



Penderfyniadau  
Cynllunio ac  
Amgylchedd **Cymru**  
Planning &  
Environment  
Decisions **Wales**

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## Adroddiad

Ymchwiliad a gynhaliwyd ar 21, 22, 23, 24, 28 and 29 June 2022

Ymweliad â safle a wnaed ar 27 June 2022

gan **J Burston BSc MA MRTPI AIPROW**

**Arolygydd a benodir gan Weinidogion Cymru**

**Dyddiad:**

## Report

Inquiry held on 21, 22, 23, 24, 28 and 29 June 2022

Site visit made on 27 June 2022

by **J Burston BSc MA MRTPI AIPROW**

**an Inspector appointed by the Welsh Ministers**

**Date:**

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### TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78

APPEALS BY: Hanson UK Ltd

LOCAL PLANNING AUTHORITY: Rhondda Cynon Taf County Borough Council

FOR

**APPEAL A:** The construction of a landscape screening landform around the eastern and northern margins of the extension area; construction of a screen mound along the western boundary of the extension area; the extension of Craig yr Hesg Quarry via the phased extraction of some 10 million tonnes of Pennant Sandstone; extraction of the remaining reserves of some 5.7 million tonnes of sandstone within the existing quarry; retention of existing aggregate crushing screening plant to process sandstone from the existing quarry and extension site together with related access roads and infrastructure; use of existing approved quarry access road to the public highway; and implementation of a comprehensive restoration scheme for the application site to establish amenity grassland, woodland and nature conservation uses.

**APPEAL B:** Continuation of quarrying and related operations without complying with conditions 1-4 inclusive and conditions 45 and 46 imposed on the Environment Act ROMP schedule of conditions issued by RCT Council on 24th April 2013, ref 08/1380/10.

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

REFERENCE APPEAL A: APP/L6940/A/20/3265358

REFERENCE APPEAL B: APP/L6940/A/21/3282880



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## LIST OF ABBREVIATIONS

AQMA	Air Quality Management Area
AQO	Air Quality Objective
CTUHB	Cwm Taf University Health Board
CYH	Craig yr Hesg Quarry
DMMP	Dust and particulate Management and Monitoring Plan
ES	Environmental Statement
Future Wales	Future Wales The National Plan 2040
HGV	Heavy Goods Vehicle
HSA	High Specification Aggregate
IAQM	Institute of Air Quality Management
IEMA	Institute of Environmental Management and Assessment
LAQM	Local Air Quality Management
LDP	Local Development Plan
LPA	Local Planning Authority
MTAN1	Mineral Technical Advice Note 1: Aggregates
NRW	National Resources Wales
PCPA	Planning and Compulsory Purchase Act 2004
PHW	Public Health Wales
PIM	Pre-Inquiry Meeting
PPV	Peak Particle Velocity
PPW	Planning Policy Wales Edition 11
PSV	Polished Stone Value
RAWP	Regional Aggregate Working Party
RTS1	Regional Technical Statement 1 2008
RTS2	Regional Technical Statement 2 2020
RCTCBC	Rhondda Cynon Taf County Borough Council
ROMP	Review of Old Mineral Permissions
S106	Section 106 of the Town and Country Planning Act 1990
SES	Supplementary Environmental Statement
SoCG	Statement of Common Ground
SSRC	Statement of Sub Regional Collaboration
TCPA	Town and Country Planning Act 1990
TPO	Tree Preservation Order
UU	Unilateral Undertaking

WE ES	Western Extension Environmental Statement
WFGA	Well-being of Future Generations (Wales) Act 2015
WHO	World Health Organisation
WIMD	Welsh Index Multiple Deprivation

**Appeal A ref: APP/L6940/A/20/3265358**

**Site address: Craig Yr Hesg Quarry, Berw Road, Pontypridd CF37 3BG**

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- The appeal was recovered for decision by the Minister for Climate Change, one of the Welsh Ministers, in a letter issued under section 79 of the Town and Country Planning Act 1990, on 3 May 2022.
- The application is made by Hanson UK Ltd to Rhondda Cynon Taf County Borough Council.
- The application Ref 15/0666/10, dated 14 May 2015, was refused by notice dated 23 July 2020.
- The construction of a landscape screening landform around the eastern and northern margins of the extension area; construction of a screen mound along the western boundary of the extension area; the extension of Craig yr Hesg Quarry via the phased extraction of some 10 million tonnes of Pennant Sandstone; extraction of the remaining reserves of some 5.7 million tonnes of sandstone within the existing quarry; retention of existing aggregate crushing screening plant to process sandstone from the existing quarry and extension site together with related access roads and infrastructure; use of existing approved quarry access road to the public highway; and implementation of a comprehensive restoration scheme for the application site to establish amenity grassland, woodland and nature conservation uses.

**Summary of Recommendation: That Appeal A be allowed.**

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**Appeal B ref: APP/L6940/A/21/3282880**

**Site address: Craig Yr Hesg Quarry, Berw Road, Pontypridd CF37 3BG**

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- The appeal was recovered for decision by the Minister for Climate Change, one of the Welsh Ministers, in a letter issued under section 79 of the Town and Country Planning Act 1990, on 3 May 2022.
  - The application is made by Hanson UK Ltd to Rhondda Cynon Taf County Borough Council.
  - The application sought planning permission for determination of conditions for mineral site. The Environmental Act 1995 (Section 96 and paragraph 9 of schedule 13), without complying with conditions attached to planning permission Ref 08/1380/10, dated 24 April 2013.
  - The conditions in dispute are Nos 1, 2, 3, 45 and 46 which state:
    1. *"This consent for the winning and working of minerals or depositing of mineral waste shall expire on 31st December 2022."*
    2. *"Following the expiry of the planning consent all extraction, processing and stockpiling of minerals and depositing of mineral waste shall cease."*
    3. *"No later than 12 months following the expiry of the planning consent, or the earlier permanent cessation of winning and working of minerals, as agreed between the mineral operator and the Local Planning Authority, all plant, machinery, hard standings, ancillary workshops, buildings, structures or other works associated with the development shall be dismantled and removed from the site unless otherwise agreed in writing with the Local Planning Authority."*
    4. *"No later than 12 months following the expiry of the planning consent or the earlier permanent cessation of winning and working of minerals, as agreed*
-

*between the mineral operator and the Local Planning Authority, the sale and transportation of any residual stocks shall cease.”*

45. *“Not later than 31st December 2022 or the expiry of 6 months following the permanent cessation of the winning and working of minerals and the depositing of mineral waste, whichever is the sooner, the operator shall submit for the written approval of the Local Planning Authority a detailed final restoration scheme, including drawings to illustrate the proposals for the final restoration of the quarry. The final restoration scheme shall be based upon the restoration concept plan ref A057337/9a and include, inter alia the following matters:*

