



## **PLANNING & DEVELOPMENT COMMITTEE**

**6 FEBRUARY 2020**

### **REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT**

#### **PURPOSE OF THE REPORT**

Members are asked to determine the planning application outlined below:

<b>APPLICATION NO:</b>	<b>15/0666/10</b>
<b>APPLICANT:</b>	<b>Hanson UK</b>
<b>DEVELOPMENT:</b>	Western extension to existing quarry to include the phased extraction of an additional 10 million tonnes of pennant sandstone, construction of screening bunds, associated works and operations, and consolidation of all previous mineral planning permissions at Craig Yr Hesg Quarry, including an extension of the end date for quarrying and an overall restoration scheme (additional information submitted "Wellbeing and Environmental Health Issues" report)
<b>LOCATION:</b>	<b>CRAIG YR HESG QUARRY, BERW ROAD, PONTYPRIDD, CF37 3BG</b>
<b>DATE REGISTERED:</b>	<b>15/05/2015</b>
<b>ELECTORAL DIVISION:</b>	<b>Glyncoch</b>

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**RECOMMENDATION: Approve, subject to a S.106 Agreement**

**REASONS:** The site is within an area identified as a "Preferred Area of Known Mineral Resource" in the adopted Local Development Plan. There is an expectation under the terms of the Regional Technical Statement for Aggregates for the South Wales Area (1st Review) that Rhondda Cynon Taf will secure additional reserves for aggregate production in order to meet the requirement to have a minimum of 10 years supply throughout the LDP period.

It is considered that the Area of Preferred Known Mineral Resource this application sits within is the only realistic prospect of providing these reserves and therefore extending the quarry is considered acceptable in principle. It is also noted that stone extracted from Craig Yr Hesg has a very high skid resistance of UK importance and is used in specialist road surfaces projects due to this.

In terms of the details of this application, advice given in Minerals Technical Advice Note 1 gives a standard of a 200 metre separation distance between the operational area of a quarry and sensitive surrounding land uses, for drawing buffer zones around quarries. Such a buffer zone does not exist around Craig

**Yr Hesg Quarry for this particular purpose, nevertheless this 200 metres can be seen as a key material consideration in the determination of this application.**

**It is acknowledged that the proposed quarry extension when measured from the inner edge of the proposed screening land form to be created does fall within 200 metres of residential properties and their curtilages and within 200 metres of the playing fields of a nearby primary school. However, the impacts in respect of blasting, air quality, operational noise and visual impact have been assessed and it is considered that they can be mitigated and managed to a satisfactory level to grant planning permission for the extension, subject to conditions and a Section 106 Agreement.**

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## **REASON APPLICATION REPORTED TO COMMITTEE**

The application proposal is for a form and scale of development which in the opinion of the Director of Prosperity and Development warrants the consideration of the Planning & Development Committee. Furthermore, the application is subject to Environmental Assessment; three or more objections have been received in respect of the application; and, the application site includes land owned by the Council where it is considered the interest is more than of a minor nature.

## **APPLICATION DETAILS**

This application seeks full planning permission for an extension to the west of the existing quarry and the consolidation of the current planning permissions for mineral extraction at the quarry into a single permission that covers the quarrying, restoration and ancillary operations on the whole site.

Currently, the site operates under four planning permissions for mineral extraction, which date between 1949 and 1993. These are listed in the "Planning History" below.

The conditions under all four applications were reviewed under a Review of Minerals Permission (ROMP) application (reference 08/1380/10), in accordance with the requirements of the Environment Act 1995, in order to bring the operating conditions up to date and in line with modern standards. A schedule of 49 conditions was issued and the existing controls need to be considered as part of the proposed planning application. If planning permission is granted for the proposed extension/consolidation the existing planning permissions would effectively be superseded and the whole site would be subject to the requirement to apply for a ROMP in 15 years, as currently set out under the terms of Schedule 14 of the Environment Act 1995. Previous planning permissions could be extinguished under the terms of a Section 106 Agreement.

This planning application does not include the access as this is covered by a separate planning permission (reference 13/1039/10).

The proposal includes the following key elements:

The construction of a landscaped screening land form around the eastern and northern boundaries of the extension area, to a maximum height of 5 metres above

the existing ground level, to be completed prior to the commencement of mineral extraction within the extension area;

The construction of a soil screen bund along the western boundary of the quarry, to be completed prior to the commencement of mineral extraction;

The continuation of extraction within the currently permitted area together with the phased extraction of some 10 million tonnes of Pennant Sandstone from the extension area;

The use of the existing processing plant, ancillary plant and infrastructure to process the remaining reserves within the existing site and the reserves from the extension area;

An overall restoration scheme for the existing quarry and extension area designed to facilitate landscape, amenity and nature conservation after uses.

Some 220m of new traditional stone walling is also proposed around the northern site perimeter to link existing stone walls. As well as the above, the proposal involves the erection of 2.4m high steel palisade fencing around the site, to secure the site and to link with the existing palisade fencing around the current quarry boundary. In addition, a 150mm ductile iron water main, which currently passes through the middle of the extension area in a north east to south west direction, will need to be diverted to a new route located to the north of the proposed extraction area and screening land form. The new pipe would likely be required to be polyethylene rather than iron and would be laid in a trench.

The proposed extension area would involve quarrying operations within three phases with faces of between 11m and 15m high to a maximum depth of 100 metres A.O.D.

The landscaped screening land form and the western screening bund will be constructed from soils and overburden materials obtained from Phase 1 of the extension and from surplus fine aggregates currently stored within the existing quarry void. The screening landform will require approximately 51,000 m<sup>3</sup> of material and will be formed with a core of sandstone fines (approx. 31,000 m<sup>3</sup>). Overburden of thicknesses between 0.3m and 1.6 m have been established in the extension area, based on trial pit excavations, which will provide a further 12,000m<sup>3</sup> of material. The remaining material will be soils to dress the surface and facilitate vegetation growth. The screening landform will be constructed in a maximum of 8 weeks and will be tree seeded with seeds of local provenance. The western bund will be 2m in height formed of some 1200m<sup>3</sup> of overburden and 800m<sup>3</sup> of soils and will be seeded to grass or be allowed to naturally recolonise.

Prior to quarrying operations within Phases 2 and 3, soils and overburden would be stripped in accordance with the proposed phasing of the works and the material used in progressive restoration of worked out areas within the quarry.

The proposed three phases of quarrying would involve the following details:

Phase 1 – Development of the existing quarry benches at 154, 168 and 184 metre A.O.D. into the extension area

Phase 2 – Continued development with the creation of bench levels at 128, 139, 154, 161 and 176m A.O.D; and

Phase 3 – Excavation of all the benches to a final depth of 100m A.O.D.

The application details show that the sandstone resource within the extension area has at least the same quality and physical properties as that extracted from the existing quarry. The quarry is located stratigraphically within the Brithdir Beds of the Lower Pennant Measures. These are predominantly thickly bedded sandstones which produce high quality aggregate for road construction due to their skid resistant properties and durability. The application states that there were 5.7 million tonnes of rock remaining within the existing quarry on 1st January 2015 and the extension area proposes an additional 10 million tonnes. However, only about 1.7 million tonnes could be extracted before development would preclude access to the extension area by the quarrying out of haul routes etc. That figure will now have reduced to approximately 600,000 tonnes (about 1.5 years working at current average rates of extraction)

No changes are proposed to the existing operational elements within the quarry such as the processing plant, surface water drainage lagoons and ancillary site infrastructure, the existing hours of working at the site and the output and traffic generated at the site. There are no restrictions on production at the site but historically the output has averaged some 400,000 tonnes per annum which, based on 20 tonne carrying capacity vehicles, equates to some 70 loaded vehicles per day (140 lorry movements).

Following the completion of extraction operations, a period of two years is proposed to remove remaining sandstone stocks, decommission all plant and remove it from the site, and restore the site in accordance with an agreed restoration scheme. The proposed restoration strategy follows the principles of the scheme approved for the existing site and is intended to enhance the ecological and nature conservation features of the site. Quarry faces will retain rocky crags and crevices where different vegetation types will colonise, scree slopes will create different ground conditions, quarry benches will be provided with a range of treatments and conditions, and the quarry floor would be restored using quarry fines and soils to provide ground conditions to aid the development of species rich grassland with wetland areas.

As part of the application, a new footpath link/permissive paths from Glyncoch to Darren Ddu Road are also proposed.

As well as the plans and application form, the application is accompanied by an Environmental Statement, Planning Statement and “Well Being and Environmental Health Issues” Report.

### **COMMITTEE SITE VISIT**

A site visit by members of the Planning & Development Committee was undertaken on 3rd December 2019. Members viewed the site from the viewing platform within the

quarry. It was a clear day and visibility was very good which allowed members to consider the site and the existing operations in a wider landscape context.

(For Members information: Previously at the Development Control Committee of 3rd November 2016 it was resolved that a Committee Site Visit would be held, prior to the application being brought before Committee for determination. It was agreed that due to accessibility issues and health and safety precautions that will need to be taken, the Committee would be represented by a small group of Members of the Development Control Committee for the part of the visit that took place within the quarry. This visit was held on 5th December 2016. (Minute No.78. of the Development Control Committee, on 3rd November 2016 refers.)

## **SITE APPRAISAL**

Craig Yr Hesg Quarry lies on the western side of the Taff Valley about 1km north of the built up area of Pontypridd. The total area of the land inside the planning application site boundary is 36.7 hectares, and the western extension area comprises an area of 11.24 hectares. The net area proposed for quarry extraction within the proposed extension comprises an area of 5.52 hectares and the proposed northern screening landform would cover an area of 2.1 hectares.

The proposed western extension area currently comprises grazing land with some pockets and linear strips of rougher vegetation. A number of intermittent dry stone walls are present but they are generally in a poor state of repair. The area comprises mainly gently sloping land which rises to a gentle dome, with steeper slopes to the west down to Darren Ddu Road.

The proposed western extension area is mainly bounded by agricultural land and woodland, apart from in the south east where it is bounded by the existing quarry.

The existing quarry is bounded by Glyncoch Rugby Ground and Clubhouse and the residential areas to the north, the prominent ridgeline of Coed Graig yr Hesg to the south west, and to the east by a narrow corridor of woodland between the site and the B4273 Ynysybwl Road, and also by residential properties along this road.

The nearest properties to the western extension area are beyond the agricultural land to the north. Six of the residential properties in Conway Close are within 200m of the proposed operational area, with a further four property curtilages within 200m of the operational area. Part of the playing fields at Cefn Primary School is also within 200m of the quarry operational area although the school buildings are not.

Part of the school building, and residential properties in Conway Close, Orchard Drive, Pearson Crescent and Pen-y-bryn (33 in total) are within 200m of the northern screening landform but disturbance from its construction is limited to a maximum of 8 weeks.

Much of the existing quarry site and its surroundings are covered by a Woodland Tree Preservation Order (No 10). This adjoins the site of the proposed quarry extension at its southern tip, but the proposed extension will not encroach into it. The Cwm Clydach Special Landscape Area lies immediately to the south and west of the extension area but does not encroach into the site.

Two-way access to the quarry is from the B4273 (Ynysybwl Road) via the recently improved former 'entrance only' access road (planning permission 13/1039/10 refers). The previous 'exit only' road is now only used for emergency use. Adjacent to the access road are a small number of residential properties, including Rogart Terrace.

