273 road.

Reason: To define the accesses on to the highway.

- 41 At least 14 days notice of commencement of soil stripping operations shall be given to the Local Planning Authority, and the developer shall afford access at all reasonable times to archaeologists nominated by the Local Planning Authority who shall be allowed to observe the excavations and record any items of interest and finds.

Reason: To facilitate recording of the sites archaeology so as to accord with Policy AW7 of the Rhondda Cynon Taf Local Development Plan.

- 42 Within 3 months of the date of this permission a Wildlife Protection Plan for the protection of existing landscaping, vegetation or woodland areas to be retained within (or immediately adjoining, the site shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include the following matters:

a) An appropriate scale plan showing 'Wildlife Protection Zones' where protective measures will be installed or implemented if necessary ;

b) Details of any protective measures necessary (either physical measures and/or sensitive working practices) to avoid unacceptable impacts on wildlife;

c) Persons responsible for:

Compliance with legal statutory provisions relating to nature conservation, planning conditions relating to nature conservation, installation of physical protection measures, implementation of any sensitive working practices, regular inspection and maintenance of any physical protection measures provision of training and information about the importance of any 'Wildlife Protection Zones' to all personnel on site.

The approved Wildlife and Protection Plan shall be implemented for the duration of the permission.

Reason: To afford protection to animal and plant species in accordance with Policies AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan.

- 43 Within 3 months of the date of this consent a scheme for the interim restoration of benches located outside active quarrying, additional woodland planting along the south western boundary of the quarry and the timescales for implementing the works shall be submitted to and approved in writing by the Local Planning Authority to include the following matters:-

- Locations for the proposed various treatments of the quarry benches
- Use of soils and native woodland restoration, natural regeneration, and heath land restoration to achieve the proposed restoration treatments shown within the green hatched areas of the quarry phasing drawings SR02 – SR05.

The restoration works shall be carried out in accordance with the approved interim restoration scheme, unless otherwise agreed in writing by the Local Planning Authority

Reason: In the interests of the amenity of the local area in accordance with Policy CS10 the Rhondda Cynon Taf Local Development Plan.

- 44 Unless modified by conditions and schemes under this consent the interim restoration scheme for quarry benches under condition 43 above and the final restoration scheme under condition 45 below shall be based upon the restoration concept plan ref A057337/9a.

Reason: In the interests of the amenity of the local area in accordance with Policy CS10 the Rhondda Cynon Taf Local Development Plan.

- 45 Not later than 31st December 2022 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, the operator shall

submit for the written approval of the Local Planning Authority a detailed final restoration scheme, including drawings to illustrate the proposals for the final restoration of the quarry. The final restoration scheme shall be based upon the restoration concept plan ref A057337/9a and include, inter alia the following matters:

- 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 drainage and the installation of artificial drainage where necessary, the position and design of ditches and watercourses where all such features shall be designed to achieve maximum ecological diversification;
- h) 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;
- i) details of the spreading of soils previously stripped and stored on the site including depths and placement areas;
- j) the method of soil replacement and soil handling;
- k) the provision of site security;
- l) position and erection of boundary fencing,
- m) 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;

Unless otherwise approved in writing by the Local Planning Authority, the restoration works shall be carried out in accordance with the approved restoration scheme.

Reason: In the interests of the amenity of the local area in accordance with Policy CS10 the Rhondda Cynon Taf Local Development Plan.

46 The scheme detailed in Conditions 45 above shall be fully implemented

within two years of the date of approval of the scheme or by 31.12.2024, whichever is the sooner, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenity of the local area in accordance with Policy CS10 the Rhondda Cynon Taf Local Development Plan.

47 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:

- i) 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 desk-top study and walk over survey shall be submitted to the Local Planning Authority without delay upon completion.
- ii) 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.
- iii) 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.
- iv) A suitable validation report of any remedial works carried out under iii) above shall be submitted to and approved by the Local Planning Authority.

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 in sub paragraph iii) of this condition then revised remediation proposals shall be submitted to and approved in writing by the Local Planning Authority, and thereafter implemented in accordance with an agreed timescale with the Local Planning Authority.