- a) the nature of the intended after use of the site;*
- b) the location, depth and treatment of any dust/fine aggregate on the site;*
- c) the ripping of the quarry floor ( other than where comprised of bedrock ) and the re-spreading over the floor of the excavated area of any overburden, subsoil and topsoil previously stripped from the site, in that order;*
- d) the ripping of any compacted layers of final cover to ensure adequate drainage and aeration; such ripping should normally take place before placing of the topsoil;*
- e) the machinery to be used in soil re-spreading operations;*
- f) the final proposed levels of the site on a contour plan at 5m intervals and the gradient of the restored slopes which shall be graded to prevent ponding of, or erosion by surface water and to conform with the surrounding land;*
- g) the drainage of the restored land including the formation of suitably graded contours to promote natural drainage and the installation of artificial drainage where necessary, the position and design of ditches and watercourses where all such features shall be designed to achieve maximum ecological diversification;*
- h) the reinstatement of the plant site and access roads by clearing plant, buildings, machinery and concrete or brickwork, and other obstructions, replacing of subsoil and then topsoil previously stripped from the site;*
- i) details of the spreading of soils previously stripped and stored on the site including depths and placement areas;*
- j) the method of soil replacement and soil handling;*
- k) the provision of site security;*
- l) position and erection of boundary fencing,*
- m) The position of any roadways, footpaths and bridleways to be provided linked with existing Public Rights of Way, including the crossing and surfacing of such routes; Unless otherwise approved in writing by the Local Planning Authority, the restoration works shall be carried out in accordance with the approved restoration scheme.”*

46. *“The scheme detailed in Conditions 45 above shall be fully implemented 08/1380/10 Page: 15 within two years of the date of approval of the scheme or by 31.12.2024, whichever is the sooner, unless otherwise agreed in writing by the Local Planning Authority.”*

- The reasons given for the conditions are:

1. *“To define the consent granted.”*
  2. *“To ensure that all forms of minerals development cease.”*
  3. *“To ensure that all works associated with the development are removed, in the interests of the amenities of the local area, in accordance with Policy CS10 of the Rhondda Cynon Taf Local Development Plan.”*
  4. *“To ensure that all works associated with the development are removed, in the interests of the amenities of the local area, in accordance with Policy CS10 of the Rhondda Cynon Taf Local Development Plan.”*
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- 45. *“In the interests of the amenity of the local area in accordance with Policy CS10 the Rhondda Cynon Taf Local Development Plan”*
- 46. *“In the interests of the amenity of the local area in accordance with Policy CS10 the Rhondda Cynon Taf Local Development Plan.”*

**Summary of Recommendation: That Appeal B be allowed.**

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## **Background and Procedural Matters**

1. In summary Appeal A seeks planning permission for a western extension to the existing quarry and the consolidation of the existing permissions into one overall consent covering the existing quarry and extension area. As such the application included a request for an extension of the current December 2022 end date for quarrying as part of a proposal for the extraction of an additional 10m tonne of sandstone, together with the extraction of the remaining reserves in the existing quarry.
2. Appeal B seeks planning permission to continue the operation of Craig yr Hesg Quarry (the Quarry) without complying with the current planning conditions which require that the winning and working of minerals or depositing of mineral waste shall cease by 31 December 2022. The application seeks to extend the time limit for such quarrying operations by 6 years to 31 December 2028. Linked to the time limit for quarrying operations, other conditions currently require the submission of a final restoration scheme for the quarry by 31 December 2022, and the implementation of the approved scheme within 2 years of the date of approval or by 31 December 2024, whichever is the sooner. Accordingly, the application also seeks to make consequential changes to these conditions which would require the submission of a restoration scheme by 31 December 2028 and the implementation of the scheme within 2 years of the date of approval or by 31 December 2030, whichever is the sooner.
3. Appeal B: After the appeal against the Council's failure to determine the application was made, the Council issued its decision on 8 October 2021 within the dual jurisdiction period. Accordingly, the appeal was converted from a non-determination appeal into an appeal against the refusal of the application.
4. As set out above Appeals A and B are two separate appeals relating to mineral extraction on the same site. I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.
5. At the Inquiry applications for costs were made by the appellant against the Council. This application is the subject of a separate Report.
6. The Inquiry sat for 6 days between 21 June and 29 June 2022. An accompanied site visit was held on 27 June 2022. At the site visit, as well as observing the appeal sites, I visited a number of properties and viewpoints.
7. On 3 May 2022 in exercise of her powers under section 79 and paragraph 3(1) of Schedule 6 of the Town and Country Planning Act 1990, the appeals were recovered by the Welsh Minister for her own determination. The reason for this direction is that the proposed developments are major proposals for the winning and working of minerals.
8. Appeal A: An Environmental Statement (ES) was submitted with the planning application, dated May 2015. However, given the lapse of time between the original surveys and the submission of the appeal PEDW requested that the ES be reviewed. Accordingly, a further supplementary ES (SES) was submitted with the appeal dated April 2021. There was no dispute at the Inquiry that this is adequate for determining the appeal and I am satisfied that it meets the information requirements of the relevant policy.
9. Appeal B: An ES was submitted dated May 2021. There was no dispute at the Inquiry that this is adequate for determining the appeal and I am satisfied that it meets the information requirements of the relevant policy.
10. A virtual pre-inquiry meeting (PIM) was held on 17 May 2022 and a PIM note was circulated, dated 25 May 2022.

11. A Statement of Common Ground (SoCG) was agreed between the Appellant and the Council. A separate Dust SoCG was also agreed between these parties.
12. Two signed and dated Legal Agreements under Section 106 (s106) of the T&CP Act were submitted; I deal with its contents and justification below.

### **The Site and Surroundings**

13. As agreed between the parties in the SoCG (CD10.15, CD10.16, CD10.17, CD10.19) Craig yr Hesg Quarry is a long-established quarry which commenced operations in circa 1890. It lies on the western side of the Taff Valley, some 1km north of the built up area of Pontypridd.
14. The existing quarry is bounded by Glyncoch Rugby Ground and Clubhouse and the edge of the settlement of Glyncoch to the north; the prominent ridgeline of Coed Graig yr Hesg to the south west, and to the east by a narrow corridor of woodland between the site and the B4273 Ynysybwl Road. The nearest properties to the western extension area are beyond the un-occupied grassland to the north.
15. Two-way access to the quarry is from the B4273 (Ynysybwl Road) via a former 'entrance only' access road which was made into a two-way access and egress via a planning permission issued in 2013 (ref 13/1039/10). The previous 'exit only' road is now retained for use only in emergencies.
16. Existing quarrying operations are focused within the western part of the existing quarry site, with the quarry faces and benches being developed in a generally north-westerly direction. The processing plant lies in the eastern part of the quarry, approximately 60metres from the nearest residential property at Garth Avenue.
17. Whilst there is some disagreement as to how separation distances should be measured, when measured to property curtilages eleven property curtilages, 10 houses and Cefn Primary School, would be within 200 metres of the edge of the Proposed Extraction Area. The closest property curtilage would be that of Cefn Primary School, at a distance of 164 metres. The nearest residential curtilage would be that of 36 Conway Close, lying at a distance of 170 metres from the edge of the Proposed Extraction Area.
18. Much of the woodland within the existing quarry site and its surroundings are covered by a Woodland Tree Preservation Order (No 10). This TPO adjoins the site of the proposed quarry extension at its southern tip, but the proposed extension would not encroach into it.
19. The Cwm Clydach Special Landscape Area (SPA) lies immediately to the south and west of the extension area but does not encroach onto the appeal site boundary.