The quarry produces aggregate from a deposit of pennant sandstone which is one of the highest quality sources of skid resistant surfacing aggregate in the UK. This makes it particularly suitable for major road surfacing projects such as motorways, interchanges and airport runways. The material has been used in infrastructure provided for the 2012 Olympics as well as more locally in the construction of the Porth Bypass and the Newport Southern Distributor Road.

The main area where the quarry is currently being worked lies within the western part of the existing quarry site, with the processing plant lying in the eastern part of the quarry, approximately 60m from the nearest residential property at Garth Avenue. At present the quarry faces and benches are being developed in a north-westerly direction. The quarry void area currently contains stockpiles of processed fine aggregate, but following the relocation of these stocks, the area where they are currently located will be quarried as part of the existing approved development scheme.

## **PLANNING HISTORY**

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

08/1380/10: Application for determination of conditions for mineral site incorporating the four existing planning permissions listed below. (ROMP under The Environmental Act 1995) Approved 24/04/13.

56/86/0827: Extension to Existing Sandstone Quarry. Approved 20/08/93.

349(Z)970: Extension of Quarry Working Area. Approved 27/01/70.

P22/Z/596: Extension to Quarry. Approved 20/08/65.

5183: Quarry. Approved 07/01/49.

Other significant consents are as follows:

13/1039/10: Improvements to quarry entrance to provide two way quarry entrance and exit. Granted 14/03/13.

13/0825/23: Erection of an asphalt plant within Class B, Part 19 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995. Granted 18/1/13.

T/99/2567: Proposal to replace part of existing dry stone processing plant- Approval of detailed plans under the Town and Country Planning (General Permitted Development) Order 1995. Granted 06/09/99.

349/223/71: Crushing, screening and coating plant. Permitted Development (no date).

## **PUBLICITY**

The application has been the subject of neighbourhood notification, site notices and press notices, due to the application being a major application that has been submitted with an Environmental Statement. 1 letter of support, 332 letters of objection and a petition of objection with 103 signatures have been received.

- The letter of support is summarised as follows:
- Live in shadow of quarry and have no problem with it;
- It is out of sight, and there is no need to go near it;
- Noise from blasting not excessive – it is just like a lorry rumble;
- Glyncoch will not suffer any adverse effect.

The letter does however comment that dust from the quarry is a nuisance.

The letters of objection are summarised as follows:

### **Noise/ Vibration/ Blasting**

- The problems of noise and vibration are ongoing, and disruptive to residents;
- Impacts of blasting are felt in properties surrounding the quarry, including in Glyncoch and Berw Road;
- The sound of blasting is frightening and overwhelming at times, concerns regarding the impact of the sound on health;
- Concerns that blasting may not be in legal limits, and if it is, these limits are excessive for a residential area;
- Blasting causes the ground and houses to shake, and causes things to fall off walls and rattles crockery;
- Both the vibration and air over pressure from blasting cause these problems to residents;
- Blasting is causing damage to buildings, including cracks in properties, damage to windows and subsidence. There are concerns about further structural damage;
- The blasting is causing damage to water pipes;
- There is a danger of debris from blasting and this has occurred previously;
- Concern that blasting will be much closer to houses, the primary school and recreational ground than it is now;
- Effects have worsened over last few years;
- Concerns regarding the adequacy of the monitoring arrangements- not all areas monitored, concern regarding procedures and scrutiny;
- Disruption due to traffic at unsociable hours;
- There are mines workings and may be broken ground under the quarry extension site making blasting dangerous.

### **Air Quality:**

- Dust is an ongoing problem and is constantly over property and in the community. It is particularly of concern in dry weather
- Concern that wheel washing facilities are inadequate to control dust;

- There are health concerns regarding the dust as it affects residents' breathing and lung health, and the dust in the air is getting heavier behind Cefn Primary School;
- Adverse impacts on the quality of life of the residents of Glyncoch;
- Concern regarding impacts of dust on children at Cefn Primary School;
- Concern that the quarry dust may be causing and exacerbating tuberculosis;
- Dust from vehicles is visible on Berw Road;
- Dust can be seen rising up after blasts from a long distance;
- Concern that the dust and fine particulate matter could cause other diseases and health problems such as coughs, pneumonia, catarrh, sore throats, eye and ear infections, asthma, silicosis, lung cancer, COPD and pulmonary fibrosis. Some of these are already prevalent in Glyncoch community;
- Communities with poorer socio-economic populations, such as Glyncoch, are disproportionately susceptible to the effect of air pollution and are at a greater health risk;
- Concern that carcinogenic materials are being used in the asphalt production;
- Prevailing winds are to west and south west i.e. towards Glyncoch and Pontypridd which would increase air pollution;
- Dust could impact on air quality further afield;
- Concern that the high volume of HGV exhaust fumes are harmful to the environment;
- Concerns regarding the scrutiny of air quality monitoring equipment used;
- Levels of pollution often exceed the 24 hour mean Air Quality Objective;
- Concern the Public Health and Well Being Report provides insufficient evidence to show the quarry extension will not impact on people's health.

### **Distance between Quarrying Operations and Residential Area:**

- The proposed extension is too close- the quarry should not be extended within 175 metres of properties;
- Works are within the 200m "buffer zone", which is in place to protect residents due to dust, nuisance, noise and loss of amenity;
- No clear and justifiable reason to reduce buffer to 175m – inappropriate given noise and dust considerations;
- There should be no blasting within 200m of the residential area- this will increase the effects of detonations/structural damage;
- 200 metres may be insufficient in any case as noise and dust particles will travel further than this;
- Working at this distance would breach Human Rights;
- It is already difficult to get home insurance due to the quarry, and this would make the situation worse.

### **Highways/ Access:**

- Lorries are travelling too fast along Berw Road;



- Increase in lorries using Berw Road raises safety and pollution issues;
- Camber of Berw Road at town end causes fully laden lorries to lean over- this is an accident waiting to happen;
- The railway bridge is not designed for the weight and size of the lorries used;
- The footway on the railway bridge is too narrow and there are pinch points here and on Berw Road;
- Large vehicles mount the pavement due to the narrow width of the road;
- The proposed extension increases risk to pedestrian and cyclist safety;
- If there are bigger and heavier lorries there will be consequences in terms of noise, pollution, delays and possible accidents;
- There is wear and tear of the road surface, with possible structural damage by heavy lorries along Berw Road;
- There has been a significant increase in the number and size of lorries over 30 years causing a safety risk. Number of HGVs servicing quarry has been significantly underestimated;
- The Environmental Statement states 66 deliveries per day- but there are significantly more than this;
- The number of lorry movements per day should be limited by condition;
- Spillage of stones blocks drains on the truck route. During heavy rain water is pooling by the railway bridge and the road is frequently flooded;
- Spillage from lorries is also making a mess on the roads;
- The drainage of the new access/exit is inadequate and water is flowing on to the highway, which could be a particular danger if it freezes in the winter;
- Access road to quarry cannot cope with any additional HGV lorries;
- Access often blocked with waiting lorries delaying journey to work;
- Use of old exit continues with limited views causing traffic to brake with a number of collisions;
- Lorry spillage making mess on roads by dropping things. Spillage onto pavement is a danger to pedestrians;
- The lorries block Berw Road;
- Lorries keep breaking down causing a hazard;
- There is damage to houses along Berw Road;
- The Environmental Statement states no accidents, but 2 were seen in 2014;
- Any increase in numbers of lorries will lead to traffic jams;
- Lorries park on the pavement in Berw Road and Rogart Terrace causing a hazard and have driven over the pavement;
- The sign by Police Station has been damaged;
- Pontypridd Bridge cannot cope with weight and length of 44 tonne vehicles;
- Some lorries use Trallwn area where there is an 18 tonne weight limit on The White Bridge and lorries turning onto Berw Road cause a hazard. Only a matter of time before a significant accident occurs;
- There should be a new road over fields to join the A470 to remove traffic from Berw Road.

### **Ecology/ Countryside:**

- Will devastate woodland and meadow;
- Loss of biodiversity and habitat;
- Dispute ecological assessment that extension area has limited opportunities for bats. Protected species such as bats and buzzards require a further more detailed study;
- A number of other species live around the site and there are no specialist surveys to assess potential impact.
- Increase in dust with asphalt plant and probable increase in noise pollution and blasting near woodlands will affect ecosystems;
- Object to any development on a Site of Importance for Nature Conservation;
- May cause water pollution;
- Landscape/visual amenity, heritage of ridges, woodland and grassland will disappear;
- Will destroy green fields around Glyncoch estate used by residents for walking, recreation and to access nature trails of Lan Woods;
- Nature of homes in Darren Ddu Rd will change from part of countryside to part of an industrial site;
- There is an irreversible land form change;
- Concern the restoration may not happen.

**Other:**

- Massive hole will be left in ground to depth of 100m with risk of injuries and deaths due to falls and drowning;
- The perimeter fencing is unsightly;
- The fencing and screening will be in full view of neighbouring properties, impacting on their outlook;
- Site above geological fault lines- the quarry floods above old drift mine with average levels of 107m AOD, and the quarry floor is 100m AOD;
- A water main crosses the site;
- Concerned regarding displacement of water sources;
- Other quarry sites with same quality stone in Caerphilly, e.g. Gelligaer (mothballed), which are not near residential areas, with better transport links should be utilised;
- Concern extraction rates will increase;
- The site appears to be on a large burial site/mound;
- The quarry has no economic benefits to the area;
- The nearest houses will suffer from loss of privacy and overshadowing due to the development;
- Devaluation of houses;
- There is a conflict of interest as Rhondda Cynon Taf County Borough Council own the land;
- Loss of fields used to exercise and making it harder to access those remaining is likely to adversely affect health of local area;
- Predict increase in rates of mental health disorders (stress, anxiety and depression);

- Questions regarding the quality of the aggregate being produced;
- Queries regarding what mitigation plans for activities are to be put in place;
- There should be a financial bond in place to ensure restoration;
- One of the reasons for allowing the previous extension was that the operations would be limited to 30 years;
- Claims of liaison with the community are refuted.

## **CONSULTATION**

Public Health, Protection & Community Services: Have provided advice on what information is required to ensure impacts from the quarry in terms of air quality, noise and well-being can be limited, including a particulate matter management plan. Have suggested a financial contribution is made towards the Council carrying out air quality monitoring in the area. Have suggested that vibration levels and air overpressure limits are set in order to minimise any impact on the local community.

Highways Development Control: No objection raised, subject to a legal agreement for a financial contribution towards the additional maintenance liability resulting from the heavy goods vehicle movements over an additional period of time. Access arrangements following the improvements to the southern access are considered acceptable.

Countryside: No objections subject to conditions and a Section 106 Agreement for habitat management to encourage wildflower meadow and appropriate woodland management. Restoration details should be subject to future consideration and mitigation planting should be based on a narrower list of species.

Cwm Taf University Health Board: Works may give rise to annoyance from visible dust, noise and vibration. It is unlikely that these would result in direct health effects but rather indirect well-being and quality of life effects. Local Air Quality is compliant with the relevant NAQS for PM10 but some deterioration is probable even though it would still be likely to meet NAQS objectives. A dust management plan should be a priority together with continued air quality monitoring. Welcome proposals to engage with the community via Site Liaison Committee and other methods.

