

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2024-2025:

**PLANNING AND
DEVELOPMENT COMMITTEE
5th DECEMBER 2024**

**REPORT OF: DIRECTOR
PROSPERITY AND
DEVELOPMENT**

Agenda Item No.

**APPLICATION NO:22/1149/10 –
Construction of aggregates recovery
facility. (Amended PEA, updated and
additional drawings and sections, Air
Quality Assessment received 4th May
2023, Revised Transport Assessment and
Air Quality Addendum received 28th
September 2023, Air Quality Technical
Note received 10th November 2023,
Updated Noise Assessment received 14th
December 2023. Green Infrastructure
Statement and Updated Ecological
Management Plan received 5th February
2024) at FFOREST WOOD QUARRY,
COWBRIDGE ROAD, TALYGARN, PONT-Y-
CLUN, PONTYCLUN, CF72 9XD.**

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

This application was originally reported to the Planning and Development Committee meeting of 18th July 2024. A copy of the original report is attached as Appendix A.

Members resolved that they were minded to refuse the application, contrary to the recommendation of the Director for Prosperity and Development. Members raised concerns in respect of highway safety, the amenity impact of HGV traffic and the visual impact of the development.

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

Legal Advice

Due to the complex nature of this application and your officers' concerns that a refusal would be difficult to defend at appeal, in view of the limited evidence available, the Council obtained Counsel Advice on the merits of refusing the application for the reasons proposed by Members. A copy of the Advice provided by Nina Pindham is attached at Appendix B for Members consideration.

The general principles relating to the decision are set out in paragraph 6-14 of the Advice and the Advice goes on to deal with the proposed reasons for refusal in turn.

4. PLANNING ASSESSMENT

Reasons for Refusal identified by Members

Highway safety and amenity impact of extra HGV traffic

Members raised concerns about the impact of a greater number of HGV vehicles upon both the amenity of residents living along the route and highway safety.

It is acknowledged that there are residential properties sited close to the A4222 through Talygarn, Pontyclun and Brynsadler, with the relationship and proximity between the dwellings and highway being particularly acute at the latter.

There is little doubt that residents of properties will be aware of existing traffic levels and as many objectors highlighted, the noise and disturbance created by the passage of HGVs is considered to affect wellbeing.

That the development would have the potential to cause a greater number of HGVs to use the route is a material consideration and in this case, the exacerbation of that negative impact is one to which Members have attributed considerable weight.

However, as an A Class highway, the A4222 is a busy principal route and the existing traffic counts identify that at two locations between Brynsadler and Pontyclun, the existing weekly traffic numbers range between 86,810 and 88,663.

Even considering the worst case development scenario, with all material to be recycled being brought in to the application site for processing, the number of additional weekly HGV movements would number 529 with backhauling. Of these, 90%, or 476, would be expected to travel to the north to depart and arrive at the quarry.

It is acknowledged that those additional movements would add to an already busy road which, like other principal routes requires careful navigation by all highway users, although 8 additional single trips per hour, set against the current traffic levels and noting their significant daily variation, means the percentage increase of additional HGVs would be marginal.

Consequently, there is a concern, particularly in the absence of any objections from Highway and Public Health consultees regarding highway safety, noise and air pollution, that it would be hard to demonstrate, at an appeal, these matters should outweigh those which weigh so strongly in favour of the development.

Counsel's Advice on these reasons for refusal is set out in paragraphs 15-20 and 25-28 of Appendix B.

Visual Impact

The July Committee report noted that the large, fixed aggregate recycling plant would be located within the curtilage of the quarry where existing permitted operations take place and where other buildings and structures are already present. For example, the asphalt plant is significantly taller, by more than 20m, than the highest parts of the proposed fixed plant.

Likewise, the consultation response from Cadw identified that there would be no material harm to the historic assets at Hensol and Talygarn, whilst the landscape and visual appraisal supporting the application, which included Zone of Theoretical Visibility plans, demonstrated that the fixed plan would have only a minimal and local impact.

It is also noted that whilst the woodland surrounding the location of the development is identified as a Site of Interest for Nature Conservation, this part of the site, where the fixed plant would be constructed, has long been part of the operational area of the quarry and has previously been the site of a large building, hence the presence of the remains of its foundation slab.

On this basis, an objection on the grounds of visual impact would be unlikely to be considered a sustainable one and difficult to defend at appeal; therefore, should Members resolve to refuse consent it is recommended that this does not form part of a reason for refusal.

Counsel's Advice on this reason for refusal is set out in paragraphs 21 – 24 of Appendix B.

Summary

Members are advised that in your officers' opinion it would be difficult to defend a decision to refuse the application should it be appealed by the Applicant. Counsel's

Advice is that the Council would be at a very high risk of an adverse costs award at appeal should the application be refused for the reasons given.

It is therefore recommended that the reasons, recommendation, planning obligation and conditions set out within the original report are appropriate.

However, if having considered the above Members remain of a mind to refuse planning permission, the following reasons for refusal are suggested:

The additional HGV vehicles associated with the development would exacerbate existing high levels of traffic movements, to the detriment of highway safety and all highway users.

In addition, and by virtue of its scale and location the proposed aggregate recycling plant would comprise a visually intrusive development which would be harmful to the appearance of the site and surrounding landscape.

Furthermore, the additional HGV traffic generated by the development, particularly the noise and disturbance impact on residential properties located close to the highway network through Brynsadler and Pontyclun, would be harmful to the amenity and well-being of residents.

Therefore, the development is considered contrary to Policies AW5, AW6 and AW10 of the Rhondda Cynon Taf Local Development Plan.

=====

PLANNING & DEVELOPMENT COMMITTEE

18 July 2024

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 22/1149/10 (GH)
APPLICANT: Ryan Jones Group Limited
DEVELOPMENT: Construction of aggregates recovery facility. (Amended PEA, updated and additional drawings and sections, Air Quality Assessment received 4th May 2023, Revised Transport Assessment and Air Quality Addendum received 28th September 2023, Air Quality Technical Note received 10th November 2023, Updated Noise Assessment received 14th December 2023. Green Infrastructure Statement and Updated Ecological Management Plan received 5th February 2024).
LOCATION: FFOREST WOOD QUARRY, COWBRIDGE ROAD, TALYGARN, PONT-Y-CLUN, PONTYCLUN, CF72 9XD
DATE REGISTERED: 05/02/2024
ELECTORAL DIVISION: Llanharry

RECOMMENDATION: GRANT SUBJECT TO THE CONDITIONS BELOW AND A PLANNING OBLIGATION UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990:

REASONS:

The proposed development would accord with the national planning policy position relating to minerals and waste development, set out within Future Wales 2040, PPW 12, MTAN 1 and TAN 21; as well as the policy guidance, regional strategy and sector plans which are relevant to it.

Furthermore, the development aligns with the aims of the Welsh Government to promote a national sustainable mineral policy and would help to ensure the steady supply of aggregate for the benefit of the Welsh construction sector.

In addition to contributing towards the growth of the circular economy, the development would help to promote the use of recycled materials, reduce

dependence on primary won minerals and would be located in an appropriate place.

The development has also evidenced that it could deliver a net biodiversity benefit, would have an acceptable impact on the appearance of the site and immediate landscape and would neither cause a significant impact to the amenity of third parties or be detrimental to highway safety.

REASON APPLICATION REPORTED TO COMMITTEE

The proposal is not covered by determination powers delegated to the Director of Prosperity & Development.

APPLICATION DETAILS

Full planning consent is sought for the construction of an aggregates recovery facility at Forest Wood Quarry.

The facility would be located on land towards the south-eastern side of the quarry, close to the main access into the site from the A4222 Cowbridge Road. The purpose of the proposed development is twofold:

Firstly, the application explains that there are approximately 1 million tonnes of by-product that have been discarded on site by the previous operator and left within the curtilage of the quarry. The application sets out that large quantities of aggregates and soils can be recovered from this by-product to supply local markets.

Secondly, the facility would recover aggregates from inert construction and demolition waste brought into the site and the production and sale of these would be complementary to that already produced at the site.

Construction

In order to facilitate the proposal engineering operations would be required to create level working areas within the red line area of the site boundary:

- The fixed aggregate recovery plant, together with its access ramp for loading, would sit on concrete pads and on a widened plateau. The latter would have a level surface of between 64m and 65m Above Ordnance Datum (AOD)
- For the crushing and tipping/storage of materials, two plateaus would be constructed to the west of the site at levels of 68m and 70m AOD respectively. This would necessitate some limited regrading and/or excavation of the existing ground to create them. A ramp between the plateaus would facilitate access by HGVs.

As the submitted drawings indicate, the aggregate recovery plant would comprise a variety of components, including hopper, ramps, conveyors, control room, water tanks, filter press, steps and gangways. The arrangement of these elements would create a structure with a maximum length of 97m, with the highest part to a maximum height of 13.7m.

The plant components would mainly be constructed from powder coated steel, painted blue and light grey, or galvanised steel. The control room and filter press would be constructed from trapezoidal profiled powder coated steel in light grey with blue edging trim.

Its operation would also require additional mobile plant, including a tracked excavator, 2no. wheeled loading shovels and a crusher with integrated screen.

In respect of ancillary works associated with the plant, the application advises that security and utility lighting would comprise pole or surface-mounted spotlights, which would be downward orientated and inward facing over the input feed hopper and storage bays of the plant. Existing site CCTV would be extended to include this working area and no additional boundary treatments are proposed to those already enclosing the whole site.

Operation

The aggregate, either waste imported to site or that already within the quarry, would be loaded into the input hopper and primary screen by wheeled loading shovel. The primary screen removes oversize materials which would fall into an adjacent storage bay. Oversize material will be crushed separately and returned to the plant for processing.

Screened waste would be transferred by conveyor, passing under a magnet to remove ferrous metals, before entering a wet screener. Aggregates and any non-aggregate contamination such as plastic or wood would be separated and exit the wet screener from where they are transferred by conveyor to storage bays.

The process water, containing aggregates of less than 4mm in size, would be pumped to a dewatering screen to further separate the finer grit and sand fractions which would then be transferred by conveyor to adjacent storage bays.

The remaining process water would be pumped to a recycling system comprising of a settlement tank and thickener unit. Clean water would exit the settlement tank and pass to a storage tank for recirculation. Any settled sludge at the bottom of the tank would be transferred to a filter press where any residual water is removed. A subsurface sump would collect rainfall run-off which would be used to replenish process water lost through evaporation.

Processed material would be transported by loading shovel from storage bays surrounding the Aggregates Recovery Plant and deposited into various stockpiles in the west of the site to await dispatch. Product stockpiles would be a maximum of 5m in height.

The development is estimated to create up to 10 new full time jobs and is proposed to have a maximum annual throughput of 200,000 tonnes per annum. It is proposed that the hours of operation would be 07:00 to 19:00 hours (Monday to Friday) and 07:00 to 13:00 hours (Saturdays), with no operation on Sundays or Bank Holidays.

Additional Information

In addition to the plans and elevation drawings accompanying the application, the following supporting documents have been submitted:

- Preliminary Ecological Assessment
- Drainage Strategy
- Noise Assessment
- Pre-Application Consultation (PAC) Report
- Transport Statement
- Planning Statement (including a Waste Planning Statement)
- Air Quality Assessment, Addendum and Technical Note
- Green Infrastructure Statement
- Ecological Management Plan

APPRAISAL

The application site comprises a parcel of land with a surface area of approximately 1.68 hectares which is within the curtilage of Forest Wood Quarry. The Quarry, which encompasses a total land area of around 29 hectares in the Applicant's ownership, lies in open countryside to the south of Llanharry and the M4 motorway and produces a range of limestone aggregates.

Access to the site is via an unadopted lane which connects with the A4222 Cowbridge Road approximately 300m to the south-east. The southernmost section of the access lane and its junction with the A4222 is within the Vale of Glamorgan, which is also the case for the extension to the working area approved in 2001.

In addition to the site office, lab/storage building and ancillary plant, there are a couple of prominent structures within the quarry, including the disused concrete batching plant and the very tall asphalt plant, the latter being operated by a separate company, Breedon Aggregates.

There are a handful of dwellings/agricultural units within the immediate surrounding area, the closest of which, to the area in question, are located around 190m to the south, 340m to the south-east and 370m to the north-east.

It is noted that the part of the development where the plant is proposed to be erected is adjacent to land designated as a Site of Importance for Nature Conservation (SINC).

PLANNING HISTORY

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

22/1126/10: Change of use for a proposed soil blending operation. Decision: 13/04/2023, Granted.

21/1362/10: Change of use of land to incorporate the enlargement of existing internal access road, including alterations to levels and laying of hard standing. Decision: 01/02/2022, Granted.

18/0585/23: Prior Approval for the erection of a bagging plant and associated hoppers. Decision: 24/05/2018, Permission Not Required.

09/1233/03: Western extension to Fforest Wood Quarry at Fforest Fawr Farm. (Observations requested by The Vale of Glamorgan Council). Decision: 16/05/2011, Raise No Objections.

04/0864/10: Erection of storage bins ancillary to coating plant. Decision: 29/9/2004, Granted.

03/0031/10: Construction of water settlement lagoons, access road and fencing. Decision: 21/02/2003, Granted.

01/2383/03: Southern extension to existing workings at Forest Wood Quarry (Observations requested by The Vale of Glamorgan Council). Decision: 13/07/2001, Raise No Objections.

56/95/6D: Replacement Plant. Decision: 08/10/1996, Granted.

56/93/0375: Scheme of working conditions to be attached to IDO Permission. Decision: 30/09/1993, Granted.

56/91/0853: Registration of IDO consent. Decision: 19/02/1992, Granted (former Mid Glamorgan, now Rhondda Cynon Taf area).

382/2/1013: Erection of office accommodation. Decision: 09/08/1968, Granted.

382/2/874: Erection of office accommodation. Decision: 16/02/1968, Granted.