### **The Proposal**

#### Appeal A

20. The key features of the scheme comprise (CD1.1):
  - The construction of a landscaped screening landform around the eastern and northern boundaries of the extension area, prior to the commencement of extraction within the extension area;
  - The construction of a soil screen bund along the western boundary of the extension area, again prior to the commencement of extraction;
  - The phased extraction of some 10 million tonnes of Pennant Sandstone from the extension area;

- The use of existing processing plant, ancillary plant and infrastructure to process the reserves from the extension area and the remaining reserves at the existing quarry; and
  - An overall restoration scheme for the existing quarry and extension area designed to facilitate landscape amenity and nature conservation land uses.
21. Extraction of the reserves from the existing quarry is on-going and would continue throughout initial preparation works required to implement the extension area. These works would include the diversion of the Dwr Cymru/Welsh Water main that currently passes in a north-east to south-west direction through the middle of the extension area. The diversion would route the water main along the outer edge of the northern screening landform, to rejoin the existing pipeline alongside Darren Ddu Road.
22. The preliminary works would then focus on the creation of the northern screening landform and western screen bund. The main northern screening landform would be tree planted to enhance the screening value of the bund. The western bund would be allowed to naturally re-colonise.
23. The final preliminary works would involve the construction of some 220 metres of traditional stone walling along the northern boundary, and the erection of an internal galvanised steel palisade fence to ensure the security of the proposed extraction area.
24. The existing faces and benches would be worked through from the north-western extent of the current working area through Phase 1. Soils and overburden would then be stripped in turn from phases 2 and 3, with the material used for progressive restoration works within worked out non-operational areas within the existing quarry. These phases are shown on Drawings CYH/E7A to E10A inclusive and provide for quarrying to the defined lateral limits of extraction, and to a maximum depth of 100m AOD.
25. The development would yield a reserve of some 10 million tonnes of sandstone from the extension area, which would be worked in conjunction with the remaining reserves of some 5.7 million tonnes within the existing quarry.
26. Drawings CYH/E12A and CYH/E13A illustrate the proposed restoration concept and quarry bench treatments. The proposed restoration strategy would follow the principles of the approved scheme for the existing quarry, and is intended to enhance the ecological and nature conservation features of the site. As noted above, on-site soils would be used for restoration planting in selected locations to reflect the pattern of existing woodland adjacent to the site, quarry benches and faces would be restored with a variety of treatments; and the quarry floor would be restored using fine grained material and quarry waste.

#### Appeal B

27. The application sought permission to continue the operation of Craig yr Hesg Quarry without complying with the current planning conditions which require that the winning and working of minerals or depositing of mineral waste shall cease by 31st December 2022. The application sought to extend the time limit for such quarrying operations by 6 years to 31st December 2028, with a number of consequential changes to other conditions which include related time limit restrictions.
28. The appellant states that based upon an assumed continuation of recent sales of 400,000 tonnes per annum, the existing reserves would provide a remaining life of some 8 years from December 2020 i.e., some 6 years beyond the current end date of December 2022. The quarry has reached its full limits and there would be no changes to the current working area (CD3.1).

## Local and National Planning Policy

29. The Statements of Common Ground submitted to the Inquiry set out the key planning policy. This includes:

- Planning Policy Wales (Edition 11 February 2021) (PPW)
- Minerals Technical Advice Note, MTAN (Wales) 1: Aggregates (MTAN1)
- Regional Technical Statements for the North and South Wales Aggregates (RTS)
- Working Parties 2008, 1st Review 2014 (RTS1) supplemented by the Minister's Clarification letter dated 25th July 2014 [ dealing with Ministerial Endorsement and Landbank calculations]
- Working Parties 2nd Review 2020 (RTS2), supplemented by a Welsh Government Clarification Letter dated 11th November 2021.
- RCTCBC Local Development Plan (LDP), adopted March 2011
- Emerging RCTCBC Revised Local Development Plan 2022 - 2037.

### Future Wales

30. Further to these documents reference was also made at the Inquiry to 'Future Wales The National Plan 2040' (Future Wales). Future Wales states within the 'overview' 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, almost £650 million of sales/turnover and over £220 million of GVA in Wales. The industry plays a vital role in supporting the Welsh construction sector, which represents 6% of the Welsh economy, provides 88,000 jobs and has a turnover of £3 billion."*

31. Furthermore, Future Wales states *"Aggregates underpin economic growth, providing construction related products essential for the delivery of placemaking, housing and infrastructure. When construction leads to a spike in demand, caused for instance by major infrastructure projects, pressures are placed on the minerals industry to provide the necessary materials. Effective planning ensures that a reliable supply of minerals, which is capable of simultaneously meeting demand in all regions of Wales, is always available. This is vital for our economy and future growth. Whilst Wales will still depend on the sustainable use of primary mineral resources, more will need to be done to increase the use of secondary and recycled materials. The Welsh Government target to increase the proportion of aggregates production in Wales from secondary and recycled sources to at least 25% of total aggregates supply has been exceeded, but more will need to be done to move beyond the current estimate of 30% of supply deriving from such sources as part of progress towards a truly circular economy."* These points are reinforced in the 'Future Wales Outcomes' point 9 and Policy 19.

### Planning Policy Wales (PPW)

32. Section 5.14 of PPW sets out the approach to mineral extraction, safeguarding mineral resources and ensuring supply. Of particular relevance paragraph 5.14.23 states that *"Aggregates suitable for road surfacing construction and maintenance, where high specification aggregates are required for skid resistance, are of importance to the UK and significant resources occur in Wales. The UK and regional need for such minerals should be accorded significant weight provided environmental impacts can be limited to acceptable levels. The fundamental characteristics of these materials, which distinguish them from more general-purpose aggregates, are their ability to meet the stringent specifications required for road construction and repair and wherever possible high specification aggregates should be used for these purposes. Planning authorities should*

*identify potential high specification aggregate resources and consider whether there is a need to protect these resources and potential rail connections to the resources from sterilisation.”*

33. PPW Paragraph 5.14.42 relates to amenity impact and establishes that *“Mineral workings should not cause unacceptable adverse environmental or amenity impact. Where this is not possible working needs to be carefully controlled and monitored so that any adverse effects on local communities and the environment are mitigated to acceptable limits. Any effects on local communities and the environment must be minimised to an acceptable standard.”*

34. PPW Paragraphs 5.14.47 and 5.14.48 discusses the approach to mineral planning applications *“Extensions to existing mineral working, whether they be time, lateral or depth extensions should be considered in the same manner as applications for new sites. Each application will need to consider the impact on the site as a whole and the wider surroundings and will need to be considered on its own merits.”*

*“The presence of an existing quarry should be a material consideration when considering a proposal for an extension. There may be benefits to extending a site in terms of shared infrastructure, for instance, as opposed to working a new greenfield site.”*

#### Local Development Plan (LDP)

35. The extant LDP for the area is the Rhondda Cynon Taf LDP adopted in March 2011. Relevant policies include:

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

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

38. **Policy AW14**: relates to the safeguarding of minerals. It states that certain mineral resources shall be safeguarded from any development *“which would unnecessarily sterilise them or hinder their extraction”*. Part 5 of Policy AW14 states that *“(5) The Limestone and Sandstone quarries at Forest Wood, Hendy and Craig yr Hesg, will be further safeguarded from development that would adversely affect their operations by 200 metre buffer zones as shown on the proposals maps.”*

39. **Policy CS10** includes a commitment to contribute to the local, regional and national demand for a continuous supply of minerals, without compromising environmental and social issues by *‘maintaining a minimum 10 year landbank of permitted rock aggregate reserves throughout the plan period (to 2021) together with an extended landbank in the form of a Preferred Area of Known Mineral Resource’*

40. **Policy SSA25** identifies land adjacent to Craig Y Hesg quarry, which encompasses the area of the proposed extension to the quarry, as a *‘preferred area of known mineral resources’*.

#### Supplementary Planning Guidance

41. **Planning Obligations**, dated 2014, establishes what types of obligations developers may be expected to enter into, their content and the trigger points at which different obligations will become 'active'. The SPG forms the basis of negotiations between all parties.

