



**CYNGOR BWRDEISTREF SIROL
RHONDDA CYNON TAF
COUNTY BOROUGH COUNCIL**

COMMITTEE SUMMONS

C Hanagan
Service Director of Democratic Services & Communication
Rhondda Cynon Taf County Borough Council
The Pavilions
Cambrian Park
Clydach Vale CF40 2XX

Meeting Contact: Jess Daniel - Council Business Unit, Democratic Services (01443 424103)

A virtual meeting of the **PLANNING AND DEVELOPMENT COMMITTEE** will be held on **THURSDAY, 9TH JULY, 2020** at **3.00 PM**.

NON-COMMITTEE LOCAL MEMBERS MAY REQUEST THE FACILITY TO ADDRESS THE COMMITTEE AT THEIR MEETING ON THE BUSINESS LISTED. IT IS KINDLY ASKED THAT SUCH NOTIFICATION IS MADE TO **PLANNINGSERVICES@RCTCBC.GOV.UK** BY 5PM ON TUESDAY, 7 JULY 2020, INCLUDING STIPULATING WHETHER THE ADDRESS WILL BE IN WELSH OR ENGLISH.

THE ORDER OF THE AGENDA MAY BE SUBJECT TO AMENDMENT TO BEST FACILITATE THE BUSINESS OF THE COMMITTEE

AGENDA

1. DECLARATION OF INTEREST

To receive disclosures of personal interest from Members in accordance with the Code of Conduct.

Note:

1. Members are requested to identify the item number and subject matter that their interest relates to and signify the nature of the personal interest; and
2. Where Members withdraw from a meeting as a consequence of the disclosure of a prejudicial interest they **must** notify the Chairman when they leave.

2. HUMAN RIGHTS ACT 1998 AND DEVELOPMENT CONTROL DECISIONS

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.

3. WELLBEING OF FUTURE GENERATIONS (WALES) ACT 2015

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.

DEFERRED APPLICATIONS

4. APPLICATION NO: 15/0666/10

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, CF37 3BG

5 - 60

5. URGENT BUSINESS

To consider any items which the Chairman by reason of special circumstances is of the opinion should be considered at the Meeting as a matter of urgency.

Service Director of Democratic Services & Communication

Circulation:-

Members of the Planning & Development Committee

The Chair and Vice-Chair of the Planning & Development Committee
(County Borough Councillor S Rees and County Borough Councillor G Caple respectively)

County Borough Councillors: Councillor J Bonetto, Councillor P Jarman,
Councillor D Grehan, Councillor G Hughes, Councillor J Williams, Councillor W Owen,
Councillor R Yeo, Councillor D Williams and Councillor S Powderhill

Service Director of Democratic Services & Communication
Director of Prosperity & Development
Head of Major Development and Investment
Head of Planning
Highways Development Control Manager
Head of Legal Services

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PLANNING & DEVELOPMENT COMMITTEE

9 JULY 2020

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

APPLICATION NO: 15/0666/10 – 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,
CF37 3BG

1. PURPOSE OF THE REPORT

Members are asked to consider the determination of the above planning application.

2. RECOMMENDATION

That Members consider the report in respect of the application and determine the application having regard to the advice given.

3. BACKGROUND

A Committee site visit meeting was undertaken on 3rd December 2019.

The application was reported to the 6th February 2020 Planning and Development Committee meeting with a recommendation of approval, subject to conditions and the applicant first entering into a legal section 106 agreement (a copy of the original report is attached as **Appendix ‘A’**).

At that meeting Members were minded to refuse the application, contrary to the officer recommendation. Following a lengthy discussion Members expressed concerns that:

- The proposals would result in adverse health impacts for people living in proximity of the quarry due to the impacts of the proposals on air quality;
- The proposals did not provide for a depth of buffer zone, in compliance with Welsh Government mineral planning advice, with the consequence that the occupiers of residential properties and pupils/staff of a primary school would suffer significant adverse amenity impacts;
- Damage to the highway network from the vehicle movements associated with the development

Consequently, it was resolved to defer determination of the application for a further report to highlight the potential strengths and weaknesses of making a decision contrary to the officer recommendation.