Public Health Wales: Note that there are no proposals to increase throughput or output at the site (although the report does state there are no restrictions on production at the site), which averages 400,000 tonnes per annum. With regards local air quality impacts, the Air Quality Progress Report 2019 shows latest PM10 monitoring data (from Upper Garth Avenue, Gyncoch, for January to September 2018) in the locality is good and that PM10 concentrations comply with both long and short term health-based national air quality objectives. As such, and providing there is no increase in activity at the quarry site, adverse air quality impacts – and consequently human health impacts - are unlikely. This is confirmed by the Air Quality Progress Report 2019.

The Cwm Taf University Health Board response highlights the key public health considerations linked with the proposed application. These remain valid; the more recent information submitted by the applicant does not change this position. We fully support intentions to carry out air quality monitoring in the community.

Natural Resources Wales: No objection, subject to the quarrying depth being limited to 100 metres A.O.D.

Coal Authority: No objection raised as the proposed development is not subject to mining legacy.

Cadw: No objection raised as the development is unlikely to have an impact on scheduled ancient monuments or Ynysangharad Park and will only have a low impact on the Registered Historic Landscape.

Glamorgan Gwent Archaeological Trust: No objection raised, subject to a condition requiring an archaeological watching brief.

Dwr Cymru Welsh Water: No objection raised, but consider the water main proposed to be diverted should be done prior to the construction of the screening landforms rather than prior to Phase 2 of the extraction. Are unable to permit the proposed northern screening landform to be built over the water main. The applicant will be required to apply for a diversion of the main under s185 of the Water Industry Act 1991 and request a condition to this effect.

Request that a ground vibration peak particle velocity (ppv) blasting limit of 50mm/sec is set for DCWW apparatus.

Caerphilly County Borough Council: No objection raised.

Welsh Government Planning Division: No comments made.

Network Rail- No comments made.

Health and Safety Executive- No comments made.

Western Power Distribution: No comments made

Pontypridd Town Council: Object due to adverse environmental impacts on the community, residents and the highway network, including pedestrian safety. Concern is also expressed regarding the effect on the listed Pontypridd Museum and the William Edwards Bridge.

Ynysybwl and Coed y Cwm Community Council- Object due to traffic, environmental, noise and air pollution concerns.

## **POLICY CONTEXT**

Rhondda Cynon Taf Local Development Plan (LDP)

The following are shown on the Local Development Plan Proposals Map:

The operational area for the extension is all within a Preferred Area of Known Mineral Resource (Policy SSA 25);

A small section of the western edge of the site is part of a far broader Site of Importance for Nature Conservation- Craig Yr Hesg/Lan Wood, but is outside of the proposed extraction area Policy (AW8.77);

The existing quarry site is a recognised Regionally Important Geological Site (Policy AW8.213);

There is a 200 metres buffer zone around the existing quarry and the designated Preferred Area of Known Mineral Resource, to safeguard against development that would adversely affect their operations. (Policy AW14);

The site is adjacent to a broader Special Landscape Area designation- Cwm Clydach (Policy NSA 25.4).

The following policies in the Local Development Plan are considered to be most relevant to this proposal:

CS2 - Development in the South

CS10 - Minerals

AW 4 – Community Infrastructure & Planning Obligations

AW5- New Development

AW8- Protection and Enhancement of the Natural Environment

AW10- Environmental Protection and Public Health

AW 14 - Safeguarding of Minerals

NSA25- Special Landscape Areas

SSA25- Preferred Area of Known Mineral Resources

The following Supplementary Planning Guidance is also considered relevant:

- Delivering Design & Placemaking – Access, Circulation & Parking
- Nature Conservation
- Employment Skills
- Planning Obligations

### **National Legislation and Policy Context**

Planning Policy Wales – Edition 10 - (PPW) is considered relevant to this proposal.

Minerals Technical Advice Note (MTAN) 1: Aggregates is also considered relevant.

The Regional Technical Statement for the North Wales and South Wales Regional Aggregate Working Parties - First Review (2014) is also relevant as this apportions crushed rock requirements to be provided in each Authority over a 25 year period (based on the usual 15 year life of an LDP with the need to have a minimum 10 year supply remaining at the end of the plan period)

The Well-being of Future Generations (Wales) Act 2015 is relevant and imposes a duty on public bodies to carry out 'sustainable development' in accordance with the 'sustainable development principle'.

“Sustainable development” means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the well-being goals.

‘Sustainable development principle’ means that Local Authorities must act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

In order to achieve this principle the Act introduces five ways of working to support decision making which ensures public bodies take account of: long-term thinking, an integrated approach, engagement, collaboration and preventative action.

Well-being goals identified in the Act are:

- 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 responsible Wales

The Environment (Wales) Act 2016 has been designed to complement the Wellbeing of Future Generations (Wales) Act 2015 by applying the principles of sustainable development to the management of Wales’ natural resources.

It also imposes a duty to require all public authorities, when carrying out their functions in Wales, to seek to “maintain and enhance biodiversity” where it is within the proper exercise of their functions. In doing so, public authorities must also seek to “promote the resilience of ecosystems”.

The “sustainable management of natural resources” means— (a) using natural resources in a way and at a rate that promotes achievement of sustainable development and the well-being goals (b) taking other action that promotes achievement of that objective, and (c) not taking action that hinders achievement of that objective.

## **REASONS FOR REACHING THE RECOMMENDATION**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Furthermore, applications that are not in accordance with relevant policies in the plan should not be allowed, unless material considerations justify the grant of planning permission.

It is important to recognise that this is a consolidating application which, if granted, would extend the life of the existing operational area of the quarry significantly as well as allow an extension to it. Therefore the continuing impacts of the operation of the

existing area have to be considered. The current planning permission for the existing quarry expires in 2022. If this proposal was granted planning permission, this would extend its life until 2047. While extraction will move deeper and laterally into the extension area, the existing processing area will still host the crusher, ancillary plant, and access.

### **Applicant's Justification for the Development**

In the application submission, the following key information by the applicant is given to support their case:

Extraction at Craig yr Hesg represents the primary minerals strategy of the Authority and release of reserves at the site is central to ensuring the continuity of aggregates supply and delivery of the LDP Minerals Strategy;

The reduced distance (from 200 metres) between the site and Conway Close is based on the need to secure a logical quarry working area and avoid substantial sterilisation of resources (see below);

The Inspector deleted the policy in the Deposit LDP on "Community Amenity Protection Zones" and stated in his report that the impacts of the extension would be based on actual effects and not on policy lines;

The existing quarry permission allows extraction within 140 metres of Gardner Close;

The proposed use of the existing plant at the site is based on "no change in circumstances";

There is a need to prevent sterilisation of the High Specification Aggregate, and the drilling has demonstrated a Polished Stone Value (PSV) of 68+. The stone is therefore of the same quality and physical properties as that extracted from the existing quarry. A PSV of 60 is considered to have high skid resistance. A PSV of over 65 is needed for some surfaces, such as some motorway sections, interchanges and airport runways. Craig yr Hesg stone has a PSV of 68-70, making it one of the highest quality sources of skid resistant aggregate in the UK;

Mitigation will be provided by way of the landscape screening land form, which will be seeded with trees. This will limit the impact on residential amenity. Once the screening land form has been established, there will be little visual impact on properties in Glyncoch and Cefn;

The impacts are within "acceptable limits", and addresses the "acceptable proven safety limits" referred to in Policy CS10. Blast criteria can be met, impacts of dust are likely to be "of short duration and slight", PM10 contribution from the quarry is only a small percentage of the annual mean air quality objective for PM10 (11.25% at worst), which has not been exceeded, the impact on air quality is considered acceptable in terms of human health;

The operations taking place within 200 metres of residential properties will be short term;

While 5.7 million tonnes of permitted reserves were left at 1/1/15, the quarry has reached the full lateral limits of its permission and cannot quarry the full extent of these as haul roads and benches would have to be removed, precluding access into the extension area.

The above is noted, and there are three key issues to be considered in determining whether the application is acceptable - need for the mineral, distance from sensitive developments and acceptability of impacts. These are set out below.

### **Need for the Mineral**

PPW sets out the Welsh Government's general policies for mineral development in Chapter 5.14. Paragraph 5.14.4 states: -

Mineral working is different from other forms of development in that:

- extraction can only take place where the mineral is found to occur;
- it is transitional and cannot be regarded as a permanent land use even though operations may occur over a long period of time; and
- when operations cease land needs to be reclaimed to a high standard and to a beneficial and sustainable after-use so as to avoid dereliction and to bring discernible benefits to communities and/or wildlife.

Paragraph 5.14.1 states that society needs, and will continue to need for the foreseeable future, a wide range of minerals. The role of the planning authority in relation to mineral extraction is to balance the fundamental requirement to ensure the adequate supply of minerals with the protection of amenity and the environment.

The key principles are to:

- provide positively for the safeguarding and working of mineral resources to meet society's needs now and in the future, encouraging the efficient and appropriate use of high quality materials;
- protect environmental and cultural characteristic of places, including those highly cherished for their intrinsic qualities, such as wildlife, landscapes, ancient woodlands and historic features, and to protect human health and safety and general well-being;
- reduce the impact of mineral extraction and related operations during the period of working by ensuring that impacts on relevant environmental qualities caused by mineral extraction and transportation, for example air quality and soundscape, are within acceptable limits; and
- achieving, without compromise, a high standard of restoration and aftercare so as to avoid dereliction and to bring discernible benefits to communities, heritage and/or wildlife, including beneficial after uses or opportunities for enhancement of biodiversity and the historic environment.

These principles are expanded upon in MTAN1 with the overarching objective being to ensure supply is managed in a sustainable way so that the best balance between environmental, economic and social considerations is struck, whilst making sure that



the environmental and amenity impacts of any necessary extraction are kept to a level that avoids causing demonstrable harm to interests of acknowledged importance.

In order to provide an adequate supply of minerals that society needs, PPW and MTAN 1 require 10 year land banks of crushed rock permitted reserves to be maintained at all points throughout the LDP period in each Local Planning Authority, including at the end of the Plan period.

MTAN1 also requires the production of Regional Technical Statements (RTS) to ensure that there is an adequate supply of primary aggregates within a region. The role of the RTS is to consider the required supply in each LPA area in order to ensure an adequate supply.

The RTS 1st Review for South Wales was published in August 2014. The RTS 1st Review indicated that at the base date of 31st December 2010, the 25 year requirement for crushed rock in RCT was 17.25 million tonnes and that the stock of crushed rock reserves stood at 13 million tonnes – a shortfall of a minimum of 4.25 million tonnes. On that basis RCT was required to make allocations for crushed rock working in the LDP as an adequate supply was not in place.

Policy CS10(1) of the LDP reflects the requirement to maintain a minimum landbank of 10 years permitted rock reserves throughout the plan period and in order to achieve that a Preferred Area of Known Mineral Resource was designated as an extension to Craig yr Hesg (Policy SSA25).

The LDP Minerals Background Paper – December 2009 stated that allocating a site for a new quarry was not considered a viable option due to the lack of candidate sites and an extension to an existing quarry was favoured in PPW. It was however, acknowledged that the designation of the site as a preferred area does not afford the land, and specifically the entire boundary of the site, guaranteed permission for mineral extraction. It was recognised that further evidence would be required to show how extraction would take place in accordance with National Policy. This reflects the requirement to minimise the adverse environmental or amenity impacts to within acceptable limits.