Well-being Future Generations Act (WFGA)

42. On 29th April 2015, the Welsh government signed into law the Well-being of Future Generations (Wales) Act. This legislation aims to improve the economic, social, environmental and cultural well-being of Wales by strengthening institutional governance structures in accordance with Wales 'Sustainable Development Framework.' The legislation places a duty on public bodies to implement sustainable development by incorporating seven well-being goals into their work, as well as outlining the establishment of a Future Generations Commissioner and providing for a range of national indicators.

43. Of particular relevance to this appeal are the wellbeing goals of:

- A healthier Wales "*A society in which people's physical and mental well-being is maximised and in which choices and behaviours that benefit future health are understood*"; and
- A prosperous Wales "*An innovative, productive and low carbon society which recognises the limits of the global environment and therefore uses resources efficiently and proportionately (including acting on climate change); and which develops a skilled and well-educated population in an economy which generates wealth and provides employment opportunities, allowing people to take advantage of the wealth generated through securing decent work.*"

44. The Planning (Wales) Act 2015 s.2(2) sets out that the planning function must be exercised in accordance with the WFGA for the purpose of ensuring that the development and use of land contribute to improving the economic, social, environmental and cultural well-being of Wales.

**Planning History**

45. Craig yr Hesg Quarry has been in existence since the late 1800's and has been operated in its current form for several decades. The Quarry has reached its full lateral and depth limits, and a phased quarry development scheme and restoration strategy is in place.

46. As set out in the SoCG, the planning history for the site is as follows:

- Quarry. Approved 07/01/49, ref 5183.
- Extension to Quarry. Approved 20/08/65, ref P22/Z/596:
- Extension of Quarry Working Area. Approved 27/01/70, ref 349(Z)970:
- Extension to Existing Sandstone Quarry. Approved 20/08/93, ref 56/86/0827:
- Application for determination of conditions for mineral site incorporating the four existing planning permissions listed below. (ROMP Review application submitted pursuant to the Environmental Act 1995), determined 24/04/13 ref 08/1380/10.

47. Other significant consents are as follows:

- Crushing, screening and coating plant. Permitted Development (no date) ref 349/223/71 (1971).
- Proposal to replace part of existing dry stone processing plant - Approval of detailed plans pursuant to the Town and Country Planning (General Permitted Development) Order 1995. Approved 06/09/99 ref T/99/2567: and

- Improvements to quarry entrance to provide two-way quarry entrance and exit. Approved 14/03/13, ref 13/1039/10:
- Erection of an asphalt plant pursuant to Class B, Part 19 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995. Approved 18/1/13, ref 13/0825/23.
- Processing plants are regulated by an Environmental Permit issued by RCTCBC February 2022. The Permit includes 86 conditions relating to the management and mitigation of aerial emissions from the processing plant and directly associated activities. This includes the internal haulage routes to the primary crusher feed hopper, the wheel wash and the site access / exit haul road from the B4273.

### **The Case for the appellant**

48. Mr Kimblin did not depart significantly from his written closing submissions (APP24.1). The following sets out the main points made at the close of the Inquiry.
49. Craig-yr-Hesg (CYH) is a long-established quarry. It produces aggregate from the Pennant Sandstone which is the source of the highest quality skid resistant material in the UK. It is operated subject to modern conditions pursuant to a ROMP determination in 2013.
50. The western extension of the quarry is actively supported by the LDP for Rhondda Cynon Taf (2011) which relies upon it as its sole means of delivering a supply of aggregate. An application was, accordingly, made for planning permission for a western extension to the existing quarry (Appeal A). That was refused.
51. Next, an application was made for the continued operation of the quarry, without complying with the cessation condition on the ROMP – in effect, an extension of time application (Appeal B). That was refused. In other words, the planning authority refused permission to extend the time, for 6 years, to work the mineral which is consented under the existing planning permission. Failure to allow this appeal has the effect of works ceasing at the quarry on 31 December 2023 (with the winning and working of minerals to cease on 31st December 2022, and removal of any residual stock and restoration works to be completed by 31st December 2023). That would result in a cessation of quarrying activity at CYH. That is RCTCBC's stated intention. It opposes any operation of the quarry beyond the end of the year, as a matter of principle.
52. The appeals require urgent determination for many reasons, including the economic viability of local businesses and due to the type of mineral which is needed and its limited geographical distribution. In short, it is needed and used throughout Wales and England, but predominantly found in a discrete area of South Wales. Its high polished stone value (PSV) makes it both hardwearing and resistant to skidding when used on road and similar surfaces. Significant weight is to be given to the supply of this important mineral.
53. The issues in this case should not be novel or difficult. They should be standard, straightforward practice for planning officers, elected members and the Welsh Ministers. Indeed, RCTCBC's professional officers do understand these basic elements of the planning system and advised members correctly on four separate occasions. If that advice had been followed, then these appeals would have been unnecessary. The advice was not followed and as a result members of RCTCBC's Planning and Development Committee, have compelled consideration of a contrived and disingenuous case which simply ignores agreed objective evidence, ignores the consequences of the established need, abandons any sensible application of the development plan and invents an approach to well-being which is obviously wrong.

## **Appeal A**

### The Development Plan

54. The law requires that decisions are made in accordance with the adopted policy, unless material considerations indicate otherwise. The policy in the development plan is to be given statutory weight. It guides the decision-maker at application stage in an overall scheme which is plan-led.
55. The Welsh Ministers must decide this case by reference to development plan policy. The starting point is not the question of where mineral extraction *should* take place in this County. It is not whether there is a better site elsewhere. The question before this inquiry is a simple one: does the application for the Western Extension accord with the adopted development plan? If the answer to that question is yes, then planning permission ought to be granted, unless material considerations indicate otherwise.
56. The Development Plan consists of the RCTCBC LDP. However, PPW, MTAN 1, and the RTS2 are also important material planning considerations.
57. In terms of the LDP, Policy SSA25 is of central importance. Of the relevant policies, it is the dominant policy in the LDP. It identifies land adjacent to the quarry as a 'preferred area of known mineral resources'. CYH is the only operating sandstone quarry in RCTCBC, as the supporting text to the policy makes clear, and that the identified 'Preferred Area' is an area of known mineral resource with commercial potential where planning permission might reasonably be anticipated and where the 'preferred area' provides a clear guide to where extraction is likely to be acceptable, with the approach bringing a high degree of certainty to all as stated in PPW at paragraph 5.14.19.
58. The LDP explains that the mineral is required to meet the apportionment of aggregate supply to RCTCBC, but also because of the particular properties of the aggregate. PPW requires that the UK and regional need for such material is to be accorded significant weight as demonstrated at PPW paragraph 5.14.23.
59. The area immediately beyond the quarry is also 'safeguarded' from development. In other words, this is a resource which has been protected in order that the operation of the quarry can continue. That is encapsulated in Policy AW14 where unnecessary sterilisation, or activity which might otherwise hinder extraction, is prevented.
60. Policy CS10 of the LDP deals with mineral planning in RCTCBC, generally. It contains the local expression of need. Mineral planning authorities are to: "*protect resources and to contribute to the local, regional and national demand for a continuous supply of minerals, without compromising environmental and social issues*". The thrust of that policy is to meet the need, by maintaining a minimum 10-year landbank of permitted crushed-rock aggregate reserves throughout the plan period (to 2021) together with an extended landbank in the form of a Preferred Area of Known Mineral Resource.
61. The Proposals Map then illustrates and defines a buffer which is indicated as 'AW14(5)'. Whilst that includes the existing residential properties and the school, it is common ground that Policy AW14 was settled with those existing residential properties and school within the buffer zone.
62. It is a matter of common ground that:
  - notwithstanding the time expired date of the plan, the LDP policies continue to be relevant and are the development plan;
  - beyond the end of the plan-period, there must be a minimum 10 year-land bank in RCT;



63. Development plans are designed to provide certainty in decision making, that a particular development will be permitted at a particular location. That is the way that LDP Policy SSA 25 should be read – it delineates where mineral extraction should come forward. Policy SSA 25 is also important because it seeks to deliver steady and adequate supplies as required by PPW at paragraph 5.14.1).