S11611: Drilling of bore holes. Decision: 17/04/1957, Granted.

JPC 917: Winning, crushing, grading and disposing of stone. Decision: 02/07/1947, Granted (Interim Development Order (IDO) consent).

PUBLICITY

The application was advertised, initially, by direct notification to neighbouring properties, the display of site notices and press notice.

On the receipt of revised details and additional supporting information, in May 2023, a full reconsultation was undertaken including the display of site notices over a wider area, including the centre of Pontyclun.

Approximately 195 letters of objection have been received and some of these objectors have submitted multiple comments or engaged in ongoing correspondence. Two petitions have been received, the first with 240 names and the second with 87 names.

Objections have also been received from Alex Davies-Jones MP, Heledd Fychan MS and Mick Antoniw MS, and in addition, correspondence has been received from Andrew RT Davies MS raising questions and concerns about the length of the determination process and highlighting the beneficial impact to local jobs and the economy from the development.

As might be expected, most of the issues highlighted by objectors concern the same key matters and can be summarised as follows:

Highways and Traffic

- The highway network is congested and cannot cope with the existing number of HGVs, particularly during morning and afternoon rush hour periods.
- The highway is already in a bad condition and the additional HGV traffic will make it worse.
- The standard of driving on local roads is poor.
- Brynsadler is a bottle neck where traffic cannot freely pass.
- A direct access should be provided via a new slip road onto the M4.
- A fatality and several collisions have occurred involving HGVs.
- Traffic will try to use other narrow country lanes to bypass Pontyclun. A huge volume of residential traffic already uses the narrow country lane from Llanharry to Tylagarw and on to Coedcae Lane in order to avoid queues.
- The Transport Statement is naïve citing figures that the current quarry is operating at, a reduced capacity compared to when it was at its peak, alluding to the idea that there will be a far reduced amount of associated traffic from the site. This overlooks the fact that it will nearly double the level of traffic we are seeing currently.
- The quarry has not operated at anywhere near the 800,000 tonnes per annum capacity for in excess of 10 years.

- The transport data presents what is deemed a low percentage increase of total traffic flow through several route locations. It is important to also look at the data in HGV terms e.g., at site 2 the number of HGV movements increases from a 5 day average of 231 to 303 (=231+72). This is an increase in HGV movements of 31% over the current base load.
- No objections to the build itself as increasing the local economy and work opportunities can only be a positive thing, but an alternative route would need to be found.
- On those days when there is a mobile speed trap the noise pollution from vehicles is considerably less.
- I actively travel as much as I can, including to my place of work as encouraged by RCT Council and Welsh Government. As a result of how much traffic has increased and the lack of care, it is now feeling less safe and I find myself wanting to not actively travel as much. I have been on my bike coming up Brynsadler hill with lorries surrounding me on both sides which is scary and unsafe.
- Concern that a survey should be undertaken on Brynsadler bridge and the impact any closures, to deal with repairs from additional heavy vehicle movements, would have on the community.
- Bottlenecks of heavy traffic will have an impact on emergency services response times including the on-call staff based at Pontyclun Fire Station.

Noise

- HGVs passing close to properties, particularly those through Brynsadler, are subject to noise from HGVs, which cause vibrations through properties and additional noises of thumping or clanging due to potholes, drains and imperfections in the road surface. Windows have to be shut to try and block the traffic noise.
- The proposed operating hours are 07.00 to 19.00 and noise is already a problem between 07.00-09.00 and 17.00 to 19.00 and on Saturday mornings. The assessment doesn't consider the potential difference in noise patterns in these times stated.

Air Quality

- Large diesel engines cause excessive emissions of particulates which are harmful to health. The local routes are used by pedestrians, cyclists and children, including trips to and from school.
- Crushing and screening construction demolition waste and hard core may create dust, potentially containing contaminants, and affecting respiratory health. Existing quarry operations causes dust which is often carried and deposited on cars and homes.
- Being elderly, disabled and with a heart problem, the air pollution on the road means I am unable to ever keep any windows open in the front of my house.

- Aggregate recycling equipment with storage facilities would substantially increase the amount of stone dust, the finer particles of which will be carried on the prevailing westerly winds directly.
- There should be monitoring and control plans for the site to ensure emission limits are managed effectively.

Other Health Issues

- Any increase in HGV traffic is likely to create a physical and mental health risk.

Visual Impact

- The plant would be 13.694m high off ground level and situated at an elevated level within the quarry. As it's a quarry with a sizable area below ground, why is it situated here? It is detrimental to all surrounding neighbours and it could be situated in a far better location.

Environment

- The water courses in the area have been affected by the works of the quarry and the quarry owners have deforested a registered ancient woodland.
- The area is also an SINC and high priority should be given to the local landscape and wildlife.
- Concerned with how 'dirty water' will be dealt with since the local streams connect to Talygarn lakes and that the washery plant will create effluent that will discharge and contaminate local streams.
- The area is home to a plethora of invasive species that have not been outlined in the ecological assessments. Japanese Knotweed and Himalayan Balsam have accumulated in great masses and height in the areas around the site. These incredibly invasive species may not have been identified in the ecological surveys as they may fall just outside of the development area.

Local Economy

- Pontyclun high street depends on footfall, which in turn depends on factors such as parking, general attractiveness of the town and ease of access, primarily by car. Increasing the activity at the quarry will cause additional traffic congestion in Pontyclun which will deter much needed visitors from visiting and shopping.

Procedure

- Planning Committee Members are asked to hold a site meeting.
- This is EIA Development and the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 apply. It will almost certainly enjoy synergy with the quarry and may in the future become interconnected further through landfill in the worked out areas of the quarry. All EIA assessment

of the recycling operation must therefore be considered cumulative with the remainder of the quarry and other related or nearby operations and development.

- Is an Environmental Impact Assessment necessary and can the application rely on the existing planning status of the quarry?

Other material matters

- Who will check that the tonnages of material proposed to be recycled are within the limits proposed?
- Other waste facilities exist in the South Wales area which could accommodate the waste closer to source.
- There seems to be no benefits to the local community from the development to mitigate concerns.
- Any benefits of recycling will be lost by the nuisance and pollution which will accompany these developments.

Non-material matters

- RCT has given developers planning permission for thousands of new houses in the Llanharry area, all of these new residents now drive through Brynsadler and Pontyclun but despite the money given to RCT by the developers nothing has been done to improve the traffic situation.
- Planning permission should never have been granted for the quarry in the first place, the lorries have been a nightmare for years.
- If this application is to be approved, please seek the surrender of the existing approved uses to prohibit an intensification of HGV traffic and noise generation.
- It would be more appropriate for the existing operation at the site to be closed, not to be allowed to add further disruptive activity.
- The planning application gives little to assure us that this is a viable and sustainable business venture.
- Currently, heavy plant noise starts most week day mornings from 6.30am. This needs to be looked at let alone any increase in further noise and traffic.
- We have been subject to the house shaking during blasting.
- Since Hanson has left, the quarry seems to have been abandoned in some areas. A large area has now filled with water for example and trees are being cut down. Similar to open cast mining, what happens if the operations cease and the land is not put back to a safe use.
- The only noise we could previously hear when Hanson operated the quarry was the tannoy. At present we can hear impact breakers and a mobile crusher working from 7am. This is prior to the application being approved.
- The development will devalue nearby properties.
- The original application was to use the material from the quarry but this is not correct. The stone turns out to be too dirty to be used. It has to be transported to the quarry mostly from Ewenny Quarry.

Further to the above, a public drop-in session was held at Pontyclun Community Hall on Wednesday 17th April, between the hours of 15:00 and 18:30.

Numerous members of the public attended and four representatives from the Council's Planning and Highways Development Control Sections were present to answer questions about the application.

On the whole, the majority of concerns relate to those outlined by the preceding bullet points, with few new issues raised. However, the 'Other Matters' section further below provides responses to specific questions highlighted by residents.

Members will also be aware that the application was originally presented for consideration at the Planning Committee of 25th April 2024. However, it was resolved to defer determination in order for an informal site visit to be undertaken.

The unannounced site visit was held on 3rd July 2024, was attended by the Chair, Vice Chair, Case Officer, Head of Major Development, and Principal and Senior Highways Engineers. At the request of local residents, the following locations were visited:

- Top of Brynsadler Hill at the junction of Llanharry Road
- Bottom of Brynsadler Hill by the Ivor Arms public house
- The centre of Pontyclun
- The mini roundabout at the junction of the A4222 and B4264

In addition, since the Committee of 25th April 2024 and following a local campaign, around 100 further letters of objection have been received, largely reiterating the traffic and highway safety concerns highlighted above.

CONSULTATION

Cadw

No objection.

Countryside Section – Ecologist

No objection subject to the securing of the long-term habitat restoration set out within the Ecological Management Plan.

Dwr Cymru Welsh Water

No objection on the basis that alternative drainage is proposed and notes that no foul water will be produced as a result of this development.

Flood Risk Management

No objection. It is noted that if the total construction area of the development is greater than 100 sqm an application to the Sustainable Drainage Systems (SuDS) Approval Body (SAB) will be necessary. However, no condition is required since surface water will be discharged to a soakaway with no discharge off site.

Highways and Transportation

No objection, subject to conditions requiring HGVs travelling to and from the site to be sheeted and for details of facilities for wheel washing and management of wheel cleaning operations.

Llanharry Community Council

Members have discussed this application at length and are dismayed that no recording was made of vehicles that choose the route through Llanharry and that no checks were made for noise and dust levels and air quality in Llanharry.

The Community Council confirms its objection to this application and questions Rhondda Cynon Taff County Borough Council's impartiality and objectivity in deciding this application due to their working relationship with some of the applicants.

National Grid

A new connection or a service alteration will require a separate application to the National Grid.

Natural Resources Wales

No objection subject to conditions requiring the submission of an Environmental Management Plan, site lighting details and a Construction Environment Management Plan for approval.

Pontyclun Community Council

The Community Council wishes to object to this application in the strongest terms. It is recognised that the application may contribute to increased recycling capacity and have environmental benefits, but this must be balanced against the detrimental impact on quality of life and welfare of residents and on retail and other businesses in the local area. Many residents are concerned about air quality, noise pollution and impact on their mental health.

Public Health and Protection

No objection, subject to the mitigation being installed as stipulated in the Noise Assessment report dated December 2023. Following assessment, the Applicant has

demonstrated through their Air Quality Assessment and subsequent Addendum that the development will not adversely increase the levels of air pollution in the locality.

South Wales Fire and Rescue

No objection to the proposed development and notes that the developer should also consider the need for the provision of adequate water supplies on the site for firefighting purposes; and access for emergency firefighting appliances.

The Coal Authority

No objection - the application site does not fall within the defined Development High Risk Area which means there is no requirement for a Coal Mining Risk Assessment to be submitted.

Vale of Glamorgan Council – Ecology

No objection, subject to a condition for the provision of a lighting plan or strategy.

Vale of Glamorgan Council – Environment

No objection, since pollutant concentrations at modelled receptors close to Vale of Glamorgan addresses remain well within air quality limits.

Vale of Glamorgan Council - Highways

No objection. Vale of Glamorgan Highways Department has requested additional signage on the Cowbridge Road and information relating to wheel washing. This has since been incorporated within the relevant plan and conditions.

Vale of Glamorgan Council – Planning

No objection to the proposed development, but requests that the conditions identified by its internal consultees are imposed on any grant of planning permission.

Welsh Government

No objection - the Welsh Government, as highway authority for the M4 trunk road, does not issue a direction in respect of this application.

Woodland Trust

Objection on the basis of potential deterioration and detrimental impact to an area of Ancient Semi-Natural Woodland.

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 LDP 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 open countryside south of Llanharry.

Policy CS2 - The policy emphasis in the Southern Strategy Area (SSA) is on sustainable growth that protects the culture and identity of communities by focusing development within defined settlement boundaries. Emphasis will also be on protecting the cultural identity of the strategy area by protecting the natural environment.

Policy CS9 - Identifies a need for sub-regional waste management facilities.

Policy CS10 - Mineral resources will be protected and will contribute to local, regional and national demand.

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 therefore 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.

Policy AW14 - Protects mineral resources, where the quarry at Forest Wood would be safeguarded from development by a 200m buffer zone.

Policy SSA13 - The settlements in the Southern Strategy Area have absorbed a significant amount of new development during the last decade. In order to protect the identity of these settlements, ensure the efficient use of land and protect the countryside from urbanisation and incremental loss; the policy stipulates that development will not be permitted outside the defined settlement boundary.

Supplementary Planning Guidance

- Design and Placemaking
- Access, Circulation and Parking Requirements
- Nature Conservation

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 12) (PPW) was issued on 07 February 2024. It incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out the Welsh Government's (WG) current policy position on planning issues relevant to the determination of all planning applications. Future Wales: The National Plan 2040 (FW2040) sets out the National Development Framework for Wales (NDF), WGs current position on planning policy at regional and national level. The thrust and general context of each of the policy documents is 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 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 to the development proposed:

- Policy 1 – Where Wales will grow – Employment / Housing / Infrastructure
- Policy 9 – Resilient Ecological Networks – green infrastructure / ecology
- Policy 19 – Strategic Policies for Regional Planning

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 5: Nature Conservation and Planning
PPW Technical Advice Note 11: Noise
PPW Technical Advice Note 12: Design
PPW Technical Advice Note 18: Transport
PPW Technical Advice Note 21: Waste
PPW Technical Advice Note 23: Economic Development
PPW Minerals Technical Advice Note 1: Aggregates
Minerals Planning Guidance 11

Manual for Streets

Towards Zero Waste, One Wales: One Planet (June 2010)

Collections, Infrastructure and Markets Sector (CIMS) Plan (July 2012)

Construction and Demolition Sector Plan (November 2012)

South Wales Regional Aggregates Working Party (SWRAWP) Regional Technical Statement on Aggregates (RTS) – 2nd review 2020

SWRAWP Annual Report 2020

NRW 2019 Wales Construction & Demolition Waste Arisings Survey

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:

Background

Apart from limited controls, there were no planning restrictions on quarrying until The Planning Act of 1932 introduced the need to apply for planning permission in respect of 'development' including quarrying.