4. PLANNING ASSESSMENT

The considerations regarding the issues of concern to Members, as detailed above, are set out in full within the original report, however, further comment is provided below:

Health and Air Quality

Local air quality is recognised as the largest environmental risk to public health in the UK and is a public health priority for Wales. It is also understood that often the most vulnerable within our communities are most at risk from the potential effects of air pollutants and perversely are often most likely to experience it. The unborn child, children, the old, those suffering from certain common medical conditions and those on low incomes can be particularly vulnerable to poor air quality. This vicious cycle can lead to significant health inequalities, where communities (or parts of the community) that struggle or otherwise can't achieve full economic participation are often disproportionately more affected by poor air quality, which can perversely result in further inhibiting their ability to fully participate within society. It is acknowledged that Glyncoch, a suburban residential area, located adjacent to Craig-yr-hesg Quarry, is ranked as one of the most deprived within Rhondda Cynon Taf. The impact on Health and Local Air Quality are therefore recognised as being a significant concern to the local community.

The original report considers the issue of health and air quality in detail. It notes that the law requires the Local Authority to regularly review air quality in its area against Air Quality Objectives [AQO]. Whilst it has been acknowledged that it may not be possible to set an exposure level where no health effect may occur, relevant Air Quality Objectives are considered to provide a pragmatic public health safeguard. In reviewing air quality within RCT, the Local Authority has identified two air pollutants, Nitrogen Dioxide [NO₂] and Fine Particulate Matter [PM₁₀], as requiring closer examination.

Air Quality Regulations prescribe National Air Quality Strategy (NAQS) – objectives to be achieved for a range of pollutants such as PM₁₀ particulates

which are relevant to mineral working and NO₂ relevant for associated HGV emissions. The original report provides data to indicate that the PM₁₀ levels are well within the annual mean NAQS objective and the daily mean NAQS objective. The Local Air Quality Management - Air Quality Progress Report 2019 produced by the Council, also indicates that at present it is believed that the levels of Fine Particulate Matter (PM₁₀) at Glyncoch are compliant with the relevant NAQS Objectives for Fine Particulate Matter and Nitrogen Dioxide.

As well as maintaining Air Quality Objectives national policy has increased the relevance of the 'burden reduction' approach to help bring about the greatest public health gain. In doing so air quality exposure indicators, relevant to PM_{2.5}, PM₁₀ and NO₂, have been published.

Although Glyncoch is believed to observe levels of air quality that are compliant to Air Quality Objectives, it is also acknowledged that actions to improve air quality by reducing a long-term local source, may result in some public health benefits. This may be pronounced where, as in the case of Glyncoch, few other local industrial sources are prevalent. By achieving these benefits within a deprived community this could magnify any resultant public health gain, although it is not realistically possible to quantify the significance or not of such gain. It may also be the case that associated improvement from a reduction in transport related emissions may also have a marginal effect in other nearby local communities, where compliance to the annual mean AQO for NO₂ may not have been achieved.

It has also been acknowledged that, due to its nature, location and scale the winning and processing of mineral at Craig Yr Hesg Quarry will inevitably have an influence, to some degree, on local air quality. As stated in the consultation response from Public Health & Protection, Craig Yr Hesg Quarry may be the source of 16.0%~19.8% of the fine particulate matter [PM₁₀] locally observed. Road transport needs associated with Craig Yr Hesg Quarry would also likely be a potential, if marginal, source of nitrogen dioxide [NO₂] and transport noise within nearby communities in which these transport routes traverse.

Notwithstanding the above, there is a fundamental weakness in referencing adverse impacts on health and air quality as a reason for refusal of this application. Specifically, Public Health Wales consider the current air quality in terms of PM₁₀ particulates in the area to be 'good' and therefore in their opinion the community is not currently experiencing the effects of poor air quality. They 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. In addition, Council's Public Health, Protection & Community Services consider that processes at the quarry 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.

It would be fair to say that there are currently no restrictions on output and that the quarry would be able to expand its current levels of activity above

400,000 tonnes per annum. It is also fair to say that The Cwm Taf University Health Board and Public Health Wales have not confirmed their view on a level of activity above the 'current levels'. However, a planning condition restricting the output of the quarry to 400,000 tonnes per annum would be justified in order to address this issue and ensure that human health impacts remain unlikely. Such a condition would meet the 6 tests set out in Welsh Government Circular 016/2014 - The Use of Planning Conditions for Development Management. Where a condition can be used to make a development acceptable in planning terms a refusal would not be justified.

Air quality is recognised by Public Health Wales as being 'good'; air quality is slightly above 50% of the mean National Air Quality Objective thresholds; Members concerns in relation to the site potentially increasing output, and increasing impact, can be addressed by the imposition of a condition. Therefore, it is not considered that a reason for refusal on the grounds of impact on health and air quality can be justified.