Other Policy material considerations

64. MTAN 1 states at paragraph 6 that it *“will usually be material to decision on individual planning applications and mineral review applications and will be taken into account by the Welsh Assembly Government and Planning Inspectors in the determination of called-in planning applications and appeals”* and *“It is essential to the economic and social well being of the country that the construction industry is provided with an adequate supply of the materials it needs but not to the unacceptable detriment of the environment or amenity.”*
65. Moreover, and at paragraph 7 *“The overarching objective in planning for aggregates provision therefore 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.”*
66. MTAN 1 requires the two Regional Aggregate Working Parties (“RAWPS”) in Wales to produce a Regional Technical Statement (“RTS”) to ensure that adequate supply can be maintained, taking into account the sustainability objectives in MTAN 1. The relevant parts of the RTS should then be incorporated into the LDP.
67. RTS2 sets a minimum requirement for the provision of 19.125 million tonnes for the forthcoming LDP plan period and the provision of a minimum 10 year landbank at the end of that plan period as RCTCBC’s contribution towards sub-regional supplies.
68. Whilst the LDP defines the area for expansion (at Policy SSA 25), the technical parameters within which this appeal must be determined are contained in MTAN 1. It sets out the technical standards, against which all of the experts in this appeal have undertaken their assessments. It gives important guidance relating to, amongst other things: buffer zones; dust; impact of blasting operations (ground vibration, air overpressure and fly-rock), and; noise. The Welsh Ministers should follow their own policy in MTAN 1 and follow the criteria for objectively assessing whether the standards and limits they have set out can be adhered to.

Landbank and alternatives

69. It is common ground that the evidence on need and the landbank is agreed. Nonetheless, RCTCBC do not grapple with the consequences of that agreement.
70. First, turning away CYH as unsuitable in principle does not mean that RCTCBC can fail to bring forward minerals planning proposals. It has obligations as a Mineral Planning Authority, and it has a 19.125 million tonne minimum requirement arising from RTS2 which it should cater for. Even allowing the appeals would mean that the RTS2 requirement would not be met in RCTCBC. That is how serious and contrarian RCTCBC’s position is. The appeal scheme would make a substantial contribution towards meeting that need.
71. Second, the aggregate at CYH is a ‘special case’. It is special because policy expressly agrees that it is appropriate to transport it over long distances. The underlying reason for that is that the mineral is important, for important applications and is geographically limited in its occurrence. The characteristics of the high specification aggregate, and the exacting specifications and skid resistance properties make it so. It is of an ‘essential

nature' to the construction industry. There are only a very small number of quarries which are able to produce aggregate of the highest specification (psv +68 – 70); and this is the 'gold standard' of high specification crushed rock aggregate. Alternatives are few, including one quarry in Cumbria. That is acknowledged by RCTCBC and is an agreed position. There is also a quantitative need locally and nationally.

72. To the extent that Forest Wood can be relied upon as a contributing site, deliverability was agreed to be an important factor. Forest Wood is an ex-Hanson operated quarry. It was disposed of to another operator. It has now flooded to a depth of approximately 50-60metres in the mineral void. There is no provision for de-watering that void. There is no abstraction or discharge licence in place. There is no plan to convey the water off-site. Moreover, there were very limited reserves at the quarry.
73. RCTCBC will still be under an obligation to meet the identified need arising from RTS2. But where? There is no alternative existing quarry within RCTCBC. There is no other site proposed to replace CYH. So, there is no alternative in either planning or practical terms. Moreover, the upshot of failing to allow the appeals at CYH is to sterilise a resource which has been confirmed, after LDP examination, to be suitable and the sole means by which the local plan, and RCTCBC, can meet its needs and those which it agrees should be met regionally and nationally.
74. The LDP identifies no other way of meeting the policy requirement for the release of reserves of crushed rock to provide for a policy compliant landbank. RCTCBC should not abrogate responsibility for their landbank. But that is what RCTCBC has done. Abrogating responsibility is the same as being irresponsible. The Welsh Ministers are bound to conclude that RCTCBC has acted irresponsibly.
75. Reference is made to the Statement of Sub Regional Collaboration (SSRC) by RCTCBC. It is important to refer to the SSRC in the context of Annex A of the RTS 2. By default, each authority will simply confirm that it accepts the apportionment and will take steps to meet the requirements. Exceptional circumstances relate to either: (1) a LPA which is unable to meet the minimum requirements, or; (2) an alternative achievable and more sustainable pattern of supply being identified in collaboration with other LPAs. Over 70% of the surface of the Borough is underlain by Pennant Sandstone and much of the rest underlain by limestone, hence it is impossible to demonstrate exceptional circumstances.
76. If, through the SSRC, RCTCBC sought to transfer the apportionment to another Authority, it will be necessary to consider whether productive capacity can be maintained – in this case 400,000 tpa of HSA. Annex A of RTS2 is not a panacea. Annex A does not provide an automatic or easy mechanism to release RCTCBC from the requirement to provide a minimum of 19 million tonnes of aggregate as its share of regional production.
77. Failure to grant planning permission would mean that, on 31<sup>st</sup> December 2022, the practical landbank would amount to 0. Nil. That would have a whole range of potential planning consequences, none of which would rectify the landbank easily. In the absence of existing available reserves at existing quarries, the only alternative is to look at greenfield delivery. If a hypothetical new site (for which there is no evidence whatsoever) were to come forward to meet that need, it would require commercial arrangements with the landowner and geological investigations to be undertaken. The promotion of an LDP Candidate Site would be likely to need to be supported by a deliverability, or financial, appraisal of the site. If the site(s) is acceptable in principle to RCTCBC it would have to be tested at the LDP examination as either a specific site or as a preferred area, which would require environmental appraisal. If the site survives the LDP process and is identified / allocated as a specific or preferred site, then an application would need all of the studies and assessment for an environmental statement. If permission is ultimately granted, the implementation works would involve the establishment of a site access, site preparation,

soil stripping of the extraction area and other preparatory works. That would be a lengthy process. It would mean an absence of supply for 15-20 years before the lost supply could be replenished. There was no evidence to the contrary put forward.

78. On the contrary, if the appeal was allowed, then the landbank would be around 12.5 million tonnes as at December 2022. That would go some way to meeting the 19M tonne need – it would be an important component of that requirement. Moreover, it would mean that there would be no break in production and that supplies would continue. That continuity is important. That would not be the case with bringing an alternative site on-stream at some unspecified future date.
79. To summarise, to the extent that the Council now seek to rely upon the linguistic differences between the identification or ‘allocation’ of a ‘preferred area’, the difference goes nowhere. The Council has no other site identified or allocated on which it seeks to rely to meet its landbank. It has no other answer to the shortfall.