However, in most cases, quarry companies were subsequently granted permission to work much or all of the land they owned, regardless of the impact that such operations might have, including upon neighbouring properties.

These permissions were granted as Interim Development Orders (or IDOs) by the Interim Development Authority, usually an urban or rural district council. The Town and Country Planning Act 1947 introduced further regulations so that quarry owners (active and inactive) had to define the extent and nature of their activities.

Quarrying operations are believed to have commenced at Forest Wood prior to the First World War and carried out on a smaller scale, by Llanharry Quarries Ltd. until 1947. In July of that year the Western Trinidad Lake Asphalt Company's application to the Cowbridge Rural District Council received planning permission (IDO) for the "winning, crushing, grading and disposing of stone". By the mid 1950's the site was operated by Steetley Dolomite Ltd.

The Planning and Compensation Act 1991 required the holders of such permissions to apply to mineral planning authorities to register them for the determination of conditions. Accordingly, the IDO was registered by the then operator, Pioneer Aggregates, in 1992 and the conditions to be attached to it were approved in 1993, both being determined by the former Mid Glamorgan County Council. Hanson acquired Pioneer in 2000, with Hanson since being subsumed by Heidelberg Materials.

It is worth clarifying that the 1993 permission for the quarry, which includes the extraction and processing of materials, together with the operation of the asphalt plant and former concrete batching works, does not expire until 2042. No limit was placed on the amount of material to be extracted and processed.

Members will also recall that full planning permission was granted for the manufacture of topsoil in April 2023, per application 22/1126/10, with an annual limit on output of 50k tonnes per annum.

Also, for the purposes of clarity, it should be noted that the Applicant, Ryan Jones Group, now owns all but a very small area of the RCT part of the quarry area. However, the southern and western quarry extensions, both within the Vale of Glamorgan have been retained by Heidelberg and any remaining reserve in that part is effectively sterilised.

EIA Screening Opinion

Correspondence from objectors, relating to the scope of the proposals, included an assertion that the scheme would constitute Environmental Impact Assessment (EIA) Development. Nevertheless, this matter had already been considered and the Applicant's Agent advised.

Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 sets out various development types and applicable thresholds/criteria to determine whether or not the proposal would comprise Schedule

2 development. If so, further assessment of any 'significant effects' would be required under Schedule 3 with the potential need for an Environmental Statement (ES).

Since the planning application had already been submitted, the Regulations outline the procedure that the LPA must follow i.e., to treat the lodging of the application as a request for a screening opinion, as described within Regulation 6.

A screening opinion was provided in December 2022 advising that the LPA considered the development would fall within the scope of Schedule 2 Class 11(b)(ii) (Other projects), on account of the area of the development exceeding 0.5 hectares.

However, having had regard to the criteria set out within Schedule 3 of the Regulations, it was considered that the development would not constitute EIA development and that any future planning application would not require the submission of an ES.

The Screening Opinion noted that the recycling plant would be located within an existing quarry and would represent an additional land use. Nonetheless it would neither result in such a physical change to the locality, nor require a use of natural resources that would be considered significant in terms of the Regulations.

In respect of cumulative impacts, relating to the existing development, the context of the site was considered, particularly the scope of the operations permitted by the extant planning permissions and the LPA's view that planning permission would not be required to re-work the 1 million tonnes of aggregate currently within the quarry via the use of mobile plant.

Whilst there would be a visual impact on the vicinity of the site, this impact would be a local one. Viewed in its setting, alongside the landform of the quarry and existing large structures within it, the development would not be considered to represent a significant change in terms of the Regulations.

The Applicant's Agent was further advised that matters of pollution and noise nuisance, including any risks to human health, would be material to the determination of a planning application but again, in terms of the Regulations, they are not considered to be significant.

It was also recognised that the UK Government had produced guidance, to assist LPAs in their interpretation of the Regulations, which stated that "sites seeking only to accept inert wastes (demolition rubble etc.) are unlikely to require Environmental Impact Assessment".

Although similar guidance had not been produced by the Welsh Government, the Schedule 2 Class 11 (b) description and thresholds in the English and Welsh versions of the Regulations are the same, and both are derived from the same primary legislation. It was considered reasonable, therefore, to note that guidance.

Principle of the proposed development

As set out within the application details further above, the proposed development seeks permission for the recycling of aggregate already within the quarry and inert construction and demolition waste, alongside the construction of fixed specialist plant to process it.

The LPA's opinion is that the recycling of the 1 million tonnes of previously worked aggregate falls within the scope of operations already permitted by the existing planning permissions and could be carried out with the use of mobile plant.

Consequently, Members are advised that the main matters for determination are the acceptability of:

- a) the introduction of an additional land use to the site for the carrying out of waste development; and,
- b) the construction of the aggregate recycling plant.

The national and local planning policy considerations relevant to the development are set out below:

PPW 12 and Future Wales 2040

FW2040 states that the value of mineral and material resources and the industry this supports is important at the local, regional and UK levels. In 2015 the minerals products industry supported 3,800 jobs directly and plays a vital role in supporting the Welsh construction sector, which represents 6% of the Welsh economy and provides 88,000 jobs.

Furthermore, FW2040 recognises that Aggregates underpin economic growth, providing construction related products essential for the delivery of placemaking, housing and infrastructure, with more needing to be done to increase the use of secondary and recycled materials.

Sustainable management of resources is one of the 11 Future Wales Outcomes, and progress is proposed to be reviewed every 5 years. Policy 19 includes a co-ordinated framework for minerals extraction and the circular economy, including waste treatment and disposal.

PPW also identifies that society will continue to need a wide range of minerals, being the principal constituents of most products. Construction-related minerals are noted as being particularly important in Wales and are essential for housing and infrastructure purposes; thus, ensuring a continuity of supply is necessary.

However, paragraph 5.14.2 recognises that a planning authority has to balance the protection of amenity and the environment against what it describes as a “fundamental requirement”. This includes ensuring that impacts on relevant environmental qualities caused by mineral extraction and transportation, for example air quality and soundscape, are within acceptable limits.

PPW also states that despite the large mineral resources in Wales it is important not to waste them and each mineral planning authority should ensure that it makes an appropriate contribution to meeting local, regional and UK needs for primary minerals.

Paragraph 5.14.10 sets out that considerations of the supply of aggregates should be taken under the remit of the South Wales Regional Aggregates Working Parties, where a regional view of supply and demand is assessed via the Regional Technical Statement.

Paragraph 5.14.12 goes on to add that the contribution of recycled waste materials and secondary aggregates should be taken into account where these can be used satisfactorily and realistically instead of primary land-won minerals. Likewise, paragraph 5.14.22 advises that planning applications must consider the importance of aggregates to the UK and to conserve natural resources, and that particular emphasis should be given to increasing the use of primary materials, where appropriate.

The production and use of secondary, recycled aggregate ties in with PPW’s key planning and placemaking principles of developing a circular economy and the benefits this has to supporting effective waste management.

For example, paragraph 5.11.3 highlights that the planning system “facilitates materials recycling through advocating the use of secondary aggregates in construction” and that circular economy principles should underpin all developments to prevent the depletion of non-renewable resources. Consequently, PPW stipulates that planning authorities should encourage the recycling and re-use of construction and demolition wastes.

Minerals Technical Advice Note 1: Aggregates

Similar to PPW 12, MTAN 1 states that the overarching objective in planning for aggregates provision is to ensure supply is managed in a sustainable way so that the best balance between environmental, economic and social considerations is struck, while 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.

Maximising the use of secondary and recycled materials, together with mineral waste, as intended by the proposed development, forms part of the 5 key principles of Minerals Planning Policy. This means that meeting the demand for aggregates must be through a number of sources of supply, and not just primary extraction.

Paragraph 34 also sets out that any future increase in total demand for aggregates over and above present levels of demand should be met wherever possible from secondary sources or recycled materials.

MTAN 1 considers that the establishment of a network of recycling centres for construction and demolition waste will enable materials to be processed and recovered for beneficial use. Noting that the cost of transport is a significant factor in the viability of such proposals, the document clarifies that beyond a distance of 25 km/ 15.5 miles it becomes more difficult to demonstrate a return. In terms of identifying the most acceptable locations for recycling construction and demolition waste, MTAN 1 specifies active quarries, with or without landfill, as one of them.

In addition, it is stated that any application for new aggregates quarries or any major extensions to existing quarries should be assessed carefully to ensure that the potential supply of aggregates from non-primary sources has been fully considered as part of the environmental assessment process – clearly implying that recycled aggregates are preferential to primary aggregate extraction.

Regional Technical Statement for Aggregates

The Regional Technical Statement for Aggregates (RTS) (produced by the South Wales Regional Aggregates Working Party - SWRAWP) was prepared to ensure that the national objectives for the supply of aggregates are met across South Wales.

The RTS, of which the 2nd review was published in 2020, expects local planning authorities to endorse its proposals, although apportionment of production and discussion of mineral land banks relates to primary won aggregate only.

In addition, the SWRAWP annual report, the most recent of which was published in May 2023 notes that “even though recycled materials play an important role as a substitute for primary aggregates it is difficult to obtain accurate figures of the volumes produced.”

Nonetheless, the annual report demonstrates that RCT has a landbank of less than 25 years, which includes both the limestone quarry at Forest Wood and sandstone quarry at Craig-Yr-Hesg and highlights the overarching objective of MTAN 1, which seeks to ensure a sustainably managed supply of aggregates.

The report reproduces the recommendations of the RTS 2nd Review and the future quantities of aggregate which need to be provided for from each Local Planning Authority area. Table 4 of the report includes crushed rock sales from 2018 to 2020 and highlights that there was a significant decrease in sales of 200k tonnes from both RCT and Merthyr.

For context, the RTS sets an annualised apportionment for RCT of 765k tonnes per year and 204k tonnes per year for Merthyr. Minimum future allocations for RCT are set at an additional 9.295m tonnes.

As mentioned, these apportionments relate to primary won aggregates, but are clearly relevant to the current proposal in that the use of recycled aggregates will help to reduce demand for primary won materials.

Waste related policies and strategies

Towards Zero Waste, One Wales: One Planet (June 2010) proposes that by 2025 all sectors in Wales will recycle at least 70% of their waste, which includes businesses, households and the public sector. The recycling target for inert construction and demolition waste was for a minimum of 90% by 2019/20 and the means for delivery of this are set out in a specific sector plan.

Towards Zero Waste states that to make the most of valuable resources waste should be diverted from landfill and the best way to treat most waste to achieve this is for them to be recycled. The Strategy also addresses infrastructure issues and that capacity needs to be developed to manage waste and identify markets.

Two of the aforementioned sector plans relate to the proposed development and have been published by the Welsh Government: *Collections, Infrastructure and Markets Sector (CIMS) Plan (July 2012)* and *Construction and Demolition Sector Plan (November 2012)*.

The CIMS Plan considers the management of all waste in Wales, suggests where improved recycling is needed and seeks that the economic value of the recycled material stays in the Welsh economy. This plan also acknowledges that 81% of construction and demolition waste arises in South-East and South-West Wales.

The Construction and Demolition Sector Plan supports Towards Zero Waste, detailing outcomes, policies and delivery actions for organisations, companies and individuals involved with the construction and demolition sector in Wales. In order to meet the overall 90% recycling target for construction and demolition waste the Plan states that 98% of aggregates would need to be recycled.

Of some relevance is the *NRW Construction & Demolition Waste Arisings Survey for Wales (May 2022)* which is intended to be used by the Welsh Government and Local Authorities to inform waste planning. The survey states that aggregates include inert materials such as concrete, bricks, ceramics, and ballast, which form an important component of the construction and demolition waste stream.

In 2019 the Welsh construction and demolition sectors generated an estimated 3.43 million tonnes of construction and demolition waste, the majority of which was generated by the construction of civil engineering constructions (36%), general

building (16%) and construction of domestic building (16%) sectors. 93% of this was sent for recycling, reuse offsite and landfill, which represents an improvement of 6% since 2012 and demonstrates that the Welsh Government's targets have been met in this regard.

Although the survey includes 'lessons learned' a set of recommendations, the latter relate primarily to survey methods, data capture, tracking and categorisation of waste and do not identify any particular actions required from a planning perspective.

Notwithstanding the above, Members will note from the NRW survey that the 90% recycling target established by Towards Zero Waste has already been exceeded which, therefore, raises the question of whether further aggregate recycling operations would be needed.

In this regard, it would be reasonable to acknowledge that the NRW survey provides information on a national and regional basis and can neither reflect the economics of recycled aggregate operations on a very local basis, nor fluctuations in demand or output.

The Applicant's Agent has also advised that the regulatory and market conditions have changed since the publication of Towards Zero Waste, the CIMS Plan and C&D sector plan in 2010 to 2012. Key to the ability to recycle aggregate using traditional "dry" crushing and screening approaches has been the availability of outlets for the fine fractions (<10mm) that can constitute 25% or more of incoming C&D aggregate waste loads. This fines fraction, consisting of soil and small aggregates, is a low value material, which due to its structure and performance, is suitable only for basic fill applications.

The Environmental Permitting regime has made it increasingly difficult to secure waste recovery permits and as a result, suitable projects that can use large quantities of this material are becoming increasingly rare. From a commercial perspective, the low value of this material does not permit its transport significant distances and as a consequence, where suitable construction or landscaping works are not in progress within the local area, recyclers often find a lack of available outlets other than to landfill.

As landfill represents a significant cost for the operator, large stockpiles then build up in recycling facilities on the hope of a large local construction project arising where the material can be used. This hampers operations and causes regulatory compliance challenges. For many years there has been a balancing act, with recycling facilities trying to find outlets for low grade fill material to ensure they retain sufficient space to enable them to continue operating.

