



**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: Kate Spence - Democratic Services (07747485566)

A hybrid meeting of the **PLANNING AND DEVELOPMENT COMMITTEE** will be held on **THURSDAY, 10TH FEBRUARY, 2022** at **3.00 PM**.

NON-COMMITTEE MEMBERS AND MEMBERS OF THE PUBLIC 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, 8 FEBRUARY 2022, 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.

### **4. MINUTES 16.12.21**

To approve as an accurate record, the minutes of the meeting of the Planning and Development Committee held on 16<sup>th</sup> December 2021.

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## **APPLICATIONS RECOMMENDED FOR APPROVAL BY THE DIRECTOR OF PROSPERITY & DEVELOPMENT**

### **5. APPLICATION NO: 21/0752**

Change of use from stores and office to one bed dwelling.  
**D G Love Garage, rear of 362 Cardiff Road, Aberaman, Aberdare.**

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### **6. APPLICATION NO: 21/1573**

Change of use from commercial to convenience store with a single storey extension & alterations - Resubmission of 21/0883/10.  
**Trealaw Tyres, Brithweunydd Road, Tonypany**

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## **APPLICATIONS FOR CONSIDERATION BY PLANNING AND DEVELOPMENT COMMITTEE**

### **7. APPLICATION NO: 15/0666 AND 21/0720**

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**

APPLICATION NO: 21/0720 - Continuation of quarrying and related operations without complying with conditions 1-4 inclusive and conditions 45 & 46 imposed on the Environment Act ROMP schedule of conditions issued by Rhondda Cynon Taf County Borough Council on 24th April 2013 ref:08/1380/10.

**Craig Yr Hesg Quarry, Berw Road, Pontypridd**

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## **INFORMATION REPORT**

### **8. INFORMATION FOR MEMBERS, PERTAINING TO ACTION TAKEN UNDER DELEGATED POWERS**

To inform Members of the following, for the period 17/01/2022 and 28/01/2022.

Planning and Enforcement Appeals Decisions Received  
Delegated Decisions Approvals and Refusals with reasons.  
Overview of Enforcement Cases.  
Enforcement Delegated Decisions.

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### **9. 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 R Williams respectively)

County Borough Councillors: Councillor J Barton, Councillor D Grehan,  
Councillor G Hughes, Councillor P Jarman, Councillor W Lewis, Councillor W Owen,  
Councillor S Powderhill, Councillor J Williams and Councillor D Williams.

Head of Planning  
Director of Prosperity & Development  
Service Director of Democratic Services & Communication  
Head of Legal Services  
Head of Major Development and Investment  
Senior Engineer

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

Minutes of the virtual meeting of the Planning and Development Committee held on  
Thursday, 16 December 2021 at 3.00 pm

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

#### **Council Chamber**

Councillor S Rees (Chair)

Councillor G Caple

#### **Zoom**

Councillor D Grehan	Councillor G Hughes
Councillor J Williams	Councillor W Owen
Councillor D Williams	Councillor W Lewis
Councillor S Powderhill	Councillor P Jarman

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

#### **Council Chamber**

Mr C Jones, Head of Major Development and Investment

Mr J Bailey, Head of Planning

Mr S Humphreys, Head of Legal Services

Mr A Rees, Senior Engineer

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

#### **Zoom**

Councillor R Bevan

## **141 DECLARATION OF INTEREST**

In accordance with the Council's Code of Conduct, the following declarations of interest were made:

- 1) County Borough Councillor D. Williams declared a personal interest in respect of Application 21/1102 – Building to facilitate the relocation of fallen stock yard. (Odour Management Plan received 30th September 2021, Veterinary Statement and revised plans, reducing size of building and enhancing landscaping, received 18th October 2021), Field at Croft Yr Haidd, Castellau, Beddau, Pontyclun, CF72 8LQ

“Whilst Mayor of Rhondda Cynon Taf County Borough Council (2012-2013), the applicant raised a substantial amount of Money for the Mayor's Charity”

- 2) County Borough Councillor W. Lewis declared a personal and prejudicial interest in respect of Application 19/1082 – Reserved Matters application for Phases 3 and 4 of Parc Llanilid (submitted pursuant to outline (hybrid) planning permission 10/0845/34) to include 494no. residential units and associated infrastructure. Amended plans and/or additional/updated information received 24/06/21 (updated application form, site layout plan (rev 'K'), landscaping plans and strategy, Thetford and 1 bed DQR unit plans); 20/07/21 (site layout plan (rev 'L') and accommodation schedule); 22/07/21 (updated urban design statement); 27/07/21 (updated Movement Plan); 03/08/21 (engineering plans and updated Noise Report); 28/09/21 (updated plans to reflect new house types); 12/10/21 (updated landscape plans); 18/11/21 (site layout plan (rev 'N')) and 23/11/21 (revised/updated engineering layout plans, landscape strategy and landscape planting plans), Land at former open cast coal site and land to the north of the A473, Llanilid.

“The company I work for is currently working on Phase 1 of the Parc Llanilid development and could be involved in future development of the site during Phases 3 and 4”

#### **142 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.

#### **143 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.

#### **144 MINUTES 04.11.21**

It was **RESOLVED** to approve as an accurate record, the minutes of the meeting of the Planning and Development Committee held on the 4<sup>th</sup> November 2021.

#### **145 CHANGE TO THE AGENDA**

The Committee agreed that the agenda would be considered out of sequence and as detailed in the minutes set out hereunder.

**146 APPLICATION NO: 21/1102**

**Building to facilitate the relocation of fallen stock yard. (Odour Management Plan received 30th September 2021, Veterinary Statement and revised plans, reducing size of building and enhancing landscaping, received 18th October 2021), Field at Croft Yr Haidd, Castellau, Beddau, Pontyclun, CF72 8LQ.**

Following consideration by Committee, it was **RESOLVED** to defer the Application for a Site Inspection to be undertaken by the Planning and Development Committee to consider the potential impact that the proposed development would have on the visual amenity of the site, the nearby highways, and the environment.

**147 APPLICATION NO: 21/0942**

**Garden curtilage extension and creation of hard standing, Merrivale, Llwydcoed Road, Aberdare**

In accordance with adopted procedures, the Committee received the following public speakers who were afforded five minutes to address Members on the above-mentioned proposal:

- Mr A Cable (Applicant)
- Mr D Wesley (Objector)

The Applicant Mr A Cable exercised the right to respond to the comments made by the objector.

The Head of Major Development and Investment outlined the contents of a 'late' letter received from a local resident in objection of the application.

The Head of Major Development and Investment presented the application to Committee and following consideration it was **RESOLVED** to defer the determination of the application to a future meeting of the Planning and Development Committee to allow further discussions to take place between the Director Prosperity and Development and the applicant to clarify the extent of the application.

**(Note:** At this point in the proceedings, County Borough Councillor W Owen left the meeting (3:33pm))

**148 APPLICATION NO: 21/1310**

**Demolition and redevelopment to provide residential dwellings and associated works. (Historic Building Recording Report received 22nd November 2021), Penygraig Infants School, Hendrecafn Road, Pen-Y-Graig, Tonypandy.**

At this point County Borough Councillor W. Lewis declared a personal interest in respect of Application 21/1310

“Persimmon is the contractor of this development”

In accordance with adopted procedures, the Committee received Mr D Green (Agent) who was afforded five minutes to address Members on the above-mentioned proposal.

The Head of Planning presented the application to Committee and following consideration it was **RESOLVED** to approve the application in accordance with the recommendation of the Director, Prosperity and Development, subject to a Section 106 agreement to ensure that the dwellings are established and maintained as affordable units in perpetuity, for the continued purpose of meeting identified local housing needs.

**149 APPLICATION NO: 21/1330**

**Affordable housing development, comprising of 11no 1 bed apartments and 2no 2bed fully adapted apartments together with car parking, landscaping, ancillary works, 122-126 Dunraven Street, Tonypany, CF40 1QB.**

The Head of Planning presented the application to Committee and following consideration it was **RESOLVED to** approve the application in accordance with the recommendation of the Director, Prosperity and Development, subject to a Section 106 agreement ensure that the dwellings are established and maintained as affordable units, for the continued purpose of meeting identified local housing needs.

**150 APPLICATION NO: 20/1445**

**Outline for residential development (18 dwellings). (Grassland Ecology Appraisal received 15/07/21), Land to the rear of 15 & 16 Rhigos Road, Hirwaun, Aberdare.**

The Head of Major Development and Investment outlined the contents of a ‘late’ letter received from a local resident in objection of the application.

The Head of Major Development and Investment presented the application to Committee and following consideration it was **RESOLVED** to approve the application in accordance with the recommendation of the Director, Prosperity and Development, subject to a Section 106 agreement to ensure that 2 dwellings are established and maintained as affordable units, for the continued purpose of meeting identified local housing needs.

**151 APPLICATION NO: 21/1328**

**Proposed development of an Extra Care facility containing 60 apartments and associated works, including landscaping, sustainable drainage, access and parking, Dan Y Mynydd Care Home, Bronwydd Avenue, Cymer, Porth.**

The Head of Major Development and Investment presented the application to Committee and following consideration it was **RESOLVED** to approve the application in accordance with the recommendation of the Director, Prosperity



and Development.

**152 APPLICATION NO: 21/0274**

**Proposed storage/distribution portal frame building (Unit 2) (Use Class B8), Phase 2, Land Opposite Storamove, Aberaman Park Industrial Estate, Aberaman, Aberdare.**

The Head of Major Development and Investment presented the application to Committee and following consideration it was **RESOLVED** to approve the application in accordance with the recommendation of the Director, Prosperity and Development.

**153 APPLICATION NO: 21/0831**

**Construction of a car park to supplement existing park and ride facilities at Porth Railway Station (Park and Ride Phase 3), to include realignment of the Rheola Industrial Estate access road, drainage works, street lighting, CCTV and soft landscaping. (Transport Statement received 23rd September 2021, Coal Mining Risk Assessment Received 27th October 2021), Rheola Road/Rheola Industrial Estate Access Road, Porth.**

The Head of Major Development and Investment presented the application to Committee and following consideration it was **RESOLVED** to approve the application in accordance with the recommendation of the Director, Prosperity and Development.

**154 APPLICATION NO: 21/1250**

**Construction of a new garage block containing 3 no. single garages, Land adjacent to Woodville, Pantygraigwen Road, Pontypridd.**

The Head of Planning presented the application to Committee and following lengthy consideration, Members were minded to refuse the above-mentioned application contrary to the recommendation of the Director, Prosperity & Development as Members had strong concerns for highway and pedestrian safety. Therefore, the matter would be deferred to the next appropriate meeting of the Planning and Development Committee for a report of the Director, Prosperity and Development, if necessary, in consultation with the Director, 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.

**(Note:** A motion was seconded to approve the above-mentioned application in accordance with the recommendation of the Director Prosperity and Development but was unsuccessful).

**155 APPLICATION NO: 21/1267**

**Conversion of property to 8 studio flats, including a two-storey rear extension, internal alterations and off-street car parking to rear (amended plans rec. 18/10/21 and amended description 18/10/21), Gwynfa House,**

**Main Road, Church Village, Pontypridd.**

The Head of Planning presented the application to Committee and following consideration, 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 the proposed conversion to 8 studio flats would result in over-development of the property. Therefore, the matter would be deferred to the next appropriate meeting of the Planning and Development Committee for a report of the Director, Prosperity and Development, if necessary, in consultation with the Director, 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.

**156 APPLICATION NO: 19/1082**

**Reserved Matters application for Phases 3 and 4 of Parc Llanilid (submitted pursuant to outline (hybrid) planning permission 10/0845/34) to include 494no. residential units and associated infrastructure. Amended plans and/or additional/updated information received 24/06/21 (updated application form, site layout plan (rev 'K'), landscaping plans and strategy, Thetford and 1 bed DQR unit plans); 20/07/21 (site layout plan (rev 'L') and accommodation schedule); 22/07/21 (updated urban design statement); 27/07/21 (updated Movement Plan); 03/08/21 (engineering plans and updated Noise Report); 28/09/21 (updated plans to reflect new house types); 12/10/21 (updated landscape plans); 18/11/21 (site layout plan (rev 'N')) and 23/11/21 (revised/updated engineering layout plans, landscape strategy and landscape planting plans), Land at former open cast coal site and land to the north of the A473, Llanilid**

The Head of Planning presented the application to Committee and following lengthy consideration it was **RESOLVED** to approve the application in accordance with the recommendation of the Director, Prosperity and Development, subject to amendment of Condition 10 to refer to the approval of the access ramp leading to the railway, in addition Members requested that a letter be sent to Persimmon Homes West Wales on behalf of the Committee to share their thoughts on the need for a greater proportion of affordable housing on the development site.

**(Note:** Having earlier declared a prejudicial interest in the above-mentioned application (Minute No. 141) County Borough Councillor W Lewis left the meeting for this item).

**157 APPLICATION NO: 21/0256**

**Partial change of use from commercial to residential to create two commercial premises and eight flats, along with associated works (Flood Consequence Report received 05/07/2021, Amended Plans received 07/07/2021), 22-22A Cardiff Street, Aberdare (Report back)**

The Head of Planning presented the application which was originally reported to Committee on 16<sup>th</sup> September 2021, where Members deferred the application for a site inspection which took place on the 5<sup>th</sup> October 2021. The application was

then reported back to Committee on 4<sup>th</sup> November 2021, where members were minded to refuse the application contrary to the officer recommendation of the Director, Prosperity and Development (Minute 109 refers).

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

- The proposed development would result in a lack of amenity space for future occupiers of the flats. As such, the application would be contrary to Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

**158 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 22/11/2021 and 03/12/2021.

**This meeting closed at 5.00 pm**

**CLLR S REES  
CHAIR.**

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## PLANNING & DEVELOPMENT COMMITTEE

10 FEBRUARY 2022

### REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

#### PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 21/0752/10 (JE)  
**APPLICANT:** Mr J Sexton  
**DEVELOPMENT:** Change of use from stores and office to one bed dwelling.  
**LOCATION:** D G LOVE GARAGE, REAR OF 362 CARDIFF ROAD, ABERAMAN, ABERDARE, CF44 6TP  
**DATE REGISTERED:** 19/08/2021  
**ELECTORAL DIVISION:** Aberaman North

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#### RECOMMENDATION: APPROVE

**REASONS:** The proposal is in-keeping with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan and National Policy in that, the proposed residential use would be compatible with surrounding land uses and would not result in an adverse impact upon the character of the site, the amenity of neighbouring occupiers or highway safety in the vicinity.

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#### REASON APPLICATION REPORTED TO COMMITTEE

- A request has been received from ward Member, Councillor De Vet, so that Members can consider the full impact of the development upon highway safety, residential amenity and the standard of accommodation proposed.

#### APPLICATION DETAILS

Full planning permission is sought for the change of use of the property from stores and office to a one bedroom dwelling.

The proposal would see living accommodation over two floors, with an open plan kitchen and living room at ground floor level and an en-suite bedroom on the first floor. The proposal would also accommodate a mezzanine storage area above the first floor.

External works would include the installation of exterior cladding and replacement of existing fenestration and the installation of bifold doors to the front elevation (much of which has already been undertaken). Members are advised that whilst these works have already been undertaken no new openings have been created and the works appear to be part of a larger external repairs and refurbishment and are considered permitted development.

## **SITE APPRAISAL**

The application site relates to a detached garage/stores building located to the rear of 362 Cardiff Road, Aberaman. The site extends to approximately 32m<sup>2</sup> which includes the footprint of the structure and a narrow entrance apron to the front. Access to the building is gained via an unmade private access lane that adjoins Cardiff Road (B4275). To the front of the site works comprising the construction of a low wall and installation of block paving have been completed by the applicant. During the Officer site visit external works had been completed at the property however, the building appeared vacant.

Surrounding development comprises of Maesyffynon Care Home to the west, traditional terraced properties to the south and semi-detached dwellings at Penderyn Place to the north.

## **PLANNING HISTORY**

There are no recent planning applications on record associated with this site.

## **PUBLICITY**

The application has been advertised by direct notification to neighbouring properties as well as notices displayed at the site.

1 letter of support has been received from a neighbouring occupier and 1 letter of objection has been received from the local ward Member, Councillor Evans. The points raised in both letters are summarised below:

### Support

- Would bring a rundown property back into beneficial use.
- There have been no issues during the construction period.

### Objection

- Overlooks gardens in Penderyn Place.
- Existing issues and disputes with the Council's Corporate Estates department in relation to works to the lane and side of the site.
- Access to property along unmade narrow lane.

## **CONSULTATION**

**Transportation Section:** No objection.

**Flood Risk Management:** No objection.

**Public Health and Protection:** No objection although conditions raised in relation to hours of construction, noise, dust and waste.