In April 2011, subsequent to the RTS base date, the Vale of Glamorgan Council approved an extension to the Forest Wood Quarry, as the boundary of the application site was primarily in that Local Authority. This created a further 3.395 million tonnes of permitted reserves at that quarry. However, due to the geological conditions, it is estimated that approximately 1.804 million tonnes is actually within Rhondda Cynon Taf, and this has been accepted by the South Wales Regional Aggregates Working Party (who prepare the RTS) as being part of Rhondda Cynon Taf's land bank for the purposes of the Regional Technical Statement. Therefore a shortfall of a minimum of 2.45 million tonnes remains, and it would be expected that this would be found from the Preferred Area designated at Craig yr Hesg.

The RTS is clear that the apportionments are a minimum requirement. In addition they are a snapshot of the situation at the base date. They are also not split into different types of stone (Hendy and Forest Wood are both limestone quarries, whereas Craig yr Hesg is a sandstone quarry), nor take account of the different purposes or markets

the stone is required for. Therefore, while the RTS should be the starting point in the consideration of need, it is recognised that there are significant issues in solely using the RTS for the purposes of assessing the need for the level of reserves proposed as part of this application.

It is notable that the 10 million tonnes of reserves proposed as part of this application is over four times higher than the minimum 2.45 million tonnes the RTS suggests the County Borough needs. Paragraph 49 of MTAN 1 states that land banks must be adequate for commercial purposes, but “not excessive”. The question that arises is whether the proposed additional reserve is adequate or excessive.

It is recognised that there is a need for minerals to be extracted and that the Pennant sandstone reserve at Craig yr Hesg is of national importance, (as discussed in LDP policy SSA 25), due to its very high skid resistance properties. The applicant points out the high PSV sandstone produced at Craig yr Hesg should be treated as a “special case”, that the apportionments in the RTS are a minimum only and that the strategy set out in the RTS relies on the release of additional reserves at Craig yr Hesg. None of the above is disputed.

In addition, one of the ways of working introduced in the Well-being of Future Generations Act 2015 is the adoption of long-term thinking in order to achieve well-being goals. It is not considered to be in the best interests of the economy of the County Borough or the local residents to incrementally extend the quarry to merely achieve the minimum quantities set out in the RTS. Such a short term approach would give the local community no certainty as to the full scale and end date of operations and would not allow the developer to provide for longer term mitigation, such as the landscape screening bund, at an early stage.

The 2018 Annual Report published by the SWRAWP in July 2019 indicates that the landbank in RCT was 14 years based on the average sales over a the 10-year period from 2009. However, the Report notes that the 3-year average sales for the period 2016-2018 were higher in RCT than the 10 year average which would indicate a landbank of 12 years. Utilising the 3-year average as a base, given that it is indicative of rising sales in RCT, the extension area would add approximately 14.67 years to the landbank giving a total of approximately 27 years. This would be just adequate to cover the 25 year period of the RTS Second Review due in 2019 on the basis of the same methodology as the current RTS First Review. However, the RTS Second Review has recently been released for consultation and it is proposed that the methodology is refined. Whilst it must be remembered that the RTS Second Review is only a consultation draft it does indicate that it is likely that the aggregate requirement for RCT is going to be greater than the 2.45 million tonnes for the current RTS. On the basis of the above it is considered that the reserves in the proposed extension are adequate and not excessive.

## **Conclusion**

There is a clear need for additional reserves of crushed rock to be released in RCT to meet the RTS requirements and comply with policy CS10(1) of the LDP. The site is

allocated as a Preferred Area of Known Mineral Resource in Policy SSA25 and the amount of reserves released by the proposal is not considered to be excessive.

In addition, the resource to be released is high polished stone value sandstone which whilst plentiful in Wales it is not available in other parts of the UK. It is therefore recognised as being of national importance in terms of meeting the needs of society as the mineral can only be worked where it is found to occur. However, it has to be acknowledged that there is currently no shortage of supply of high polished stone value sandstone in South Wales.

### Principle of the Development

The area proposed for the extraction element of the extension is all within the boundaries of the area designated as a Preferred Area of Known Mineral Resource under Policy SSA 25 of the Local Development Plan. A significant section of the proposed engineered northern screening land form is outside this Preferred Area, but this is not considered contrary to policy as it is not part of the operational area for the quarry.

Given the above, an extension to the quarry in this area is considered acceptable in principle. However, the details of any application submitted in respect of the area, and the nature and impact of operations still have to be considered acceptable in practice for permission to be granted.

### Distance from Sensitive Developments

Minerals Technical Advice Note (MTAN) 1: Aggregates (Paragraphs 70 and 71) identifies a suitable minimum distance between hard rock quarries and sensitive development as 200 metres. It states that any reduction from this distance should be evidenced by clear and justifiable reasons. Sensitive development is defined in Paragraph 70 of MTAN 1 as “any building occupied by people on a regular basis and includes housing areas, hostels, meeting places, schools and hospitals where an acceptable standard of amenity should be expected”. It is considered that although the reference in MTAN 1 is to “buildings” the intent of the policy is to provide separation distances between land-uses so the measurement should be taken from the edge of the curtilage of the nearest sensitive developments as the curtilage still forms part of these sensitive developments in land-use terms, to determine the separation distance from the quarry. The measurement should be to the nearest operational part of the quarry.

In respect of distances between the proposed quarry extension and sensitive developments, the application has a distance marked on the plan of 175 metres between the quarry and 36 Conway Close (the nearest house) and 243 metres between the quarry and Cefn Primary School. These are measured from the actual buildings to the edge of the extraction area. However, it is the view of Officers that the distances should be measured from the edge of the curtilage/ school playfields to the edge of the operational area of the quarry, and using these measurements the distance is 170 metres and 164 metres respectively. It is also noted that there are a number of residential properties that fall within 200 metres of the existing operational

area and a series of planning conditions which relate to the protection of amenity of those areas.

Therefore it is considered that parts of the proposed extension are within 200 metres of both housing and the school playing fields at Cefn Primary School for the purposes of this application. The key justifications given by the applicant for operations within 200 metres of such developments are as follows:

The noise and blast vibration criteria which are recommended in the Environmental Impact Assessment can be met;

The effects on amenity would be minimised by the screening landform;

The operations taking place 175 metres [from the nearest property- based on the applicant's measurement] would be short term (on the upper benches), intermittent and a comparatively small proportion of the extraction area, where the majority of works, both laterally and at depth within the quarry would be at a distance in excess of 200 metres.

Compliance with the 200 metre distance set out in national guidance is a key material consideration and it is considered that there should be "clear and justifiable" reasons for this not being the case. It is considered that the assessment to be made in determining this application is whether impacts of quarrying and other activities are capable of being managed to a level where they have a minimal impact on sensitive development. This is addressed in the next section.

#### Acceptability of Impacts

It is considered one of key impacts of this proposal that need to be assessed is in respect of the health, well-being and amenity of local residents. These are considered to comprise both the impacts on the residents and users of other sensitive development of extending the life of the existing operational area and the fact that the extension will bring operations closer to certain residential properties and other sensitive development (particularly Cefn Primary School) than it is at present.

In respect of the acceptability of impacts, Policy CS10 of the Local Development Plan is the core policy in that document relating to minerals. As well as trying to ensure a supply of minerals is maintained throughout the Plan period, it seeks to ensure that impacts upon residential areas and sensitive land uses from mineral operations and the transportation of mineral are limited to an "acceptable proven safe limit".

Policy AW5 seeks to ensure no significant impact on the amenities of neighbouring occupiers. Policy AW10 states 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 because of various types of pollution, including air pollution and noise, unless it can be demonstrated that measures can be taken to address any significant adverse risk to public health, the environment and / or impact upon local amenity.

Following the submission of the planning application, it was agreed with the applicant that the "Public Health and Well Being" Report would be submitted as a document to accompany the planning application and address a number of outstanding queries in

relation to health and well-being. This was submitted by the applicant and a further public consultation exercise was undertaken by the Council on the planning application as a result of this.

It is considered that the key issues for health, well-being and amenity in respect of this application are the impacts on air quality due to fine and very fine particulate matter and “nuisance” dust, blasting and operational noise. These are considered in turn below.

### Dust and Air Quality

Many of the objectors express concern in relation to dust and concern about the health effects of the dust. In Mineral Technical Advice Note 1: Aggregates (MTAN1) the Welsh Government indicates that research has indicated that people living close to mineral workings consider dust to be the main impact of mineral extraction.

It is recognised that the principle sources of dust from a mineral working are likely to be associated with the excavation of soil, overburden and quarry waste material and its use in the construction of the screening landform; drilling and blasting operations; the movement of vehicles within the site and the processing and storage of excavated stone. Condition 30 of the ROMP permission sets out the controls the applicant is required to put in place to control dust on the existing site.

The construction of the landscape bund has the potential to give rise to dust and there are sensitive receptors in close proximity. However, the duration of works will be short term (8 weeks) and with the implementation of similar site management practices to those already in place at the site, the risk of significant dust nuisance and significant increase in PM10 exposure is considered to be low.

The existing processing plant is recognised as potentially the most significant source of dust from the quarry and it is located close to sensitive development. However, it has to be recognised that the processing plant is already a contributor to the current air quality position which is not considered to be in breach of the current NAQS objective levels for PM10. The processing plant also benefits from an Environmental Permit to control air emissions. There are no proposals to increase annual output as a result of this planning application but it is acknowledged that the quarry life will extend for a longer period.

Mineral dust coarser than 10µm may constitute a ‘nuisance’ due to soiling of surfaces but does not pose a risk to human health. Fine particles of 10µm or less, referred to as PM10 can be inhaled and depending on the concentrations and the nature of the particles, they can be associated with health impacts. The very fine particles of 2.5µm or less are referred to as PM2.5.

There are no statutory or recommended levels of dust deposition which constitute an acknowledged nuisance, but 200 mg/m<sup>2</sup>/day is often quoted as a threshold for nuisance dust. Large dust particles, which make up the greatest proportion of dust emissions from mineral workings (up to 95%) will largely deposit within 100m of the source. Intermediate particles can travel further but it is unlikely that adverse impacts will occur at distances in excess of 250m. The submitted dust assessment considers

potential receptors within 250m in respect of nuisance dust. Fine particles can travel further from the source so for PM10 the potential human receptors within 500m are considered.

In terms of nuisance dust there are no sensitive developments within 100m of the extension area and therefore adverse impacts from nuisance dust are not anticipated provided standard dust management controls continue to be applied as per existing planning conditions. It should be noted that there are seventeen residential properties within 100m of the quarry plant. However, the impact on these properties was considered as part of the ROMP permission and controls were put in place which can be replicated in any new planning permission granted. The mineral crushing and screening plant and directly associated equipment also operates under the terms of an Environmental Permit issued by the Council. The terms of the Permit seek to ensure that all appropriate preventative measures are taken to avoid pollution of the air.

The law requires the Local Authority to regularly review air quality in its area against Air Quality Objectives [AQO]. In doing so, the Local Authority has identified two air pollutants, Nitrogen Dioxide [NO<sub>2</sub>] and Fine Particulate Matter [PM<sub>10</sub>], as requiring closer examination.

Air Quality Regulations prescribe National Air Quality Strategy (NAQS) – objectives to be achieved for a range of pollutants such as PM<sub>10</sub> and PM<sub>2.5</sub> particulates which are relevant to mineral working and NO<sub>2</sub> relevant for associated HGV emissions.