In light of these challenges, the Agent has commented that the more forward-thinking companies within the aggregates recycling sector are responding by moving towards small scale technically-advanced separation technology such as that used in the

proposed plant. These systems further separate the fine aggregate fraction into grits, sand and clay products using a wet separation process.

As with the larger sized aggregate fractions, a sustainable market exists in the construction sector for these higher performance products. Their relatively higher value also allows them to travel greater distances to construction works and as a result, it is possible to better manage operations and avoid large quantities of material building up on site. By avoiding the need to landfill significant quantities of fines fraction, and producing higher grade aggregate products to replace primary minerals, these facilities contribute to the achievement of Welsh Government targets

PPW TAN 21 - Waste supplements the policies of Planning Policy Wales and should be read alongside *Towards Zero Waste* and the relevant sector plans referenced above. The TAN provides further guidance on how the land use planning system should contribute towards sustainable waste management and resource efficiency.

This policy guidance states that planning authorities should take into account the objectives of *Towards Zero Waste* and highlights areas of Article 16 of the Waste Framework Directive, which set out the need for an integrated and adequate network of waste facilities in order to achieve sustainable waste management and reach the aims for self-sufficiency.

The TAN points out that waste should be disposed of or recovered in one of the nearest appropriate installations for waste recovery and it is important to manage such waste close to where it arises. These include reducing any detrimental environmental impacts associated with the transportation of waste and retaining the intrinsic value of waste as a resource.

The Waste Hierarchy (diagram 2.7) identifies recycling and the turning of waste into a new substance or product as a key function in the prevention of landfill or incineration without energy recovery. Paragraph 3.24 suggests that where there are longer term prospects for a sufficient and economic supply of demolition and construction waste from an appropriate catchment area, it may be appropriate to identify a permanent recycling repository or 'urban quarry' for this purpose.

Like MTAN 1, TAN 21 considers the location of waste management facilities and that new sites might be located within or adjacent to active or worked out quarries where site infrastructure is present, there are existing transport infrastructure links and there are existing planning permissions; subject to the cumulative effect of waste management facilities and other development on the wellbeing of the local community, including any significant adverse impacts on environmental quality, social cohesion and inclusion or economic potential being acceptable.

Local Development Plan Policy CS10 adopts the national policy position and the need for RCT to contribute to local, regional and national demand for minerals. This policy is also supportive of developments which seek to promote efficient use of minerals,

minimise waste and alternatives to primary won aggregates. The Policy also recognises the balanced decision which must be made, given the potential impact of such development on residential and sensitive occupiers

Fallback position

Development Control Practice (DCP) advises that extant planning permissions or development rights related to land may be viewed as material considerations which may have a significant input into decision making.

Members will know that such considerations are normally known as the fallback position and not taking into account development which could take place, even if a current planning application were refused or an appeal dismissed, has been a matter upon which the courts have ruled on a number of occasions.

Therefore, as DCP advises, the fallback factor is normally regarded as an important element and one which must be rationalised, although the weight to be given depends on the real likelihood of any fallback actually being exercised in the event of refusal.

As referenced further above, the existing planning permissions enable an unlimited amount of extraction of rock and processing at the site, together with the production of asphalt.

The Council's records relating to Forest Wood, which include correspondence and reports of predecessor authorities, show that extraction peaked in the mid to late 1990's, increasing from 500k to 750k tonnes per annum under Pioneer's ownership before reducing to 300-350k tonnes per annum in the last ten or so years of Hanson's control.

Nonetheless, although initial output has been less under the Ryan Jones Group, whilst the new ownership has become established, the Applicant would be entitled to ramp up production to whatever level the site could physically sustain. In addition, as mentioned beforehand, planning permission would not be required to rework the 1m tonnes of discarded material with mobile plant.

Notwithstanding the other material matters considered within succeeding sections of this report, which help to establish whether the proposed development would have a significantly greater impact than the fallback position, the following points are highlighted:

Firstly, whilst the production of recycled aggregates from construction and demolition waste would increase the scope of permitted operations at the site, it is relevant to consider that recycled aggregates are promoted as an alternative to those primary won on site.

An assumption, therefore, that the development would suddenly and automatically result in a significant upturn in overall output might be misguided. The demand for either aggregate type, either singularly or in combination, would ultimately be determined by the market.

Secondly, although the production of recycling aggregates is a sustainable form of development which clearly aligns with national policy as a way of reducing demand for raw mineral resources, the level of HGV movements associated with it should be considered.

Needless to say, construction and demolition waste has to be removed from a development site and taken somewhere for disposal, whether that is to landfill or to recycling. This will result in HGV movements of some kind and thus, on a regional or national scale, neither option would likely cause more HGV trips than another.

However, the impact on local traffic would be specific to each case and for a recycling operation in an existing quarry, like that proposed at Forest Wood, the materials end up being transported twice, i.e., being brought onto site for processing and being taken back out to the customer; whereas the primary won aggregate only gets transported once.

As recorded elsewhere within the report, the transportation of any material is costly and to make a worthwhile return and make an aggregate recycling business more viable there would be an element of backhauling – so far as any operator is concerned, the greater the better.

Therefore, it is relevant to note that the whilst the proposed aggregate recycling element of the business would require a proportionately higher degree of local HGV movements per tonne of material, it would not be a doubling of those used for primary won aggregate.

Thirdly, remaining reserves are estimated to be approximately 4.3m tonnes in the RCT part of the quarry owned by the Applicant, which includes the previously worked material, and around 1m tonnes in the land retained by Heidelberg. Having spoken with representatives from both companies it would seem unlikely that there will be any agreement reached to work the reserve in Heidelberg's land.

Access and highway safety

To aid comparison and in order to avoid any misinterpretation all calculations relating to vehicle movements, unless indicated otherwise, have been stated singularly. I.e., a 'trip', 'movement' or similar will be a one-way journey.

The Council's Highways and Transportation Section has provided the following assessment of the proposed development:

The proposal is for the treatment/recycling of quarry by-products and waste (aggregates recovery facility). The facility will receive, and process, inert aggregates and soils sourced from off-site excavation, construction and demolition activities, within the locality between Bridgend and Cardiff (approximately within a 15 mile/ 25km driving distance from the site).

The development will include the installation of an aggregate recovery plant, storage/stockpiles and ancillary works. The site would potentially process up to 200,000 tonnes per annum of quarry by-product and inert construction, demolition and excavation waste received from works carried out in the local area.

Access

The site is located approximately 2.6km to the southwest of Pontyclun and 5.1km southwest of Talbot Green. The site forms part of the existing Forest Wood Quarry, located to the north of Cowbridge Road and is also occupied by a ready-mixed concrete batching plant and an asphalt plant. The development will make use of the existing access on the eastern boundary of the site, which is located within the Vale of Glamorgan Council's administrative area.

The A4222 Cowbridge Road is a principal classified road which provides a primary north/south route between the A473 and A4119 at Talbot Green and the A48 at Cowbridge.

Accident Data

There has been just one collision in the vicinity of the site at the Cowbridge Road junction with Llanharry Road which involved a cyclist with the contributory factor being bright sun light causing the vehicle to not see the cyclist when leaving the junction.

The Council is aware of an additional accident on the A4222 which occurred to the south of the quarry within the Vale of Glamorgan administrative area, which regrettably resulted in a fatality.

The Police investigation indicates that a van crossed the centreline markings into the path of an oncoming HGV. There is no information available to indicate the HGV was associated with quarry operations.

Existing Land Uses.

Quarry

Hanson Quarry Products Europe Limited (Hanson) acquired an interest in the site from Pioneer Aggregates (UK) Ltd in 2000 after which sales reduced from around 750,000 tonnes per annum (tpa) at their peak in the mid to late 1990s to between 300,000-400,000 tpa in more recent years.

This information has been sourced from correspondence between Rhondda Cynon Taf, its predecessor authorities and previous operators and, as advised by the Applicant, are consistent with information provided by the previous owner's Land Agent, based on royalties paid per tonnes quarried.

It should be noted that over the past 14 months, the average extraction at the quarry has been 173,000 tpa, rather than the previous average of 350,000 tpa. However, the extraction rate at the quarry, should it be required, could be increased to a higher level, without recourse to planning.

As it currently stands, the Applicant expects extraction rates to be in the region of 300,000 tpa. It is noted that vehicles used to transport material from the site are 8 wheeled rigid tipper vehicles carrying an average of 20 tonne loads. This figure would result in 30,000 annual single HGV trips or 577 single trips per week.

Asphalt Plant

The output of the existing asphalt plant varies, with the most recent estimate being between 60,000 tpa and up to 100,000 tpa. There is no limit on the output and HGV movements which can be associated with this site as part of the existing planning permissions.

The asphalt plant operates 07:00 to 17:00 hours Monday to Friday, 07:00 to 12:00 hours on a Saturday and 07:00 to 13:00 on a Sunday but is closed on Bank Holidays.

It is assumed that materials are dispatched in average 16 tonne loads to take into account a combination of 20 tonne HGVs and smaller 'hot box' vehicles. There is no backhauling associated with the asphalt plant, with vehicles arriving empty and departing with a load.

All materials to make the asphalt are imported to the site, including stone, sand and bitumen binder. It has been assumed that this would be made up of 95% stone and sand and 5% bitumen, by weight. Stone and sand arrive in 20 tonne loads (8-wheel rigid tipper vehicles) and bitumen arrives in 24 tonne loads (articulated tanker). There is no backhauling associated with the materials being brought to the site.

An asphalt output in the range of 60,000 to 100,000 tpa would be expected to result in approximately 13,457 to 22,429 annual single HGV trips, or between 259 and 431 single trips per week.

Concrete Batching Plant

As set out in the previous Transport Statement, there is a concrete batching plant on the site. This is not currently operating and is considered unlikely to operate again in the future, albeit that this could restart within the scope of the existing permitted

operations. This element of the site was predicted to be producing between 20,000 and 40,000m³ of concrete per annum when in use.

This would have involved the import of sand and cement, in addition to the dispatching of materials in HGVs carrying 8m³ loads and vehicles would have returned empty. The minimum estimate of 20,000 m³ would require an import of 7,960 tpa of cement and 11,320 tpa of sand which would have been delivered by HGVs carrying 20 tonne loads.

Topsoil Manufacturing

Part of the quarry is used for topsoil manufacturing by Freeland Horticulture and received planning permission via application 22/1126/10. This development uses an existing area of land contained within Forest Wood Quarry and is permitted to generate a maximum of 50,000 tonnes of topsoil product per year.

The finished topsoil is exported on 8-wheel tipper vehicles with a maximum capacity of 20 tonnes. This results in 5,000 annual single HGV trips or 96 single trips per week.

Trip Generation

With regard to the HGV trip generation, this has been based on the proposed maximum output of the aggregate recovery plant of 200,000 tpa.

Vehicles transporting material to/from the site would be made up of 4-axle rigid tipper vehicles, capable of carrying 20 tonne loads and 6-axle tipper vehicles capable of carrying 29.7 tonne loads. There will be an average of 24.7 tonnes per load.

On this basis, there would be 8,097 loads in and 8,097 loads out per annum across 52 working weeks of the year, equating to 623 single trips per week and an average of 9.44 HGVs per hour. This is based on the site being operational for 66 working hours each week.

It should be noted, that in order for the site to run efficiently it is likely that a minimum of 30% backhauling will take place, as it would be inefficient and uneconomical to have vehicles driving around without moving loads to/from the site.

Accordingly, a 30% reduction has been applied to movements back to site, to take account of 30% of vehicles returning with a load of material to be recycled, rather than all coming back empty. The calculation for this is set out below:

- 5,668 trips out empty to collect waste;
- 5,668 trips in with full load of collected waste;
- 8,097 trips out to deliver recycled aggregate; and
- 8,097 trips in returning from delivery with waste.

A total of 27,530 HGV single trips per annum, 529 per week, or 8 per hour.

Without backhauling, the average HGV movements per hour would be 9.44, but with the backhauling applied as above, there would be 8 HGV single trips per hour, which equates to approximately one vehicle every 7.5 minutes.

As the worst-case scenario, it has been considered that staff would arrive in a single hour at the start of the day and leave in a single hour at the end of the day, with these movements coinciding with the network peak hours. In reality, the operating hours of the facility mean that a proportion of staff will arrive outside the peak hours.

The table below sets out the predicted trip generation of the site, for the morning peak hour when staff would be arriving and the evening peak hour when staff would be departing, as well as considering the daily trip generation, taking into account the methodology, as set out above. The assessment assumes that the HGV trips per hour would be split 50/50 for arrivals/departures.

	Morning Peak Hour (07:00 - 08:00)			Evening Peak Hour (17:00 - 18:00)			Daily (07:00 – 19:00)		
	Arr	Dep	2-way	Arr	Dep	2-way	Arr	Dep	2-way
Staff	10	0	10	0	10	10	10	10	20
HGVs	4.01	4.04	8.02	4.01	4.01	8.02	48.13	48.13	96.26
Total	14.01	4.01	18.02	4.01	14.01	18.02	58.13	58.13	116.26

As the table shows, the proposals are anticipated to generate 18.02 two-way trips in the peak operational hours for the site. Based on the assumptions set out previously, the site would generate 232.52 single vehicle trips, daily, with 192.52 of these being via HGV and 20 of these being in light vehicles.

Existing Traffic Levels: Automated Traffic Counts (ATCs)

The Applicant undertook ATCs in order to understand the existing use of the local highway network across the timeframe of a week.

The ATCs were positioned in such a way to assess the impact of the development, to the north and south of the access road (Sites 1 and 2), between Brynsadler and Pontyclun (Site 3) and to the north of Pontyclun (Site 4). The ATCs recorded two-way vehicle movements, separated by COBA vehicle classifications between Thursday 9th February and Wednesday 15th February 2023.