**Dwr Cymru:** No objection.

## **POLICY CONTEXT**

## **Rhondda Cynon Taf Local Development Plan**

Members will be aware that the current LDP's lifespan was 2011 to 2021 and that it is in the process of being reviewed. The Planning (Wales) Act 2015 introduced provisions specifying the period to which a plan has effect and providing that it shall cease to be the LDP at the end of the specified period. These provisions were commenced on 4<sup>th</sup> January 2016 but do not have retrospective effect. Therefore, the provisions do not apply to LDPs adopted prior to this date and plans adopted before 4<sup>th</sup> January 2016 will remain the LPD for determining planning applications until replaced by a further LDP. This was clarified in guidance published by the Minister on 24<sup>th</sup> September 2020. Subsequently, the existing Plan remains the development plan for consideration when determining this planning application.

The application site lies within the settlement boundary for Aberaman but is not allocated for a specific purpose.

**Policy CS1** – sets out the criteria for development in the Northern Strategy Area.

**Policy AW1** – sets out the criteria for housing developments.

**Policy AW2** – supports development within sustainable locations.

**Policy AW5** - sets out criteria for new development in relation to amenity and accessibility.

**Policy AW6** - requires development to involve a high quality design and to make a positive contribution to placemaking, including landscaping.

**Policy AW10** - Does not permit proposals where they could cause or result in a risk of unacceptable harm to health and/or safety.

**Policy NSA12** – permits housing developments within and adjacent to the settlement boundary in the Northern Strategy Area.

### **Supplementary Planning Guidance**

- Design and Placemaking
- Access, Circulation and Parking Requirements
- Development of Flats

### **National Guidance**

*In the determination of planning applications regard should also be given to the requirements of national planning policy which are not duplicated in the Local Development Plan, particularly where national planning policy provides a more up to date and comprehensive policy on certain topics.*

Planning Policy Wales (Edition 11) (PPW) sets out the Welsh Government's (WG) current position on planning policy. The document incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out the WG's policy on planning issues relevant to the determination of planning applications. Future Wales: The National Plan 2040 (FW2040) sets out guidance for development at both regional and national level within Wales, with the thrust and general context also aimed at sustainable development.

It is considered that the proposed development is consistent with the key principles and requirements for placemaking set out in PPW; and is consistent with the Well-being of Future Generations (Wales) Act's sustainable development principles through its contribution towards the Welsh Ministers' well-being objectives of driving sustainable development and building healthier communities and better environments.

Given the minor scale of the proposed development and its relationship with only the immediate surrounding area, there are limitations to the extent such a scheme can have in promoting planning objectives at a national scale. As such, whilst the scheme aligns with the overarching sustainable development aims of FW2040, it is not considered the policies set out in the document are specifically relevant to this application.

Other national policy guidance considered:

PPW Technical Advice Note 12 – Design  
PPW Technical Advice Note 18 – Transport

## **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.

### **Main Issues:**

#### **Principle of the proposed development**

The application relates to the change of use of the unit from a stores and office to residential including various renovation works.

The property is located within the settlement boundary as identified by the Rhondda Cynon Taf Local Development Plan and is within a predominantly residential area where this type of development could be considered acceptable.

The site is accessible by a range of sustainable transport options including bus, foot and bicycle; and has good access to key services and facilities within the Neighbourhood Centre of Aberaman and Principal Town of Aberdare. This site can therefore be considered a sustainable location for residential purposes in accordance with Policy AW2.

Whilst the proposal would result in the creation of a 1 bedroom dwelling, given the nature of the development it is considered that the resulting unit would be akin to a flat and therefore it should comply with The Council's Supplementary Planning Guidance



(SPG): Development of Flats which requires the development to be of a certain standard.

In this respect, the proposal is of an acceptable size and each main room would have at least one window. Whilst the proposal lacks direct access to the site from the surrounding pavements and roads, the access is relatively well overlooked and is not considered to result in such an impact that would warrant a refusal of the application. In addition, whilst it is acknowledged that the proposal does not benefit from any external amenity space, it is noted the site is located close to nearby public parks and facilities that are easily accessible from the property. As such, the proposal is considered to meet the requirements set out in the SPG and is generally considered acceptable in principle.

### **Impact on the character and appearance of the area**

The renovation of the property has resulted in a positive contribution to its appearance, which historically was rundown and in need of repair. In addition, the scheme does not propose any increase to the footprint of the building or any external works to the wider curtilage, other than generally tidying works. As such, it is considered that the proposal will not detract from the character or appearance of the area and is acceptable in this regard.

### **Impact on residential amenity and privacy**

It is not considered the proposed use of the building as residential property would result in any detrimental impact to the existing amenity standards currently enjoyed by residents of the surrounding properties. Whilst it is accepted a degree of noise/disturbance would inevitably occur, any potential impact would be typical of such a residential use and is considered a betterment to the previous use as an uncontrolled store/office.

Whilst it is appreciated that the first floor Juliet balcony on the front elevation of the building does allow for views onto the rear gardens of properties along Penderyn Place, as commented by the objector, when considering the semi-detached nature of these properties and the relationship with Maesyffynon Care Home to the west, an existing mutual level of overlooking has already been established between neighbouring properties here. As such, it is not considered that the opening would exacerbate existing levels of overlooking experienced by neighbouring occupiers. With regard to the 2no. first floor windows located on the western side elevation of the property, these would overlook a vacant area of land and an area of the car park serving Maesyffynon Care Home only. As such, they would have no undue impact.

Taking the above into account, the proposal is not considered to adversely impact upon residential amenity and is considered acceptable in this regard.

### **Highway Safety and Parking Provision**

Concern was raised by the objector with regard to the use of the substandard lane serving the proposed dwelling. However, no objection has been raised by the Council's

Highways and Transportation Section following consultation, with the following comments received:

The proposed dwelling is accessed off an existing unadopted lane which is a dead end at the property boundary with no official turning facility. The lane measures in the region of 5 – 5.3 metres in width with no segregated footway facility. The lane is also outside the control of the applicant to allow improvement. However, there is enough space for a vehicle and pedestrian to pass one-another and given the limited use of the lane, it is, on-balance, considered acceptable for access. Furthermore, it is expected that service and delivery vehicles would not access the lane and would park on-street to deliver due to the relatively short distance of 25 metres between the main road and proposed dwelling.

Vision onto Cardiff Road in both directions is in excess of the SPG requirement. On-street car parking to the right from the access is often obstructed by high on-street car parking demand which raises cause for concern, however, the impact of the on-street parking is mitigated by the location within a 20mph zone and physical traffic calming close to the junction. As such there is no objection in this respect.

In accordance with the Council's SPG Access, Circulation and Parking the proposed 1 bed dwelling requires up-to a maximum of 2 off-street car parking spaces. The red line boundary submitted indicates that there is space within the curtilage along the lane to accommodate 2 off-street car parking spaces. The previous use is stated as a builder's store and office. This would have generated a number of trips by all types of vehicle using the store with no turning facility resulting in reversing to and from Cardiff Road. It is anticipated that the proposed use will reduce delivery vehicles to and from the site reducing reversing movements which would be acceptable.

To conclude, there is concern that the proposed access lane is lacking in turning facilities for service and deliveries to access / egress in forward gear and lacking in permanent surfacing material. However, as stated above, due to the short length to access the dwelling off Cardiff Road, it is not anticipated that delivery vehicles would use the lane. Furthermore, the proposed one bed unit would attract limited vehicular movements due to the small scale of development and taking into account the previous use as a builder's store and office, the trip generation would be similar or potentially reduced. Therefore, on-balance, the proposed is considered acceptable.

#### **Other concerns raised by the objector**

Concern has been raised with regard to current disputes in relation to works undertaken by the applicant to the access lane and the enclosure of an area of land to the side of the application site. Whilst the lane as a whole is not Council owned, the areas subject to the disputed works are within Council ownership. However, these areas are outside of the application site and cannot be considered in the determination of this application.

Members are advised that these matters are currently under separate consideration by the Council's Corporate Estates Department.

#### **Public Health & Protection**

The Council's Public Health and Protection Division have raised no objection to the proposal, however a number of conditions have been suggested in relation to hours of operation, noise, waste and dust. Whilst these comments are appreciated, it is considered that these issues can be more effectively controlled by other legislation and the suggested conditions are therefore not necessary. An appropriate informative note would be sufficient.

### **Community Infrastructure Levy (CIL) Liability**

The Community Infrastructure Levy (CIL) was introduced in Rhondda Cynon Taf from 31 December 2014.

The application is for development of a kind that is liable for a charge under the CIL Regulations 2010 as amended however, the application site lies within Zone 1 of Rhondda Cynon Taf's Residential Charging Zones, where a £nil charge is applicable. Therefore, no CIL would be payable.

### **Conclusion**

The application represents an appropriate change of use of a currently vacant and disused property within the heart of a residential area. Furthermore, it is not considered that the proposal would have any undue impact upon the character and appearance of the locality, the residential amenity of the surrounding properties, or upon highway safety in the vicinity of the site. The application is therefore considered to comply with the relevant policies of the Local Development Plan.

### **RECOMMENDATION: GRANT SUBJECT TO THE BELOW CONDITIONS:**

1. The development hereby approved shall be carried out in accordance with the approved plan(s) no(s):
  - 004-CR-XX-RF-DR-AT-0001
  - 004-CR-XX-RF-DR-AT-0100

unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

Reason: To ensure compliance with the approved plans and documents and to clearly define the scope of the permission.

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## PLANNING & DEVELOPMENT COMMITTEE

10 FEBRUARY 2022

### REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

#### PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 21/1573/10 (GH)  
**APPLICANT:** Mr I Aslam  
**DEVELOPMENT:** Change of use from commercial to convenience store with a single storey extension & alterations - Resubmission of 21/0883/10.  
**LOCATION:** TREALAW TYRES, BRITHWEUNYDD ROAD, TONYPANDY, CF40 8PB  
**DATE REGISTERED:** 24/11/2021  
**ELECTORAL DIVISION:** Trealaw

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**RECOMMENDATION:** GRANT SUBJECT TO THE CONDITIONS BELOW:

**REASONS:** The development would provide a useful local convenience store, which would both result in the reuse of a vacant building and create improvement to its appearance and the street scene, by virtue of its refurbishment.

Subject to conditions to protect neighbour amenity, the application is considered to comply with the relevant policies of the Local Development Plan in respect of its visual impact, the amenity and privacy of the neighbouring properties and highway safety.

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#### REASON APPLICATION REPORTED TO COMMITTEE

Three or more letters of objection have been received.

#### APPLICATION DETAILS

Full planning permission is sought for a change of use from a commercial tyre garage to a single convenience store, together with a small extension and other alterations, at Trealaw Tyres, Brithweunydd Road.

The 1.82m deep and 12.44m wide extension would be to the part front of the building, whilst the other alterations would include new fenestration, a small ramp to the front of the retail unit, and the removal of an existing lean-to on the eastern side elevation.

The western section of the building would remain unchanged externally, and would accommodate staff car parking, storage and a kitchen, together with internal access to the basement level.

The proposed opening hours are Monday to Saturdays 07:00am to 21:00pm and Sunday & Bank Holidays 08:00am to 21:00pm.

The submitted site layout plan shows that seven off street parking spaces are proposed to the front of the units, and an area for recycling bins would be located adjacent the parking area to the eastern side.

As the description of development notes, this application is a resubmission of 21/0883/10. Since then, the scope of the development has been reduced from four to one retail units and the layout rearranged to enable sufficient parking.

In addition to the submitted plans and details, has been accompanied by a Coal Mining Risk Assessment.

## **SITE APPRAISAL**

The application site is an existing commercial unit previously trading as Trealaw Tyres, which is located on Brithweunydd Road, Trealaw. The property comprises an industrial type of unit, with vehicle and pedestrian entrances, which is set back from the road by a full-width forecourt.

A set of steps to the side of the building adjacent to number 261 provides public pedestrian access to the rear and New Century Street. A further set of steps within the application site, adjacent to number 251, also leads to the rear of the site but is not a Public Right of Way. Vehicle access to the rear lane can be gained via New Century Street.

Whilst most of the development surrounding the site is residential, Alaw County Primary School is located close by and is accessed via Egypt Street on the opposite side of Brithweunydd Road.

## **PLANNING HISTORY**

The most recent or relevant applications on record associated with this site are:

**21/0883/10:** Change of use from commercial garage to 4 self-contained retail units with a single storey extension and alterations. Decision: 26/11/21, Refused.

## **PUBLICITY**

The application has been advertised by direct notification to twenty neighbouring properties and notices were displayed on site.

Four letters of objection or representation have been received raising the following concerns:

- Inadequate parking provision resulting in unsafe vehicle movements and parking overspill to the highway, or parking on pavements.
- Having checked the new application and Block Plan showing the proposed new parking layout and actually having tried the manoeuvre to reverse a delivery vehicle in between parked cars on the forecourt, it proved to be impossible without either driving over the pavement area or reversing on to the carriageway.
- There is already a shortfall of parking for residents.
- Obstructions will make it dangerous for children to cross to the school, as well as other pedestrians.
- The previous occupier would help customers to reverse out to avoid traffic, but this is unlikely to happen with the regular comings and goings of a convenience store.
- The plans have included the public steps at the side of the site, where there is a 10 foot drop, which do not belong to the building.

In addition to the above a fifth letter was received from a resident advising that they had no objections to the proposal now that the parking arrangements had been modified, although a query was raised about the location of the red line boundary.

## **CONSULTATION**

### Highways and Transportation

No objection raised or conditions suggested.

### Flood Risk Management

No objection or recommendation for condition in relation to surface water flood risk for this application since the development's surface water flood risk will be adequately managed by both the Building Regulations and Schedule 3 of the Flood and Water Management Act 2010.

### Public Health and Protection

Conditions are recommended in respect of construction noise, dust, waste and hours of operation. However, noting the location of the site and the provisions of existing public health legislation, which can better control these matters, such conditions would be unnecessary.

With regard to the proximity of the property to a landfill site the Public Health and Protection Division considers that there is a potential for adverse ground gas conditions to exist on site.

If this were an application to build a new residential property on the site, then a condition for a site investigation would have been recommended. However, the Applicant is advised to note that adverse ground conditions may exist on site and may wish to carry out such investigations in order to satisfy themselves that there would be no adverse impacts from the work being carried out.

#### Dwr Cymru Welsh Water

No objection.

#### Countryside – Ecologist

No objection.

#### The Coal Authority

The Coal Authority considers that the content and conclusions of the Coal Mining Risk Assessment are sufficient for the purposes of the planning system in demonstrating that the application site is safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development.

#### Waste and Recycling

The bin collection point should be at the kerbside on Brithweunydd Road.

No other consultation responses have been received within the statutory period.

### **POLICY CONTEXT**

#### **Rhondda Cynon Taf Local Development Plan**

Members will be aware that the current LDP's lifespan was 2011 to 2021 and that it is in the process of being reviewed. The Planning (Wales) Act 2015 introduced provisions specifying the period to which a plan has effect and providing that it shall cease to be the LDP at the end of the specified period. These provisions were commenced on 4th January 2016 but do not have retrospective effect. Therefore, the provisions do not apply to LDPs adopted prior to this date and plans adopted before 4th January 2016 will remain the LPD for determining planning applications until replaced by a further LDP. This was clarified in guidance published by the Minister on 24th September 2020. Subsequently, Members are advised that the existing Plan remains the development plan for consideration when determining this planning application.



The application site lies within the settlement boundary for Trealaw

**Policy CS1** - sets out criteria for achieving sustainable growth including promoting the reuse of under used and previously developed land and buildings and providing opportunities for significant inward investment in sustainable locations that will benefit the economy of RCT and the Capital Region.

**Policy AW2** - provides for development in sustainable locations which are within the settlement boundary; would not unacceptably conflict with surrounding uses; and have good accessibility by a range of sustainable transport option.

**Policy AW5** - identifies the appropriate amenity and accessibility criteria for new development proposals. It expressly states that the scale, form and design of the development should have no unacceptable effect on the character and appearance of the site and the surrounding area. There should also be no significant impact upon the amenities of neighbouring occupiers and should, where appropriate, retain existing features of natural environmental value. The development would also require safe access to the highway network and provide parking in accordance with the Council's SPG.

**Policy AW6** - supports development proposals that are of a high standard of design that reinforce attractive qualities and local distinctiveness., In addition, proposals must be designed to protect and enhance landscape and biodiversity.

**Policy AW8** - seeks to protect and enhance the natural environment from inappropriate development.

**Policy AW10** - development proposals must overcome any harm to public health, the environment or local amenity as a result of flooding.