### Environmental Effects

80. It is common ground that there are no objections to the proposal on the basis of landscape and visual impact, ecology, ground water and surface water nor the historic environment. One does not have to practice in the field of minerals planning for very long to appreciate that each of those assessments is important and that it is commonplace at other sites there are well founded objections on each and every one of those topic areas. Here, there are none.
81. Further, in respect of air quality, noise, dust, blasting, highways there is no objection from any statutory consultee nor any specialist officer in RCTCBC. All conclude that the effects are acceptable, subject to appropriate conditions. Hence, these submissions on environmental effects are all made in the context of complete and full agreement from all professional consultees that each and every environmental effect of the scheme is acceptable.
82. The Council rely upon amenity policies to suggest that the development would, in some way be inappropriate (LDP Policies AW5, AW10 and CS10(6)). It does so without reference to technical standards, guidance, accepted methodologies, witnesses, or objective evidence. It relies solely on the evidence of its main planning witness and the empirical subjective issues he relies upon.
83. Nationally adopted guidance and standards apply to all of the environmental disciplines, for example, landscape and visual impact, ecology, ground water and surface water, air quality, noise, dust, blasting and the historic environment. The evidence for these planning applications has been gathered over a long period of time – commencing either 14 or 7 years ago depending on whether you start to count from the preparation of the plan or the application. It has been consulted upon with statutory consultees and the public. Now, RCTCBC has closed its case solely by reference to third party representations. Those representations are fully respected. But what RCTCBC has not done is state what impact is acceptable. It is a series of bare assertions that, notwithstanding objective acceptability, the effects are just not acceptable.
84. Where there are effects arising from the scheme, the question that follows is whether or not the effect falls within the standard which is recognised. If it does not, there is a second question – can the effect be mitigated and/or controlled by the planning system to make it acceptable? The residual effect including mitigation then needs to be assessed to allow a conclusion to be reached as to whether there remains a significant impact on the living conditions of neighbouring occupiers, with particular reference to noise, dust, air quality, blasting and traffic.

85. The fundamental role of a planning decision maker is to have regard to the evidence. There is a comprehensive evidence base from the Appellant. The Council's case is the perceived risks, or fear, arising from amenity effects, and associated mental health issues. Whilst it is accepted that 'fear' can be a material consideration, given the circumstances of these applications, the weight to be attached to it should be very limited indeed.
86. In order to substantiate 'the fear' the tests set out by RCTCBC are that they must be (a) related to land use matters; (b) genuine and (c) justified. Whilst (a) and (b) may be made out, it is submitted that (c) is not. There was no supported or objective basis for the observations and the Council's witness was not a clinician or a public health specialist.
87. If that is a position which RCTCBC now seek to maintain, without regard for any objective evidence, then reliance on such subjective issues in practice sets a dangerous precedent. It would mean that no regard would be needed for the objective guidance and standards at all. It is also the case that there is nothing in planning policy at either a local or national level which indicates that if objective tests are met in terms of adherence to standards, some other subjective test should then be applied.

#### Dust

88. During this appeal, several local people, as well Heledd Fychan MS, Vicki Howells MS and Cllr Doug Williams raised concerns about the impacts of dust emanating from the Site. Their experience was informed by the accounts of local people living close by. They referred to dust which settles on cars, in their gardens and houses, and also raised concern with the potential health implications arising from the same. This is 'disamenity dust' which is generally over 30 microns but can be in the 10-30 micron category. As The Council's witness characterised it: there is a 'fear' in the community about the impacts arising from dust.
89. The evidence on dust provided by the appellant is not disputed. It is common ground that dust deposition has the potential to give rise to annoyance, disamenity or nuisance, through the unacceptable effects of emissions. Deposited dust is not regulated under any specific legislative requirements and there are no UK statutory standards or recommended levels in relation to dust levels. Public concerns on dust can relate to dust accumulation and soiling and these may be related to a range of factors including the nature of the Site, the locality and the baseline levels.
90. The dust assessments were undertaken in accordance with conventional methodologies, as referenced in the ESs, and had regard to the complaints data and inspection reports prepared by RCTCBC in relation to the Environmental Permit held in respect of the processing activities. The assessment, as presented for the Western Extension, was supplemented by a detailed Health and Wellbeing response and a subsequent Dust and Particulate Management and Monitoring Plan ("the DMMP"). The DMMP sets out the management and monitoring measures that would be implemented specifically in relation to fugitive dust. The Supplementary Environmental Statement ("SES") included a review of the additional dust and meteorological data along with additional information from the RCTCBC site inspection reports.
91. The dust assessments concluded that the potential impacts associated with both the continuation of existing activities and the proposed extension would be *slight adverse* at most. This is predicted at those properties closest to the northern Site boundary and when activities are at, or near to, the original ground surface. As the screening bund establishes and quarrying activities move into other phases and deepen within the quarry, potential impacts fall to *negligible* at the closest properties. Potential impacts and resulting effects are predicted to be *negligible* throughout the works at the properties further away.

92. For the continuation of existing activities up to *slight adverse* impacts are predicted for those properties on Garth Avenue, located closest to the processing plant, with impacts falling to *negligible* for properties further away from the boundary. This is in the context of a comparison with a 'no quarry' scenario and with no change to the methods of working or quarrying in the existing situation. This position was agreed with relevant officers in recommending approval subject to the imposition of several conditions.
93. It is notable that the dust data obtained in 2021 was consistent with that for 2014. Dust deposition rates at Conway Close were consistently low: akin to rural background levels. In line with expectations, the latest data available for the two offsite locations demonstrates a significant reduction in deposition rates from those recorded on, or close to the boundary, at monitoring sites adjoining the main quarry haul road.
94. The controls at this Site go beyond the planning system. The processing activities would be operated in accordance with the environmental permit and the wider site considerations. It is incumbent upon RCTCBC as the regulatory authority to ensure the appropriateness of planning controls and mitigation at the site. One site visit and two site checks are undertaken per annum – if the Pollution Officer thought that changes needed to be made as part of that audit, then it would be within the gift of the Council to make such changes.
95. The management and mitigation measures associated with the Permit also use the Best Available Techniques, and the DMMP which it is proposed would be enforced for the Western Extension development would include controls over dust management associated with the preparation of the extension area, soil stripping, bund creation, as well as measures for blasting, internal transport, material handling, stockpiling etc. There is also a scheme of planting between the primary feed-crusher and the site boundary and between the site boundary and the residential properties beyond the site boundary.
96. Developments are not required to have no effect. They are required to prevent unacceptable effects as set out in PPW and LDP Policy AW10. There is no evidence to suggest that the measures proposed would be unacceptable. If the Council thought that the measures proposed were unacceptable, there has been no engagement with what would be acceptable in the alternative. The Council have proposed a condition requiring the implementation of the submitted DMMP (with no amendment) and it follows that the Council believe the development to be acceptable in terms of the means by which potential dust impacts can be controlled.

#### Air Quality

97. Air quality is not cited as a reason for refusal, nor is it cited as part of the Council's case. It was raised by third parties, and is to some degree, advanced by the Council as part of its case on the empirical harmful nature of the scheme together with 'dust' impacts.
98. Following review by the statutory consultees – the Environmental Health Department, Public Health Wales ("PHW"), the Cwm Taf University Health Board ("CTUHB"), amongst others. PHW and CTUHB have confirmed that local air quality is compliant with the relevant PM<sub>10</sub> national air quality objectives. The Committee Report for 9 July 2020 made clear that refusal on air quality grounds was not justifiable.
99. Neither application includes an increase in throughput at the site – there would be no increase expected compared to the present. Moreover, monitoring carried within the Glyncoch estate site demonstrated that PM<sub>10</sub> concentrations were well below the established short term and long term air quality objectives.
100. The processing activities would continue to be operated in accordance with the requirements of the Environmental Permit which includes detailed conditions relating to the management and monitoring. Wider controls can also be imposed through the DMMP.