It was later noted that both ATCs on the Cowbridge Road, either side of the quarry entrance, stopped logging at some point after the last recorded vehicle passed at 01:25 on Sunday 12th February. The nature of the failure suggests they were tampered with. The Applicant was made aware of the issue on Monday 13th February

and the two ATCs were reinstalled on Wednesday 15th February. They suffered no further failures or tampering.

As a result of this investigation, TPS and Transport Surveys Ltd (TSL), the ATC installation contractor, identified an error in the data logs that were originally supplied. Unfortunately, the failure and replacement of the ATCs was not picked up by the technician compiling the data and in the data logs issued to TPS, which showed the traffic counts to have taken place on 7 sequential days starting on 9th February.

Therefore, for clarification, the traffic counts presented in the Transport Assessment for Sites 1 and 2 were undertaken during 9th – 11th February and 19th – 22nd February 2023. Conversely, those for Sites 3 and 4 were recorded over 7 consecutive days during 9th – 15th February.

A summary of the recorded data is provided in the tables below.

Site 1 – south of site access, A4222 Cowbridge Road

Site 1	Weekly	Thu	Fri	Sat	Sun	Mon	Tue	Wed	7-day avg	5-day avg	5-day avg (0700-1900 hrs)
Vehicles	28531	4631	4659	3392	3009	4019	4289	4532	4076	4301	3796
Lights	27655	4472	4531	3339	2958	3870	4121	4364	3951	4165	3655
HGVs	876	159	128	53	51	149	168	168	125	135	140
HGVs as a % of total traffic	3.1	3.4	2.7	1.6	1.7	3.7	3.9	3.7	3.1	3.1	3.7

Site 2 – north of site access, A4222 Cowbridge Road

Site 2	Weekly	Thu	Fri	Sat	Sun	Mon	Tue	Wed	7-day avg	5-day avg	5-day avg (0700-1900 hrs)
Vehicles	29642	4876	4868	3429	3083	4239	4473	4674	4235	4464	3969
Lights	28375	4620	4674	3387	3028	3983	4231	4452	4054	4273	3756
HGVs	1267	256	194	42	55	256	242	222	181	191	213
HGVs as a % of total traffic	4.3	5.3	4	1.2	1.8	6	5.4	4.7	4.3	4.3	5.4

Site 3 – between Pontyclun and Brynsadler, A4222 Cowbridge Road

Site 3	Weekly	Thu	Fri	Sat	Sun	Mon	Tue	Wed	7-day avg	5-day avg	5-day avg (0700-1900 hrs)
Vehicles	86810	13312	13439	10626	9405	13283	13457	13288	12401	12824	11235
Lights	84402	12915	13041	10379	9181	12934	13038	12914	12057	12457	10898
HGVs	2408	397	398	247	224	349	419	374	344	367	337
HGVs as a % of total traffic	2.8	3	3	2.3	2.4	2.6	3.1	2.8	2.8	2.9	3

Site 4 – north of Pontyclun, A4222 Cowbridge Road

Site 4	Weekly	Thu	Fri	Sat	Sun	Mon	Tue	Wed	7-day avg	5-day avg	5-day avg (0700-1900 hrs)
Vehicles	88663	13741	14206	10951	8714	13576	14041	13434	12666	13275	11637
Lights	86671	13352	13873	10738	8626	13245	13712	13125	12382	12960	11337
HGVs	1992	389	333	213	88	331	329	309	285	315	300
HGVs as a % of total traffic	2.2	2.8	2.3	1.9	1	2.4	2.3	2.3	2.2	2.4	2.6

As can be seen in the tables HGVs make up only a small proportion of the total traffic volume in each survey location, varying between 2.6%-5.4%. Utilising the five-day average for HGVs (i.e., weekdays), across the 12-hour study period at each site there are on average, between 24 and 56 single HGV vehicle movements per hour.

Traffic Impact Assessment

In order to provide a robust assessment of the impact of the proposed development, it has been assumed that 90% of traffic will arrive/depart from the north, towards the M4, with the remaining 10% of traffic arriving/departing from the south.

Given this, no further assessment was undertaken at Site 1, to the south of the site access, as it is estimated that there would be, on average, 16 single HGV movements in this direction per day and, therefore, the impact would be negligible.

Based on the trip generation set out above, the predicted daily, weekly, 7-day average and 5-day average trip generation at ATC sites 2, 3 and 4 (to the north), is outlined in the table below.

Predicted Trip generation through sites 2, 3 and 4.

	Weekly	Thu	Fri	Sat	Sun	Mon	Tue	Wed	7-day avg
Vehicles	586	105	105	61	0	105	105	105	83
Lights	108	18	18	18	0	18	18	18	15
HGVs	478	87	87	44	0	87	87	87	68

As can be seen above, the development is predicted to generate a total of 586 single vehicle movements per week, to the north of the site, of which 478 would be HGVs. This equates to a seven-day average of 68 additional HGV movements per day through ATC sites 2, 3 and 4 with an approximate average of 6 vehicles per hour, which would be imperceptible in the context of the existing use of the local highway network.

In order to assess the above trip generation, in the context of the existing use of the local highway network, the tables below set out the base and predicted scenario for weekly and seven-day averages. Also included, for ease of reference, is the existing HGV percentage, in the context of all vehicles, at each site.

Site 2 – north of site access, A4222 Cowbridge Road

Site 2	Weekly	7-day average
Vehicles	30226	4318
Lights	28483	4069
HGVs	1743	249
Predicted HGVs as a percentage of total traffic	5.8	5.8
Existing HGVs as a percentage of total traffic	4.3	4.3

For Site 2, the proposed development would result in a 1.5% percentage point increase in HGVs as a percentage of existing traffic. It is considered that the impact of this would be negligible and would be similar to daily fluctuations in traffic flows.

Reviewing the base ATC data for Site 2 demonstrated that there were between 176 and 233 HGVs per day across the 5 weekdays surveyed, a range of 57 vehicles. Given

the proposed development is expected to generate 78 HGVs, this is comparable to the daily fluctuation surveyed.

Site 3 – between Pontyclun and Brynsadler, A4222 Cowbridge Road

Site 3	Weekly	7-day average
Vehicles	87394	12485
Lights	84510	12073
HGVs	2884	412
Predicted HGVs as a percentage of total traffic	3.3	3.3
Existing HGVs as a percentage of total traffic	2.8	2.8

For Site 3 the proposed development would result in a 0.5% percentage point increase in HGVs as a percentage of existing traffic. It is considered, in the context of these being generated across a 12-hour working day (Monday to Friday), that the impact of this would be negligible and would be similar to daily fluctuations in traffic flows.

Reviewing the base ATC data for Site 3 showed that there were between 315 and 356 HGVs per day across the 5 weekdays surveyed, a range of 41 vehicles. Given the proposed development is expected to generate 78 HGVs, this represents only 37 HGVs more per day, than the difference between the busiest and quietest weekdays, in terms of HGVs.

Site 4 – north of Pontyclun, A4222 Cowbridge Road

Site 4	Weekly	7-day average
Vehicles	89247	12750
Lights	86779	12397
HGVs	2468	353
Predicted HGVs as a percentage of total traffic	2.8	2.8
Existing HGVs as a percentage of total traffic	2.2	2.2

For Site 4 the proposed development would result in a 0.6% percentage point increase in HGVs as a percentage of existing traffic. Again, it is considered, in the context of these being generated across a 12-hour working day, that the impact of this would be negligible and would be similar to daily fluctuations in traffic flows.

The base ATC data for Site 4 records between 273 and 349 HGVs per day across the 5 weekdays surveyed, a range of 76 vehicles. Given the proposed development is

expected to generate 78 HGVs, this is also comparable to the daily fluctuation experienced.

Traffic Impact Assessment: 10-year interim period

In addition to the worst-case scenario presented previously, there is a need to consider that there are approximately 1,000,000 tonnes of quarry by-product on the site, which the Applicant intends to process using the proposed aggregates recovery plant. It is estimated that it could take up to 10 years to process this product, at an average of 100,000 tpa.

For the ten-year period from opening, this would effectively halve the maximum capacity of the facility each year, which would reduce the overall movements to/from the site by half, 100,000 tonnes of material would originate from the quarry site and not be brought from external sites.

Given the above, it is important to consider the impact of the development over the 10-year period from opening, estimated to be 2025. The tables below set out the trip generating impact at ATC sites 3, 4 and 5 based on only 100,000 tonnes of the maximum 200,000 tonnes of material that can be processed each year, being brought from off-site. The number of staff on-site would remain the same, 10, as the site would still be working at maximum capacity, 200,000 tonnes.

Site 2 – north of site access, A4222 Cowbridge Road – sensitivity test

Site 2	Weekly	7-day average
Vehicles	30010	4287
Lights	28483	4072
HGVs	1527	224
Predicted HGVs as a percentage of total traffic	5.1	5.2
Existing HGVs as a percentage of total traffic	4.3	4.3

For Site 2, in the interim 10-year period, the proposed development would result in a 0.8% percentage point increase in HGVs above the existing levels of HGVs.

Site 3 – between Pontyclun and Brynsadler, A4222 Cowbridge Road – sensitivity test

Site 3	Weekly	7-day average
Vehicles	87178	12454
Lights	84510	12075
HGVs	2668	387

Predicted HGVs as a percentage of total traffic	3.1	3.1
Existing HGVs as a percentage of total traffic	2.8	2.8

For Site 3, in the interim 10-year period, the proposed development would result in a 0.3% percentage point increase in HGVs above the existing levels of HGVs.

Site 4 – north of Pontyclun, A4222 Cowbridge Road – sensitivity test

Site 4	Weekly	7-day average
Vehicles	89031	12719
Lights	86779	12400
HGVs	2252	328
Predicted HGVs as a percentage of total traffic	2.5	2.6
Existing HGVs as a percentage of total traffic	2.2	2.2

For Site 4, in the interim 10-year period, the proposed development would result in a 0.3% percentage point increase in HGVs, above the existing levels of HGVs at Site 4.

At sites 2, 3 and 4, it is considered, in the context of these being generated across a 12-hour working day (Monday to Friday), that the impact of this would be negligible and would be less than the observed daily fluctuations in HGVs, as observed at each ATC site, as explained earlier.

Traffic Impact Assessment: 2035 Base + Development – Sensitivity Test

It is estimated that if/when planning consent is granted, it would take approximately 12-18 months to conclude the plant purchase, manufacture the plant, mobilise and subsequently construct the facility. With this in mind, the opening year of the development is likely to be early 2025. Given that for the first 10 years of operation of the site, the actual trip generating impact of the development would be less, it is important to consider the impact of the development, beyond the 10-year period, when all the quarry by-product has been processed and the plant could be processing 200,000 tonnes of material imported from external sites.

With this in mind, an additional assessment of the impact of the development was undertaken, 10 years post opening year, in 2035. Base traffic flows (2023) have been factored to an opening year of 2035, using National Traffic Model forecasts, factored with TEMPRO for Rhondda Cynon Taff 031, to take account of where the site is situated and where the ATCs were located. The resultant growth rates that have been applied to the observed daily traffic movements as follows:

- Average Weekday – 1.0743

The above traffic growth factor has been applied to the base 2023 traffic flows and then the impact of the development traffic in this year, reassessed. The results of this assessment are set out in the tables below:

Site 2 – north of site access, A4222 Cowbridge Road – 2035 sensitivity test

Site 2	Weekly	7-day average
Vehicles	32429	4633
Lights	30591	4370
HGVs	1838	263
Predicted HGVs as a percentage of total traffic	5.7	5.7
Existing HGVs as a percentage of total traffic	4.3	4.3

For Site 2 in 2035, the proposed development would result in a 1.4% percentage point increase in HGVs as a percentage of existing traffic. This represents a 0.1% percentage point decrease when considered against the 2023 Base+ Development scenario, owing to the growth in background traffic, diluting the impact of the proposed development.

Site 3 – between Pontyclun and Brynsadler, A4222 Cowbridge Road – 2035 sensitivity test

Site 3	Weekly	7-day average
Vehicles	93844	13406
Lights	90781	12969
HGVs	3063	438
Predicted HGVs as a percentage of total traffic	3.3	3.3
Existing HGVs as a percentage of total traffic	2.8	2.8

For Site 3 in 2035, the proposed development would result in a 0.5% percentage point increase in HGVs as a percentage of existing traffic. This is comparable with the 2023 Base + Development scenario, where there would also be a 0.5% percentage point increase in HGVs.

Site 4 – north of Pontyclun, A4222 Cowbridge Road – 2035 sensitivity test

Site 4	Weekly	7-day average
Vehicles	95835	13691

Lights	93219	13317
HGVs	2616	374
Predicted HGVs as a percentage of total traffic	2.7	2.7
Existing HGVs as a percentage of total traffic	2.2	2.2

For Site 4 in 2035, the proposed development would result in a 0.5% percentage point increase in HGVs as a percentage of existing traffic. This is comparable with the 2023 Base + Development scenario, where there would also be a 0.6% percentage point increase in HGVs.

Again, at sites 2, 3 and 4, it is considered, in the context of these being generated across a 12-hour working day (Monday to Friday), that the impact of this would be negligible and would be similar to daily fluctuations in traffic flows.

The impact of the proposed development in each of the scenarios assessed is not considered significant. The table below summarises the seven-day average of predicted HGVs as a percentage of total traffic for each of the scenarios assessed:

Summary of Assessments

	HGVs as a percentage of total vehicles (7-day average)		
	Site 2	Site 3	Site 4
2023 Base	4.3	2.8	2.2
2023 Base + Development	5.8	3.3	2.8
10 Year Interim Assessment	5.2	3.1	2.6
2035 Base + Development	5.7	3.3	2.7

As set out previously, at sites 2, 3 and 4, it is considered, in the context of these being generated across a 12-hour working day (Monday to Friday), that the impact of this would be negligible and it has been demonstrated that the uplift in HGVs is similar to daily fluctuations in HGVs flows.