Reason: In the interests of health and safety and environmental amenity in accordance with Policy AW10 the Rhondda Cynon Taf Local Development Plan.

- 48 An aftercare scheme, for amenity after use that promotes the use of the site for nature conservation through a restoration strategy shall be submitted for the approval of the Local Planning Authority not less than 6 months prior to the date specified in Condition 46 above as the date by which the final restoration of the site is to be completed. The aftercare scheme shall include the following elements:
- i) A five year period of aftercare following restoration;
 - ii) 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;
 - iii) The steps to be taken and the period during which they are to be undertaken and who shall be responsible for taking those steps;
 - iv) 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.
 - v) cultivation practices for the preparation of soils;
 - vi) fertilising and lime application based on soil analysis, weed control
 - vii) land management techniques;
 - viii) the provision of boundary treatment.
 - ix) 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.
 - x) A habitat management plan which shall include;
 - a) 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
 - b) Description and evaluation of features to be managed.
 - c) Ecological trends and constraints that may influence management.
 - d) Aims and objectives of management.

- e) Appropriate management options for achieving aims and objectives.
- f) Prescription for management actions.
- g) Work Schedule.
- h) Personnel responsible for implementation of plan.
- i) Monitoring and remedial/contingency measures triggered by monitoring.

Aftercare operations shall be carried out in accordance with the approved aftercare scheme, unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of the amenity of the local area in accordance with Policy CS10 the Rhondda Cynon Taf Local Development Plan.

- 49 Before 31st March of every year during the aftercare period, unless otherwise agreed in writing with the Local Planning Authority, 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.

Reason: In the interests of the amenity of the local area in accordance with Policy CS10 the Rhondda Cynon Taf Local Development Plan.

Dated: 24/04/2013 Signed _____
Service Director Planning

NOTES TO APPLICANT:

- 1 It is considered that the Site Liaison Committee is resurrected, as it provides a valuable forum for regular discussion and explanation of matters arising at the quarry, for the operator, the Local Planning Authority and local residents.

- 2 Any future amendments affecting ordinary watercourses will require an Ordinary Watercourse Consent from the Consulting Authority (Rhondda Cynon Taf) for the protection and/or support if necessary.
- 3 The site operator is reminded of their responsibility under the Environmental Damage (Prevention and Remediation) (Wales) Regulations 2009.
- 4 The Environment Agency Wales consider that a permit may be required under the Mining Waste Directive (Environment Protection Regulation 2010) for the management of waste generated at the site.
- 5 If any controlled waste is to be removed off site then the site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably authorised facility, in line with the Duty of Care regulations.
- 6 If the Applicant is aggrieved by the decision of the Local Planning Authority he/she may appeal to the National Assembly for Wales within 6 months of the date of this Notice. Appeals should be made on a form available from the Planning Inspectorate, Crown Buildings, Cathays Park, Cardiff, CF10 3NQ.

2. Schedule of Agreed Planning Conditions

(Taken from RCT Committee Report 26th August 2021, to be discussed at the inquiry).

S73 Conditions

1	<p>The extraction and processing of minerals from the site shall cease by 31st December 2028, all residual stocks, fixed plant, and buildings to which this permission relates shall be removed by 31st December 2029 and restoration shall be completed by 31st December 2030.</p> <p>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 43 below.</p> <p>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 41 and 43 respectively.</p> <p>Reason: The minerals development permitted is temporary in nature.</p>
2	<p>The development shall be carried out strictly in accordance with the following approved plans and documents, unless otherwise stipulated by conditions:</p> <ul style="list-style-type: none">• CYH1 – Site Location Plan• CYH2 – Application Site Plan• CYH3 – Aerial Photograph• CYH4 – Current Topographical Survey• CYH5 – Interim Quarry Development Plan• CYH6 – Final Quarry Development Plan• CYH7 – Restoration Concept Plan• CYH8 – Sections• CYH9 – Bench Treatment Sections• CYH C31 – Additional Tree Screening at Primary Crusher <p>Reason: Required to be imposed pursuant to Section 71ZA of the Town and Country Planning Act 1990 (as amended).</p>