### **Supplementary Planning Guidance**

- Design and Placemaking
- Access, Circulation and Parking Requirements

### **National Guidance**

In the determination of planning applications regard should also be given to the requirements of national planning policy which are not duplicated in the Local Development Plan, particularly where national planning policy provides a more up to date and comprehensive policy on certain topics.

Planning Policy Wales Edition 11 (PPW) was issued on 24th February 2021 in conjunction with Future Wales: The National Plan 2040 (FW2040). PPW incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out Welsh Government's (WG) policy on planning issues relevant to the determination of all planning applications. FW2040 sets out the National Development Framework for Wales (NDF), WG's current position on planning policy at regional and national level.

It is considered that the proposed development is consistent with the key principles and requirements for placemaking set out in PPW; and is also consistent with the Well-being of Future Generations (Wales) Act's sustainable development principles through its contribution towards the Welsh Ministers' well-being objectives of driving sustainable development and building healthier communities and better environments.

It is also considered the proposed development is compliant with the NDF, with the following policies being relevant:

- Policy 1 – Where Wales will grow – Employment / Housing / Infrastructure
- Policy 2 – Shaping Urban Growth – Sustainability / Placemaking

#### SE Wales Policies

- Policy 33 – National Growth Areas Cardiff Newport & the Valleys – SDP/LDP/large schemes.

Other relevant national policy guidance consulted:

PPW Technical Advice Note 4: Retailing and Town Centres;

PPW Technical Advice Note 11: Noise;

PPW Technical Advice Note 12: Design;

PPW Technical Advice Note 18: Transport;

PPW Technical Advice Note 23: Economic Development;

Manual for Streets

### **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.

#### **Main Issues:**

##### **Principle of the proposed development**

The site is a vacant commercial property occupying a sustainable location, as defined by LDP Policy AW2, inside the settlement boundary in Trealaw.

The re-use of previously developed land and buildings within existing settlements is supported by both local and national planning policy as a highly sustainable approach which makes best use of existing resources and reduces the loss of greenfield sites.

Whilst it is noted that paragraph 4.3.18 of PPW11 supports a 'town centre' first approach for the location of new retail development, this proposal is of a small, local scale. Therefore, it is considered unlikely to have a significant detrimental impact on the nearby defined retail centres such as Tonypandy and Penygraig.

Furthermore, taking into account the requirements in TAN 4: Retail and Commercial Development, the proposed change of use is well below the 2500m<sup>2</sup> GFA threshold for a Retail Impact Assessment and the need to demonstrate a sequential approach.

The development would provide additional retail facilities in a local area that is not currently well-served and the closest comparable retail outlet appears to be approximately 0.75km to the west. In any event, the impact upon any existing businesses from competition cannot be considered as a material planning matter.

Therefore, taking the above into account, the principle of the proposed development is considered to be acceptable, subject to compliance with the material considerations below.

### **Impact on the character and appearance of the area**

The proposed development would bring about a minor change to the building layout and footprint, due to the small front extension, although the mass and scale of the development, as seen within the context of the wider site, would not alter very much.

However, given that the building is currently vacant and closed up, there would be a significant benefit to the appearance of the site brought about by its reuse and refurbishment, and to the vitality of the neighbourhood.

Therefore, it is considered that the proposals would be beneficial to the character and appearance of the site and neighbouring street scene.

### **Impact on neighbouring occupiers**

Due to its setback from the highway, compared with the neighbouring properties, the alterations to the building, brought about by the small extension and removal of the side lean-to, would not likely cause a physical impact on the closest occupiers.

However, whilst the property has previously been in commercial operation, primarily as a tyre fitting business, a convenience store would probably generate more activity and be open for a longer daily period.

Nonetheless, the property and neighbouring dwellings are located on a busy principal route where the comings and goings associated with a small store would be less noticeable than if the location were a quiet or secluded one.

In addition, it is considered improved local facilities would be helpful for local residents who could easily access the site on foot, and this might result in fewer short trips by private vehicle.

As such and subject to a condition in respect of the proposed reasonable opening hours, the application is considered to be acceptable in terms of the impact on the amenity and privacy of neighbouring residents.

### **Access and highway safety**

#### Access

The property is served from Brithweunydd Road (B4278) which is a principal route and bus route carrying a substantial amount of vehicular traffic. Brithweunydd Road (B4278) has a carriageway width of 7.3m with continuous footway links, which are acceptable for vehicular and pedestrian movement.

There are double yellow lines on the opposite carriageway lane preventing on-street car parking to maintain free flow of traffic. However, this in turn results in high on-street car parking demand on the development side with the existing dwellings having little or no off-street car parking facilities.

#### Parking

In accordance with the Council's SPG for Access, Circulation & Parking the proposed A1 retail space with a GFA of 710m<sup>2</sup> would require 1 commercial vehicle space and 1 space per 60m<sup>2</sup>.

The car parking need is assessed on the retail area only which is in the region of 125m<sup>2</sup>. In this case, the SPG requirement would be for a maximum of 3 off-street car parking spaces and 1 commercial space.

There is space within the yard area for in excess of 3 off-street car parking spaces with a further 3 off-street car parking spaces for staff located in the storage area / garage, which is acceptable. There is potential for the commercial vehicle to park on the front forecourt without impacting on the 3 off-street car parking spaces required and therefore the proposal is acceptable.

#### Conclusion

The proposed development has been substantially reduced in scale, compared with the previous application for 4 units. This has reduced the off-street car parking

requirement to an acceptable level which would be in accordance with the Council's SPG, and on this basis no highway objection is raised, or condition suggested.

## **Ecology**

The Council's Ecologist has noted that the internal space is a very simple structure, with no loft spaces and a simple corrugated roof. There is natural light ingress, and the internal space is a single large open area.

The external building facing is either breeze block or corrugated sheet, with no soffits or external spaces. The building would appear to be poorly insulated with and likely subject to significant ranges of internal temperature. I think for these reasons the bat roost potential looks very low/negligible and conversion of the space from a garage to retail unit would be acceptable.

The external outbuilding that will be demolished is very small and consists of a simple low level flat roofed structure with corrugated roof, and no soffits, loft or windows. For those reasons there would be a very low/negligible bat roost potential.

Therefore, with reference to the Council's bat survey protocol, the likelihood of a bat roost is sufficiently low that it would be unreasonable to require a bat survey, in which case, and as a precaution, the appropriate bat informative should be appended to any planning permission.

## **Community Infrastructure Levy (CIL) Liability**

The Community Infrastructure Levy (CIL) was introduced in Rhondda Cynon Taf from 31 December 2014.

The application is for development of a kind that is not CIL liable under the CIL Regulations 2010 (as amended).

## **Conclusion**

It is considered the proposal would have a beneficial impact on the character and appearance of the locality and would not cause harm to either the residential amenity of the surrounding neighbouring properties or highway safety. The application is therefore considered to comply with Policies AW2, AW5, AW6 and AW10 of the Local Development Plan.

## **RECOMMENDATION: Grant**

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To comply with Sections 91 and 93 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be completed in accordance with the approved drawings and documents:

- Brithweunydd 02A
- Brithweunydd 03C

and details and documents received on 24<sup>th</sup> November 2021.

Reason: To ensure compliance with the approved plans and documents and to clearly define the scope of the permission.

3. The public opening hours of the business shall be restricted to the following:

- Monday to Saturdays 07.00 to 21.00 hours
- Sunday and Bank Holidays 08.00 to 21.00 hours

Reason: In the interests of the amenity of neighbouring occupiers and to define the scope of the consent, in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

## RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

### MUNICIPAL YEAR 2021-2022:

	Agenda Item No. ....
<p><b>PLANNING AND DEVELOPMENT COMMITTEE</b> <b>10<sup>th</sup> FEBRUARY 2022</b></p> <p><b>REPORT OF: DIRECTOR AND PROSPERITY DEVELOPMENT</b></p>	<p><b>APPLICATION NO: 15/0666</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), Craig Yr Hesg Quarry, Berw Road, Pontypridd</p> <p><b>APPLICATION NO: 21/0720</b> - Continuation of quarrying and related operations without complying with conditions 1-4 inclusive and conditions 45 &amp; 46 imposed on the Environment Act ROMP schedule of conditions issued by Rhondda Cynon Taf County Borough Council on 24th April 2013 ref:08/1380/10, Craig Yr Hesg Quarry, Berw Road, Pontypridd</p>

#### 1. PURPOSE OF THE REPORT

Members are asked to consider this report in light of the recent advice received by a planning consultancy engaged by the Council to support the Local Planning Authority's refusal of the two applications at appeal and to determine whether the Planning and Development Committee shares the views of the planning consultancy. Members are also asked to clarify certain matters which have been raised by the Appellants as part of the appeals process.

#### 2. RECOMMENDATION

That Members consider the report in respect of these applications, both of which are the subject of an appeal currently lodged with PEDW. Members are asked to determine whether it shares the views of the consultants and to clarify its position in light of matters raised in the Appellant's Statement of Case/Supplementary Statement of Case where it is suggested that the Local Planning Authority has acted inconsistently between the two Appeals.

- That the appeals be contested in the manner prescribed by the Council's engaged planning consultant, and;
- That the alleged (by the appellant) inconsistency between the reason/s for refusal of each application, the subject of the appeals, be addressed as suggested below

### 3. BACKGROUND

Application 15/0666 sought planning full permission both for a western extension to the existing quarry to include the phased extraction of an additional 10 million tonnes of pennant sandstone, construction of screening bunds, associated works and operations and for consolidation of all previous mineral planning permissions at the quarry including an extension of end date for quarrying to 2047 and an overall restoration by 2049. Planning permission was refused on 23 July 2020. Reports to Committee regarding this application form Appendix B to this report

Application 21/0720 sought consent under s.73 for the continuation of quarrying and related operations without complying with conditions 1-4 inclusive and conditions 45 & 46 imposed on the Environment Act ROMP schedule of conditions issued by the Council on 24<sup>th</sup> April 2013 under application reference 08/1380. Revised conditions were proposed which would have allowed continued operations to 2028 (instead of December 2022 as currently authorised). The application was refused on 8 October 2021. Reports to Committee regarding this application form Appendix C to this report

Each application was refused for a different single reason, as set out below:

#### 15/0666

1. *Minerals Technical Advice Note (MTAN) 1: Aggregates (paragraphs 70 & 71) identifies a suitable minimum distance between hard rock quarries and sensitive development is 200m, 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.*

#### 21/0720

1. *The additional period of 6 years proposed for the working of the quarry unacceptably extends the period of mineral operations within 200m of sensitive development within Glyncoch. Glyncoch is a deprived community, and such communities are acknowledged as being disproportionately affected by health problems. The continuation of quarrying within 200m of that community extends the impacts of quarrying (especially in terms of noise, dust, and air quality) to the detriment of the amenity and well-being of residents contrary to the well-*



*being goal of a healthier Wales as set out in the Well-being of Future Generations (Wales) Act 2015. The need for the mineral does not outweigh the amenity and well-being impacts.*

Both applications were refused contrary to officer advice. The applicants have appealed against both decisions and to support the decision of the Local Planning Authority at appeal officers have sought independent external planning advice from a planning consultancy. The advice from the planning consultancy is that the Local Planning Authority has reached a conclusion that is justified on planning grounds, albeit that the consultants consider that those grounds cover some wider matters than set out in the reasons for refusal, including the question of non-compliance with policies of the Local Development Plan. Specifically, the appointed agent is of the opinion that in defending the decision of Members it would be appropriate to make reference to Local Development Plan Policies CS10, AW5, AW10, AW14 and SA25. These policies are fully referenced in the attached Statement of Case which forms 'Appendix A' to this report.

In the Appellant's Statement of Case for the Extension Appeal, the appellant has suggested an inconsistency in the second Committee report (9 July 2020) in that it is said that a condition could be imposed to regulate the annual output of the quarry (400,000 tonnes per year), which would be accepted by the appellant, but a condition was not proposed to preclude working within 200 metres of sensitive development. The appellant disputes the need for such a condition but argues (as an alternative) that such a condition could be imposed if the Inspector considers it necessary.

Furthermore, the Appellant's Statement of Case for the Extension Appeal contends that since the Reason for Refusal does not specify any LDP policies it can be deduced that the Council is not relying on any alleged conflict with the policies and proposals of the LDP.

Additionally, in a Supplementary Statement of Case the appellant has suggested that there is some inconsistency between the reasons for refusal for the two applications inasmuch as the reason for refusal of the western extension and consolidation proposals (15/0666) is confined to concerns regarding the encroachment of quarrying operations within 200m of sensitive development and there is no reference or concern expressed with regard to issues associated with the ongoing quarrying or processing in the existing quarry with respect to health amenity or well-being issues; or, to the need for the mineral not outweighing amenity and well-being impacts.

It is considered that there is a need to address this suggested inconsistency and Members are therefore asked to confirm that with regard to the western extension application (15/0666) whilst clear encroachment on to sensitive properties was at the forefront of their thinking, they were also mindful of the wider health and well-being issues and indeed this is reflected in the reports that they based their decision on. Members are also asked to clarify whether their concerns in relation to that application (15/0666) were limited to the new western extension area or also applied to the site overall. Members are also

asked to clarify whether they consider that a condition to preclude extraction or processing within 200 metres of sensitive development would address their concerns.

Members are asked to determine whether they agree with the views on the planning consultancy that: -

In respect of Application 21/0720 – Continuation of Quarrying

- It has not been demonstrated that the quarry operations on the site could be extended from 2022 to 2028 without giving rise to an adverse impact upon the amenity of sensitive development in the immediate proximity of the site, or that suitable controls or compensatory measures could mitigate these amenity impacts to a satisfactory degree.
- In relation to noise, in the absence of comprehensive background noise data, there is no robust assessment of the impact of site operations on nearby sensitive uses and whilst it is noted that noise limits are proposed to be secured by a condition the acceptability of those limits cannot be assessed without up to date background noise data. Any alternative limits would suffer from the same shortcoming.
- In relation to dust, in the absence of comprehensive and up to date monitoring data, there is no robust assessment of the impact of site operations on nearby sensitive properties and uses and whilst it is noted that mitigation measures are proposed to be secured by a condition the acceptability of those limits cannot be assessed without comprehensive and up to date monitoring data. Any alternative measures would suffer from the same shortcoming. Furthermore, it has been identified in the Environment Statement that there will be a risk of “adverse effects” from dust on high sensitivity residual receptors and the Local Planning Authority considers there will be a substantial adverse impact on residential amenity by virtue of dust.
- In failing to evidence the ability to satisfactorily preserve the amenity of adjacent sensitive uses the appeal scheme does not accord with the following policies of the Local Development Plan
  - Criterion (6) of Policy CS10 minerals.
  - Criterion (c) and (d) Policy AW5 new development.
  - Policy AW10 environmental protection and public health.
- To note that whilst the development would not reflect a conflict with Policy AW14 the safeguarding of a mineral does not provide any favourable presumption in favour of extraction.
- To acknowledge that whilst the development proposals are considered to accord with the minerals safeguarding and need criteria of LDP Policies CS10, AW14 and SSA25 the development fails in its requirement to balance this against the requirement to preserve amenity and on balance is not in accordance with the Local Development Plan and that the conflict is not outweighed by other material considerations (as set out in the Statement of Case at Appendix A).

In respect of application 15/0666 – Western Extension

- It has not been demonstrated that the extension of quarrying operations at the site from 2022 to 2047 together with new operations within the proposed western extension area could be satisfactorily undertaken without giving rise to adverse impacts upon the amenity of occupiers/users of sensitive development in the immediate proximity of the site in respect of noise and dust or that suitable controls or compensatory measures could mitigate these amenity impacts to a satisfactory degree.
- In relation to noise, In the absence of comprehensive background noise data, there is no robust assessment of the impact of site operations on nearby sensitive uses and whilst it is noted that noise limits are proposed to be secured by a condition the acceptability of those limits cannot be assessed without up to date background noise data. Any alternative limits would suffer from the same shortcoming. These shortcomings also apply to the extra survey locations at Cefn Heulog and Cefn Primary School.
- In relation to dust, in the absence of comprehensive and up to date monitoring data, there is no robust assessment of the impact of site operations on nearby sensitive properties and uses and whilst it is noted that mitigation measures are proposed to be secured by a condition the acceptability of those limits cannot be assessed without comprehensive and up to date monitoring data. Any alternative measures would suffer from the same shortcoming. Furthermore, it has been identified in the Environment Statement that there will be a risk of “adverse effects” from dust and the Local Planning Authority consider the identified impacts on sensitive receptors is substantial rather than “slight” or “negligible”.
- Having regard to the deficiencies in relation to the assessment of noise and dust impacts, and the failure to demonstrate that the amenities of nearby residents and other sensitive receptors can be adequately protected the Local Planning Authority does not consider that clear and justifiable reasons have been provided for mineral extraction and the related processing and haulage activities to encroach within the 200 metre buffer zone identified in MTAN 1.
- In failing to evidence the ability to satisfactorily preserve the amenity of adjacent sensitive uses the appeal scheme does not accord with the following policies of the Local Development Plan
  - Criterion (6) of Policy CS10 minerals.
  - Criterion (c) and (d) Policy AW5 new development.
  - Policy AW10 environmental protection and public health.
- To note that whilst the development would not reflect a conflict with Policy AW14 the safeguarding of a mineral does not provide any favourable presumption in favour of extraction.
- To acknowledge that whilst the development proposals are considered to accord with the minerals safeguarding and need criteria of LDP Policies CS10, AW14 and SSA25 the development fails in its requirement to balance this against the requirement to preserve amenity and on balance is not in accordance with the Local Development Plan and that the conflict is not outweighed by other material considerations (as set out in the Statement of Case at Appendix A).