Distance from sensitive developments and acceptability of impacts

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.

It is acknowledged that parts of the proposed quarry extension are within 200 metres of both housing and the school playing fields at Cefn Primary School. The original report sets out in detail the consideration of whether there are clear and justifiable reasons for the reduction in the buffer zone in this case. An assessment is made as to whether impacts of quarrying and other activities within 200m are capable of being managed to a level where they have a minimal impact on sensitive development.

The assessment is made in the context of Policies CS10, AW5 and AW10 of the Local Development Plan. These policies essentially seek to ensure no unacceptable harm to or significant impact on the amenities of neighbouring occupiers as a result of development.

The original report considers the potential impact of both nuisance and respirable dust, the impacts associated with blasting and the impact of operational noise. The issue of air quality has been addressed above and is not duplicated below.

As indicated in the original report, mineral dust coarser than 10µm may constitute a 'nuisance' due to soiling of surfaces but does not pose a risk to human health. Although, in itself, annoyance environmental dust (visible particulate matter) is unlikely to manifest any direct significant long-term health effects, disturbance may increase awareness and associated concerns within the local community as well as potentially affect the amenity of outdoor private and public spaces.

There are no statutory or recommended levels of dust deposition which constitute an acknowledged nuisance, but 200 mg/m²/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. 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. The risk of annoyance dust may be managed through the adoption of best practical means but nonetheless annoyance dust may still arise from time to time. The risk of annoyance dust during certain phases of the proposal, especially the landscape bund, maybe “of short duration and slight”.

Although current ambient environmental noise levels within parts of Glyncoch are believed to be very low, industrial noise “had been identified as a key issue given the relative proximity of the proposed extension area to noise sensitive properties”. Adverse environmental noise can markedly affect public health. Where exposure to high levels of adverse environmental noise, especially during peoples rest-periods, may be associated with a range of significant health effects as well as often mirroring the social impacts also attributed to poor air quality.

It is the case that minimum expectations for industrial noise can be set but that this may not necessarily eliminate awareness or incidental disturbance of the industrial noise. It has been acknowledged that, due to its nature, location and scale the winning and processing of mineral at Craig Yr Hesg Quarry will inevitably have an influence, to some degree, on environmental noise and the risk of annoyance dust.

Local engagement, undertaken as part of the application, suggest that the perception of the above environmental factors may support increased anxiety and concern within the local community. This may be further exacerbated about certain inherent uncertainties often associated with the evaluation of well-being impacts. It is possible these additional well-being impacts can, if not successfully mitigated by robust control mechanisms, monitoring and oversight, result in a reduction of local community amenity compounded by a lack of community confidence hindering possible mitigation. However, these robust control mechanisms can be imposed within suitable planning conditions and within any Environmental Permit issued for the plant. The issue of monitoring and oversight is one for the Council to address and would not support a reason for refusal.

In the opinion of your officers the impact of a reduction in the buffer zone below 200m does not result in any identifiable significant adverse impacts as a result of dust, air quality and noise.

Highways

The planning application referred to Local Authority traffic survey data for 2012 and 2013 which 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% of HGV's and 1.2% of total traffic movements) 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 small percentage of overall traffic movements.

Highways Development Control did raise some concerns about damage to the road surface from an additional 25 years of lorry movements from the quarry at current extraction rate of 400,000 tonnes per annum. As stated above, it could also be argued that without an output limit the number of vehicles could increase depending on demand. However, the concern in relation to increases in output can be addressed by a condition.

It could be argued that HGV's manoeuvring in the carriageway to enter and leave the site has a greater impact on the road surface than other vehicles passing along the road. However, Section 59 of the Highways Act 1980 gives 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.

HGV traffic generated by the site is small percentage of overall traffic on the B4273; increases in traffic movements could be prevented by an output limit restriction; and a legal remedy to address Members concerns already exists. On that basis it is not considered that a refusal reason based on damage to the highway network can be sustained.

In addition, the original report set out in detail the need for additional crushed rock reserves within the County to comply with Policy CS10(1) of the Local Development Plan and the requirements of the Regional Technical Statement for Aggregates. A need existed at the time the Local Development Plan was adopted and the extension of Craig-yr-hesg Quarry was the preferred option to meet that need, hence its identification as a Preferred Area of Known Mineral Resource within Policy SSA25. No other alternative options were identified at that time. If this application is refused it should be noted that this need remains (and is likely to be greater when the Regional Technical Statement – 2nd Review is published later this year) and alternative arrangements to meet that need will have to be made in order to comply with Policy CS10(1) and Welsh Government Policy.