<p>3</p>	<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>
<p>4</p>	<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>
<p>5</p>	<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>Quarrying operations shall only be carried out between the hours of:</p> <ul style="list-style-type: none"> • 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>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>Reason: To protect the amenities of local residents in accordance with Policies CS10 and AW10 of the Rhondda Cynon Taff Local Development Plan.</p>
<p>6</p>	<p>No vehicles other than those associated with the manufacture of coated road stone, the production of ready-mix concrete or the servicing, maintenance and testing of plant and machinery shall enter/leave the Quarry except during the hours of 07.00 and 19:00 Mondays to Friday and 07.00 and 16.00 on Saturday.</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>

7	<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.</p> <p>Reason: the impact of the proposed development on the natural environment has only been assessed to a depth of 100m AOD.</p>
8	<p>No excavation shall take place below the depth of the water table until a Hydro Geological Impact Appraisal for dewatering and a scheme of working has been submitted to and approved in writing by the Local Planning Authority. All works shall be carried out in accordance with the approved scheme, unless otherwise approved in writing by the Local Planning Authority.</p> <p>Reason: To prevent derogation of the ground water resource at the site in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.</p>
9	<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>
10	<p>No loaded HGVs 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>
11	<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>
12	<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 this permission.</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.
13	<p>The best practicable means shall be used to restrict the generation of dust on the haul roads and access road and within the remainder of the quarry, as a result of the storage and transportation of any material at the site e.g., pre-coated bituminous road stone or as a result of blasting. The best practicable means shall include the provision for haul roads and access roads to be watered during dry weather to lay the dust.</p> <p>Reason: 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>
14	<p>At all times during the carrying out of operations, a water bowser or similar equipment shall be available on site, and shall be used to minimise the emission of dust from the operational area.</p> <p>Reason: 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>
15	<p>Measures shall be taken to minimise dust emissions from quarrying operations, in accordance with the following protocols:</p> <ul style="list-style-type: none"> i) Soils and overburden shall not be handled during dry conditions which could result in the emission of visible dust unless the material has been suitably treated with water or other suitable agents. ii) Drilling of shot holes shall be undertaken by drilling rigs fitted with a suitable dust collection system; iii) Site roads within the quarry shall be dampened down as appropriate, using a water bowser, in accordance with the requirement of Condition 14; iv) The speed of haulage vehicles at the site will be restricted to 10mph. v) All site vehicles will be fitted with upswept exhausts and radiator fan shields. vi) Lorries will be loaded to avoid spillages. vi) All site traffic will be kept to the designated haul routes. vii) Any product or waste spillages will be cleared to avoid accumulations. viii) Drop heights will be minimised at loading and discharge points. ix) Measures shall be taken to ensure that mud and other detritus from site operations shall not accumulate onto the public highway. Such measures shall include the weekly cleaning/sweeping of the public highway used to access the site, as well as additional cleaning/sweeping of the public highway, if, in the opinion of the Local Planning Authority, significant accumulations have occurred which require action. x) Regular compaction, grading and maintenance of all on site non metalled roads used as a

	<p>consequence of the quarrying operations.</p> <ul style="list-style-type: none"> xi) All product and waste stockpiles shall be watered as and when necessary to minimise the suspension of dust. xii) Existing vegetation along the site boundary to the north of the site which provides screening protection from dust shall be maintained unless a suitable screening replacement is otherwise approved in writing by the Local Planning Authority. xiii) Before entering onto the public highway the wheels, of all lorries travelling from the site shall be cleaned and, their loads shall be secured and fully covered and in such a condition as to avoid the deposit of slurry, mud, or other material upon the public highway. <p>Reason: 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>
16	<p>No mobile crushing or screening equipment shall be operated within 200 metres of the boundary of the curtilage of any residential properties without the prior express permission of the Local Planning Authority unless the equipment is located on land below 180m AOD.</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>
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 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 above 180 metres A.O.D. in the existing quarry.</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>