**TOWN AND COUNTRY PLANNING ACT 1990**

**SECTION 78 APPEALS**

**BY**

**HANSON UK**

**AGAINST THE DECISIONS OF  
THE RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**TO REFUSE PLANNING PERMISSION FOR**

- **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 (APP/L6940/A/20/3265358); and**
- 2. **Continuation of quarrying and related operations without complying with conditions 1-4 inclusive and conditions 45 & 46 imposed on the Environment Act ROMP schedule of conditions issued by Rhondda Cynon Taf County Borough Council on 24th April 2013 ref:08/1380/10 (APP/L6940/A/21/3282880)**

**AT**

**LAND AT CRAIG YR HESG QUARRY, BERW ROAD, PONTYPRIDD, CF37  
3BG**

**STATEMENT OF CASE  
ON BEHALF OF: RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL as  
LOCAL PLANNING AUTHORITY**

**PLANNING INSPECTORATE REFERENCES:  
APP/L6940/A/20/3265358 & APP/L6940/A/21/3282880**

**LOCAL AUTHORITY REFERENCES: 15/0666/10 & 21/0720/15**

**DATE: 26 January 2022**

**Appeals to be determined by Public Inquiry**

## **1. BACKGROUND AND PLANNING HISTORY**

- The LPA will set out the background to the applications the subject of the Appeals and the relevant planning history in order to provide a context. Reference will also be made to the context set out by the Planning & Compulsory Purchase Act 2004 with specific reference to the plan-led system expressed by section 38(6) of that Act, and to the Well-being of Future Generations (Wales) Act 2015 with specific reference to the sustainable development duty and the well-being goals expressed by Part 2 of that Act.
- For convenience, the LPA will refer to the first appeal to be submitted (APP/L6940/A/20/3265358) as Appeal A and the second appeal to be submitted (APP/L6940/A/21/3282880) as Appeal B. The LPA notes that all of the development proposed by Appeal B is subsumed within the development proposed by Appeal A, both as regards the physical extent of the sites and as regards the periods of the proposed minerals operations. As a result, the LPA proceeds on the basis that if Appeal A were to be allowed, Appeal B would serve no purpose.
- The LPA acknowledges that if Appeal A were to be dismissed, Appeal B would still serve a purpose and that, consequently, it is necessary for this Inquiry to consider the planning merits of both appeals. However, given the overlap between the two appeals, the LPA considers that it is convenient to address the issues arising in a single Statement. To avoid undue repetition, the LPA proposes to address Appeal B first, followed by Appeal A, on the basis that the issues arising under Appeal B will also arise under Appeal A (but the converse is not true).
- For the avoidance of doubt, the LPA considers that both Appeal A and Appeal B should be dismissed, notwithstanding officer recommendations to the contrary.

### **• POLICY FRAMEWORK**

2.1 The LPA will set out the relevant National, Regional and Local Policy Framework with particular reference to the following:

- Rhondda Cynon Taf Local Development Plan up to 2021 – March 2011 (including background papers)
- Future Wales: The National Plan 2040 – February 2021
- Planning Policy Wales (Edition 11) – February 2021 (especially Chapters 2, 5.14, and 6.7)
- Minerals Technical Advice Note 1: Aggregates (MTAN1) – March 2004
- Natural Resources Policy – August 2017
- Regional Technical Statement for the area covered by the South Wales Regional Aggregates Working Party (RTS) – October 2008

- Regional Technical Statement - for the North Wales and South Wales Regional Aggregates Working Parties - First Review (RTS1) – August 2014
- Regional Technical Statements for the North Wales and South Wales Regional Aggregates Working Parties – Second Review (RTS2) – September 2020

2.2 The LPA will seek to set out the need and supply position and will seek to agree this quantitative aspect within a Statement of Common Ground as it is not part of the LPA's case that there is no established need for crushed rock aggregates, including sandstone suitable as High Specification Aggregates ("HSA"). The LPA's case revolves around the balance of planning judgement and the weight to be attached to the established need as opposed to the other relevant considerations.

### **3. THE CASE FOR THE LPA**

(APP/L6940/A/21/3282880) – Continuation of Quarrying at the existing site (APPEAL B)

3.1 The LPA refused the planning application for the following reason, contrary to officer advice:

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

3.2 The officer reports to the Planning and Development Committee on 26<sup>th</sup> August 2021 and 7<sup>th</sup> October 2021 are a matter of public record and set out the background to the officer recommendation. The content of these reports will be referred to in the LPA evidence.

3.3 Where planning applications are of a nature that they are referred to the Planning and Development Committee for determination, it is the proper role of officers to give advice and it is the proper role of the Members of the Committee to consider that advice and make the decision. It is the Committee and not the officers which acts as decision maker on behalf of the LPA in such a case. The LPA did not accept the recommendation of officers, in the exercise of its own planning judgment, and refused the application. In the light of the divergence from the officer advice, and with the making of an appeal against the LPA decision to refuse planning permission, the LPA has subsequently sought independent external planning advice from a planning consultancy. Preliminary advice has been given, subject to some ongoing further work. That initial

external advice is that the LPA reached a conclusion that was justified on planning grounds, albeit that the consultants consider that those grounds cover some wider matters than set out in the Reason for Refusal, including the question of non-compliance with policies of the Local Development Plan. In the light of that fact, the LPA is to be asked, at the next available meeting of the Planning and Development Committee on 10 February 2022, whether it shares the views of the consultants or not. The LPA is also to be asked, at the same Committee meeting, to clarify its position in the light of matters raised in the Appellant's Statement of Case/Supplementary Statement of Case where it is suggested that the LPA has acted inconsistently between Appeal A and Appeal B.

- 3.4 Necessarily, the LPA will not be able to set out the results of that further consideration until after the meeting on 10 February 2022 has taken place. In the circumstances, the LPA therefore proposes to provide an update, relaying the results of that meeting, in its Final Comments on 16 February 2022.
- 3.5 However, the LPA is able to outline the planning matters that have been raised by its consultants, based on their initial review of the application and appeal documentation for Appeal B.
- 3.6 The issues that have been identified (and which, subject to the outcome of the forthcoming Committee meeting, the LPA expects to address in its evidence) are as follows:
- 3.7 It will be evidenced that the supporting information prepared on behalf of the appellant does not satisfactorily demonstrate that quarry operations at the site could be extended from 2022 to 2028 without giving rise to an adverse impact upon the amenity of occupiers/users of sensitive development in the immediate proximity of the site, or that suitable controls or compensatory measures could mitigate these amenity impacts to a satisfactory degree.
- 3.8 In relation to noise, Chapter 9 of the Environmental Statement (May 2021) for Appeal B ("ES-B") does not present comprehensive and up to date background noise data (i.e. the noise conditions prevailing in the absence of any activity at the appeal site). What is described as "background noise levels" in ES-B in the surveys undertaken in December 2020 includes site activity. Whilst some additional noise measurements were undertaken in March 2021, for those taken at 26 Conway Close during the working week "the quarry was operating normally" (Appendix 9-6 of ES-B), and no measurements were taken at Rogart Terrace. In the absence of comprehensive background noise data, there is no robust assessment of the impact of site operations on nearby sensitive properties and uses. Whilst it is noted that noise limits are proposed to be secured by a condition, the acceptability of those limits cannot be assessed without comprehensive and up to date background noise data. Any alternative limits would suffer from the same shortcoming.
- 3.9 In relation to dust, Chapter 11 of ES-B does not present comprehensive and up to date dust monitoring data. Reliance is placed on monitoring undertaken in 2014, supplemented by a "short term" monitoring exercise in 2021. In the



absence of comprehensive and up to date monitoring data, there is no robust assessment of the impact of site operations on nearby sensitive properties and uses. Whilst it is noted that mitigation measures are proposed to be secured by a condition, the acceptability of those measures cannot be assessed without comprehensive and up to date monitoring data. Any alternative measures would suffer from the same shortcoming. Furthermore, the results presented in Chapter 11 of ES-B do identify that there will be a risk of “adverse effects” from dust on high sensitivity residential receptors. Whilst ES-B expresses the judgment that such effects will be “slight” or “negligible”, this is a matter for planning judgment and the LPA considers there will be substantial adverse impacts on residential amenity by reason of dust.

#### *Local Development Plan*

3.10 Policy CS10 relates to minerals and seeks to “*protect resources and to contribute to the local, regional and national demand for a continuous supply of minerals, without compromising environmental and social issues*”. The policy identifies a number of criterion to be met in order to achieve these goals including, of particular relevance in this instance:

- *Maintaining a minimum 10 year landbank of permitted rock aggregate reserves throughout the plan period (to 2021), together with an extended landbank in the form of a Preferred Area of Known Mineral Resource;*
- *Ensuring that impacts upon residential areas and sensitive land uses from mineral operations and the transportation of minerals are limited to an acceptable proven safe limit.*

3.11 The supporting text to Policy CS10 identifies that “National policy in respect of aggregates, describes distances from mineral operations where residential and other sensitive use developments may not take place. These principles also apply to the restriction of aggregate extraction within these prescribed distances from settlements i.e. no Sandstone or Limestone extraction within 200 metres...” (para 4.96). It goes on clarify “there is, however, some scope identified within national guidance where *exceptional* circumstances of a particular proposal *may* allow for the reduction in the above standard distances.” (added emphasis) (para 4.97). It also confirms that minerals applications are subject to other area wide LDP policies, including AW5 and AW10 (para 4.98).

3.12 It is acknowledged that the proposed extension of quarry operations from 2022 to 2028 would contribute towards the Council’s requirements in respect of rock aggregate and consequently would accord with criterion (1). In failing to evidence the ability to satisfactorily preserve of the amenity of adjacent sensitive uses however the appeal scheme does not accord with criterion (6) and, as a result, the development represents a conflict with LDP policy CS10.

3.13 Policy AW5 relates to new development advises that development proposals will be supported where they meet certain criteria relating to design and accessibility. Amongst these criteria is the requirement that “(c) there would be no significant impact upon the amenities of neighbouring occupiers” and that “(d) the development would be compatible with other uses in the locality”. In failing to

evidence the ability to satisfactorily preserve of the amenity of adjacent sensitive uses the appeal scheme does not accord with criterion (c) and (d) and, as a result, the development represents a conflict with LDP Policy AW5.

- 3.14 Policy AW10 relates to environmental protection and public health and identifies that development proposals “will not be permitted where they would cause or result in a risk of unacceptable harm to health and / or local amenity” as a result of, amongst other matters, “(1) Air pollution”, “(2) Noise pollution”, “(9) or any other identified risk to... local amenity and public health... unless it can be demonstrated that measures can be taken to overcome any significant adverse risk to public health, the environment and / or impact upon local amenity.”

3.15 The supporting text to Policy AW10 states:

“5.63 Pollution may cause significant damage to human health, quality of life and residential amenity, as well as impact upon both the natural and built environment. This policy will ensure that developments that would result in unacceptably high levels of noise, light, water and / or air pollution are located away from residential areas and other sensitive uses. The policy will also ensure that new development is not located in close proximity to existing sources of pollution. Amenity is defined as the pleasant or satisfactory aspects of a location, or features which contribute to its overall character and the enjoyment of residents or visitors.”

- 3.16 In failing to evidence the ability to satisfactorily preserve of the amenity of adjacent sensitive uses the appeal scheme represents a conflict with LDP Policy AW10.
- 3.17 Policy AW14 relates to the safeguarding of minerals. It states that certain mineral resources shall be safeguarded from any development “which would unnecessarily sterilise them or hinder their extraction”. Part 5 of Policy AW14 states that “(5) The Limestone and Sandstone quarries at Forest Wood, Hendy and Craig yr Hseg, will be further safeguarded from development that would adversely affect their operations by 200 metre buffer zones as shown on the proposals maps.”
- 3.18 The supporting text for Policy AW14 clarifies that “the identification of safeguarding areas for the above minerals in Rhondda Cynon Taf does not carry any presumption that planning permission would be granted for their extraction.”
- 3.19 The proposed development would not represent a conflict with Policy AW14, however the clarification that the safeguarding of a mineral does not provide any favourable presumption in favour of extraction should be noted.
- 3.20 Policy SSA25 identifies Craig Y Hseg Quarry as a Preferred Area of Known Mineral Resource. The supporting text to the policy advises that “A Minerals Background Paper has been prepared for the LDP to outline current and future minerals circumstances in Rhondda Cynon Taf. Further detail on the landbank process, safeguarding intentions and buffer zones, amongst other minerals

issues, are set out in this Paper.” No conflict with Policy SSA25 would arise as a result of the development.

- 3.21 Para 1.46 of the LDP confirms that “The LDP should be read as a whole, many of the Plans objectives, strategies and policies are cross-cutting and inter-related. Decisions on development proposals will have regard to the relevant policies in the Plan and the requirements of National Planning Policy.”
- 3.22 Having regard to the above, whilst the development proposals are considered to accord with the minerals safeguarding and supply criteria of Policies CS10, AW14, and SSA25, the development fails in its requirement to balance this against the requirement to preserve amenity as set out in Policies CS10, AW5 and AW10 and, as such, the proposals are not in accordance with the development plan.
- 3.23 Given that the proposed development does not accord with the development plan then, by virtue of Section 38(6) of the Planning & Compulsory Purchase Act 2004, it is necessary to establish whether any over-riding material considerations exist. Material considerations in this instance include:
- Planning Policy Wales (Edition 11)
  - Minerals Technical Advice Note (Wales) 1: Aggregates
  - Wellbeing of Future Generations (Wales) Act 2015
  - RAWP Second Review (September 2020)
  - LDP Minerals Background Paper (December 2009)

*Planning Policy Wales*

- 3.24 Planning Policy Wales Para 1.9 of PPW confirms that “PPW should be read as a whole, as aspects of policy and their application to a particular development proposal could occur in several parts of the document.”
- 3.25 Para 1.2 of PPW identifies its primary objective as ensuring “that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015, as well as the Well-being of Future Generations (Wales) Act 2015 and other key legislation.”
- 3.26 Sustainable development is defined within PPW as follows (Introduction): “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.
- 3.27 Figure 4 of PPW identifies five key planning principles for achieving the right development in the right place as follows:
- Growing our economy in a sustainable manner
  - Making best use of resources
  - Facilitating accessible and healthy environments
  - Creating & sustaining communities
  - Maximising environmental protection and limiting environmental impact

- 3.28 With regard to maximising environmental protection and limiting environmental impact Fig.4 states that “Negative environmental impacts should be avoided in the wider public interest. This means acting in the long term to respect environmental limits and operating in an integrated way so that resources and/or assets are not irreversibly damaged or depleted. The polluter pays principle applies where pollution cannot be prevented and applying the precautionary principle ensures cost effective measures to prevent environmental damage”.
- 3.29 Para 3.21 of PPW states that “Planning authorities have a role to play in the prevention of physical and mental illnesses caused, or exacerbated, by pollution, disconnection of people from social activities (which contributes to loneliness) as well as the promotion of travel patterns which facilitate active lifestyles. The planning system must consider the impacts of new development on existing communities and maximise health protection and well-being and safeguard amenity... Health impacts should be minimised in all instances, and particularly where new development could have an adverse impact on health, amenity and well-being. In such circumstances, where health or amenity impacts cannot be overcome satisfactorily, development should be refused.”
- 3.30 Section 5.14 of PPW relates to minerals. It identifies that “society needs, and will continue to need for the foreseeable future, a wide range of materials” (para 5.14.1). It advises that the “role of the planning authority in relation to mineral extraction is to balance the fundamental requirement to ensure the adequate supply of minerals with the protection of amenity and the environment” (para 5.14.2). It identifies the key principles as including:
- provide positively for the safeguarding and working of mineral resources to meet society’s needs now and in the future, encouraging the efficient and appropriate use of high quality materials;
  - reduce the impact of mineral extraction and related operations during the period of working by ensuring that impacts on relevant environmental qualities caused by mineral extraction and transportation, for example air quality and soundscape, are within acceptable limits
- 3.31 Para 5.14.3 states:
- “In certain areas, mineral extraction may not be acceptable. For example, where a proposal for mineral extraction would cause demonstrable harm to the environment, including designated sites, or amenity, which cannot be overcome by planning conditions or agreements, planning permission should not be granted.”
- 3.32 With regard to the safeguarding of mineral resources and infrastructure, para 5.14.7 advises that it is “important that access to mineral resources... is safeguarded in order to prevent sterilisation...” but that “safeguarding does not indicate an acceptance of mineral working...”
- 3.33 With regard to ensuring supply, para 5.14.10 of PPW states that “Each mineral planning authority should ensure that it makes an appropriate contribution to meeting local, regional and UK needs for primary minerals which reflects the nature and extent of resources in the area and their best and most appropriate

use, subject to relevant environmental and other planning considerations”. Para 5.14.11 states that “The contribution that a resource could make to UK demand where the mineral is of limited or restricted supply or regional demand must be taken into account when taking planning decisions. Seeking to meet only local needs or ruling out all forms of mineral working within an area will only rarely be acceptable on the basis of significant adverse impacts.”