Predicted PM<sub>10</sub> data from DEFRA shows that the 2018 average PM<sub>10</sub> concentrations in the area occupied by the site was 12.64 µg/m<sup>3</sup>, 31.6% of the annual mean NAQS objective for PM<sub>10</sub> of 40µg/m<sup>3</sup>. The NAQS daily mean objective for PM<sub>10</sub> is 50µg/m<sup>3</sup> which should not be exceeded more than 35 times per year. It is important to note that the NAQS objectives represent a threshold above which government considers the health risks associated with air pollution are unacceptable, nonetheless it is also recognised that efforts to reduce pollution more widely may be beneficial.

There are also 3 Local Authority monitoring stations at Garth Avenue, within 91m of the site processing facilities. RCT local monitoring data from these stations indicates that annual mean PM<sub>10</sub> concentrations ranged between 13.45µg/m<sup>3</sup> and 22.37µg/m<sup>3</sup>, which equates to between 33.6% and 55.9% of the annual mean NAQS objective of 40µg/m<sup>3</sup> with 18 daily means exceeding the 50µg/m<sup>3</sup> NAQS objective. Surface related mining operations remote from processing plant are generally associated with relatively small increases in mean concentration of PM<sub>10</sub> particles (2µg/m<sup>3</sup>) but the applicants have suggested a 'worst case' figure of 5.2µg/m<sup>3</sup>. On that basis the concentration would be expected to remain below the annual mean NAQS objective for PM<sub>10</sub>.

The Local Air Quality Management - Air Quality Progress Report 2019 produced by the Council, indicates that at present it is believed that the levels of Fine Particulate Matter (PM<sub>10</sub>) at Glyncoch are compliant with the relevant NAQS Objectives for Fine Particulate Matter and Nitrogen Dioxide. Public Health Wales consider the current air quality in terms of PM<sub>10</sub> particulates to be good.

Glyncoch is currently monitored due to long term monitoring previously identifying the area of Glyncoch as experiencing levels of PM10 potentially incongruous to other areas of Rhondda Cynon Taf. Glyncoch appears to observe a widely fluctuating trend which may indicate the influence of particular local factors. It is possible that during 2018 the impact of Craig Yr Hesg Quarry on local PM10 levels may have been subdued, a trend which has been observed since 2015 and may be as a result of ongoing improvements to reduce PM10 emissions from Craig Yr Hesg Quarry. Changes to locally prevailing weather and future changes at Craig Yr Hesg Quarry, means it is difficult to know if future compliance will continue. As such the Local Authority will continue to robustly monitor Fine Particulate Matter levels at Glyncoch.

Notwithstanding the above, it is considered that active management of the quarry processes to prevent air quality and neighbour amenity problems due to particulate matter (including both fine particulate matter and nuisance dust) is a key issue for this application, and the application does acknowledge the importance of this. Following consultation and liaison with the Council's Public Health, Protection & Community Services and Public Health Wales it is now considered that sufficient information has been submitted to provide evidence that processes can be managed to ensure a limited impact upon the level of air quality and neighbour amenity in respect of particulate matter and therefore the application is considered to be acceptable in this respect. In particular Public Health Wales and Cwm Taf University Health Board have indicated that based on current levels of activity adverse air quality impacts and consequently human health impacts are unlikely.

Public Health, Protection & Community Services have also requested a financial contribution towards allowing the Local Authority to carry out monitoring of air quality in the Community due to the proposals and the issues they raise. This has been agreed by the applicants and can be covered by a Section 106 Agreement which is considered further below.

### Blasting

The applicant has submitted information which estimates there would be 15 blasts over the lifetime of the quarry within the area between 175 metres and 200 metres from the extraction area to the nearest building, although again this does not take into account the issues with this measurement as discussed above, nor the blasts taking place within 200 metres of the school playing field.

A review of the chapter of the Environmental Statement on blasting has concluded that the development can achieve the ground vibration level of 6mm per second for 95% of all blasts within a 6 month period, with no single blast greater than 10 mm per second. This is the standard set out in MTAN 1 and in the existing ROMP condition. The review does acknowledge that achieving such levels will involve using less charge than would be considered optimal for phases 1 and 2, and that ground vibration monitoring at Conway Close will be vitally important to ensure protection of amenity. However, the danger of even cosmetic damage to properties at the proposed level of vibration is negligible.

At a blasting level of 6mm per second when measured at the nearest residential properties, it is highly likely that local residents will feel the vibration, either through the ground or through the air, even if it is not causing damage. BS 5228 – Code of Practice for Noise and Vibration Control on Construction and Open Sites: Vibration (Part 2) acknowledges that human beings are known to be very sensitive to vibration, the threshold of perception being typically in the ppv range of 0.14 to 0.3 mm/sec. A ppv of 1 mm/sec is likely to give rise to complaints and blasting at this site does generate complaints. However, the amount of charge to be used is calculated beforehand and the blast designed to ensure compliance with the existing ROMP condition, and there have been no known exceedances of the 6mm per second level, when measured from the agreed monitoring points.

It is acknowledged that many residents find the blasts that occur an unpleasant experience and feel, despite the compliance with the 6mm per second standard and what has been stated above, that the blasts are causing damage to their properties.

BS 5228 states that the level at which cosmetic damage to residential structures will occur is 15 mm/sec at 4 Hz, rising to 20 mm/sec at 15 Hz and 50 mm/sec at 40Hz and above. Minor damage could occur at vibration magnitudes which are greater than twice these levels (30 mm/sec at 4 Hz, rising to 40 mm/sec at 15 Hz and 100 mm/sec at 40Hz and above) and major damage could occur at values greater than 4 times these levels (60 mm/sec at 4 Hz, rising to 80 mm/sec at 15 Hz and 200 mm/sec at 40Hz and above). Therefore, even at the lowest level for cosmetic damage of 15 mm/sec this is significantly higher than the blast vibration limit of 6mm/sec for 95 % of blasts over a 6 month period and no blast greater than 10mm/sec.

These blast vibration limits are set in national guidance and therefore it would be considered unreasonable to reduce this without very good reason. Therefore, while it is anticipated that blasting at the quarry may generate complaints, in respect of the impact of blast vibrations on residential properties, the proposed ground vibration blasting levels are considered acceptable.

In respect of air over pressure, a condition is proposed with similar wording to that used in the present ROMP to ensure blasts are designed to not exceed 120 dB when measured from the nearest residential properties. There have been some exceedances of this level in the past, but there are acknowledged difficulties in taking readings for air over pressure, principally due to the influence of climatic conditions. However, requiring a review of blasting design should assist in minimising the impact of air overpressure.

A review undertaken by DCWW has recommended that the maximum level of vibration set for their water supply apparatus across and in the vicinity of the site should be set at 50 mm per second to prevent damage. The applicants had requested 75 mm per second in the application but have indicated that they will accept the level requested by DCWW.

### Operational Noise

In respect of general operational noise, the protection of the local community from excessive noise is considered an important element in maintaining public health.



Public Health, Protection & Community Services have advised that daytime noise levels (7am to 7pm) should be set at the following levels as measured from specified locations representative of the potential for noise impact.

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

Night-time (7pm to 7am) noise levels should be universally set at 42 dB LAeq at all locations.

MTAN1 allows for higher noise limits up to 67dB LAeq to be imposed 'during temporary and short term operations for periods of up to 8 weeks in a year. The applicant considers that the screening landform can be constructed within 8 weeks and therefore this noise level would apply during that period.

## **Conclusion**

It is considered that the effects of the proposal can be mitigated and managed to a level where they have a minimal impact on sensitive developments surrounding the site. Therefore, it is considered that there are clear and justifiable reasons for not applying the 200m buffer zone rigidly and the application is acceptable, subject to the conditions set out below to ensure this takes place.

## **OTHER ISSUES**

### Ecology

Part 1(6) of the Environment (Wales) Act 2016 imposes a duty on a public authority to seek to maintain and enhance biodiversity in the exercise of functions in relation to Wales, and in so doing promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions. The Craig-yr-Hesg Local Nature Reserve is located to the south of the existing quarry and forms part of the much larger Craig-yr-Hesg/Lan Wood SINC which extends to 89.72 hectares of predominantly ancient semi-natural woodland with smaller areas of grassland and bracken habitats. The SINC adjoins the western boundary of the extension site. No such designations extend into the extension area.

The applicants have carried out an Ecological Impact Assessment which is included within the Environmental Statement. An extended Phase 1 habitat survey of the extension area identified that the existing fields were found to contain a sward of predominantly semi-improved grassland which is relatively species poor with a lack of any vegetation structure. The land is heavily grazed and the potential for any notable fauna to occur is considered to be low. The presence of birds and reptiles (slow worm, common lizard and adder) on the site has been confirmed by surveys although the majority of the site is unsuitable for bird nesting and reptiles given the heavy grazing regime. This heavy grazing regime also limits opportunities for invertebrates. The extension area offers limited foraging opportunities for bats. No evidence of badger was found.

The proposed restoration scheme seeks to mitigate any impact on biodiversity by allowing natural woodland regeneration of the western screening mound, woodland creation on the northern landscape bund, the creation of different types of quarry bench treatments, the creation of scree slopes and the retention of quarry faces with crags and ledges.

The Council's Ecologist has not objected to the application, but considers the grassland habitat lost to the quarry extension is likely to be of higher ecological value than the habitat assessment concludes. He considers that due to the loss of the grassland, some measures should be provided to off-set this. This involves the management of residual pieces of grassland around the perimeter of the quarry extension, and management of grassland used in the later phases while it remains. He considers these measures, as well as woodland management, should be secured through a Habitat Management Plan under a Section 106 Agreement, in the event of the planning application being approved.

It is accepted that due to the size and nature of the operations proposed that mitigation for the loss of habitat should be sought. While the applicant does not object to this, they object to a Section 106 Agreement and consider this can be addressed via a condition. It is agreed that this is an acceptable mechanism to address this issue, and conditions are recommended to this effect.

It is noted that the applicant has offered the Council an area of woodland to extend the existing Local Nature Reserve as part of this application. However, extending the nature reserve is not necessary in order to make the application acceptable and there are concerns regarding the cost burden falling on the Council given that no additional funding has been offered for this. However, there is considered to be a need for woodland management as part of this application, due to the potential for physical disturbance and loss of habitat connectivity, particularly given that the Local Nature Reserve and Site of Importance for Nature Conservation. Given the above concern regarding resources to manage the woodland, it is considered preferable for the developer to manage the woodland themselves as part of the proposed Habitat Management Plan.

No objections are raised on the grounds of impact on species, but it is considered that the above condition for a Habitat Management Plan should include measures to ensure any impacts that do occur due to quarrying are mitigated. In addition, it is

considered that a condition in respect of lighting should be recommended to limit any impacts on bats utilising nearby corridors, should such lighting be needed.

In terms of the restoration of the new quarry bowl and benches, the principle of the restoration is based on a balance of allowing natural restoration of grassland and scrub/woodland habitats in some areas, while undertaking strategic tree planting in more visually prominent locations. This is considered acceptable in principle, but it is considered that the full details of the restoration should be subject to future review and agreement. It is considered this can be done via the recommended condition on long-term restoration. It is suggested that to discharge the proposed conditions on interim and long term restoration (and a proposed landscaping condition for when the quarry is in operation) the tree planting proposed should be of a narrower range of species than recommended in the restoration strategy to ensure the woodland forming in those areas would be more natural and therefore more valuable as habitat.