The Section 106 agreement also includes the payment of a contribution by the Appellant to the future air quality monitoring in the local community.

#### Noise

101. Noise was not listed as a reason for refusal for the western extension, although the refusal did reference paragraph 70 of MTAN 1 which does mention noise impacts.
102. MTAN 1 sets appropriate site noise limits derived from background noise levels. Achieving the site noise limits specified in MTAN 1 should therefore indicate that site noise is at an acceptable level to avoid a significant effect at noise sensitive properties.
103. Recent baseline noise measurements have shown that the suggested site noise limits set out in the Western Extension ES, the SES and the s.73 ES are appropriate or more stringent than required following guidance in MTAN 1. The results of compliance monitoring since 2013 demonstrated compliance with the 2013 ROMP noise limits on each and every monitoring occasion.
104. Indeed it should be noted that worst-case parameters have been used, including the shortest distance between the respective dwellings and the various items of fixed and mobile plant working for 100% of the time. It is unrealistic to think that those worst-case assumptions would be consistently experienced, in practical terms. Moreover, as working moves down through the benches, that would increase the screening attenuation of the quarry itself, reducing noise at the receptors still further. However, the acoustic calculations have shown compliance within the suggested noise limits even with these 'worst case' assumptions.
105. The Council sought to suggest that sensitivity and annoyance towards the noise source were relevant. That, however, is a matter for a psycho-acoustics expert and whilst the feelings towards the source may be a relevant factor, the Council has raised no technical concern or otherwise criticised the acoustics data. Moreover, MTAN 1 expressly envisages that setting of noise limits in the context of aggregates development is about finding an acceptable level.

#### Blasting

106. It is common ground that blasting operations at CYH have, and can, be controlled to comply with the limits recommended in MTAN 1 relating to ground vibration and enforced via planning conditions. Whilst those levels of vibration currently being experienced cannot be said to be imperceptible, they are certainly well below those levels which could cause even cosmetic damage.
107. Moreover, the appellant has suggested additional planning conditions which are identical for the two appeals. In respect of air overpressure, there is a 'sensible combination of control and review'. It imposes a requirement to manage the blasting operation to minimise air overpressure levels, whilst at the same time, using a low overpressure level of 120dB as a trigger for a design review. Secondly, damping down of the area of the quarry where the blasted rock is expected to land, provided safe access is available, would assist and is proposed. The appellant also agrees to additional means of notifying blast times to the local community.

#### Traffic

108. Local residents raised concerns about the traffic impacts arising from the proposals. They can be summarised as a perceived increase in traffic flows and associated impacts on safety, amenity and damage along the road network.
109. Neither of the two planning applications which are the subject of these appeals were refused planning permission on transport grounds as the Highway Authority raise no

objections to the proposals, subject to the maintenance of the network. The maintenance contribution is appropriately dealt with through the existing statutory powers.

110. HGV activity associated with CYH will not increase beyond those previously accepted and recently accommodated on the road network. Whilst the proposals would prolong the activity, this would not result in a significant adverse safety impact on routes which retain sufficient capacity to accommodate the continuation of the activities. The outputs would remain the same at about 400,000tpa.
111. Further, whilst the issue of congestion on Berw Road was raised by local residents, the traffic flows on Berw Road are below the design capacity of the road and the highway Authority raised no objections.
112. Similarly, the closure of the White Bridge was also raised, which was addressed by the appellant in the SES.
113. Some residents mentioned road safety because of HGVs on the roads. Cyclist and pedestrian activity is common on the local roads, which currently accommodate the CYH traffic without resulting in personal injury accidents involving HGVs and such users. This is clear from the fact that there had been no personal injury accidents involving HGVs for the period between 1 April 2008 and end of 2021, a period of some 14 years.

#### Health

114. A health impacts report was prepared by the appellant which considered the health, amenity and well-being impacts from the proposed applications.
115. The Welsh Index on Multiple Deprivation (“WIMD”) is the most useful and commonly applied dataset to explore and improve clarity on the distribution of deprivation in Wales. Glyncoch is in the 10% most deprived areas in Wales. It is also within the 20% most deprived areas with regard to access to services and 40% most deprived for community safety.
116. By contrast, it is within the 30% least deprived for the physical environment – that looks at environmental quality, including NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> concentrations. This demonstrates a low level of environmental deprivation.
117. It is necessary to engage with these contrasting aspects of deprivation. In short, the deprivation in Glyncoch is economic, not environmental. It is necessary to address, therefore, the effect of a decision to remove a part of the local economy. When that is addressed, the answer is that poor health is highly sensitive to changes in socio-economic circumstance and that it is dismissal of the appeals which would worsen deprivation.
118. Further, we note on air quality:
  - Even in the unreal world of considering the maximum PM<sub>10</sub> annual mean process contribution at any receptor, and assuming all PM<sub>10</sub> is PM<sub>2.5</sub>, and considering the highest burden of poor health in the region as a constant for all residents, the changes in emission concentration and exposure at any location remains orders of magnitudes lower than is required to quantify any adverse health outcome.
  - It would continue to remain within the AQO thresholds set out by the Protective of the environment and health. That is consistent with the finding of the Planning Officer, Public Health and Protection Division of the Environmental Sciences group and the Cwm Taf Health Board.
119. On noise and vibration:
  - The predicted noise levels would be below the suggested daytime noise limits at all receptors.

- Temporary operations (including the construction of the screen bund) would comply with MTAN 1 and will not exceed 67dB(A) for periods of up to 8 weeks.
- There is no significant risk of ground vibration or air overpressure to constitute any discernible health outcome. These are contained to specific operational hours to minimise noise/shock.

120. On traffic:

- Neither of the applications would materially alter current traffic flow rates and, of the accidents recorded in the last five years, none were associated with HGVs.
- There would be no material impact on the existing and future operation of the local highway road network.

Wellbeing of Future Generations Act 2015

121. The Welsh Government has integrated the Well-being of Future Generations (Wales) Act 2015 (WFGA) into its planning policy. When the WFGA and national policy is understood in a straightforward way it is obvious that they support these appeals and are material considerations which strongly indicate that the appeals should be allowed.
122. The WFGA defines “sustainable development” as the process of improving the economic, social, environmental, and cultural well-being of Wales by taking action, in accordance with the sustainable development principle aimed at achieving the well-being goals.
123. The WFGA does nothing to the structure of the long-established plan-led system. The LDP is the development plan until it is replaced at some point in the future. Had the WFGA been intended to supersede the LDP, it would have required legislation to achieve that outcome. That has not happened, nor indeed is there any hint of it in the Planning Act (Wales) 2015, nor in the three iterations of PPW since the WFGA was enacted. Statutory priority is given to the development plan.
124. That duty under the WFGA is imported into the sphere of planning through section 2(2) of the Planning (Wales) Act 2015 (“the Planning Act”) which requires that the Welsh Ministers, in exercising their function under section 78 of the Town and Country Planning Act 1990, are to carry out sustainable development in accordance with the WFGA. This is “for the purpose of ensuring that the development and the use of land contribute to the economic, social, environmental and cultural wellbeing of Wales.” Accordingly, the way that the WFGA Act is to be construed in the planning context is expressly accounted for. It is broader than merely health objectives.
125. The WBFG Act has (1) seven Well Being Goals across the four tenets of sustainable development and (2) five Ways of Working which a public body should follow. The Appellant has conducted an analysis of the proposed developments against each of the Act’s Seven Goals. This demonstrates how the Appeals Schemes contribute positively to that suite, namely:
- Mineral resource to support a productive society
  - Avoiding the sterilisation of important resource
  - No adverse or unacceptable landscape, ecological or hydrological effects
  - Consistency with recognised standards of amenity
  - The provision of a recreational route
  - Investment in community infrastructure
  - No harm to the Welsh language



- Support to the economy and particularly to construction
- Efficiency in extraction at an established location.