- 3.34 Para 5.14.19 of PPW refers to areas of future working and states “Where necessary, planning authorities should provide a clear guide to where non-energy mineral extraction is likely to be acceptable and include policies which protect sensitive environmental designations or historic features and environmental and resource protection... These should be clearly identified on a proposals map and should... take the form of:
- Preferred Areas which will be areas of known resources with some commercial potential and where planning permission might reasonably be anticipated.”
- 3.35 With specific regard to aggregates, para 5.14.22 of PPW advises that “It is essential to the economic health of the country that the construction industry is provided with an adequate supply of the minerals it needs... The importance to the UK of aggregates should be taken into account when planning applications are being considered together with other policies in this guidance and relevant Minerals Technical Advice Notes (MTANs) and Technical Advice Notes (TANs). In order to conserve natural resources, particular emphasis should be given to increasing the use of alternative products to primary materials where appropriate”.
- 3.36 Para 5.14.23 states “Aggregates suitable for road surfacing construction and maintenance, where high specification aggregates are required for skid resistance, are of importance to the UK82 and significant resources occur in Wales. The UK and regional need for such minerals should be accorded significant weight provided environmental impacts can be limited to acceptable levels.”
- 3.37 Para 5.14.42 states that “Mineral workings should not cause unacceptable adverse environmental or amenity impact. Where this is not possible working needs to be carefully controlled and monitored so that any adverse effects on local communities and the environment are mitigated to acceptable limits. Any effects on local communities and the environment must be minimised to an acceptable standard.”

3.38 With regard to buffer zones around mineral works PPW states:

“5.14.44 There is often conflict between mineral workings and other land uses as a result of the environmental impact of noise and dust from mineral extraction and processing and vibration from blasting operations. Buffer zones should be used by planning authorities to provide areas of protection around permitted and proposed mineral workings where new development which would be sensitive to adverse impact, including residential areas, hospitals and schools, should be resisted. Within the buffer zone there should be no new

mineral extraction or new sensitive development, except where the site of the new development in relation to the mineral operation would be in a location remote from the active mineral site or on the far side of an existing built up area which already encroaches into the buffer zone. Other development, including industry, offices and some ancillary development related to the mineral working, which are less sensitive to impact from mineral operations, may be acceptable within the buffer zone on a case by case basis.

5.14.45 To avoid conflict between mineral workings and other land uses buffer zones should be identified in development plans around existing or proposed minerals sites. The maximum extent of the buffer zone would depend on a number of factors: the size, type and location of workings, the topography of the surrounding area, existing and anticipated levels of noise and dust, current and predicted vibration from blasting operations and availability of mitigation measures.

5.14.46 Buffer zones will of necessity vary in size depending on the mineral being extracted and the nature of the operation, but must be clearly defined and indicated on development plan proposals maps. This will ensure that there is unequivocal guidance on the proximity of mineral operations to sensitive land uses and that the potential impact of existing and future mineral workings is recognised and planned for in the area around the mineral operations. Further guidance on the factors that should be taken into account when defining buffer zones for particular minerals is provided in the MTANs. Whilst the primary purpose of buffer zones is to limit the impact of mineral working their wider beneficial role as part of green infrastructure provision and protecting and enhancing biodiversity should be explored.”

3.39 Taken as a whole therefore Planning Policy Wales reflects the requirements of the LDP in seeking to safeguard mineral resource and supply, whilst preserving the amenity of sensitive development. It promotes the provision of buffer zones around minerals development as the most appropriate mechanism to achieving this.

*Minerals Technical Advice Note (Wales) 1: Aggregates*

3.40 Section C of MTAN1 identifies mechanisms for the reduction of the impact of aggregates production. With regard to buffer zones, it identifies that “Development plans are required to indicate the boundary of the buffer zone. Within the buffer zone, no new sensitive development or mineral extraction should be approved” (para 70). It goes on to define sensitive development 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” (para 70). The purpose of the buffer zone is identified as “to protect land uses that are most sensitive to the impact of mineral operations by establishing a separation distance between potentially conflicting land uses. With regard to hard rock quarries it identifies that a “minimum” buffer zone of 200m should be adopted “unless there are clear and justifiable reasons” for reducing this.

- 3.41 Again, MTAN1 reflects the requirement to safeguard minerals resource and supply, whilst preserving the amenity of sensitive development, and again promotes the use of buffer zones around minerals development as a means to achieve this.
- 3.42 Neither PPW nor MTAN1 consequently provide over-riding material considerations which would indicate that the development of the site in conflict with the development plan should be supported.
- 3.43 With regard to other material considerations, the policy documents and related guidance cover issues on need and impacts that are already addressed within the policies of the LDP. Having applied those policies to the appeal proposal, the LPA does not consider that the other material considerations carry sufficient weight to justify a decision that is not in accordance with the development plan. The well-being goals set out in the 2015 Act also cover the same issues, and involve balancing competing factors of economic goals and environmental and social goals, and the LPA considers that the goal of a healthier Wales is a material consideration which supports a decision in line with the development plan. On balance, the LPA does not consider that the development would constitute sustainable development.

APP/L6940/A/20/3265358 – Western Extension (APPEAL A)

- 3.44 The LPA refused the planning application for the following reason, contrary to officer advice:
- 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.*
- 3.45 The officer reports to the Planning and Development Committee on 6<sup>th</sup> February 2020 and 9<sup>th</sup> July 2020 are a matter of public record and set out the background to the officer recommendation. The content will be referred to in the LPA evidence.
- 3.46 As with Appeal B, the LPA did not accept the advice of its officers and refused planning permission. The LPA has subsequently sought independent external planning advice, which advised that its conclusion was justified on planning grounds, albeit wider issues have also been raised by the consultants. The advice is to be placed before the Planning & Development Committee at its next meeting on 10 February 2022 and an update to reflect the outcome of that meeting will be provided in the LPA's Final Comments on 16 February 2022.
- 3.47 However, the LPA is able to outline the planning matters that have been raised by its consultants, based on their initial review of the application and appeal documentation for Appeal A.

- 3.48 The issues that have been identified (and which, subject to the outcome of the forthcoming Committee meeting, the LPA expects to address in its evidence) are as follows:
- 3.49 The supporting evidence prepared on behalf of the appellant does not satisfactorily evidence that the extension of quarry operations at the site from 2022 to 2047 together with new operations within the proposed western extension area could be satisfactorily undertaken without giving rise to adverse impacts upon the amenity of occupiers/users of sensitive development in the immediate proximity of the site in respect of noise and dust or that suitable controls or compensatory measures could mitigate these amenity impacts to a satisfactory degree.
- 3.50 In relation to noise, the LPA repeats the shortcomings of ES-B, which are not satisfactorily resolved by any of the information presented in Chapter 3 of the Supplementary Environmental Statement (April 2021) for Appeal A (“the SES-A”). In addition, those shortcomings also apply to the extra survey locations at Cefn Heulog and Cefn Primary School.
- 3.51 In relation to dust, the LPA repeats the shortcomings of ES-B, which are not satisfactorily addressed by Chapter 4 of SES-A. In addition, the LPA considers that the identified impacts on sensitive receptors is substantial rather than “slight” or “negligible”.
- 3.52 Moreover, having regard to the deficiencies in relation to the assessment of noise and dust impacts, and the failure to demonstrate that the amenities of nearby residents and other sensitive receptors can be adequately protected, the LPA does not consider that “clear and justifiable” reasons” have been provided for mineral extraction and the related processing and haulage activities to encroach within the 200 metre buffer zone identified in MTAN1.
- 3.53 These adverse impacts give rise to conflicts with policies CS10, AW5, and AW10 of the LDP (for the same reasons as explained in relation to Appeal B) and, notwithstanding that there is no conflict with policies AW14 and SSA25, and the proposal can claim support from policy CS10(1) in relation to meeting needs, the LPA considers that in overall terms the proposal is not in accordance with the development plan. Nor, for the same reasons as explained in relation to Appeal B, does the LPA consider that there are other material considerations of sufficient weight to justify a decision not in accordance with the development plan. The LPA also considers that the well-being goal of a healthier Wales further supports a decision in accordance with the development plan. On balance, the LPA does not consider that the development would constitute sustainable development.

- **SUMMARY AND CONCLUSIONS**

- 4.1 It is the LPA’s case that these Appeals fall to be determined on the basis of the relative weight to be attached to an economic need for the mineral on the one



hand and the impacts on residential and local amenity arising as consequence of the separation distance between quarry operations and sensitive development on the other.

4.2 In relation to the continuation of quarrying at the existing site – the LPA considers that the additional period of 6 years proposed for the working of the quarry unacceptably extends the period of mineral operations within 200m of sensitive development within the deprived community of Glyncoch. The LPA considers that the continuation of quarrying (including processing and haulage) within 200m of that community extends the impacts of quarrying (especially in terms of noise, dust and air quality) to the detriment of the amenity and well-being of residents contrary to the LDP and to the well-being goal of a healthier Wales as set out in the Well-being of Future Generations (Wales) Act 2015. The LPA considers that the need for the mineral does not outweigh the amenity and well-being impacts and on balance the refusal of planning permission is justified.

4.3 In relation to the ‘western extension’ application - the LPA is of the view that in addition to the points arising under Appeal B a reduced separation distance below the minimum 200m set out in MTAN1 is not evidenced by clear and justifiable reasons. This conflict with Welsh Government Guidance, together with the conflicts with the LDP, must be balanced against the accepted need for the mineral. In this case the LPA has afforded greater weight to the conflict with the LDP and Welsh Government Guidance and considers that on balance the refusal of planning permission is justified.

4.4 The LPA respectfully requests that the Appeals be dismissed.

4.5 Without prejudice to the above, the LPA will seek to agree matters relating to conditions and planning obligations with the Appellant, noting that certain matters canvassed at the application stage would need to be secured by planning obligations rather than conditions

**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 3<sup>rd</sup> December 2019.

The application was reported to the 6<sup>th</sup> 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 [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 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<sub>2.5</sub>, PM<sub>10</sub> and NO<sub>2</sub>, 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 NO<sub>2</sub> 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 [PM<sub>10</sub>] locally observed. Road transport needs associated with Craig Yr Hesg Quarry would also likely be a potential, if marginal, source of nitrogen dioxide [NO<sub>2</sub>] 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/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. 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:

- 4. 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.**



**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:

**APPLICATION NO:** 15/0666/10  
**APPLICANT:** Hanson UK  
**DEVELOPMENT:** 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)  
**LOCATION:** CRAIG YR HESG QUARRY, BERW ROAD, PONTYPRIDD, CF37 3BG  
**DATE REGISTERED:** 15/05/2015  
**ELECTORAL DIVISION:** Glyncoch

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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, Glyncoch, 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 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 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 PM10.

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 (PM10) 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 PM10 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 fridd 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/scarf 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.

**PLANNING & DEVELOPMENT COMMITTEE**

**7 OCTOBER 2021**

**REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT**

**1. PURPOSE OF THE REPORT**

Members are asked to determine the planning application outlined below:

Application No: **21/0720/15 - Continuation of quarrying and related operations without complying with conditions 1-4 inclusive and conditions 45 & 46 imposed on the Environment Act ROMP schedule of conditions issued by Rhondda Cynon Taf County Borough Council on 24th April 2013 (ref:08/1380/10), Craig Yr Hesg Quarry, Berw Road, Pontypridd**

**2. RECOMMENDATION**

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

**3. BACKGROUND**

The application was reported to the 26th August 2021 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 were of the view that the proposal is a detriment to the amenity and well-being of the area.

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 [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> particulates which are relevant to mineral working and NO<sub>2</sub> relevant for associated HGV emissions. The original report provides data to indicate that the PM<sub>10</sub> levels are well within the annual mean NAQS objective and the daily mean NAQS objective. The Local Air Quality Management - Air Quality Progress Report 2020 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. 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<sub>2.5</sub>, PM<sub>10</sub> and NO<sub>2</sub>, 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 NO<sub>2</sub> 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. Road transport needs associated with Craig Yr Hesg Quarry would also likely be a potential, if marginal, source of nitrogen dioxide [NO<sub>2</sub>] 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, Cwm Taf Morgannwg University Health Board and Public Health Wales both indicate that local air quality is compliant with the relevant PM<sub>10</sub> AQO. In addition, they confirm that subject to satisfactory checks of the underpinning data used to inform the impact assessments supplied by the applicant and provided the site is operated using best available techniques to control emissions, then they have no grounds for objection based upon public health considerations. 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.

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 quarry are within 200 metres of housing. An assessment must therefore be 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/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. In terms of nuisance dust there are 17 sensitive properties within 100m of the quarry but 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.

Although current ambient environmental noise levels within parts of Glyncoch are believed to be very low, noise has been identified as a key issue given the relative proximity of the quarry 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.

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 – 2<sup>nd</sup> Review. If this application is refused it should be noted that this need will increase significantly.

Alternative arrangements to meet that need will have to be made by the Council in order to comply with Policy CS10(1) of the LDP 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, 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. The additional period of 6 years proposed for the working of the quarry unacceptably extends the period of mineral operations within 200m of sensitive development within Glyncoch. Glyncoch is a deprived community, and such communities are acknowledged as being disproportionately affected by health problems. The continuation of quarrying within 200m of that community extends the impacts of quarrying (especially in terms of noise, dust and air quality) to the detriment of the amenity and well-being of residents contrary to the well-being goal of a healthier Wales as set out in the Well-being of Future Generations (Wales) Act 2015. The need for the mineral does not outweigh the amenity and well-being impacts.**

**PLANNING & DEVELOPMENT COMMITTEE**

**26 AUGUST 2021**

**REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT**

**PURPOSE OF THE REPORT**

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 21/0720/15 (GD)  
**APPLICANT:** Hanson UK  
**DEVELOPMENT:** Continuation of quarrying and related operations without complying with conditions 1-4 inclusive and conditions 45 & 46 imposed on the Environment Act ROMP schedule of conditions issued by Rhondda Cynon Taf County Borough Council on 24th April 2013 ref:08/1380/10  
**LOCATION:** CRAIG YR HESG QUARRY, BERW ROAD, PONTYPRIDD, CF37 3BG  
**DATE REGISTERED:** 24/05/2021  
**ELECTORAL DIVISION:** Town (Pontypridd)

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**RECOMMENDATION: APPROVE, SUBJECT TO A S.106 AGREEMENT**

**REASONS:** PPW11 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.

MTAN1 states that 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.

The economic need for the mineral has been clearly demonstrated and without these reserves the Authority would fall below the 10-year landbank required by Policy CS10 of the LDP with no prospect of realistic alternatives being found in the short term. This needs to be balanced against the potential environmental and amenity impacts raised by objectors. In considering those potential impacts it must be noted that the impacts can be controlled to nationally set standards by planning conditions attached to any planning permission.

**On balance it is concluded that there is an overriding economic need for the mineral which is not outweighed by any potential environmental and amenity issues.**

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## **REASON APPLICATION REPORTED TO COMMITTEE**

- The proposal is not covered by determination powers delegated to the Director of Prosperity & Development
- Three or more letters of objection have been received;

## **APPLICATION DETAILS**

Currently, the site operates under four planning permissions for mineral extraction, which date between 1949 and 1993. These are listed in “Planning History” below. The access is covered by a separate planning permission (reference 13/1039/10).