It is also considered that long-term restoration should seek to provide nesting opportunities for peregrine falcons on inaccessible quarry ledges as part of a design objective of that restoration. Providing for nesting for peregrine falcons is recommended as part of the condition on long-term restoration.

#### Landscape and Visual Amenity

The Environmental Statement has considered the impact of the development on landscape character and visual impact. In terms of the impact on landscape character Chapter 6 has assessed the landscapes sensitivity to change and the potential magnitude of any change which taken together indicate the potential effect on landscape character.

The landscape baseline is set by the LANDMAP Database hosted by Natural Resources Wales. LANDMAP separates landscape character into 5 defining aspects – Visual and Sensory, Geological, Landscape Habitat, Historic Landscape and Cultural Landscape.

The overall evaluation of the site in relation to the five LANDMAP aspect areas is as follows

Visual and Sensory – Moderate - locally important, due to some attractive views and areas of upland character, but this importance is compromised/diminished by the urban associations that are present in parts of the area

Geological Landscape – Moderate – part of Pennant sandstone plateau with quarry of at least regional significance.

Landscape Habitats – High – some valuable, relatively scarce habitat such as broadleaf woodland, marshy grassland and ffridd habitat that supports a number of key species.

Historic Landscape – High – reasonably well preserved irregular fieldscape but the coherence of the landscape has been reduced as a result of extensive forestry plantation

Cultural Landscape – High – large expanse of upland/moorland which are a commodity for leisure

The landscape character of the extension area is one characterised as hillside/scarp slopes mosaic with areas of open landscape of rough grazing and small scale irregular fields, small clumps of deciduous broadleaf woodland. The higher part of the site is located along a ridgeline at about 200mAOD and drops away in all directions to a low point of approximately 170mAOD.

The features most sensitive to change as identified in the Environmental Statement are the vegetation pattern, landscape features and character, public access and enjoyment. These features are either high sensitivity or medium sensitivity to change.

In terms of the vegetation pattern, only small areas of vegetation, hedgerows and hedgerow trees are to be removed so the magnitude of change is assessed as small. This taken together with the high sensitivity to change leads to an assessment of slight adverse significance.

In terms of landscape features and character, the proposed introduction of quarrying activities into the extension area gives rise to a medium magnitude of change which together with medium sensitivity to change gives rise to an assessment of moderate adverse significance.

The magnitude of change in terms of landscape amenity varies with distance from the extension area. The magnitude of change is large for the users of footpaths close to the site, especially during construction of the landscape bunds. The magnitude will diminish to medium and then small as distance increases. The impacts are assessed as major adverse during the construction of the screening bund and reducing to moderate adverse-slight adverse once the bund is completed. It is envisaged that the major adverse impacts would be for a relatively short period of 8 weeks construction and a short period before growth becomes established. Following restoration all impacts are predicted to be negligible in terms of their significance.

Visual impacts similarly to landscape character impacts are assessed as a combination of the visual sensitivity and the magnitude of the change. The Zone of Theoretical Visibility has established that the only areas within 1km where the majority of the site is visible lie to the immediate west of the proposed extension area. Longer distance views of the site occur to the north (Coed y Cwm and the higher ground beyond) and north-west (Twyn y Glog) and from across the valley from Cefn Eglwysilan and Craig Evan Leyshon Common. Views from the residential areas of Glyncoch, Coed y cwm, Cilfynnydd and areas to the south are limited due to topography and intervening vegetation.

Views from the north above Coed y Cwm at 1.32km distance are considered to be of medium sensitivity and the construction of the screening bund will give rise to a small magnitude of change in the overall view which will give rise to a slight adverse impact. Once the vegetation on the bund becomes established the impact will reduce to negligible.

Views from higher ground to the west at 620m distance are considered to be of high sensitivity due to the nature of the receptors. The stripping of soils and the construction of the landscape mounds would be visible as would further quarrying. The result would be a medium scale change which would be slight adverse initially but increasing to moderate adverse.

Views from Craig Evan-Leyshon Common approximately 2km to the north-east are of medium sensitivity with many existing detractors within the view. Soil stripping and the construction of the screening mound would be visible but at a distance, as would quarrying activities but they would be a relatively small part of the view. The change would be small and the impact slight adverse.

Views for Bodwenarth approximately 1.3km to the east would be of high sensitivity given the residential receptors. The existing quarry faces are an element in the view but the extension area will increase the proportion of the quarry within the view and result in a small-medium change and slight to moderate adverse impact.

Views for Cefn Eglwysilan Common approximately 2.5km to the south east are of medium sensitivity and the quarry is only a small part of the view. The extension will therefore result in a small change and a slight adverse impact.

The quarry extension will have an impact on the immediate landscape character as it will alter the nature of land that is currently used for agricultural purposes. The construction of the landscape mound will have a major impact over a relatively short period of time and impacts thereafter will reduce to moderate or slight adverse during working and negligible on completion of restoration. There is clearly an impact, but the immediate area is not considered to have sufficient landscape value for this in itself to warrant a reason for refusing the application.

Similarly, there will be a visual impact. However, the proposed screening landform will block the view of the quarrying operations from the closest properties to the extension in Glyncoch. In respect of viewpoints from further away, although the quarry extension will be visible it will very much be viewed in conjunction with the existing quarry void, and the existing built-up areas and the overall impacts are not considered to be significant.

### Hydrology and Hydrogeology

The quarry depth is limited to 100m AOD which is above the maximum groundwater level of 97.53mAOD. There is no dewatering being undertaken at the quarry in relation to groundwater as groundwater inflow from perched water tables and effective rainfall discharge through the underlying strata.

Impacts on surface water systems are limited to potential minor impacts on Cefn springs although it is unlikely that there will be any impact given that there appears to be a perched water table between the site and the springs.

### Highways

There are no proposals to increase production at the site, which averages 400,000 tonnes per annum and therefore the impact of quarry traffic will be unchanged.

However, the impact will be extended for a further 25 years. In recent years improvements to the southern access to facilitate two-way movements have allowed cessation of the use of the northern access as an exit for HGV's. The northern access is retained for emergency use only. Highways Development Control consider the existing access arrangements to be acceptable.

The vast majority of traffic leaving the site turns right at the exit and travels south towards Pontypridd. Local Authority traffic survey data for 2012 and 2013 has indicated that average daily traffic movements along the B4273 are approximately 11,600, of which 847 (7.3%) are HGV's. Of the 847 HGV movements approximately 140 (16.5%) are attributable to the quarry. In terms of the design capacity of the B4273 the current peak flows (which occur between 0800 and 0900 in the morning and between 1700 and 1800 in the evening) are approximately 67% of the design capacity of the road. The road therefore has more than sufficient design capacity to cope with the quarry traffic which is a relatively small percentage of overall traffic movements.

Highways Development Control have not objected to the application, but have raised some concerns regarding damage to the road surface from long term further operations at the quarry. They have suggested either a financial contribution of 5 pence per tonne of material transported from the site to enable regular inspections and maintenance of the roads or an annual condition survey of the roads, and subsequent agreement of any payment to be made in respect of any damage.

However, it is considered that this matter is more appropriately dealt with under Section 59 of the Highways Act 1980. This deals with recovering expenses due to extraordinary traffic, and give the Highway Authority powers to recover expenses from site operators where their traffic is causing damage to the highway due to excessive weight or for other "extraordinary" reasons.

### Cultural Heritage

The Environmental Statement has concluded that there are no known heritage assets within the site and there is low potential for the presence of archaeological remains within the site, although they cannot be wholly ruled out. Therefore, an archaeological watching brief is proposed during soil stripping operations which would allow preservation by record of any remains that may be encountered. This is acceptable to GGAT.

### Other

In respect of the new pathway to be created, the Council's Rights of Way Officer has commented that it should be ensured in creating this pathway that it does not allow or encourage unauthorised users on to the existing Public Right of Way. It is considered this matter could be addressed through a condition on any grant of planning permission.

In respect of the diversion of the water main proposed, Dwr Cymru Welsh Water have confirmed that they are satisfied with the diversion route, but would wish for this to be carried out prior to the construction of the screening landform and bund proposed

rather than prior to Phase 2 of the development as suggested by the applicant. The applicant has disputed the need for this. Dwr Cymru Welsh Water have stated that:

“With regards to the diversion requirement before the earth bund is constructed, this is required beforehand as the earth bund will increase the cover level on our asset and restrict access in the event of a required maintenance or reactive works”.

This is understood, but it is considered to be an issue to be agreed between Dwr Cymru Welsh Water and the developer, rather than a planning matter.

In respect of concerns regarding water pipes being damaged due to blasting, Dwr Cymru Welsh Water have stated that they have no records of pipes bursting in the area due to blasting from the quarry.

## **PLANNING OBLIGATIONS**

Section 106 of the Town and Country Planning Act (as amended) enables local planning authorities and developers to agree to planning obligations to require operations or activities to be carried out on land (in-kind obligations) or require payments to be made (financial contributions), to mitigate any unacceptable impacts of development proposals.

A planning obligation (under S.106) may only legally constitute a reason for granting planning permission if it is:

necessary to make the development acceptable in planning terms;

directly related to the development; and,

fairly and reasonably related in scale and kind to the development.

Planning Policy Wales advises that contributions from developers may be used to offset negative consequences of development, to help meet local needs, or to secure benefits which will make development more sustainable. Further guidance regarding what types of obligations developers may be expected to contribute towards is also contained within Policy AW4 of the Local Development Plan and the Council's SPG on Planning Obligations, however it is made clear that this is intended to form the basis of negotiations between all parties.

In this case the Section 106 requirements that meet the legislative requirements are as follows:

This is a consolidating application for the existing quarry area and the proposed extension, and will replace the four existing consents operating the quarry and the current conditions set out in the ROMP. It is considered necessary in order to create greater clarity in terms of the planning status of the quarry and to define the works permitted that the developer be prevented from carrying out any works in accordance with the existing consents and ROMP on the implementation of this planning permission. This restriction to be secured via a Section 106 Agreement. The applicant has indicated their agreement to this.

Public Health, Protection & Community Services have asked for a contribution towards the setting up of and future monitoring of air quality levels of particulate matter in the local community. A contribution towards the setting up and continued monitoring is considered to be necessary and reasonable due to the acknowledged uncertainties in future particulate matter levels, the variability of prevailing weather conditions, the increased importance of burden reduction and the possible need to gather information to address community concerns. A contribution of £1,591 (exclusive of VAT) is required towards the set up costs which shall be paid on completion of the Section 106 Agreement to ensure the monitoring equipment is in situ prior to the development commencing. In addition an annual payment up to a maximum of £5,562 (exclusive of VAT) index linked is required towards the cost of undertaking the monitoring required as a result of the development. These contributions to be secured via a Section 106 Agreement. The applicant has indicated their agreement to this.

## **RECOMMENDATION**

Approve, subject to a Section 106 Agreement containing the obligations detailed above and to the following conditions:

1. The development hereby permitted shall be commenced before the expiration of five years from the date of this permission. The developer shall give the Local Planning Authority not less than 14 days prior written notice of the 'date of commencement of development'. This shall be taken as the date of commencement for monitoring purposes.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 (as amended)

2. The extraction and processing of minerals from the site shall cease by 31st December 2047, restoration shall be completed by 31st December 2049 and all residual stocks, fixed plant and buildings to which this permission relates shall be removed by 31st December 2049.

