

07 July 2020

Simon Gale  
Director of Prosperity and Development  
Rhondda Cynon Taff County Borough Council  
Sardis House,  
Sardis Road,  
Pontypridd  
CF37 1DU

Our Ref:407.00027.00385

Your Ref: 15/0666/10

Dear Mr Gale

**RE: HANSON UK: CRAIG YR HESG QUARRY, PONYPRIDD  
PLANNING & DEVELOPMENT COMMITTEE 9<sup>TH</sup> JULY 2020**

As you are aware, I represent Hanson in connection with the above Application.

The Application was considered at Planning & Development Committee on 6 February 2020 when it was deferred to a future meeting of the Planning & Development Committee for a report from the Director, Prosperity & Development *“highlighting the potential strengths and weaknesses of making a decision contrary to the recommendation of an officer or any proposed or possible planning reason for such a decision prior to determining a matter.”*

The future meeting referred to is to take place on 9 July 2020 and I have had the opportunity of considering the Report that has been prepared in this regard and discussing the same with Hanson.

By way of context, you will be aware of the advice in the Development Management Manual that *“conditions and planning obligations can enable development proposals to proceed where it would otherwise be necessary to refuse permission”* (ref para 10.1.1).

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

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

In this regard, it is noted that the Report, whilst continuing to recommend approval of the Application, sets out a possible reason for refusal should the Committee be minded to refuse the Application. That reason for refusal is that *“the proposed quarry extension encroaches within 200m of sensitive development and the Council does not consider that the applicant has provided sufficient evidence of clear and justifiable reasons for reducing that minimum distance in this case.”*

On the basis of the above, it is apparent that the application should not be refused when the opportunity is available to address the identified concern by imposing a planning condition which would prevent any quarrying operations within the proposed extension area taking place within 200m of existing sensitive development, as defined in paragraphs 70 and 71 of MTAN1.

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

It is also noted that, should the Committee be minded to approve the Application (as recommended), a further condition to those suggested at the 6<sup>th</sup> February Committee is proposed, that of an output condition. The wording of the condition is not set out on the Report but a limit on output of 400,000 t.p.a. is specified. This figure is taken from the information provided by Hanson with the Application, which referred to an average output of 400,000 tpa.

I can confirm that Hanson would not object if a condition were imposed on this basis and accordingly suggest that the condition should be worded as follows:

*“The average annual output of aggregates from the site shall not exceed 400,000 tonnes when calculated over any period of three consecutive calendar years.”*

Wording an output restriction condition flexibly, by reference to an average output, reflects the advice given in MPG 2.

So that the Committee are not under any misapprehension that Hanson may appeal such a condition, we trust that Hanson’s positive response to this proposal will be communicated to the Committee.

On this basis, there is currently an inconsistency of approach in the Committee Report. It is evident that a planning condition can address an issue related to output, and the Report recommends accordingly, but the same consistent approach can be adopted to address a concern regarding the 200m buffer zone. The officers have drafted conditions which deal with each and all other environmental concerns and there is no reason to refuse the application when an opportunity is available to address the single remaining identified issue by condition.

We strongly and respectfully suggest that in the context of the recommendation to approve, the Committee does not need to refuse the application for the suggested reason, and the alternative and appropriate approach of granting the Application with a suitably worded condition regarding the imposition of a buffer zone should be adopted by the Committee.

Yours sincerely

**SLR Consulting Limited**



**Graham Jenkins**  
Technical Director

Cc Jim Bailey, Hugh Towns

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