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, to bring the operating conditions up to date and in line with modern standards. A schedule of 49 conditions was issued including conditions imposing time limits.

Conditions 1 & 2- time limit of 31st December 2022 for the winning and working of minerals and the deposit of mineral waste;

Conditions 3 & 4– time limit of 31st December 2023 to remove all plant and machinery and residual stocks of material;

Condition 45 – time limit of 31st December 2022 to submit a final restoration plan;

Condition 46 – time limit of 31st December 2024 to implement the approved final restoration plan

This application seeks to extend the time limit set out in condition 1 of the ROMP permission up to 31st December 2028 and to amend conditions 2, 3, 4, 45 and 46 to add 6 years to the current date. The application states that there were 3.3 million tonnes of rock remaining within the existing quarry on 31st December 2020. There are no restrictions on production at the site but historically the output has averaged some 400,000 tonnes per annum. Based on the average production the existing reserves would provide for a quarry life of 8 years (31st December 2028).

No changes are proposed to the lateral extent, depth, working methods, or 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.

Following the completion of extraction operations, a period of 12 months is proposed to remove remaining sandstone stocks, decommission all plant, and



remove it from the site, and a period of 2 years to restore the site in accordance with an agreed restoration scheme. The proposed restoration strategy 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 well as the plans and application form, the application is accompanied by an Environmental Statement.

## **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 land inside the planning application site boundary is 28.8 hectares, the active quarry covering some 13.6ha; undisturbed land, woodland and scrub some 12.7ha; and the plant/production area some 2.5ha. The quarry has reached its lateral limits and future development of the site will be confined to the existing footprint.

The quarry is bounded by Glyncoch Rugby Ground and Clubhouse and the residential areas to the north; grazing land to the west and northwest (currently subject of a planning appeal relating to the refusal of the extension of the quarry); the prominent ridgeline of Coed Craig yr Hesg to the southwest, 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 main area where the quarry is currently being worked lies within the western part of the 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.

Much of the existing quarry site and its surroundings are covered by a Woodland Tree Preservation Order (No 10). The Cwm Clydach Special Landscape Area lies to the south and west but does not encroach into the site.

Two-way access to the quarry is from the B4273 (Ynysybwl Road). 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.

## **PLANNING HISTORY**

The applications for quarry extraction activities at the site are as follows:

15/0666/10: Western Extension to include phased extraction of 10 million tonnes of pennant sandstone, construction of screening bunds and associated work and consolidation of all previous mineral planning permissions. Refused 23 July 2020 (Appeal lodged but not determined to date)

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. 14 letters of objection have been received.

The letters of objection are summarised as follows:

## **Policy Issues**

The application has been specifically timed to exploit the downtime with the current LDP coming to an end and its replacement still under consideration. It appears somewhat coincidental the application being made now whilst the replacement LDP is being consulted on taking advantage of an unsettled situation.

This application takes the boundary of the site to within 150m of the school boundary and dormer houses this was relevant in the rejection of the quarry extension and is relevant to the current application.

The proposals are contrary to the requirements of the Wellbeing of Future Generations Act and does not support the objectives delivering a resilient Wales or a healthier Wales.

### **The earlier application that is subject of an appeal**

Last year the applicant's earlier application to extend the quarry was refused and is now subject of an appeal. The Inspector dealing with the appeal has required an updated environmental statement should be provided this will take time and the current application should not be determined until such time as its findings is known.

### **Blasting operations, noise, and vibration**

The consequences of blasting activities are now worse than ever.

Blasting limits have been breached

Vibration testing should be attached to the walls of homes as near as possible to ground level and not paced flat on a flag-based driveway. Quarry operators indicate that test apparatus for vertical walls is not available though they are.

There is no testing station at Rogart Terrace and testing only happens there after complaints.

Due to the inclination of the rock the quarry are blasting and drilling into the rock that the houses on Rogart terrace are built on.

The depth and location of the blast sites currently gives the experience of a World War 2 bomb going off nearby.

Many complaints have gone to Sardis house and yet nothing is done.

Vibration data is only up to 01/12/2020 and does not reflect more recent complaints to the Council. It is essential the Council compare the data provided against the complaints

Dust, blasting, and noise are all injurious to human health

Damage caused by vibration is extensive. Hansen claim that blasting at current levels cannot cause property damage but the objections to the Council confirm damage has occurred at a greater rate than if it were general wear and tear.

Also, there is increasing concern that the increase and weight of traffic is having an adverse impact on the Old Bridge.

No warning is given when blasting is due to take place and the lack of warning leads to disturbance and upset amongst local residents.

The quarry will have records of complaints from local residents, and these should be taken into account.

### **Dust pollution and air quality**

The residents of upper Glyncoch have suffered the most from this and the Council have been provided with doctors reports directly linking it to asthma, lung, COPD, and pulmonary ill health as well as several deaths particularly from the dust coming from crusher operations. There is also a suggestion that chemicals within the dust might also contain carcinogens and this problem needs to be properly evaluated. There is medical evidence by way of a GP's report that is suggestive of a problem in the area and this needs to be explored further.

It is claimed that dust monitoring stations are no longer working what do local reports currently show in respect of air quality.

Have updated air quality standards been applied to and to what extent?

Speed limits on the A470 have been reduced due to air quality concerns – given the concerns have proven accurate continued monitoring should take place in the wider Pontypridd area to fully characterise the problem.

The dust problem is not restricted to the locality and can affect the Whiterock/Graigwen area of the town to fully characterise the problem monitors should also be placed in Cilfynydd, Town, Trallwyn and Glyncoch wards.

The dust control officer does not respond to complaints and one objector has been waiting for him to view the problem from his home.

### **Lorry washing down pit**

No longer exists in operation according to quarry management as the water supply was no longer sufficient for the volume of use

Water from lagoons is used when available but is not viable during dry periods and is also not appropriate as it is already contaminated.

Washing down processes do not the sheeting over the loads in the wagons as they cannot reach them.

### **The quarry access road**

The quarry access road was widened some years ago though the proposals contained glaring faults

The slit drains at the bottom of the road were always inadequate and have never worked properly e.g., the road level at the junction with Ynysybwl Road is now 450mm higher than previously causing flooding and a back fall to Rogart Terrace and as a consequence increasing dust nuisance.

Storm water drains connected to those in Ynysybwl Road are 70% blocked with dust from the quarry again contributing to flooding and the Councils Highways division have not responded to complaints about this.

### **The haul road**

The haul road was originally a single-track railroad with an 8-ton locomotive housing 10-ton wagons to the Darren Park Sidings where they meet the main railway hence no loaded trucks used Berw Road. As this was replaced with road wagons up to 200 movements per day. The rail tracks were removed, and the area was also used in part for the storage of bitumen coated stone chippings with no council approval.

No drainage was installed hence during periods of wet weather bitumen contamination runs off the site into the surrounding area.

No consolidation or road preparation before the use of the haul road by 48-ton trucks

Just above the Berw Road railway bridge the haul road is some 10m higher than the road and only 4.5m horizontally making it very dangerous for pedestrians using the road.

The impact of heavy vehicles on the road was evident in the quarry having to replace what drains were there due to them being blocked some years ago.

The heavy wagons have pushed down manholes and broken drains resulting in water flowing down the banking.

### **Jet wash sprays access road**

Simply do not work continually because of the contaminated water – they're probably silt blocked, and they add to the dust washing down the access road.

### **Highway issues**

The footpath and road between the site and Pontypridd is contaminated with dust and grit from passing wagons.

The rail bridge originally had a 20-ton weight restriction and inexplicably had a speed limit increase to 40mph no testing of the bridge and abutments was undertaken. The only change was the placing of solid steel sheets to the wing walls. There was no strengthening to accommodate heavier vehicles.

The steel panels obstruct the view of pedestrians looking for traffic coming up the hill

The footpath on the hill is narrow and only 350mm wide – how can anyone pushing a pram safely negotiate a blind bend on the road carriageway? When installing the steel panels why did they not also provide a cantilevered footway on the south side?

Two 48-ton wagons cannot use the bridge at the same time

Highways know about this but do nothing

The white bridge being closed adds to congestion at the town lights - only the highways department could have been surprised at the scouring that has caused its closure

The bottom end of Berw Road is also subject to scouring which is not helped by the passage of 48-ton vehicles. There are two further areas on Berw road cannot pass each other at the same time where pedestrians are constantly at risk.

The development has the potential to lead to an increase in the size and volume of vehicles using local roads

The number of lorries passing through the dangerous junction opposite the Llys Cadwyn development is dangerous and adds to pollution

Residents remain concerned for the effects of potential accidents, lorry breakdowns and traffic jams, the limits on the number of lorries using the site are regularly exceeded

### **Glyncoch primary school**

Under no circumstances should pupils at the school be subject to pollution from the quarry and the crushing activities that take place there.

Closing the quarry on the approved date will allow local children to benefit from noise and dust free learning.

Cefn Primary would be used to merge both schools while this will free up the old Ty Gwyn site as a local Welsh language primary school in the north of Pontypridd benefitting the language in line with Welsh Government objectives

### **Other issues**

Heidelberg only bought Hanson's because German conditions are stricter and enforced.

Allowing the current proposal would be detrimental to the wellbeing of current residents who have made life decisions and based future anticipation in the original end date being maintained.

Local green space would be lost to the development

The impact of the development on local species has not been fully evaluated

Woodland will be lost and will not be remediated for many years

They are seeking permission to quarry on land in third party ownership which could affect house sales and the red line should be moved back to their property

### **CONSULTATION**

**Public Health, Protection & Community Services:** Have provided advice on what measures are required to ensure potential impacts from the quarry in terms of air quality, noise and well-being can be prevented, mitigated, or ameliorated as far as reasonably practicable - including a dust management plan and monitoring programme; noise limits, noise management scheme and monitoring programme; limitations on the duration of certain activities and a scheme for communicating with the local community.

**Transportation Section:** No highway objections are raised subject to the developer entering into a legal agreement to provide a financial contribution towards the additional maintenance liability resulting from the heavy goods vehicle movements. The financial expectation would be calculated as 5 pence per tonne of material transported from the site to enable the Council as Highway Authority to undertake regular inspections and maintenance of the haulage route along the B4273 between the quarry and the A4223 Bridge Street traffic signals.

**Countryside:** The Peregrine nesting site is a clear priority and should form an integral part of any Wildlife Protection Plan serving the whole site should planning permission be granted.

**Flood Risk Management:** no objection in relation to surface water flood risk for this application as the developments surface water flood risk will be adequately managed by both the Building Regulations and Schedule 3 of the Flood and Water Management Act 2010.

**Cwm Taf Morgannwg University Health Board:** Local air quality is compliant with the relevant PM10 AQO (as measured near the existing site operations) but there is a need for continued air quality monitoring at existing locations. Crucial is the continued implementation of a dust management plan.

Subject to satisfactory checks of the underpinning data used to inform the impact assessments supplied by the applicant, then we have no grounds for objection based upon public health considerations and provided the site is operated using best available techniques to control emissions.

Given that the application seeks to extend the life of quarry operations by years, we would also recommend that the operator seeks to engage proactively with local community residents with regard to information on the monitoring and mitigation of impacts e.g. noise and air quality.

**Public Health Wales:** Local air quality is compliant with the relevant PM10 AQO (as measured near the existing site operations) but there is a need for continued air quality monitoring at existing locations. Crucial is the continued implementation of a dust management plan.

Subject to satisfactory checks of the underpinning data used to inform the impact assessments supplied by the applicant, then we have no grounds for objection based upon public health considerations and provided the site is operated using best available techniques to control emissions.

Given that the application seeks to extend the life of quarry operations by years, we would also recommend that the operator seeks to engage proactively with local community residents with regard to information on the monitoring and mitigation of impacts e.g. noise and air quality.

**Natural Resources Wales:** No objection, subject to the quarrying depth being limited to 100 metres AOD. Note that peregrine falcon has been known to nest in the southern faces of the quarry and protection of peregrine falcon is included in the site Wildlife Protection Plan.

**Coal Authority:** No objection raised.

**Cadw:** No objection raised as the development as the quarry has reached its development footprint and therefore the extension of the operational period will not increase the impact on the setting of designated assets.

**Glamorgan Gwent Archaeological Trust:** No comments received

**Dwr Cymru Welsh Water:** No objection raised, but respectfully request that any drainage related conditions are brought forward if minded to grant consent.

**RSPB:** No comments received

**Welsh Government Planning Division:** No comments received.

**Wales & West Utilities:** No comments received

**Western Power Distribution:** make the applicant aware that if they require a new connection or a service alteration, they will need to make a separate application to WPD.

**South Wales Fire and Rescue:** No comments received

**Pontypridd Town Council:** object on the following grounds:

Contrary to the Well-being of Future Generations (Wales) Act 2015 especially a resilient Wales and a healthier Wales

There is a reasonable expectation of local residents that quarrying activities would be limited in duration. Residents have made life decisions and have future anticipations based on the limited duration of the original permission.

Current Local Development Plan Out of Date

Any decision in this matter should be delayed until the Appeal report is received and fully digested, and the implications discussed with local communities.

Impact of Air Quality / Dust

Impact on Highways/Roads/Access

Proximity to residential homes and local school

Impact of Noise / Vibration

Impact on Environment / Biodiversity

## **POLICY CONTEXT**

### Rhondda Cynon Taf Local Development Plan (LDP)

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

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 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  
AW4 – Community Infrastructure & Planning Obligations  
AW8 - Protection and Enhancement of the Natural Environment  
AW10 - Environmental Protection and Public Health  
AW14 - Safeguarding of Minerals  
NSA25 - Special Landscape Areas

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

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.

Planning Policy Wales – Edition 11 - (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 - Second Review (2020) 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)

## **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 application, if granted, would extend the life of the existing operational area of the quarry by 6 years. Therefore, the continuing impacts of the operation of the existing area are the main consideration in this case and consideration of whether the existing environmental and amenity controls imposed as planning conditions via the ROMP Review remain appropriate for the extended duration of the operation, or whether additional or amended controls are required

### **Need for the Mineral**

PPW11 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, PPW11 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. Policy CS10(1) of the LDP reflects the requirement to maintain a minimum landbank of 10 years permitted rock reserves throughout the plan period.

The 2019 Annual Report published by the SWRAWP in May 2021 indicates that the landbank in RCT was 11 years based on the average sales over a the 3-year period from 2010. Therefore, at current rates of extraction RCT would be below the 10-year landbank requirement by 2021.

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 2nd Review (RTS2) for South Wales was published in September 2020. RTS2 indicated that at the base date of 31st December 2016, the 25-year requirement for crushed rock in RCT was 18.816 million tonnes and that the stock of crushed rock reserves stood at 9.830 million tonnes – a shortfall of a minimum of 8.986 million tonnes. On that basis RCT is required to make allocations for crushed rock working in the LDP as an adequate supply is not in place.

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 RTS2 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.

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. If existing reserves are not maintained at Craig yr Hesg that need will be exacerbated significantly.

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.

### **Acceptability of Impacts**

It is considered that one of the key considerations of this proposal 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.

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 seeking 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.

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**

Concern has been expressed by objectors in relation to dust and 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 principal sources of dust from a mineral working are likely to be associated with the excavation of soil, overburden and quarry waste material; 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 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 (>30µm), 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 (10-30µm) 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 400m of the site boundary. It assesses the estimated risk of nuisance dust impacts at 14 locations around the site and considers that the risk of impacts is negligible at all locations, except at Garth Avenue where the risk is assessed as low.

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 2021 average PM<sub>10</sub> concentrations in the area occupied by the site are 11.57 µg/m<sup>3</sup>, 29% 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. Data for 2020 has been obtained by the applicant from the Air Quality in Wales website. This reports the 2020 annual mean PM<sub>10</sub> concentrations to have been 14.44 µg/m<sup>3</sup> and there to have been 4 exceedances across the year, well within the NAQS objective.

There are also 3 Local Authority monitoring stations at Garth Avenue, within 91m of the site processing facilities. The measured annual mean PM<sub>10</sub> concentrations at all 3 locations, and in particular at location 130 that uses the EU Reference method, have been well below the long-term UK AQO (<75%) between 2015 and 2020. RCT local monitoring data from these stations indicates that annual mean PM<sub>10</sub> concentrations for 2019 ranged between 14.4µg/m<sup>3</sup> and 22.3µg/m<sup>3</sup>, which equates to between 36% and 55.75% of the annual mean NAQS objective of 40µg/m<sup>3</sup> with 15 daily means exceeding the 50µg/m<sup>3</sup> NAQS objective.