For a period of 5 years from the date of completion of restoration the site shall be managed in accordance with the approved aftercare scheme submitted under the provisions of Condition 52 below.

The planning permission shall expire following the complete restoration and aftercare of the site in accordance with the approved restoration and aftercare schemes submitted under the provisions of Conditions 50 and 52 respectively.

Reason: the minerals development permitted is temporary in nature.

3. The development shall be carried out strictly in accordance with the following approved plans and documents, unless otherwise stipulated by conditions:
  - Planning Application Statement (May 2015)
  - CYH/E1 – Application Site Plan – Aerial
  - CYH/E2 – Application Site Plan



- CYH/E3 – Block Phasing
- CYH/E4/B – Initial Works
- CYH/E5/B – Cross Section - Screening Landform
- CYH/E6/B – Countryside/Amenity Enhancement
- CYH/E7 – Current Situation
- CYH/E8/B – Quarry Phase 1
- CYH/E9/B – Quarry Phase 2
- CYH/E10/B – Quarry Phase 3
- CYH/E11/B – Cross Sections – Quarry Phases
- CYH/E12 – Quarry Restoration Concept
- CYH/E13 – Cross Sections – Quarry Bench Treatments
- CYH/E14 – Concept Restoration – Aerial

Reason: Required to be imposed pursuant to Section 71ZA of the Town and Country Planning Act 1990 (as amended)

4. 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.

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

5. 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.

Reason: to enable the Local Planning Authority to monitor the achievement of the quarry profiles in each phase of the development

6. Prior to the commencement of mineral extraction within Phase 1 of the extension area as indicated on Plan CYH/E3, the construction of the screen bunds B1 and B2 and the erection of the palisade security fence at the locations shown on CYH/E4B shall be completed in accordance with the approved plans

Reason: To protect the amenities of neighbouring residential properties in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

7. Prior to the commencement of mineral extraction within Phase 1 of the extension area as indicated on Plan CYH/E3, a detailed scheme of seeding and woodland planting of the Northern Screening Landform and preparation of the Western Screen Bund to promote natural regeneration shall be submitted for the written approval of the Local Planning Authority. The scheme shall include details of;

(i) Purpose, aim and objectives of the scheme;

- (ii) A statement of the plans ecological potential and any ecological constraints;
- (iii) Details of the landscaping schemes, including;
  - a) species composition,
  - b) source of material (all native planting to be of certified British provenance),
  - c) techniques and methods of vegetation establishment (including natural regeneration)
  - d) method statements for site preparation and establishment of target habitat features;
  - e) extent and location of proposed works;
  - f) aftercare and long term management;
  - g) personnel responsible for the work;
  - h) timing of the works;
  - i) monitoring;

The scheme shall be implemented as approved.

Reason: To protect the amenities of neighbouring residential properties in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

8. 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):
- a) Quarrying operations shall only be carried out between the hours of:
    - 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.

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 .
  - b) No operations for the formation of the Northern Screening Landform, the Western Screen Bund or the formation and subsequent removal

of material from designated soil storage areas shall be carried out at the site except between the following times:-

08.00 to 17.00 hours Mondays to Fridays.

09.00 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.

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

Reason: the impact of the proposed development on the natural environment has only been assessed to a depth of 100m AOD.

10. 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

Reason: in the interests of highway safety

11. No loaded HGV's shall leave the site un-sheeted except those only carrying stone in excess of 75mm.

Reason: in the interests of highway safety

12. 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.

Reason: in the interests of highway safety

13. Following the completion of the construction of the Northern Screening Landform no quarry plant and machinery, other than those required for planting and maintenance, shall travel along the strip of land to the north of the Landform.

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

14. Prior to the construction of the permissive path between Orchard Drive and Darren Ddu Road shown on Plan CYH/E6, details of the construction, including access on to the existing Public Right of Way along Darren Du Road

shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

Reason: To ensure the pathway is suitable for use and does not allow inappropriate access on to the existing Public Right of Way, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

15. The controls set out in Dust Management and Monitoring Plan dated 16 August 2017 shall be implemented from the date of commencement of the development and shall be complied with at all times until the expiry of the permission. The first formal review set out in section 5.2 of the Plan will be due 2 years from the date of commencement of the development.

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.

16. No mobile crushing or screening equipment shall be operated within 200 metres of the boundary of the curtilage of any residential properties or within 200 metres of the boundary of the playing fields at Cefn Primary School without the prior express permission of the Local Planning Authority unless the equipment is located on land below 170m AOD.

Reason: To protect the amenities of neighbouring residential properties in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

17. 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.

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.

18. Unless the Local Planning Authority has otherwise agreed beforehand in writing ( including e-mail ) drilling operations shall be only be carried out between the hours of 10.00 and 16.00 on Monday to Friday, and not at any time on Saturdays or Sundays or Statutory Public Holidays within the following areas:

(a) above 180 metres A.O.D. in the existing quarry (shaded pink on Plan CYH/E7);

(b) above 170 metres A.O.D. for the western extension approved by this planning permission (shaded green on Plan CYH/E7);

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

19. In any part of the quarry below the levels specified in condition 18 above, drilling operations shall only be carried out between the hours of 07.00 and 18.00 Monday to Friday, and not at any time on Saturdays or Statutory Public Holidays unless the Local Planning Authority has agreed beforehand in writing (including e-mail ).

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

20. 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.

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.

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

21. 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.

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.

22. Blasting shall be undertaken in such a manner to ensure that ground vibration at the site of any Dwr Cymru Welsh Water apparatus, measured as a maximum of three mutually perpendicular directions taken at the ground surface, does not exceed a peak particle velocity (ppv) of 50 mms per second

for any blast. The measurement is to be taken at the closest point of the blast to any DCWW apparatus.

Reason: To limit ground vibration from blasting operations so as to protect the structure of DCWW apparatus in accordance with Policies CS10 and AW10 of the Rhondda Cynon Taf Local Development Plan.

23. No secondary blasting shall be carried out on the site

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

24. All individual blasts shall be designed, managed and implemented to minimise the extent of air overpressure resulting from blasts. If air overpressure exceeds 120dB at any nearby sensitive residential property (not owned by the applicant) the Local Planning Authority shall be informed within 7 days and the design, management and implementation of the blasts must be reviewed prior to any further blasting being undertaken at the site, with all future blasting being undertaken in accordance with the findings of the review.

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 the Blast Monitoring Scheme submitted on 30 July 2018. All monitoring shall be undertaken in accordance with the terms of the approved scheme for the duration of quarrying operations at the site. In addition:

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

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

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

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

Table 1

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

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

27. Between the hours of 19:00 and 07:00 the free field Equivalent Continuous Noise Level LAeq (1 hour) due to operations in the site shall not exceed 42 dB LAeq at each selected noise sensitive property specified in Table 1 set out in condition 29 above.

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.

28. Noise levels attributable to operations of a temporary nature within or on the periphery of the site such as the formation, removal or alteration of spoil tips, screening landforms and storage embankments, measured at any noise sensitive property specified in Table 1 in condition 26 above, shall not exceed a level of 67dB LAeq, 1hour (free field) These noise limits shall only apply for a maximum of 8 weeks in any calendar year.

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.

29. Prior to the commencement of any soil stripping operations within the area shaded green on Plan CYH/E7 a revised Noise Management scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The operation of the approved scheme shall commence on the commencement of soil stripping within the area shaded green and thereafter all site operations within the quarry site shall be monitored in accordance with the approved scheme. The submitted scheme shall:

(a) specify that monitoring shall be undertaken biannually for the following two years at the properties listed in Table 1 above, and thereafter the frequency of monitoring shall be agreed between the operator and the Local Planning Authority;

(b) include the provision of measures to reduce noise levels from site operations and specify the exact locations and methodology for monitoring; and

(c) provide for the results of monitoring to be submitted to the Local Planning Authority within 1 month of the monitoring being undertaken, together with confirmation of action required and/or undertaken to remedy any breach of the noise limits set out in Table 1.

(d) specify the steps to be taken on receipt of a complaint of noise nuisance, including the commencement or continuation of the noise monitoring programme to assist in the investigation of any relevant complaint.

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.

30. 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.

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.

31. 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.

32. 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.

33. Any settlement ponds at the site shall be kept clear of mud and silt as necessary so as to keep them in good order, and the discharge of waste, oil or other pollutant to any settlement pond, ditch, stream, watercourse or other culvert is not permitted.

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

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. Any request for prior written approval must identify the impact of the additional lighting on bats and the amenity of nearby residents potentially affected.

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.

35. No development shall take place within the area shaded green on Plan CYH/E7 until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. The programme of work shall be carried out in accordance with the approved details. The programme should include the requirement that an archaeological watching brief would be conducted during ground disturbing activities; and also specify suitable contingency arrangements to ensure that sufficient time and resources are made available to fully investigate and record any archaeological features that are discovered. The results of all the mitigation and fieldwork and any post-excavation work shall be contained in a report to be submitted for the approval of the LPA.

Reason: In order that the archaeological operations are undertaken to an acceptable standard and that legitimate archaeological interest in the site is satisfied in accordance with Policy AW7 of the Rhondda Cynon Taf Local Development Plan.

36. Within 6 months of the date of this permission a Species Protection, Habitat Management and Tree & Woodland Protection/Management Plan for all the land in the ownership of the developer within and surrounding the quarry,

shall be submitted for the written approval of the local planning authority. The plan shall include:

- a) An appropriate scale plan showing 'Species, Habitat and Tree/Woodland Protection Zones' where development activities are restricted and / or where protective measures will be installed or implemented;
- b) Details of any protective measures (both physical measures and sensitive working practices) necessary to avoid impacts on species, habitats and trees during development;
- c) Details of specific species and habitat mitigation measures;
- d) A plan showing the location of areas of habitat management, mitigation and monitoring;
- e) Details of a habitat management, creation and monitoring programme;
- (f) Details of site management, and habitat creation.
- (g) Details of arrangements for the review and updating of the Plan;
- (h) Details of habitat monitoring;
- (i) That no cultivation, drainage, fertiliser or herbicide application will take place to habitat management areas without prior agreement of the Local Planning Authority;
- (j) Invasive plant treatment and eradication;
- (k) Preparation of a work schedule

The works shall be implemented in accordance with the approved details

Reason: To ensure the protection and management of wildlife and habitats, in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

37. 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.

Reason: In the interests of amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan

38. Trees, shrubs and hedges planted in accordance with the scheme approved under condition 37 above shall be maintained and any plants which within five years of planting die, are removed or become seriously damaged or

diseased shall be replaced in the next planting season with others of a similar size and species.

Reason: In the interests of amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan

39. 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.

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.

40. All topsoil and subsoil shall be stripped from operational areas prior to those areas being brought into use and shall be used either directly for restoration of completed areas and/or permanently retained on site for use in restoration.

Reason: To ensure the appropriate use of soil resources on the site

41. No plant or vehicles shall cross any area of un-stripped topsoil except where such trafficking is essential and unavoidable for purposes of undertaking permitted operations. Essential trafficking routes shall be marked in such a manner as to give effect to this condition. No part of the site shall be excavated or traversed or used for a road or for the stationing of plant or buildings, or storage of subsoil or overburden or waste or mineral deposits, until all available topsoil and subsoil has been stripped separately from that part. The exception is that topsoils may be stored on like topsoils and subsoils may be stored on like subsoils.