Previous ATCs undertaken by the Council.

In 2009 the Council carried out ATCs on the A4222 to the north of the quarry access which indicated 31977 two-way vehicle movements over a 7-day period with 10.9% of vehicles being class 4 and above HGV vehicles.

In 2019 ATCs at the same location indicated 38049 two-way vehicle movements over a 7-day period with 3.7% of vehicles being class 4 and above HGV vehicles.

In 2021 the ATC recorded further observations at the same location which indicated 34274 two-way vehicle movements over a 7-day period with 10.8% of vehicles being class 4 and HGV vehicles. It should be noted that the results in 2021 would have been undertaken during Covid restrictions.

Other Development Issues

Internal Circulation

Ample space has been provided within the site to ensure all vehicles can enter and exit the development in forward gear. No concerns are raised regarding circulation.

Off-street vehicular parking provision

The Council's adopted SPG gives no specific off-street parking requirement for an aggregates recycling facility. Space has been provided for 11 off-street car parking spaces and the site is located well away from the publicly maintained highway.

Since the Transport Assessment advises that there will be up to 10 full-time employees based at the site there are no concerns in this regard.

Neighbouring Authority Observations

The access to the proposed / existing quarry is within the administrative area of Vale of Glamorgan who have responded to the consultation.

It is noted that the Vale of Glamorgan Highway Authority has no objection in principle to the proposal, but has suggested local improvements such as the installation of warning signs and road markings, details of wheel cleaning facilities and for loaded HGVs to be sheeted

Summary

The application site is served from a principal route (A4222) via an existing access to the quarry. There have been no accidents in the vicinity of the site access for the latest 5-year period.

The amount and type of vehicles to be used would not raise cause for concern with regard to the use of the existing access point and the highway network.

Even considering the worst-case scenario of 200,000 tpa of construction and demolition waste being delivered to the quarry; without backhauling, the average HGV movements per hour would be 9.44, but with backhauling applied there would be 8 HGV movements per hour - approximately one vehicle every 7.5 minutes.

The ATC results and traffic generation scenario models outlined further above demonstrate the network has capacity and the development would, in percentage terms, add only marginally to traffic levels, with the latter already being subject to significant variation between different days of the week.

The Transport Assessment September 2023 demonstrates that the percentage increase of HGV vehicles associated with the recycling facility will be a negligible increase of only 0.3%-1.6% compared to the existing traffic along the Cowbridge Road (A4222).

Lastly, the ATC had a break in the results provided. However, the information submitted provides for a seven-day total and is therefore a fair reflection on the existing traffic flows.

Taking the above into consideration and noting the Applicant's fallback position of unrestricted output for the existing permitted operations, no highway objection is raised subject to the additional signage recommended by the Vale of Glamorgan Council and conditions to secure the details of wheel washing facilities and the sheeting of HGVs.

Noise

A Noise Assessment, carried out in accordance with BS 4142:2014+A1:2019 (Methods for rating and assessing industrial and commercial sound), was submitted with the application for the purposes of assessing any adverse impacts from noise at nearby Noise Sensitive Receptors (NSR) that could arise as a result of the proposed development.

Initial results indicated that mitigation measures would be required to ensure no unacceptable impacts to third parties; consequently, modelling was undertaken on the basis of three acoustic barriers being located within the site to minimise sound levels at nearby NSRs.

However, on review of the Assessment the Council's Public Health Section identified a requirement for further mitigation to ensure that noise from the development would be below or no greater than existing background levels.

The reason for this is that the Assessment indicated an adverse impact on residential amenity for two properties on a Saturday and an increase of noise levels on weekdays and further monitoring for a NSR was identified.

MTAN 1 states that where aggregates extraction and related operations occur close to areas that are sensitive to noise, particularly residential areas, noise impact must be minimised to acceptable levels. Therefore, where the effects cannot be adequately controlled or mitigated, planning permission should be refused.

Minerals Planning Guidance Note 11: The Control of Noise at Surface Mineral Workings provides advice on the monitoring and assessment of noise levels. Although

over 30 years old this still has some relevance in terms of the need to determine existing noise levels, options for noise abatement and any statutory considerations.

The guidance also confirms that whilst conditions can be considered to set and monitor noise limits, the Environmental Protection Act may control noise pollution where it is determined to be a statutory nuisance.

A Revised Noise Assessment was submitted and included a number of amendments to meet the target proposed by Public Health. The key changes, incorporated within a plan drawing, include the following:

- Reducing the ground level in the crushing and screening area by 3m.
- Reconfiguring the acoustic barriers in the vicinity of the crusher and loading ramp/feed hopper.
- Implementing a one-way system around the site.
- Adding an acoustic barrier to the south-east of the aggregates recycling plant.
- The other acoustic bund, to the south-east of the crushing area would remain unchanged.

These additional measures help to demonstrate compliance with paragraph 11 of PPW TAN 11, which suggests mitigation may be achieved by engineering or layout options and as demonstrated by the correspondence with the Applicant's Agent, have been discussed so that they could be included within the development design, rather than being left to condition.

The Noise Assessment concludes that the proposed development would not be likely to cause an adverse impact to the NSRs; likewise, the Council's Public Health Section has since confirmed that it is satisfied with the Assessment and proposed mitigation.

Air Quality

Traffic

Initially the application was not supported by an air quality report so, in consultation with Public Health colleagues, the Applicant's Agent was asked to provide one so that the impact of the additional HGV movements on air quality could be assessed.

The report was received and later updated to reflect corrections to the Transport Assessment, following the discovery of mathematical errors within the projected vehicle movements.

Both the Air Quality Report and Addendum have modelled the existing and proposed additional traffic data at 34 receptor points in respect of oxides of nitrogen and particulate matter. These receptor points include consideration of the route through RCT from the quarry to the M4 with a focus, as requested, on Talygarn, Brynsadler and Pontyclun.

The air quality impacts have been assessed using the latest planning guidance from Environmental Protection UK (EPUK), the Institute of Air Quality Management (IAQM) and the Department for Environment, Food and Rural Affairs (Defra).

The Reports note that the proposed development itself does not lie within an Air Quality Management Area (AQMA) and development traffic related to the proposed development does not travel through an AQMA.

The assessment considered transport emissions associated with the proposed development from the earliest possible year of operation (2023). The annual mean and one hour mean nitrogen dioxide objectives are forecast to be met at all modelled receptors. The PM10 concentration is also forecast to meet its respective long and short term Air Quality Objective (AQO) by a considerable margin at all modelled receptors. The PM2.5 concentration is forecast to meet its AQO at all receptors.

These results show that any air quality impact of the development and associated traffic would be negligible for all pollutants at all modelled receptors, as would be expected given the relatively small increase in traffic, compared with existing vehicle movements on this route. Therefore, the proposed development is not considered to have a significant effect on local air quality and further mitigation measures are not required.

Members are also advised that at the time the original Air Quality Report was compiled it was based on the most representative up-to-date data from 2019. However, the Applicant's Agent provided a Technical Note update in November 2023 and this included more recent data from 2022 that had been published in the Council's Air Quality Progress Report of September 2023.

Lastly, an objector raised a query about the absence of air quality assessment of particulates generated from quarry activity and increased HGV Movements. In accordance with Local Air Quality Management Technical Guidance TG22 the level of HGV traffic is not projected to exceed the threshold for further considerations set out within Table 7-5.

Likewise, it is understood that there is no relevant population within the distance threshold to the relevant operational area of the quarry development as it relates to a location with an expected PM10 background concentration of less than 25ugm-3.

It can therefore be concluded that the proposed development would not conflict with national, regional and local air quality planning guidance because it does not result in significant negative impact on air quality. The Council's Public Health and Protection Division has confirmed its agreement with these conclusions.

Dust

MTAN 1 states that where dust is demonstrated to have the potential to affect the use of land the Welsh Government takes the view that it is a material planning consideration. So, although the quarry is located in a rural location, there are a number of residential properties and businesses nearby, whilst the ability of wind to carry particles some distance towards sensitive receptors is not disputed.

Although the document also instructs planning authorities to consider the impact on public health a Health Impact Assessment is not considered necessary since the development is neither for a new quarry or sand and gravel pit.

However, the operation of equipment, the processing, management and storage of materials, plus additional vehicle movements on and off site has the potential to create additional dust in what would be an intensification of use of this part of the site. Hence, it is considered reasonable to recommend a condition for the submission of a dust management scheme for approval.

Visual Impact and Historic Environment

Cadw has assessed the potential impact of the development in respect of the Scheduled Monument: PGW(Gm)41(GLA) Hensol Castle and Registered Park and Garden: PGW(Gm)8(RCT) Talygarn.

It was noted that further information had been provided to support the application, which included a series of viewpoints and zones of theoretical visibility (ZTV) plan to the highest elements of the fixed plant, i.e., the filter press at just under 13.7m and feed hopper at 10.5m.

The details demonstrate that the development would only be visible from the western periphery of Talygarn Park and to a limited degree from a corridor in the west of Talygarn Mansion and with regard to Hensol Castle, which is located approximately 2km away to the south-east, Cadw considers that the development would be wholly visible from a point along the western edge of the site.

Nonetheless, Cadw is of the opinion that the proposed development is not in the identified significant views of either historic asset and will be seen in the context of the rising ground behind it and alongside the existing buildings at the quarry, which have already altered the views in this direction. As such whilst there may be a very slight visual change in the view from Talygarn Park and Hensol Castle this will not have any effect on the way that they are experienced, understood, and appreciated.

It should be pointed out that the aforementioned ZTV plan has been produced using computer terrain modelling. This is a process where the elevations of a development are tested against a three dimensional model.

The reason that it is 'theoretical' is that it works on a bare earth model and does not include buildings or vegetation for example. It would, therefore, produce a 'worst-case'

scenario. Also worth noting is that the ZTV does not take into account the effects of distance and thus the significant effect that distance would have on reducing the visual impact.

In more general terms of visual impact, the ZTV plan makes it evident that parts of the development, particularly the filter press, will be visible from further afield, although these would mostly be limited to partial views from the east, north-east and south-west.

It is from this aspect that the quarry can already be viewed and Members who are familiar with the route along the Cowbridge Road, travelling away from Brynsadler to the south-east, will likely have noted the quarry's presence and particularly the tall structures which are part of the asphalt plant.

In addition to the range of sectional drawings, which demonstrate how the new plant would relate to the existing quarry levels and, in particular the vegetation surrounding it, the Applicant has supplied a drawing to show the comparative heights between the new plant and the existing asphalt plant.

This drawing shows that the two towers of the latter are 35m and 36m in height, whereas the tallest part of the new plant – the filter press – would be just under 13.7m high. The towers occupy a part of the site 8m lower than that where the new plant would be erected and would therefore appear to be approximately 14m higher because of this.

For the reasons outlined above it appears that the new plant would be visible from areas outside of the application site, towards the M4, Brynsadler and the Vale of Glamorgan. However, the impact would be considered to be a local one and would neither have an undue level of prominence in the wider landscape or be considered to cause detriment to the closest neighbouring landowners and occupiers.

Environment and Ecology

The most recent versions of PPW, in this case Chapter 6, have introduced specific requirements for new developments to demonstrate ecological mitigation and enhancement, via a step-wise approach, to deliver a biodiversity net benefit. In addition, PPW 12 states that all planning applications should be supported by a Green Infrastructure (GI) statement.

PPW 12 advises that GI statements should describe how green infrastructure has been incorporated into the proposal and will be an effective way of demonstrating positive multi-functional outcomes which are appropriate to the site in question and must be used for demonstrating how the step-wise approach has been applied.

A GI statement has been provided alongside a revised Ecological Management Plan (EMP), the latter being amended to reflect the concerns of the Council's Ecologist and

the desire to provide mitigation and enhancement both in respect of the development and other quarry-related woodland clearance.

Following discussion with the Ecologist and Applicant's Agent a larger area of woodland has been included within the EMP. The Ecologist has confirmed that while part of this additional woodland is within the Vale of Glamorgan area it is directly connected to the remnant RCT area woodland, and its inclusion provides a much better mitigation balance.

The EMP identifies how the valuable ecological features of the site will be restored, managed and enhanced to increase the value of the site for wildlife. Furthermore, subsequent management and monitoring measures will be put in place to ensure the short and long-term security of the woodland and prevent further habitat loss.

The EMP comprises the following reporting actions:

- Description and evaluation of features to be managed and created.
- Ecological trends and constraints on site that could influence management.
- Aims and objectives of management.
- Appropriate management options for achieving aims and objectives and prescriptions for management actions.
- Prescriptions for management actions.
- Preparation of a work schedule (including an annual work plan capable of being rolled forward over a 20-year period).
- Body or organisation personnel responsible for implementation of the plan.
- Monitoring, contingencies and remedial measures.
- Legal and funding resources and mechanisms to ensure sustainable long-term management delivery.

An annual report detailing the results of the monitoring will be prepared in years 1, 3, 5, 10, 13, 16 and 20 and issued to the Local Planning Authority.

At the end of the twenty-year management plan a report detailing the work undertaken and the results of the monitoring reviews in the intervening years will be produced and submitted to Rhondda Cynon Taff County Borough Council and Vale of Glamorgan Council.

At year 20 the management plan will be reviewed and amended, if appropriate, to cover another appropriate period of management.

The Council's Ecologist has confirmed that the most recent iteration of the EMP is now acceptable and the GI statement and assessment better reflects the EMP. Members will note that the list of recommendations below includes a condition requiring compliance with the EMP.

Although one of the conditions recommended by NRW in their correspondence was also for the submission and approval an EMP, the scope of detail sought by them has already been covered, as set out above.

Nevertheless, both NRW and the Vale of Glamorgan Council's Ecologist have recognised that the revised PEA identifies the need for bat-friendly lighting to be installed and a separate condition is recommended accordingly.