The Local Air Quality Management - Air Quality Progress Report 2020 produced by the Council, 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.

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 2019 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. Therefore, the Local Authority intends to continue to monitor PM10 within the local community for the foreseeable future. Public Health, Protection & Community Services have 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.

The Council's Public Health, Protection & Community Services considers that with regard to the precautionary principle, the contribution to the overall observed levels of particulate matter by the development on a potentially localised neighbouring area, community feedback and Officer's understanding, the development has the potential to prolong the identified adverse impact at specific residential locations along Garth Avenue, that are in close proximity to the Site. However, given current understanding and the present legislative framework this impact is not expected, at present, to result in an exceedance of a relevant Air Quality Objective for particulate matter. Cwm Taf Morgannwg University Health Board and Public Health Wales also confirm that local air quality is compliant with the relevant PM10 AQO (as measured near the existing site operations) but there is a need for continued air quality monitoring at existing locations. Crucial is the continued implementation of a dust management plan.

It is proposed that a Dust and Particulate Management Plan and Dust Monitoring Plan (DMP) is agreed with RCT which would draw together the existing mitigation and management measures taking into account the existing planning permission and Permit controls for the continuation of the existing activities. This would include a scheme in relation to fugitive dust monitoring.

## **Blasting**

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 existing ROMP condition 23.

At a blasting level of 6 mm 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.

Analysis of blasting data indicates that there have been no known exceedances of the 6 mm 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 contents of BS5228 and the compliance with the 6 mm per second standard, that the blasts are causing damage to their properties.

However, 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, condition 24 of the ROMP permission seeks 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 if the level of 120dB is exceeded should assist in minimising the impact of air overpressure going forward.

### **Operational Noise**

The existing noise limits between 7am and 7pm are specified in Condition 18 of the ROMP permission as follows:

Receptor	Criteria (1 hour)
No 36 Conway Close	49 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

The noise assessment submitted in the Environmental Statement suggests that the limits at Penybryn, Garth Avenue and Rogart Terrace remain appropriate but the limits at Conway Close should be reduced to 46dB LAeq (1 hour)

Night-time (7pm to 7am) noise levels are set in Condition 19 of the ROMP permission at 42 dB LAeq at the same locations. This accords with the guidance set out in MTAN1.

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. This is reflected in condition 20 of the ROMP permission.

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 these levels are acceptable.

It is therefore considered that the effects of the proposal can be mitigated and managed to an acceptable level where they have a minimal impact on sensitive developments surrounding the site.

### **Health & Well-being**

In considering health & wellbeing, the submission identifies the "main themes of concern regarding the proposed development are anticipated to relate to noise, blast vibration and dust". In the assessment of the air quality theme, it states "it is unlikely that the extension of time [the development] would cause respirable particles to exceed the relevant objective threshold set to be protective of human health". In respect of noise and vibration the submission highlights "the worst-case noise levels predicted would comply with noise limits set to be protective of human health" and "no blasting events have exceeded the ground vibration limit set to protect human health".

In addition to considering the above themes the submission also remarks, in the respect of the potential impact on ground and surface waters, that "no health and wellbeing effects are predicted"

In conclusion on wellbeing & health, the submission states, "existing activities have shown that, unless out of the operator's control, exposure to environmental determinants of health would remain within objective thresholds set to be protective of the environment and human health" and "overall, no significant adverse health and wellbeing effects are associated with the extension of time application".

By utilising previous work undertaken the submission has attempted to take account of a range of views and concerns associated with this type of development. Although some of this information may have aged and, in part, focused on additional elements more relevant to the previous planning application it is likely that it does provide a reasonable evidence base. In addition, the submission may not explicitly address if the development could likely have an express health and wellbeing impact upon inequality, although by considering various aspects of the development and the local circumstances this may, nonetheless, have been implicitly considered.

It may be noted that even where health-based standards and objectives are met the risk of impact upon health and wellbeing can still occur in relation non-tangible effects. For instance, the concerns that can be generated within the local community, if exposed to persistent levels of potential nuisance particulate matter, can go beyond any obvious nuisance effect. Its observance may increase anxiety in relation to particulate matter exposure and public health and dissuade the community from fully utilising its inherent amenity.

In addressing the potential benefit of constructive relationships between the development and the local community, the submission does highlight the importance of a range of communication and engagement mechanisms. With the overall aim to disseminate relevant information and improve understanding whilst also potentially further enabling the involvement of the local community. This in turn may help in general to support community well-being, inclusion and maximise community benefit from the development, should it be granted permission.

## **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.

The applicants have carried out an Ecological Impact Assessment which is included within the Environmental Statement. In summary, the conclusions reached/measures previously agreed and considered valid are:

No direct or indirect potential significant impacts have been identified upon any identified statutory or non-statutory designated sites for nature conservation. Craig-yr-Hesg / Lan Wood SINC occurs partially within the application site

boundary but is beyond the working area and would be complemented by the nature conservation-based site restoration.

The presence of notable habitats i.e., those identified as priorities under Section 7 of the Environment Act and the LBAP, has been identified in peripheral areas (including the identified SINC) (i.e., broadleaved woodland), although no losses would occur and no significant residual impacts are predicted.

The potential presence of roosting bats has been identified although the occurrence of such is considered unlikely. However, the 2010 ROMP set out an approach to review quarry faces during quarry development works. As some face progression would take place, this is considered to remain appropriate and has been included in the EMP.

Common reptile species (adder, common lizard, grass snake and slow worm) have been confirmed, again this relates to peripheral areas that may be subject to minor disturbance during final restoration. An approach to reptile mitigation was set out in the 2010 ROMP which is considered to remain appropriate and is included in the EMP

Peregrine falcon and a range of other breeding bird species occur; this predominantly relates to presence in peripheral habitats that will be retained or subject to minor disturbance during final restoration. Working protocols set out in the 2010 ROMP with regard to peregrine falcon are considered to remain valid and is included in the EMP.

The proposed restoration reflects that approved as part of the 2013 ROMP determination. This will deliver significant habitat gains of biodiversity value for a range of species. The delivery of this restoration was not required to address any specified predicted impact to habitats or species and so a delay of seven years is not considered significant or in need of any additional ecological / biodiversity compensation.

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 a suitably worded condition on long-term restoration.

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.

### **Landscape and Visual Amenity**

The Environmental Statement has considered the impact of the development on landscape character and visual impact.

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  
Geological Landscape – Moderate  
Landscape Habitats – High  
Historic Landscape – High  
Cultural Landscape – High

The landscape character of the site area is one characterised as hillside and scarp slopes mosaic comprising of an open landscape of rough grazing with conifer plantations, small scale irregular fields, small clumps of deciduous broadleaf woodland.

It is important to note that the quarry has reached its full lateral extent and further disturbance beyond the current excavation limits will be limited to restoration works.

Thus, there would be limited alterations to the existing landscape elements/features during working and after restoration, which results in a low degree of change to the overall character of the baseline conditions, the change is discernible but the underlying landscape character as a result of the development would be similar to the baseline conditions.

At a local level, the proposed development would not alter the current classification of the application site as an “active quarry”, followed by its restoration to “sheltered valley (with mixed rocky grassland, scrub, and woodland mosaic)”, albeit over an extended period of time.

The development would be positioned within and would not alter the published key characteristics of the National Landscape Character Area “NLCA37 South Wales Valleys” or LANDMAP units. There would thus be no changes to the principal landscape impacts, with the effects confined to a longer duration to complete the phased extraction programme, and a delay to the implementation of the final restoration strategy. This time extension and delay is considered to represent a slight adverse / neutral landscape effect.

In visual terms, the proposals would not reduce the existing and effective mitigation measures at the site, with existing views anticipated to be largely unchanged. This would ensure that the extended period of quarrying activities would be well integrated into the landscape and the restoration proposals would still add to the overall landscape value (whilst in the interim the site continues to provide for local roadstone requirements).

The development proposals would not cause unacceptable harm to the important landscape character of the nearby Special Landscape Area (SLA). The unspoilt valley slopes and ridges which form a visual backdrop to the settlements of the area would be unaffected by the proposed development. Although the extension of time would delay the final restoration of the site, the existing mineral working would continue to be well integrated into the surrounding landscape, due to the surrounding topography and high woodland cover.

## **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 6 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.

Traffic survey data was collected in November/December 2020. The vast majority of traffic leaving the site turns right at the exit and travels south towards Pontypridd. Daily traffic movements along the B4273 for a 5-day period (Monday to Friday) ranged between 8,663 and 9,728 vehicles per day with the average being 9,142, of which 318 (3.5%) were HGV's. The HGV movements from the quarry over the same survey period averaged 88 per day (<1%). In terms of the design capacity of the B4273 the current peak flows are approximately 67% of the design capacity of the road. Even with predicted traffic growth 20% capacity is predicted to remain by 2029. 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.

Members will note that the Transportation Section are seeking a financial contribution of 5 pence per tonne to cover road inspections and maintenance. However, it is considered that this matter is more appropriately dealt with by Section 59 of the Highways Act 1980. This deals with recovering expenses due to extraordinary traffic, and 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".

## **Cultural Heritage**

The Environmental Statement has concluded that there are no proposals to amend the quarry development scheme or the existing footprint of the quarry. Therefore, there would be no additional effect on any potential below ground archaeological features and no change to the effect on the setting of any listed buildings.

## **Other**

Objectors have made a number of comments which are not material planning considerations and cannot therefore be taken into account in the determination of the application:

Questioning the motives of the applicant in submitting the application at this time.

Complaints in relation to the Council's response to complaints made at this site, which are matters for planning enforcement.

Issues relating to the quarry access road construction as the access road is covered by a separate planning permission.

Issues in relation to the condition of the public highway as these are outside of the applicant's control

## **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.

PPW 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:

Public Health, Protection & Community Services have asked for a contribution towards air quality monitoring for levels of particulate matter in the local community. This is due to 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. The applicant has indicated their agreement to this.

It is therefore considered appropriate that, if approved, the applicant should enter into a Section 106 Agreement in relation to this application in order to secure a contribution towards the costs of the Council's air quality monitoring within the local community. The sum of £5,975.00 to be paid in the first year with the same amount in subsequent years increased at the RPI rate for each year that the quarry remains operational.

**RECOMMENDATION: APPROVE, SUBJECT TO THE FOLLOWING CONDITIONS:**

1. The extraction and processing of minerals from the site shall cease by 31st December 2028, all residual stocks, fixed plant, and buildings to which this permission relates shall be removed by 31st December 2029 and restoration shall be completed by 31st December 2030.

For a period of 5 years from the date of completion of restoration the site shall be managed in accordance with the approved aftercare scheme submitted under the provisions of Condition 43 below.

The planning permission shall expire following the complete restoration and aftercare of the site in accordance with the approved restoration and aftercare schemes submitted under the provisions of Conditions 41 and 43 respectively.

2. Reason: The minerals development permitted is temporary in nature. The development shall be carried out strictly in accordance with the following approved plans and documents, unless otherwise stipulated by conditions:

- CYH1 – Site Location Plan
- CYH2 – Application Site Plan
- CYH3 – Aerial Photograph
- CYH4 – Current Topographical Survey
- CYH5 – Interim Quarry Development Plan
- CYH6 – Final Quarry Development Plan
- CYH7 – Restoration Concept Plan
- CYH8 – Sections
- CYH9 – Bench Treatment Sections
- CYH C31 – Additional Tree Screening at Primary Crusher

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

3. 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.

4. 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.

5. 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):

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.

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

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

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

7. 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
8. No excavation shall take place below the depth of the water table until a Hydro Geological Impact Appraisal for dewatering and a scheme of working has been submitted to and approved in writing by the Local Planning Authority. All works shall be carried out in accordance with the approved scheme, unless otherwise approved in writing by the Local Planning Authority.

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

9. 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.

10. No loaded HGVs shall leave the site un-sheeted except those only carrying stone in excess of 75mm.

Reason: In the interests of highway safety.

11. 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.

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

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

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

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

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

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

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

- i) Soils and overburden shall not be handled during dry conditions which could result in the emission of visible dust unless the material has been suitably treated with water or other suitable agents.
- ii) Drilling of shot holes shall be undertaken by drilling rigs fitted with a suitable dust collection system;
- iii) Site roads within the quarry shall be dampened down as appropriate, using a water bowser, in accordance with the requirement of Condition 14;
- iv) The speed of haulage vehicles at the site will be restricted to 10mph.
- v) All site vehicles will be fitted with upswept exhausts and radiator fan shields.
- vi) Lorries will be loaded to avoid spillages.
- vii) All site traffic will be kept to the designated haul routes.
- viii) Any product or waste spillages will be cleared to avoid accumulations.
- ix) Drop heights will be minimised at loading and discharge points.
- x) Measures shall be taken to ensure that mud and other detritus from site operations shall not accumulate onto the public highway. Such measures shall include the weekly cleaning/sweeping of the public highway used to access the site, as well as additional cleaning/sweeping of the public highway, if, in the opinion of the Local Planning Authority, significant accumulations have occurred which require action.
- xi) Regular compaction, grading and maintenance of all on site non metalled roads used as a consequence of the quarrying operations.
- xii) All product and waste stockpiles shall be watered as and when necessary to minimise the suspension of dust.
- xiii) Existing vegetation along the site boundary to the north of the site which provides screening protection from dust shall be maintained unless a suitable screening replacement is otherwise approved in writing by the Local Planning Authority.
- xiv) Before entering onto the public highway the wheels, of all lorries travelling from the site shall be cleaned and, their loads

shall be secured and fully covered and in such a condition as to avoid the deposit of slurry, mud, or other material upon the public highway.

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

16. No mobile crushing or screening equipment shall be operated within 200 metres of the boundary of the curtilage of any residential properties without the prior express permission of the Local Planning Authority unless the equipment is located on land below 180m AOD.

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 only be carried out between the hours of 10.00 and 16.00 on Monday to Friday, and not at any time on Saturdays or Sundays or Statutory Public Holidays above 180 metres A.O.D. in the existing quarry.

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 180m AOD, drilling operations shall only be carried out between the hours of 07.00 and 18.00 Monday to Friday, and not at any time on Saturdays or Statutory Public Holidays unless the Local Planning Authority has agreed beforehand in writing (including e-mail).

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. 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.

23. 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.

24. 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.

25. 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
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.

26. Between the hours of 19:00 and 07:00 the free field Equivalent Continuous Noise Level LAeq (1 hour) due to operations in the site shall not exceed 42 dB LAeq at each selected noise sensitive property specified in Table 1 set out in condition 25 above.

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. Noise levels attributable to operations of a temporary nature within or on the periphery of the site such as the formation, removal or alteration of spoil tips, screening landforms and storage embankments, measured at any noise sensitive property specified in Table 1 in condition 25 above, shall not exceed a level of 67dB LAeq, 1hour (free field) These noise limits shall only apply for a maximum of 8 weeks in any calendar year.

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. 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.

29. Noise shall be monitored in accordance with the Noise Management Plan approved under planning reference 13/1188/38 on 27th November 2014.

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. 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.

31. 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.

32. 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.

33. 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.

34. The Wildlife and Protection Plan approved under planning reference 13/1189/38 on 27th November 2014 shall be implemented for the duration of the permission.

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

35. 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.

36. Trees, shrubs, and hedges planted in accordance with the Additional Tree Screening at the Primary Crusher shall be maintained and any plants which within five years of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

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

37. All topsoil and subsoil shall be permanently retained on site and used in restoration.

Reason: To prevent loss of soil.

38. 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.

39. Topsoil, subsoil and soil making material shall only be stripped when they are in a dry and friable condition, and no movement of soils shall occur

during the months November to March (inclusive), unless otherwise agreed in writing with the Local Planning Authority

Reason: to avoid adverse impacts on soil structure and to ensure soils are suitable for use in restoration

40. 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.

41. Not later than 31 December 2028 or the expiry of 6 months following the permanent cessation of the winning and working of minerals and the depositing of mineral waste, whichever is the sooner, a detailed final restoration scheme, including drawings to illustrate the proposals for the final restoration of the quarry shall be submitted to and approved by the Local Planning Authority in writing. The final restoration scheme shall be based upon the restoration concept plan CYH7 and include, inter alia the following matters:

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

The restoration works shall be carried out in accordance with the approved restoration scheme and shall be fully implemented within two years of the date of approval of the scheme or by 31st December 2030, whichever is the sooner.

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

42. 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.