Reason: To prevent the unnecessary compaction of soils and damage to soil structure.

42. The Local Planning Authority shall be notified in writing at least 14 days before each of the following stages:

- (a) Before each phase of soil stripping is due to commence;
- (b) Where areas have been prepared ready for soil replacement;
- (c) On completion of soil replacement

Reason: To ensure that the Local Planning Authority is given opportunity to check that soil operations do not occur under unsuitable conditions and to provide sufficient notice for site inspection.

43. Soil stripping shall not commence in any phase until any standing crop or vegetation has been cut and removed.

Reason: To avoid incorporation of concentrations of decaying vegetation in soil.

44. 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:

(a) During the months October to March (inclusive), unless otherwise agreed in writing with the Local Planning Authority; or

(b) There are pools of water on the soil surface.

Reason: To prevent the unnecessary damage to soil structure

45. All topsoil, subsoil not immediately placed for restoration purposes shall be stored in separate mounds which shall:

(a) Not exceed 3 metres in height in the case of topsoil, or exceed 5 metres in height in the case of subsoil;

(b) Be constructed with only the minimum amount of soil compaction to ensure stability and shaped so as to avoid collection of water in surface undulations;

(c) Not be subsequently moved or added to until required for restoration, unless the Local Planning Authority has otherwise agreed beforehand in writing;

(d) Have a minimum 3.0 metre stand-off, undisturbed around each storage mound;

(e) Comprise topsoils on like texture topsoils and subsoils on like texture subsoils;

(f) In the case of continuous mounds, ensure that dissimilar soils are separated by a third material, which shall have previously been agreed in writing by the Local Planning Authority.

Reason: To prevent the loss of soil and minimise damage to soil structure during storage.

46. Soils will be stored at the locations shown on Plans CYH/E8/B, CYH/E9/B and CYH/E10/B or at such alternative locations as may be previously agreed in writing with the Local Planning Authority.

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.

47. Prior to soil stripping and formation of soil storage mounds, a scheme for grass seeding and management of all storage mounds that will remain in situ for more than three months shall be submitted for the written approval of the Local Planning Authority. Seeding and management of the storage mounds shall be carried out in accordance with the approved details.

Reason: To protect mounds from soil erosion, prevent build-up of weeds in the soil and remove vegetation prior to soil replacement.

48. Within three months of completion of soil handling operations in any calendar year, the Local Planning Authority shall be supplied with a plan showing:
- (a) The area stripped of topsoil and/or subsoil;
  - (b) The location of each soil storage mound; and
  - (c) The quantity and nature of material therein.

Reason: To facilitate soil stock taking and monitoring of soil resources

49. 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.

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

50. Not later than 31 December 2047 or the expiry of 6 months following the permanent cessation of the winning and working of minerals and the depositing of mineral waste, whichever is the sooner, a detailed final restoration scheme, including drawings to illustrate the proposals for the final restoration of the quarry shall be submitted to and approved by the Local Planning Authority in writing. The final restoration scheme shall be based upon the restoration concept plan CYH/E12 and include, inter alia the following matters:

- 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;
- j) details of the spreading of soils previously stripped and stored on the site including depths and placement areas;
- k) the method of soil replacement and soil handling;
- l) position and erection of boundary fencing;

The position of any roadways, footpaths and bridleways to be provided linked with existing Public Rights of Way, including the crossing and surfacing of such routes.

The restoration works shall be carried out in accordance with the approved restoration scheme and shall be fully implemented within two years of the date of approval of the scheme or by 31st December 2049, whichever is the sooner.

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

51. 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:

- 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.
- 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.
- 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.
- 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.

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.

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

52. Not later than 30 December 2049 or the expiry of 24 months following the permanent cessation of the winning and working of minerals and the depositing of mineral waste, whichever is the sooner, an aftercare scheme, for amenity after use that promotes the use of the site for nature conservation shall be submitted for the approval of the Local Planning Authority. The aftercare scheme shall include the following elements:

- 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.

53. 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.

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

54. Within 6 months of the date of this consent or prior to the commencement of preparatory construction/excavation works in relation to the eastern landform, whichever is the sooner, a strategy shall be submitted for communication and engagement with the local community. This shall include measures for the setting up of a Community Liaison Group. The strategy shall be implemented in accordance with the approved details

Reason: In the interests of the amenity of the local residents in accordance with Policy AW5 the Rhondda Cynon Taf Local Development Plan.





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

Minutes of the meeting of the Planning and Development Committee held on Thursday, 6 February 2020 at 5.00 pm at the Council Chamber, The Pavilions, Cambrian Park, Clydach Vale, Tonypany, CF40 2XX.

### **County Borough Councillors - Planning and Development Committee Members in attendance:-**

Councillor S Rees (Chair)

Councillor G Caple	Councillor J Bonetto
Councillor P Jarman	Councillor G Hughes
Councillor J Williams	Councillor S Powell
Councillor W Owen	Councillor R Yeo
Councillor D Williams	

### **Officers in attendance:-**

Mr J Bailey, Head of Planning  
Mr S Zeinali, Highways Development Control Manager  
Mr S Humphreys, Head of Legal Services  
Mr N Pilliner, Environmental Protection and Housing Standards Manager  
Mr G Purnell, Pollution Control Officer  
Mr H Towns - Minerals and Waste Planning Manager

### **County Borough Councillors in attendance:-**

Councillor R Bevan, Councillor H Fychan, Councillor S Pickering and Councillor M Powell

## **180 DECLARATION OF INTEREST**

The following declarations of personal interests were declared in matters pertaining to the agenda:

- (1) In accordance with the Code of Conduct, County Borough Councillor D Williams declared a personal interest in respect of Application No: 15/0666 - Western extension to existing quarry to include the phased extraction of an additional 10 million tonnes of pennant sandstone, construction of screening bunds, associated works and operations, and consolidation of all previous mineral planning permissions at Craig Yr Hesg Quarry, including an extension of the end date for quarrying and an overall restoration scheme (additional information submitted "Wellbeing and Environmental Health Issues" report), Craig Yr Hesg Quarry, Berw Road, Pontypridd. "My position is already set on this application and I have been actively with residents".
- (2) In accordance with the Code of Conduct, County Borough Councillor P Jarman declared a personal interest in respect of Application No:

15/0666 - Western extension to existing quarry to include the phased extraction of an additional 10 million tonnes of pennant sandstone, construction of screening bunds, associated works and operations, and consolidation of all previous mineral planning permissions at Craig Yr Hesg Quarry, including an extension of the end date for quarrying and an overall restoration scheme (additional information submitted. "One of the personal speakers is known to me."

*(Note: the person in question who had requested to speak publicly was not present to address the committee.)*

- (3) In accordance with the Code of Conduct, County Borough Councillor J Williams declared a personal interest in respect of Application No: 15/0666 - Western extension to existing quarry to include the phased extraction of an additional 10 million tonnes of pennant sandstone, construction of screening bunds, associated works and operations, and consolidation of all previous mineral planning permissions at Craig Yr Hesg Quarry, including an extension of the end date for quarrying and an overall restoration scheme (additional information submitted. "One of the personal speakers is known to me."

*(Note: the person in question who had requested to speak publicly was not present to address the committee.)*

#### **181 APOLOGIES FOR ABSENCE**

An apology for absence was received from County Borough Councillor D Grehan.

#### **182 HUMAN RIGHTS ACT 1998 AND DEVELOPMENT CONTROL DECISIONS**

It was **RESOLVED** to note that when Committee Members determine the development control matters before them, they should have regard to the Development Plan and, so far as material to applications, to any other material considerations and when taking decisions, Members have to ensure they do not act in a manner that is incompatible with the convention on Human Rights as incorporated into legislation by the Human Rights Act 1998.

#### **183 WELLBEING OF FUTURE GENERATIONS (WALES) ACT 2015**

It was **RESOLVED** to note that the Wellbeing of Future Generations (Wales) Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle and to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

#### **184 MINUTES**

It was **RESOLVED** to approve as an accurate record, the minutes of the meeting of the Planning and Development Committee held on the 19<sup>th</sup> December 2019.

#### **185 APPLICATION NO: 15/0666**

In accordance with adopted procedures, the Committee received the following

public speakers who were each afforded five minutes to address Members on the above-mentioned proposal:

- Graham Jenkins (Agent)
- Jacob Williams (Objector)
- Lacie Mai Davies (Objector)
- Mr R A Davies (Objector)
- Dr Gareth Lloyd (Objector)
- Mr Keith Lewis (Objector)
- Sian Griffiths (Objector)
- Roy Spry (Objector)
- Simon Pritchard (Objector)

The Committee noted that Mr Clayton Jones (Objector) and Tara Mardon-Hughes (Objector) who had requested to address Members on the application were not present to do so.

The Agent Graham Jenkins exercised the right to respond to the comments made by the objectors.

Non-Committee/ Local Member – County Borough Councillors S Pickering, H Fychan and M Powell spoke on the application and put forward their objections in respect of the proposed application.

**(Note:** Having earlier declared an interest in the application (Minute No.180), Committee/ Local Member, County Borough Councillor D Williams exercised his right to address the Committee under 14(2) of the Code of Conduct on the application and put forward his concerns in respect of the proposed application and left the meeting for its deliberation).

The Head of Planning outlined the content of five 'late' letters. The first letter was submitted by AM Vikki Howells objecting to the proposed development due to the impact it would have on local residents' properties, health and well-being as well as the potential increase in vehicles creating highways and traffic issues. The Head of Planning also outlined the content of the remaining 'late' letters submitted by Pontypridd Town Council and local residents objecting to the proposal.

The Head of Planning also presented to the Committee the contents of a letter submitted in 2016 by former MP Owen Smith outlining concerns regarding the application.

The Head of Planning advised Members that all the matters raised in the letters had been addressed in the report.

The Head of Planning reported orally on a correction to the wording of condition 27 listed in the report confirming that the corrected condition would be:

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 26 above.

The Head of Planning advised the committee that as the Council did not have a specialist in mineral planning expert advice had been sought on this application.

He introduced Mr H. Towns the Minerals & Waste Planning Manager from Carmarthenshire County Council. Mr H Towns then provided to the committee a detailed overview of the report before Members and the reasons for the recommendation and addressed issues that had been raised by the public speakers.

Following a lengthy discussion Members were minded to refuse the above-mentioned application contrary to the recommendation of the Director, Prosperity & Development as Members were of the view that there were serious concerns that the proposals did not provide for a depth of buffer zone in compliance with Welsh Government advice, with the consequence that residential properties and a school would suffer from significant adverse amenity impacts. Members also raised concerns over the health implications due to poor air quality and highways concerns over damage caused by vehicle movement from the site. Therefore, the matter would be deferred to the next appropriate meeting of the Planning & Development Committee for a report of the Director, Prosperity & Development, if necessary in consultation with the Director of Legal Services, 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.

**186 INFORMATION FOR MEMBERS, PERTAINING TO ACTION TAKEN UNDER DELEGATED POWERS**

Members **RESOLVED** to receive the report of the Service Director, Planning in relation to Planning and Enforcement Appeal Decisions received, Delegated Decisions Approvals and Refusals with reasons, Overview of Enforcement Cases and Enforcement Delegated Decisions received for the period 18/01/2020 and 24/01/2020.

**This meeting closed at 6.45 pm**

**CLLR S REES  
CHAIR.**