<p>19</p>	<p>In any part of the quarry below 180m AOD, 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>
<p>20</p>	<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> <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>
<p>21</p>	<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>
<p>22</p>	<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>
<p>23</p>	<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,</p>

	<p>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>
<p>24</p>	<p>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:</p> <p>(a) Blasting times shall be clearly advertised at the Quarry;</p> <p>(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.</p> <p>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.</p>
<p>25</p>	<p>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.</p> <p>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.</p>

	<p>Table 1</p> <table border="1" data-bbox="371 220 1429 523"> <thead> <tr> <th data-bbox="371 220 902 280">Receptor</th> <th data-bbox="902 220 1429 280">Criteria</th> </tr> </thead> <tbody> <tr> <td data-bbox="371 280 902 341">No 36 Conway Close</td> <td data-bbox="902 280 1429 341">46 dB LAeq</td> </tr> <tr> <td data-bbox="371 341 902 402">No 3 Pen Y Bryn</td> <td data-bbox="902 341 1429 402">47 dB LAeq</td> </tr> <tr> <td data-bbox="371 402 902 462">Flat above shop Garth Avenue</td> <td data-bbox="902 402 1429 462">54 dB LAeq</td> </tr> <tr> <td data-bbox="371 462 902 523">No 1 Rogart Terrace</td> <td data-bbox="902 462 1429 523">55 dB LAeq</td> </tr> </tbody> </table> <p data-bbox="371 603 1637 663">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>	Receptor	Criteria	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
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<p>26</p>	<p data-bbox="371 711 1671 807">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 25 above.</p> <p data-bbox="371 855 1637 916">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>										
<p>27</p>	<p data-bbox="371 967 1671 1098">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 25 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 data-bbox="371 1145 1637 1206">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>										
<p>28</p>	<p data-bbox="371 1254 1682 1315">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 data-bbox="371 1362 1637 1423">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>										

<p>29</p>	<p>Noise shall be monitored in accordance with the Noise Management Plan approved under planning reference 13/1188/38 on 27th November 2014.</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>
<p>30</p>	<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>
<p>31</p>	<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.</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>
<p>32</p>	<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.</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>
<p>33</p>	<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>

	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.
34	<p>The Wildlife and Protection Plan approved under planning reference 13/1189/38 on 27th November 2014 shall be implemented for the duration of the permission.</p> <p>Reason: To afford protection to animal and plant species in accordance with Policies AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan.</p>
35	<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 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>
36	<p>Trees, shrubs, and hedges planted in accordance with the Additional Tree Screening at the Primary Crusher 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>
37	<p>All topsoil and subsoil shall be permanently retained on site and used in restoration.</p> <p>Reason: To prevent loss of soil.</p>
38	<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>

<p>39</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 during the months November to March (inclusive), unless otherwise agreed in writing with the Local Planning Authority</p> <p>Reason: to avoid adverse impacts on soil structure and to ensure soils are suitable for use in restoration</p>
<p>40</p>	<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>
<p>41</p>	<p>Not later than 31 December 2028 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 CYH7 and include, inter alia the following matters:</p> <ul style="list-style-type: none"> (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 drainage and the installation of artificial drainage where necessary, (h) the position and design of any ditches and watercourses where all such features shall be designed to achieve maximum ecological diversification; (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>(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>(m) 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.</p> <p>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 2030, whichever is the sooner. 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>42</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 desk-top 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 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>

43

Not later than 30 December 2028 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:

- (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;
- (s) Monitoring and remedial/contingency measures triggered by monitoring.

Aftercare operations shall be carried out in accordance with the approved aftercare scheme unless otherwise approved in writing by the Local Planning Authority

Reason: In the interests of the amenity of the local area in accordance with Policy CS10 the Rhondda Cynon Taf Local Development Plan.

44	<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>
45	<p>Within 6 months of the date of this permission 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>

3. Draft Section 106 Agreement

**TO BE AMENDED WITH REFERENCE TO S73
APPLICATION AND APPEAL**

DATED

2022~~0~~

(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

202~~20~~

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