Conclusion

Whilst the application is recommended for approval, subject to the conditions and S106 agreement set out in the original report (together with an additional condition limiting output to 400,000 tonnes per annum), if, having considered the above advice, Members remain of a mind to refuse planning permission, it is suggested that the following reason for refusal would reflect those views:

1. Minerals Technical Advice Note (MTAN) 1: Aggregates (Paragraphs 70 and 71) identifies a suitable minimum distance between hard rock quarries and sensitive development is 200 metres, and states that any reduction from this distance should be evidenced by clear and justifiable reasons. The proposed quarry extension encroaches within 200m of sensitive development and the Council does not consider that the applicant has provided sufficient evidence of clear and justifiable reasons for reducing that minimum distance in this case.



RHONDDA CYNON TAF COUNCIL PLANNING AND DEVELOPMENT COMMITTEE
Minutes of the virtual meeting of the Planning and Development Committee held on Thursday, 9
July 2020 at 3.00 pm.

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

Councillor S Rees (Chair)

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

Officers in attendance:-

Mr C Hanagan, Service Director of Democratic Services & Communication
Mr S Gale, Director of Prosperity & Development
Mr J Bailey, Head of Planning
Mr S Zeinali, Highways Development Control Manager
Mr S Humphreys, Head of Legal Services
Mr H Towns - Minerals and Waste Planning Manager
Mr N Pilliner, Environmental Protection and Housing Standards Manager
Mr G Purnell, Pollution Control Officer

County Borough Councillors in attendance:-

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

233 DECLARATION OF INTEREST

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

- In accordance with the Code of Conduct, County Borough Councillor D Williams declared a personal interest which was also prejudicial, 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, CF37 3BG. "I am involved with the action group that is against the extension of the quarry."

234 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.

235 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.

236 APPLICATION NO: 15/0666/10

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NOTE: County Borough Councillor D Williams who declared a personal and prejudicial interest in this matter vacated the meeting for the consideration of the matter (Minute 233 above refers).

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

The Committee resolved that the press and public be excluded from the meeting under s100A(4) of the Local Government Act 1972 in order to receive legal advice in connection with the application on the grounds that it would involve the likely disclosure of information defined in Paragraph 16 of Part 4 of Schedule 12A of the Local Government Act 1972 namely information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

Following receipt of the legal advice the Head of Planning presented the details of the application to committee which was last reported to Committee on the 6th February 2020, where Members were minded to refuse the application contrary to the recommendation of the Director, Prosperity and Development. He outlined the contents of ‘late’ letters received, informing committee that there had been 62 emails received, 60 raised objections citing blasting air quality, dust, traffic and environmental issues. There were 2 emails in support.

There was also a re-presented letter received from Vikki Howells AM which set out concerns on behalf of her constituents that works would fall within a 200m buffer zone, blasting operations causing concerns locally, air pollution impact and traffic issues. He also shared a letter from Ynysybwl and Coed-y-Cwm

Community Council which reiterates objection to the submission.

There were also 2 letters from the planning consultant on behalf of the applicant the most recent of which (dated 7 July 2020) outlining suggested conditions to address concerns outlined in the report regarding the 200m buffer zone and limiting output from the quarry.

The Head of Planning informed Members that Mr H. Towns (Minerals & Waste Planning Manager from Carmarthenshire County Council) who was present at the previous Committee meeting in February to provide expert advice was present in the meeting to address Members. Mr H Towns then provided to the committee a detailed overview of the report which detailed the concerns identified by Members previously. He discussed the strengths and weaknesses of each point addressed in the report: 1) adverse health impacts due to air quality, 2) adverse amenity impacts of not providing a 200m buffer zone and 3) damage to the highway network.

Members gave detailed consideration to the further report, highlighting the potential strengths and weaknesses of refusing an application contrary to officer recommendation and following a lengthy discussion, it was **RESOLVED** to refuse the application contrary to the recommendation of the Director, Prosperity and Development for the following reason:

1) 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 and states that any reduction from this distance should be evidenced by clear and justifiable reasons. The proposed quarry extension encroaches within 200m of sensitive development and the Council does not consider that the applicant has provided sufficient evidence of clear and justifiable reasons for reducing the minimum distance in this case.

This meeting closed at 4.20 pm

**CLLR S REES
CHAIR.**