Lastly, NRW notes that there is a watercourse in close proximity to the eastern boundary of the site. Due to the topography of the area and without appropriate management, polluted surface water could enter this water course. To ensure sufficient control of pollution prevention for the water environment is achieved a further condition for a Construction Environmental Management Plan (CEMP) has been included.

Other Matters

Public Meeting Issues

The additional, new concerns highlighted by members of the public at the Pontyclun drop-in session comprise the following:

- It was considered that the Council should require the development to be accessed from a new motorway junction to the north, to avoid quarry traffic travelling through settlements and that this be funded by the Applicant.

Legislation relating to the imposition of conditions or Section 106 agreements establishes what may be considered relevant to make a development acceptable in planning terms and that this must be proportionate to the development.

Since the proposal relates to a relatively modest annual tonnage and has to be considered in the context of a fallback position where existing planning permission place no limits on output, it is considered that the significant sum that would be necessary to create a new junction with the M4 would be excessive.

For example, a scheme to improve the existing Junction 47 of the A1(M) was costed at £10m in 2021, whilst a new junction to the M49, near Avonmouth, had cost £50m by 2019.

- A resident queried how output from the quarry could be controlled by either a unilateral undertaking or a condition; furthermore, how would it be possible to tell one lorry leaving the quarry from another.

The resident was advised that the part of the development relating to the aggregate recycling development would be subject to a condition, both limiting output and

requiring the keeping of daily records for inspection by the Local Planning Authority (condition 7).

This matter may also be addressed by the scope of the planning obligation and since there is a weighbridge on site, the Applicant is required to keep records of all HGV movements.

- A resident thought it inappropriate that the Council had accepted all of the supporting information and reports produced and submitted on behalf of the Applicant at face value; and that it should have commissioned its own independent reports, instead of relying on the Applicant's.

It is not the role of the Planning Authority, or any consultees, to commission duplicate reports as a form of verification. The nature of the application and level of detail required means that some of the supporting reports will have taken a long time to produce and in some cases, at considerable cost.

As the description of development notes, several of the supporting reports, including ecology, traffic, air quality and noise, have been subject to revisions and additional information at the request of the Planning Authority; which demonstrates the degree of consultee scrutiny during the application process.

- The issue of supporting information was considered by another objector who has pointed out that projected traffic figures have been amended four times during the consideration of the application by the Planning Authority.

The following can be clarified:

- *The most recent amendment to the Transport Assessment was to correct a mathematical error made by the Applicant's Transport Consultant.*
 - *A previous amendment was made at the request of the Planning Authority to set out combined pre and post-development traffic movements in a more accessible format.*
 - *Another correction was made to reflect that HGVs of different payloads were used to transport material from the site.*
 - *The initial Transport Statement included a typo which had to be amended.*
 - *A Technical Note was submitted to clarify the trip generating potential of the proposed development, as the rounding up of decimal places for hourly movements resulted in weekly/annual movements being over estimated.*
- An issue occurred with one of the roadside traffic count devices. This was fixed and recommenced the following week. A resident has suggested that

combining two pieces of data, i.e., the end of one week and the beginning of another, should not be considered reliable data.

The Council's Highways and Transportation Section has advised that this is acceptable since a full week of traffic data was collected and would be considered no less representative.

- A resident has queried the Applicant's use of air quality data from 2019. The Council's Public Health and Protection Division also noted that the first Air Quality Assessment report used this data which, at the time the report was written, was the most recent available.

The revised Air Quality Assessment (March 2023) used the RCT 2022 Air Quality Progress Report as a baseline and this was further updated by an addendum to reflect the corrected Transport Assessment.

Non Material Matters

Other matters raised by objectors are not considered to be material planning issues:

- The impact of traffic generated by new housing development in the Llanharry area, together with any financial or other contributions deemed necessary to mitigate that impact, will have been addressed during consideration of those separate planning applications.
- Quarrying has taken place at the site for over 100 years and benefitted from planning permission, per the IDO of 1947. Whether or not that permission should have been granted is not material to the current proposal. However, it is noted that larger scale quarrying has been carried out for at least 45 years.
- There is no mechanism for the Local Planning Authority to seek the surrender of the existing planning permissions for the site and any consideration of the pros and cons of the ongoing quarry operations would not be germane to the current application.
- Other than for any considerations relating to planning policy, the viability or financial sustainability of a business venture is irrelevant. It is unlikely that the Applicant would commit to the level of expenditure required to erect the fixed plant if there was not a high level of confidence in its viability.
- As previously noted, some parts of the quarry – the later extensions – are not being worked due to the separate ownership issue.
- The impact of a development upon property values is not a material planning concern.
- The application proposes to use material within the quarry and from non-hazardous C&D waste. Other than for the asphalt plant, for which the operator Breedon Aggregates brings in materials from its own quarries, no stone is imported from Ewenny Quarry which is owned by Hanson's successor Heidelberg Materials.

National Sustainable Placemaking Outcomes

Chapter 2 of PPW 12 emphasises that development proposals should demonstrate sustainable placemaking, to ensure that the right development is achieved in the right place, and states that development proposals should be assessed against the national sustainable placemaking outcomes.

PPW acknowledges that not every development proposal will be able to demonstrate that they can meet all of the outcomes, or that it can be proved that an attribute of a proposal will necessarily result in a particular outcome.

It is also recognised that the interpretation of the relevant criteria will depend upon the detail and context of the proposal and the application site, and in the planning balance, that greater material weight may be given to some attributes rather than others.

Therefore, in addition to consideration of the placemaking attributes of the scheme within the sections of the report further above, the proposed development is considered to relate particularly well to the following aspects of the national sustainable placemaking outcomes:

- **Creating and Sustaining Communities:** The development would be located in an appropriate location, per MTAN 1 and TAN 21, where it would least be likely to have an adverse impact and would support the network of construction and demolition waste recycling at a site that the planning guidance seeks.
- **Making Best Use of Resources:** The development accords with the local and national policy aims to prioritise the use of previously developed land and the development would help to both divert waste from landfill and reduce the reliance on primary won aggregates.
- **Growing Our Economy in a Sustainable Manner:** The development would have a positive effect in terms securing new and existing jobs, as well as a contribution to the construction sectors which are reliant on a steady supply of aggregates. The development would provide a long-term, sustainable recycling operation in support of the circular economy aspirations outlined within PPW 12.
- **Maximising Environmental Protection:** The development would be subject to an Ecological Management Plan which sets out restoration, management and enhancement of ecological features around the site. The Council's Ecologist has approved the scope and content of the Plan; thus, a biodiversity net benefit can be expected.
- **Facilitating Accessible and Healthy Environments:** The application site is in an ideal rural location where the aggregate recycling processes are less likely to have a direct impact on residential amenity. Whilst the HGV traffic associated with the existing and proposed development is recognised, the air quality reporting and response from the Council's Highway and Transportation Section has qualified that the impact would be acceptable.

Planning Obligation

Although the Council's Highways and Transportation has considered the proposed development, as submitted, to be acceptable, the Applicant and business owner, Ryan Jones, has recognised the community concerns relating to the impact of HGV movements.

The Applicant has therefore offered to make any planning permission subject to a planning obligation restricting output by tonnage, in respect of the proposed aggregate recycling development, existing primary won aggregate, asphalt plant and any future concrete production, with a combined limit of 600,000 tonnes per annum.

Currently, the output from the asphalt plant is estimated to be up to 100,000 tpa, which means that the remaining capacity of 500,000 tpa would apply to aggregate sales. This figure would give both certainty to Members and local communities and sufficient headroom for the Applicant to manage any production issues and respond flexibly to varying market demand.

Since the existing planning permissions for the site enable unrestricted output of aggregate and asphalt, and the output of the former has previously been in the range of 300,000 tpa and a peak of 750,000 tpa, the proposed planning obligation is considered to be a reasonable one.

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

The preceding sections of the report have set out the local and national planning policy position relating to minerals and waste development, particularly that contained within FW2040, PPW12, MTAN 1, TAN 21 and LDP Policy CS10 as well as related guidance, regional strategy and the relevant sector plans.

The proposed construction of the fixed aggregate recycling plant, for the reworking of materials already within the site and the recycling of inert construction and demolition waste, aligns with all of the above. Specifically, in support of the Welsh Government's aims the development would:

- Support the operation of national sustainable mineral policy.
- Provide an adequate, steady and sustainable supply of aggregate.
- Promotes the use of recycled materials.

- Contribute towards the circular economy.
- Reduced dependence on primary won minerals.
- Appropriate location for the development.

Most other material matters of concern, such as the visual impact, ecological management, potential noise or dust creation, can either be seen to have been addressed by the detail supporting the application or can be controlled by condition. Additional information requested by the Local Planning Authority, on behalf of statutory consultees, has been provided and found to be satisfactory in each respect.

Nevertheless, the ongoing concerns in respect of highways infrastructure and the traffic movements that would be generated by the proposal are acknowledged and not underestimated.

However, the scope of the proposed development set against the historical operation of the quarry, the fallback position of unrestricted extraction and output and the proposed planning obligation to restrict tonnages from both existing and new operations, have also been considered in the planning balance.

Consequently, it is considered that the benefits of the proposed development and the national planning policy framework weigh very heavily in favour of the proposal, thus the application is recommended for approval.

RECOMMENDATION: GRANT SUBJECT TO THE CONDITIONS BELOW AND A PLANNING OBLIGATION UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990:

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:

- Site Plan 11089-000-C Rev B (received)
- Sections I 11089-000-D Rev B
- Sections II 11089-000-E Rev B
- Sections III 11089-000-F Rev B
- Sections IV 11089-000-G Rev B
- Drainage Plan 11089-000-I Rev A
- Aggregates Recovery Plant – Plans and Elevations 11089-001-B
- Acoustic Barrier Design – Barrier A 11089-001-C
- Acoustic Barrier Design – Barrier B 11089-001-D
- Comparative Heights 11089-000-K

- Local Improvements (Highway Signs) 23100.OS.101.01 (Rev C)

and details and documents received on 22nd September 2022, 4th May 2023, 28th September 2023, 14th December 2023 and 5th February 2023, 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.

3. No development, including site clearance, shall commence until a site wide Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP should include:

- Construction methods: details of materials, how waste generated will be managed.
- General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.
- Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption, wastewater and energy use.
- Traffic Management: details of site deliveries, plant on site, wheel wash facilities.
- Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
- Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details.
- Landscape/ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.

The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

Reason: To ensure protection of nearby watercourses and ensure necessary management measures are agreed prior to commencement of development and implemented for the protection of the environment during construction in accordance with Policies AW8 and AW10 of the Rhondda Cynon Taf Local Development Plan.

4. No development, including site clearance, shall commence until a scheme for the management and suppression of dust has been submitted to and

approved in writing by the Local Planning Authority. The scheme should include the control of dust relating to the operation of the aggregate recycling plant, the processing and storage of materials and their transport within and off site. All loaded HGVs entering and leaving the site shall be sheeted.

The development shall be carried out in accordance with the approved scheme thereafter and any physical measures required to deliver the scheme shall be maintained until the use ceases.

Reason: In the interest public health, highway safety and the amenity of third parties, in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

5. Prior to its installation, full details of lighting, per the recommendations within section 4.4.6. of the PEA (Acer Ecology, dated February 2023) shall be submitted to and agreed in writing by the Local Planning Authority. The Lighting Plan should include:

- Details of the siting and type of external lighting to be used.
- Drawings setting out light spillage in key sensitive areas, in particular all retained woodland and scrub habitats, as well as areas of compensation planting.
- Details of lighting to be used both during construction and operation.
- Measures to monitor light spillage once development is operational.

The lighting shall be installed and retained as approved during construction and operation.

Reason: To reduce the impacts of lighting in the interest of protected species, and their habitats and commuting corridors, in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

6. The development shall be carried out in accordance with the Ecological Management Plan Revision 3.0 (Acer Ecology, dated 16th February 2024) and all features, enhancement and mitigation measures, management, monitoring and reporting, as set out within the Plan, shall be undertaken in accordance with the approved details.

Reason: in the interests of ecology and to demonstrate a biodiversity net benefit in accordance with PPW12 and Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

7. The total quantity of recycled aggregate exported from the site shall not exceed 200,000 tonnes measured over a 12 month period starting from the date when the development is first brought into use.

From the date of the commencement of the development, for which the operator shall notify the Local Planning Authority in advance and in writing, the operator shall maintain daily records of the following:

- a) The vehicle movements in and out of the site.
- b) The quantity of construction and demolition waste delivered to the site.
- c) The quantity of recycled aggregate product exported from the site.
- d) The details of any complaints that have been received and remedial action taken.

These records shall be made available for inspection by the Local Planning Authority on request.

Reason: In the interest of highway safety and to clearly define the scope of the permission in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

8. Use of the development shall be operated in accordance with the submitted report *Sound Assessment: Aggregate Recycling facility, Forest Wood Quarry* (Noise Consultants Ltd, report 13014B-20-R01-03-F dated 13th December 2023).

All physical mitigation measures identified within the report and drawing number 11089-030-A shall be implemented prior to beneficial use and maintained in good condition until the use ceases.

Reason: In the interest of third party amenity and public health in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

9. No construction and demolition waste other than that classed as being non-hazardous, as listed below and as defined by *Waste Classification - Guidance on the classification and assessment of waste (1st Edition v1.2.GB) Technical Guidance WM3*, published jointly by NRW, EA and SEPA, shall be brought onto the site for recycling:

- concrete;
- bituminous mixtures (asphalt);
- brick;
- glass (excluding fibreglass or glass fibre);
- tile and ceramics;
- minerals (stone, gravel, sand, etc.);
- track ballast;
- dredging spoil;
- utilities trench arisings;
- soils; and

- mixtures of the above.

Reason: In the interest of third party amenity and public health in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

10. Within six months of the permanent ceasing of use of the aggregates recovery plant, the plant shall be dismantled and removed from site and the land occupied by it returned to its condition prior to development.