43. Not later than 30 December 2028 or the expiry of 24 months following the permanent cessation of the winning and working of minerals and the depositing of mineral waste, whichever is the sooner, an aftercare scheme, for amenity after use that promotes the use of the site for nature conservation shall be submitted for the approval of the Local Planning Authority. The aftercare scheme shall include the following elements: A five-year period of aftercare following restoration:
- a) 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.
  - b) The steps to be taken and the period during which they are to be undertaken and who shall be responsible for taking those steps;
  - c) 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).
  - d) Cultivation practices for the preparation of soils;
  - e) Fertilising and lime application based on soil analysis, weed control;
  - f) Land management techniques;
  - g) The provision of boundary treatment;
  - h) 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;
  - i) An aftercare habitat management plan which shall include;
  - j) 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);
  - k) Description and evaluation of features to be managed;
  - l) Ecological trends and constraints that may influence management;
  - m) Aims and objectives of management;
  - n) Appropriate management options for achieving aims and objectives;
  - o) Prescription for management actions;
  - p) Work Schedule;
  - q) Personnel responsible for implementation of plan;
  - r) Monitoring and remedial/contingency measures triggered by monitoring.

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

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

44. 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.

45. Within 6 months of the date of this permission a strategy shall be submitted for communication and engagement with the local community. This shall include measures for the setting up of a Community Liaison Group. The strategy shall be implemented in accordance with the approved details

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

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## PLANNING & DEVELOPMENT COMMITTEE

27 JANUARY 2022

### INFORMATION FOR MEMBERS, PERTAINING TO ACTION TAKEN

#### UNDER DELEGATED POWERS

#### REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

1. PURPOSE OF THE REPORT

To inform Members of the following, for the period 17/01/2022 – 28/01/2022

Planning Appeals Decisions Received.  
Delegated Decisions Approvals and Refusals with reasons.

2. RECOMMENDATION

That Members note the information.

**LOCAL GOVERNMENT ACT 1972**

**as amended by**

**LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**LIST OF BACKGROUND PAPERS**

**PLANNING & DEVELOPMENT COMMITTEE**

**27 JANUARY 2022**

**REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT**

**REPORT**

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

**OFFICER TO CONTACT**

**Mr. J. Bailey  
(Tel: 01443 281132)**

**See Relevant Application File**

## APPEALS RECEIVED

**APPLICATION NO:** 21/0184  
**APPEAL REF:** A/21/3282587  
**APPLICANT:** Mr & Mrs Davies  
**DEVELOPMENT:** Two 4-bed detached dwellings.  
**LOCATION:** LAND REAR OF TON-COCH TERRACE,  
CEFNPENNAR, MOUNTAIN ASH  
**APPEAL RECEIVED:** 19/01/2022  
**APPEAL START DATE:** 26/01/2022

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**APPLICATION NO:** 21/0845  
**APPEAL REF:** CAS-01371-G0H9S2  
**APPLICANT:** Mr R Aldridge  
**DEVELOPMENT:** Addition of first floor to existing garage  
**LOCATION:** 38 MOUNT LIBANUS STREET, TREHERBERT,  
TREORCHY, CF42 5RH  
**APPEAL START DATE:** 28/01/2022

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**APPLICATION NO:** 21/0931  
**APPEAL REF:** CAS-01366-B3T3J1  
**APPLICANT:** Mrs Corbett Jones  
**DEVELOPMENT:** Change of use into two self-contained flats and retail  
space. Alterations to shop front and rear elevations.  
**LOCATION:** P C JONES, 54 TYLACELYN ROAD, PENYGRAIG,  
TONYPANDY, CF40 1JU  
**APPEAL START DATE:** 19/01/2022

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**APPLICATION NO:** 21/0975  
**APPEAL REF:** CAS-01351-M8F7P9  
**APPLICANT:** Mr S Esnouf  
**DEVELOPMENT:** Change of use from five bedroom HMO to 2 no. one  
bedroom flats and 1 no. two bedroom flat and  
construction of rear three storey extension.  
**LOCATION:** 23 WOOD ROAD, TREForest, PONTYPRIDD, CF37  
1RQ  
**APPEAL START DATE:** 18/01/2022

### APPEAL DECISIONS RECEIVED

**APPLICATION NO:** 20/1020  
**APPEAL REF:** A/21/3277149  
**APPLICANT:** Mr S Inkpen  
**DEVELOPMENT:** Two bedroom detached bungalow.  
**LOCATION:** LAND REAR OF TURBERVILLE TERRACE,  
PENYGRAIG, TONYPANDY, CF40 1LG  
**DECIDED:** 18/01/2021  
**DECISION:** Granted  
**APPEAL RECEIVED:** 16/06/2021  
**APPEAL DECIDED:** 17/01/2022  
**APPEAL DECISION:** Allowed with Conditions

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**APPLICATION NO:** 21/0532  
**APPEAL REF:** A/21/3281821  
**APPLICANT:** Mr M.A. Saleem  
**DEVELOPMENT:** Proposed conversion of former post office into a hot food take away, new shop front and installation of extraction flue.  
**LOCATION:** 4 ELIZABETH STREET, ABERCYNON, MOUNTAIN ASH, CF45 4NS  
**DECIDED:** 20/07/2021  
**DECISION:** Refused  
**APPEAL RECEIVED:** 27/08/2021  
**APPEAL DECIDED:** 19/01/2022  
**APPEAL DECISION:** Allowed with Conditions

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**APPLICATION NO:** 21/0554  
**APPEAL REF:** CAS-01354-M5J0F1  
**APPLICANT:** Mr N Marchant  
**DEVELOPMENT:** Proposed single storey front extension and off road parking including new vehicle access (Re-submission of 20/1448/10).  
**LOCATION:** 3 BRONHAUL, TALBOT GREEN, PONTYCLUN, CF72 8HW  
**DECIDED:** 06/07/2021  
**DECISION:** Refused  
**APPEAL START DATE:** 26/11/2021  
**APPEAL RECEIVED:** 25/01/2022  
**APPEAL DECISION:** Dismissed

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**APPLICATION NO:** 21/0682  
**APPEAL REF:** CAS-01349-F5X3P4  
**APPLICANT:** Mr P Carey  
**DEVELOPMENT:** Loft conversion with front and rear dormers.  
**LOCATION:** 4 SYCAMORE DRIVE, TREALAW, TONYPANDY, CF40  
2PZ  
**DECIDED:** 06/07/2021  
**DECISION:** Refused  
**APPEAL RECEIVED:** 03/11/2021  
**APPEAL DECIDED:** 21/01/2022  
**APPEAL DECISION:** Dismissed

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**Report for Development Control Planning Committee**

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**Rhigos**

**21/1571/10** Decision Date: 26/01/2022  
**Proposal:** Single storey extension and detached garage along with refurbishment of dwelling.  
**Location:** TANYBRYN, HEOL-Y-BRYN, RHIGOS, ABERDARE, CF44 9DJ

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**Hirwaun**

**21/1593/10** Decision Date: 20/01/2022  
**Proposal:** Change of use from handyman shop (A1) to ground floor flat (C3).  
**Location:** HIRWAUN HANDYMAN CENTRE, 65 TRAMWAY, HIRWAUN, ABERDARE, CF44 9NY

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**Aberdare East**

**21/1556/10** Decision Date: 21/01/2022  
**Proposal:** Proposed development of 1no. residential dwelling and associated works.  
**Location:** LAND AT THE REAR OF OAKLANDS BUNGALOW, WERFA LANE, ABER-NANT, ABERDARE, CF44 0YS

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**Abercynon**

**21/1605/10** Decision Date: 24/01/2022  
**Proposal:** Single storey mono-pitch extension to front/side of existing dwelling and flat roof extension to rear.  
**Location:** 1 MILBOURNE STREET, TYNTETOWN, ABERCYNON, MOUNTAIN ASH, CF45 4YL

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**Ynysybwl**

**21/1600/10** Decision Date: 20/01/2022  
**Proposal:** Single storey side & rear extension.  
**Location:** 2 GLAN-YR-AFON, YNYS-Y-BWL, PONTYPRIDD, CF37 3DR

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Report for Development Control Planning Committee

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**Treorchy**

- 21/1049/10** Decision Date: 20/01/2022  
**Proposal:** Proposed change of use from A1 (retail) to C3 (residential) to create a 5 bedroom dwelling with associated ancillary garden space and car parking.  
**Location:** S EVANS ANTIQUES, MELVYN WINE CELLARS, REGENT STREET, TREORCHY, CF42 6PR
- 

- 21/1186/10** Decision Date: 18/01/2022  
**Proposal:** Proposed detached dwelling.  
**Location:** LAND OFF WOODLAND TERRACE, CWMPARC, TREORCHY, CF426LX
- 

- 21/1445/10** Decision Date: 27/01/2022  
**Proposal:** Two storey side extension.  
**Location:** 59 YNYSWEN ROAD, YNYS-WEN, TREHERBERT, TREORCHY, CF42 6ED
- 

**Llwynypia**

- 21/1559/10** Decision Date: 19/01/2022  
**Proposal:** Single storey rear extension.  
**Location:** 4 PRINCESS LOUISE ROAD, LLWYNYPIA, TONYPANDY, CF40 2LY
- 

**Cwm Clydach**

- 21/1514/15** Decision Date: 25/01/2022  
**Proposal:** Variation of condition 3 (time limit) of planning consent 13/0922/13 - Appeal reference 3004441. (Reserved matters granted by planning consent 18/0575/16)  
**Location:** CLYDACH VALE WORKINGMENS CLUB, HOWARD STREET, CLYDACH, TONYPANDY, CF40 2BP
- 

**Porth**

- 21/1506/10** Decision Date: 21/01/2022  
**Proposal:** Two storey rear extension.  
**Location:** 4 PARK STREET, PORTH, CF39 0DH
- 
- 21/1588/10** Decision Date: 28/01/2022  
**Proposal:** Single storey side extension.  
**Location:** PEN Y BRYN, BIRCHGROVE STREET, PORTH, CF39 9UY
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**Report for Development Control Planning Committee**

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**Cilfynydd**

**21/1436/10** Decision Date: 20/01/2022  
**Proposal:** Single storey rear extension.  
**Location:** 9 SILVERHILL CLOSE, CILFYNYDD, PONTYPRIDD, CF37 4HU

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**Glyncoch**

**21/1632/10** Decision Date: 27/01/2022  
**Proposal:** Single storey rear extension.  
**Location:** 21 PORCHER AVENUE, GLYN-COCH, PONTYPRIDD, CF37 3DB

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**Town (Pontypridd)**

**21/1159/10** Decision Date: 19/01/2022  
**Proposal:** Conversion and first floor extension of a former music classroom into two storey detached house. (Amended plans received 28/10/21).  
**Location:** BUILDING H, OLD SCHOOL LANE, GRAIGWEN, PONTYPRIDD. CF37 2DB

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**Trallwn**

**21/1636/10** Decision Date: 28/01/2022  
**Proposal:** First floor extension.  
**Location:** 64 COEDPENMAEN ROAD, PONTYPRIDD, CF37 4LP

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**Rhondda**

**21/0996/10** Decision Date: 26/01/2022  
**Proposal:** Retention and Completion of a garage and storage building and renewal of boundary fence (Amended plans received 22/12/2021).  
**Location:** LAND AT WESTERN STREET, TREHAFOD.

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**Treforest**

**21/1549/10** Decision Date: 27/01/2022  
**Proposal:** Retention of store building.  
**Location:** CHOICES TAKEAWAY, 24 PARK STREET, TREForest, PONTYPRIDD, CF37 1SN

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**Report for Development Control Planning Committee**

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**Hawthorn**

- 21/1538/10** Decision Date: 26/01/2022  
**Proposal:** Proposed two storey side and rear extensions, construction of replacement garage, installation of dropped kerb (amended plans received 15/12/2021).  
**Location:** 3 FOUNDRY HOUSES, DYNEA ROAD, RHYDYFELIN, PONTYPRIDD, CF37 5BD
- 

- 21/1586/01** Decision Date: 19/01/2022  
**Proposal:** Various illuminated and non-illuminated signage (amended plans received 14/01/2022).  
**Location:** UNIT E3 THE POTTERY PUBLIC HOUSE, MAIN AVENUE, TREForest INDUSTRIAL ESTATE, PONTYPRIDD, CF37 5YR
- 

- 21/1639/10** Decision Date: 28/01/2022  
**Proposal:** Single storey side extension.  
**Location:** 25 CEIRIOG CRESCENT, RHYDYFELIN, PONTYPRIDD, CF37 5PH
- 

**Church Village**

- 21/1598/10** Decision Date: 25/01/2022  
**Proposal:** Two storey rear extension (lower ground and ground floor) with external terrace and partial undercroft/basement to existing building (Amended plans received 21/01/2022)  
**Location:** WEST CROSS, MAIN ROAD, CHURCH VILLAGE, PONTYPRIDD, CF38 1RL
- 

- 21/1648/10** Decision Date: 19/01/2022  
**Proposal:** Convert part of existing double garage to office/study area, and build single-storey rear extension, driveway parking will be retained.  
**Location:** 4 LISTER CLOSE, CHURCH VILLAGE, PONTYPRIDD, CF38 1GL
- 

**Gilfach Goch**

- 21/1591/10** Decision Date: 26/01/2022  
**Proposal:** First floor extension - Retrospective.  
**Location:** 30 WOOD STREET, HENDREFORGAN, GILFACH-GOCH, PORTH, CF39 8UF
- 

**Tonyrefail East**

- 21/1431/10** Decision Date: 24/01/2022  
**Proposal:** Demolition of existing sheds and erection of a detached dwelling with double garage. (Resubmission of 21/0327/10). (Preliminary Ecological Appraisal and Preliminary Roost Assessment Received 14/12/21)  
**Location:** LAND AT TYLCHA FACH TERRACE, TONYREFAIL
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- 21/1589/10** Decision Date: 26/01/2022  
**Proposal:** Single storey extensions to rear and side.  
**Location:** 23 HIGHFIELDS, TONYREFAIL, PORTH, CF39 8GB
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**Report for Development Control Planning Committee**

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**Beddau**

**21/1569/10** Decision Date: 24/01/2022  
**Proposal:** Two storey side extension.  
**Location:** 8 MAES TRANE, BEDDAU, PONTYPRIDD, CF38 2SF

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**Talbot Green**

**21/1375/10** Decision Date: 27/01/2022  
**Proposal:** Rear dormer extension.  
**Location:** ERW FACH, 16 PINE COURT, TALBOT GREEN, PONTYCLUN, CF72 8LA

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**Llanharry**

**21/1523/10** Decision Date: 17/01/2022  
**Proposal:** Formation of car parking area and associated works.  
**Location:** LAND EAST OF COEDCAE LANE, LLANHARAN, CF72 9EW

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**21/1565/10** Decision Date: 28/01/2022  
**Proposal:** Single storey extension to front & rear.  
**Location:** PEMBERTON HOUSE, ROAD TO COED Y WIW, LLANHARRY, PONTYCLUN, CF72 9LH

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**Brynna**

**21/1566/10** Decision Date: 17/01/2022  
**Proposal:** Extension to existing factory building to provide additional storage space.  
**Location:** ORTHO CLINICAL DIAGNOSTICS, FELINDRE MEADOWS, LLANHARAN, PENCOED, BRIDGEND, CF35 5PZ

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Total Number of Delegated decisions is 31

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**Tonyrefail West**

21/1454/10

Decision Date: 20/01/2022

**Proposal:** Erection of a three bedroom dormer bungalow. (Amended Redline Boundary received 04/01/22)

**Location:** LAND TO THE REAR OF 3 & 4 FAIRVIEW, EDMONDSTOWN, TONYPANDY

**Reason: 1** The proposed additional use of the sub-standard lane as a principal means of access to serve the proposed development will create increased traffic hazards to the detriment of highway and pedestrian safety.

**Reason: 2** The proposed access lane lacks adequate width of carriageway and segregated footway to serve vehicular and pedestrian traffic and would create traffic hazards to the detriment of safety of all highway users.

**Reason: 3** The applicant has no control over the existing sub-standard access leading to the proposed development site and therefore the existing access lane cannot be improved to provide a safe and satisfactory access.

**Reason: 4** The access lane lacks adequate visibility and therefore further intensification of use by the proposed development would create traffic hazards to the detriment of highway safety.

As such, the application is considered contrary to Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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**Pontyclun**

21/1463/10

Decision Date: 27/01/2022

**Proposal:** Erection of a first floor to existing garage.

**Location:** 7 BEECHLEA CLOSE, MISKIN, PONT-Y-CLUN, PONTYCLUN, CF72 8PT

**Reason: 1** By virtue of its scale, design and resulting mass, the proposed two-storey side extension would form a dominant and unsympathetic addition to the host property and a highly prominent development within the street scene. As such the proposal would have an unacceptable visual impact upon, contrary to Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan

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Total Number of Delegated decisions is 2

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