Reason: In the interests of visual amenity and ensure that any derelict or obsolete features do not adversely affect the environment in accordance with Policies AW5, AW8 of the Rhondda Cynon Taf Local Development Plan.

11. Operation of the aggregate recycling plant shall only take place between the following hours:

Monday to Friday: 07:00 to 19:00 hours
Saturdays: 07:00 to 13:00 hours
Sundays & Bank Holidays: not at all

Reason: In the interest of third party amenity and public health in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

12. The proposed additional highway signage, as set out in drawing reference "Local Improvements (Highway Signs) 23100.OS.101.01 (Rev C)", shall be implemented prior to beneficial use of the new aggregate recovery plant.

Reason: In the interest of highway safety in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

=====

APPENDIX B

IN THE MATTER OF

**FOREST WOOD QUARRY, COWBRIDGE ROAD,
TALYGARN, PONT-Y-CLUN, CF72 9XD**

ADVICE

Introduction

- I am instructed by Mr Simon Humphreys, Head of Legal Services, Rhondda Cynon Taf County Borough Council (“the Council”) in relation to land at Forest Wood Quarry, Cowbridge Road, Talygarn, Pont-Y-Clun, CF72 9XD (“the site”).
2. Two separate issues are of concern to the Council due to their potential impact on local residents: first, the Council has received complaints from local residents about operations taking place on the site pursuant to IDO permission reference 56/93/0375 dated 30 September 1993; second, the determination of a planning application submitted on 5 February 2024 (reference 22/1149/FUL, “the application”) under the following description of development and accompanying key documents:

“Construction of aggregates recovery facility. (Amended PEA, updated and additional drawings and sections, Air Quality Assessment received 4th May 2023, Revised Transport Assessment and Air Quality Addendum received 28th September 2023, Updated Noise Assessment received 14th December 2023. Green Infrastructure Statement and Updated Ecological Management Plan received 5th February 2023).”
 3. On the first issue, activities currently taking place on the site have led to complaints from local residents concerning dust, noise and vehicle movements. Under conditions imposed on permission 56/93/0375 there is an approved noise control scheme (dated 16 January 1995) and an approved dust control scheme (dated 28 August 1996).
 4. On the second issue, the application was reported to the Council’s Planning and Development Committee on 18 July 2024 with a recommendation for approval subject

to a planning obligation being agreed and conditions being imposed. Members of the Council's Planning Committee resolved they were minded to refuse the application due to concerns relating to highways safety, visual impact and the environmental impact of vehicles on the village of Pontyclun. Because members were minded to make a decision contrary to the officer's recommendation, in accordance with the Council's Constitution the application will be subject to a further officer's report to Committee and final determination by the Planning Committee.

5. In light of the above, I am asked to advise on the implications of the approved schemes and the determination currently before the Council, including implications of the members' indicated decision.

Advice

6. The first question is readily resolved: the Council needs to determine whether the approved schemes are being complied with. If the noise and dust control schemes are not being complied with by the operator, then it may take enforcement action. If they are being complied with, the Council has a range of tools outside of the enforcement of planning control which may be engaged.
7. The second question concerning the determination of the application is equally straightforward. From the minutes helpfully provided to me, as set out above, members were concerned about highways safety, visual impact, and the environmental impact of vehicles on the village of Pontyclun. I shall deal with each of these issues in turn, but first set out general principles which apply and frame the legality of the Council's decision on the application.
8. The Council is obliged, as a matter of law, to determine the application in accordance with the adopted development plan (here, this remains the Rhonda Cynon Taf Local Development Plan, currently under review) unless material considerations indicate otherwise (s.70 of the Town and Country Planning Act 1990 and s.38(6) of the Planning

and Compulsory Purchase Act 2004, as amended by the Planning (Wales) Act 2015). This means the Council is not free to make any decision it wishes: it must be in accordance with the plan, which has been through public consultation, rigorous scrutiny, and examination and approval before an independent body. Only if material considerations in effect outweigh the plan could the Council come to a different decision. That requires robust evidence and/or sound reasons, as that means in effect the Council is making a decision contrary to the preliminary statutory presumption in favour of the plan. The position is similar with regards to national policy and guidance: while there is no statutory starting point in favour of compliance with either, they are very significant material planning considerations that direct a specific outcome or decision-making process. Any decision contrary to national policy and guidance therefore likewise requires robust evidence and/or sound reasons.

9. In this respect, it is worth noting the strong policy support for applications to recycle material that may otherwise be sent to landfill, especially when the recycling operation generates an economically valuable product in the form of mineral resources. Positive policy support for the application is duly found in Future Wales 2040 concerning the sustainable use of environmental resources, Policy CS10 of the Rhondda Cynon Taf Local Development Plan, PPW12, Minerals TAN1 (Aggregates), TAN21 (Waste), TAN23 (Economic Development), the Regional Technical Statement for Aggregates, Towards Zero Waste, One Wales: One Planet, the more specific CIMS Plan and the Demolition Sector Plan.
10. A lack of evidence also leads to decisions being quashed by the courts on the basis of irrationality: see for example the decision of Patterson J. in *R (Stonegate Homes Ltd) v Horsham DC* [2016] EWHC 2512 (Admin). Here the judge noted (at §56) “there was before [the inspector] a lack of evidence to demonstrate that the Church Street junction would become unsafe or that the congestion or other effects of extra traffic would be severe in terms of the NPPF....Neither the district council nor the county highway authority objected to the development on highway grounds.” This lack of evidence and absence of an objection from relevant consultees meant the decision to subsequently

reject the proposal in a neighbourhood plan on the basis of adverse highways impact was, to quote the judge at §69: “unsupported by any technical or expert evidence which, in so far as it exists, goes the other way...[those] views are based on opinion and an opinion that had been rejected.”

11. The judge went on to conclude the decision to make the plan was irrational because it did not suffice (here for the purposes of the SEA Directive) to base the decision on local opinion which, the judge noted, was contrary to the technical and expert evidence before the district council. Though this decision considered the SEA Directive, I consider the same principle applies to all planning decisions: where there is no objection based on technical evidence, local opinion alone could not rationally be considered to outweigh that evidence.
12. Further to and separate from the above general principles, there are cost consequences of any decision of the Council which is not able to withstand scrutiny on appeal before the Welsh Ministers. While parties normally meet their own expenses pursuant to an appeal to the Welsh Ministers under s.78 of the Town and Country Planning Act 1990, where it is deemed that one party has behaved unreasonably, either directly or indirectly, and this has caused another party to incur unnecessary or wasted expense, then that party may be subject to an award of costs.
13. The Award of Costs Annex to the Welsh Ministers’ Development Management Manual confirms (at §1.10) the aim of any award of costs against local planning authorities is “[t]o encourage local planning authorities to exercise properly their development management responsibilities, to rely only on reasons for refusal that stand up to scrutiny on the planning merits of the case and not to add to development costs through avoidable delay”. At §3.9 of the guidance the Welsh Government provides:

“Local planning authorities are not bound to adopt, or include as part of their case, the professional or technical advice given by their own officers or received from statutory consultees. However, they are expected to show that they had

reasonable planning grounds for taking a decision contrary to such advice and that they are able to produce relevant evidence to support their decision. If they fail to do so, costs may be awarded against the authority.”

14. Examples of grounds for the substantive award of costs against a local planning authority are set out at §3.11, and include:

“(b) Failure to produce evidence to substantiate the impact of the proposal, or each reason, or proposed reason for refusal (i.e. taking a decision contrary to professional or technical advice without there being reasonable planning grounds to do so);

(c) Refusing permission on a ground clearly being capable of being dealt with by way of condition, where it is concluded that suitable conditions would enable the development to proceed”.

Highways Safety

15. From the above general principles, it is perfectly clear that where a statutory consultee does not object, but members do, then members must have reasonable planning grounds for that decision. Where there is technical evidence, this includes the requirement they are able to produce relevant contrary evidence to support their decision, on planning grounds. It is not a reasonable objection if the planning objection is capable of being resolved through the imposition of a condition.

16. Here, in my view, there is no objective planning evidence to refuse permission on the grounds of highways safety which would withstand scrutiny at appeal. The Council’s Highways and Transportation Section does not object to the application, having explicit regard to highways safety and accident data. There is no objection from the Vale of Glamorgan Council Highways in relation to highways and transportation, subject to the

imposition of conditions and an amended plan. As relevant highway authority for the M4, the Welsh Government does not object to the application.

17. There is ample objective technical evidence to support these conclusions there is no basis to object to the application on highways grounds. The Council's position on highways, summarised in the officer's report, is based on "worst case scenario" trip generation data. This means all modelling was calculated on the highest possible number of vehicle movements that would be capable of being generated by the site. It also assumed a reasonable degree of "backhauling" to the site, i.e. transport of material in vehicles back into the site rather than application of an assumption all vehicles that left the site would return empty. The modelling also applied the worst case scenario to staff movements, assuming all staff would arrive on the site within a single hour and would leave the site within a single hour. It also assumed these mass staff movements would take place at peak hours, and so included peak hour traffic in the assumptions, on top of the worst case scenario HGV trip generation assumptions. They then applied a forecast of the highways implications of the processing of some 1 million tonnes of quarry by-product known to be on the site, again applying a worst case scenario assumption that this would be processed simultaneously with the development proposed in the application, and endure for the next ten years. Finally, a sensitivity test was applied using predicted growth rates in traffic in the area. These higher future traffic numbers were effectively backdated and applied to the 2023 base traffic flows in the modelling, adding an additional layer of precautionary assumptions in the modelling of highways impacts of the application.
18. Applying all of these precautionary worst case scenario assumptions, no consultee considered there was a reason to object to the application on highways grounds, whether in terms of total traffic volume or highways safety.
19. The conclusion in the first officer's report accordingly stated "[t]aking the above into consideration and noting the Applicant's fallback position of unrestricted output for the existing permitted operations, no highway objection is raised subject to the additional

signage recommended by the Vale of Glamorgan Council and conditions to secure the details of wheel washing facilities and the sheeting of HGVs.”

20. There is, accordingly, no valid planning reason to refuse the development on highways grounds. The lack of evidence to support any refusal on highways grounds would mean the Council is at very high risk of a successful application for an award of costs against it at any subsequent appeal.

Visual Impact

21. Cadw has not objected to the application, stating that while there may be a very slight visual change in the view from Talygarn Park and Hensol Castle this will not have any effect on the way that they are experienced, understood, and appreciated. Moreover, the development would be seen in the context of existing buildings at the quarry.
22. It is also worth pointing out, as the officer has, the zone of theoretical visibility was modelled on a “bare earth” dataset, meaning the mitigating impacts of vegetation, existing buildings, and distance are not included in the results presented. As with the traffic modelling, it was a prudent worst case scenario assessment.
23. The report acknowledges the development will be visible. Being able to see development, especially when it is in the context of similar development, is not a reasonable planning objection. All development has a visual impact. The existing tallest element on the site (the asphalt plant) is up to 36m, whereas the tallest element of the development would be 13.7m (although it is noted the asphalt plant towers are on land some 8m lower than the proposed filter press building).
24. There is no other objection noted by the officer or raised by statutory or internal consultees in terms of the visual impact of the development. Again it follows there is accordingly no valid planning reason to refuse the development on the basis of visual impact. The lack of evidence to support any refusal on this basis would also mean the

Council is at very high risk of a successful application for an award of costs against it at any subsequent appeal.

Environmental Impact of Traffic on Pontyclun

25. An objection on the basis of the environmental impact of traffic would be unsubstantiated and contrary to the objective technical evidence before the Council. An air quality assessment of the HGV traffic was carried out, at the request of the Council. The Council noted errors within the report and it was corrected. The corrected report concluded all 34 modelled receptors would satisfy the relevant air quality objectives (nitrogen dioxide, long and short term PM10 concentration, and PM2.5 concentration).

26. The first officer's report concluded:

“It can therefore be concluded that the proposed development would not conflict with national, regional and local air quality planning guidance because it does not result in significant negative impact on air quality. The Council's Public Health and Protection Division has confirmed its agreement with these conclusions.”

27. There was, accordingly, no objection from the Council's Public Health and Protection team. Some concern has been raised by local objectors over dust from HGVs, but a condition could be imposed requiring all loads to and from the site which could generate dust to be covered. As to noise from passing HGVs, there is no basis to conclude this would exceed relevant noise thresholds or otherwise give rise to a noise nuisance given that it would be traffic of the same nature as current traffic, albeit a greater overall number of vehicles. As noted, there was no objection from the Council's internal consultee; there is also no objection from the Vale of Glamorgan's Environment, Highways, or Planning teams.

28. It follows a refusal on this basis would be contrary to the evidence before the Council and unsupported by relevant expert consultees. Again, this would lead to a very high risk of an adverse costs award at appeal.

Conclusion

29. The Council is under a legal obligation to determine the application in accordance with the development plan unless material considerations indicate otherwise, and should determine the application in accordance with relevant national policy and guidance, again, unless material considerations indicate otherwise. Material considerations may constitute evidence or robustly reasoned objections that can reasonably be judged to outweigh any evidence to the contrary.

30. When applying the planning balance, on one side is the strong policy support set out above. To be reasonable, a reason for refusal contrary to this policy support for the development and which is not the subject of an objection by any relevant consultee requires a very strong basis indeed. Where that reason for refusal is additionally contrary to the objective expert evidence before the Council, where there is no other similarly robust evidence, and where the matters are capable of being dealt with by condition in any event, then that is a prima facie unreasonable refusal under the Welsh Government's guidance on the award of costs (§3.11(b) and (c) in particular).

31. It follows from my independent review of the Council's Planning Committee's putative refusal of the application, in light of the relevant law, policy and guidance, I conclude the Council would be at a very high risk of an adverse costs award at appeal should the application be refused for the reasons given.

32. I trust that I have addressed the questions posed by those instructing. If I may be of any further assistance please do not hesitate to contact me in the usual way.

Nina Pindham
Cornerstone Barristers
12 November 2024