126. In all respects, the analyses set out by the appellant show how, on the basis of the objective and expert evidence before the inquiry, the appeals schemes achieve Sustainable Development. This is particularly the case when it is viewed through the discipline of planning acts and the lens of Welsh Government's land use planning policy, which carries substantial weight in the planning process.

127. It is imperative that the Welsh Ministers have regard to the WFGA and apply it properly within the meaning of s.2(2) of the Planning (Wales) Act. The WFGA does not undermine the LDP. The goals must all be taken into account. It is submitted that there is active support from the WFGA. When the exercise is properly, fully and fairly undertaken it produces a material consideration which weighs strongly in favour of the proposals.

#### Other Matters

128. The crushing of sandstone and its coating to produce asphalt are activities which are controlled by an environmental permit. As per waste activities, and as cases such as Gateshead (Gateshead MBC v SSfE [1994] ELR 11) indicate, planning and pollution controls should not duplicate each other. Further, the planning system works on the basis that both planning and pollution controls will be effective and will be enforced. In the minerals context that is further re-enforced by the fact that fees regulations enable planning authorities to recover their costs of inspections.

129. The quarry is currently operated under the ROMP Schedule of 49 conditions and similar conditions are proposed for each appeal. There is a schedule of conditions which is aimed primarily at Appeal A. There are some modest differences which have been highlighted in respect of Appeal B.

130. There is a condition which sets out noise limits. Applying the MTAN1 criteria to the most recent monitoring of background noise yields the values which the appellant submits to be appropriate. There is no question that this additional monitoring and the resultant limits comply with the EIA regulations.

131. The appellant has suggested helpful additions to the conditions which control blasting in order to reduce dust generation from this activity.

132. We have heard from some residents that they have not had adequate notice of blasting and/or have not otherwise had opportunity to engage with Hanson. On blasting, Hanson would be content to agree to take the current provision (sirens, notice board, website) further and agree that there would be further communication (for example, by text message). Moreover, in terms of wider public engagement, there formerly had been a liaison group, and they would be content to resurrect it. It had been closed because in the past, it had been poorly attended where there had not been much to discuss. This would be a good mechanism for people to discuss their concerns and foster a better relationship with the community.

133. In response to the Inspector's question about securing restoration, in the event that the quarry operator is insolvent, the appellant is party to the MPA's scheme to guarantee restoration costs.

#### *Appeal B*

134. The Council's witness was asked in cross-examination, whether, on the day that the LDP was adopted, the operation of the quarry accorded with the development plan. He agreed, without qualification, that it did. When that reality dawned on him, he realised that

his position was impossible. He was driven to argue that the presumption in favour of the development plan was outweighed by unevidenced mental health concerns, proximity within 200m of other uses, and amenity effects which were all accepted by reference to accepted policy and guidance. He was forced to argue that the presumption in favour of the development plan, the need, the failure to maintain the landbank and the special qualities and functions of the mineral were outweighed by these matters.

135. In its closing submissions, the Council says little about compliance with the development plan so far as Appeal B is concerned. At paragraph 77/78 we simply have '*...national policy does not provide a justification for a decision contrary to the development plan.*'

136. Appeal B should be allowed for the same reasons as Appeal A.

### Conclusion

137. No interested person has made any reference to the evidence. Nobody has referred to the environmental statements. Nobody has referred to the statements of evidence of the expert witnesses who addressed, in order: dust, air quality, noise, blasting, WFGA, need, policy and the planning balance. Similarly, no reference has been made to the content of evidence dealing with traffic and health and well-being issues. Not only did nobody refer to these materials, very few listened to what these witnesses had to say.

138. An answer to that might be that people have livings to earn, families to care for and more interesting things to do. They would be good answers, of course. But they do not explain why:

- a. When making their oral representations to the Inspector or writing to RCTCBC that people have not said something like 'I have read [the non-technical summary of the ES], but ....' Nobody said that or anything like it.
- b. Reference was not made to the reports of officers to Committee. There are four of them. They are not long documents, and each is readily understood in about 10 minutes of reading. Elected members came to the Inquiry to make many assertions and to draw attention to objections. None of them engaged with the evidence which was summarised in the officers' reports. It is an elected member's function to read advice which is provided to RCTCBC, to understand it, to relay it to interested persons and if they disagree with it, then to give cogent reasons for that disagreement.
- c. Two Members of the Senedd attended to make representations. The points at (b) above are repeated.

139. The above should not be misunderstood. All input to the Inquiry process is respected, as is the time spent in making the representations. However, a key function of the Inquiry to test whether a representation is an assertion which is properly supported, or not. The objective evidence has been available to be tested for many years and emerges wholly agreed. To review what was said in representations to the Inquiry:

- Councillor D Williams explained the risks associated with PM<sub>2.5</sub>. He had seen dust accumulate on solar panels and drew a link between PM<sub>2.5</sub> particulates and disamenity dust. He had looked up some WHO data. He talked about cancer. He talked about the effects on mental and physical health as being horrendous. He drew our attention to the WFGA. He explained that he was a leading figure in a Hanson Action Group for Glyncoch. It had over 500 members.
- Heledd Fychan MS explained that the science was not up to date. The quarry affected air quality and health. The material was not needed for roads anymore.

- Councillor Dawn Wood is a newly elected Councillor for both the town and for RCT. She had worked with Heledd Fychan MS. She particularly emphasised people's respiratory health. It was affecting people's mental health.
- Vikki Howells MS referred to health data for the area and the fact that Glyncoch is a deprived Ward in that regard. She emphasised the WFGA and also a clean air bill.

140. The problem with all of this material is that it fails to engage with the facts, is entirely blind to the evidence and promotes a narrative which is demonstrably false as shown by:

- The ES for Appeal A at Chapter 12 (Air Quality), at p205 onwards
- The PM<sub>10</sub> emissions plan
- The ES for Appeal A, appendix 4.5 in respect of the AQMA
- The Supplementary ES (Vol 5) at p 59 which states "*The on-going PM<sub>10</sub> monitoring has confirmed that there are no actual or likely breaches of either the long-term annual mean or short-term 24 AQOs for PM<sub>10</sub> at Garth Avenue...the proposed extension is deemed acceptable in terms of human health, as air quality objectives outside the site will continue to be met.*"
- The ES for Appeal B which concludes that "The data indicates no actual or likely breach of either the long-term annual mean or short-term 24-hour AQOs for PM<sub>10</sub>."
- The Committee Report for 6 February 2020
- The Committee Report for 9 July 2020 - see, for example, page 8:  
*"Air quality is recognised by Public Health Wales as being 'good'; air quality is slightly above 50% of the mean National Air Quality Objective thresholds; Members concerns in relation to the site potentially increasing output, and increasing impact, can be addressed by the imposition of a condition. Therefore, it is not considered that a reason for refusal on the grounds of impact on health and air quality can be justified."*
- The Committee Report for 23 July 2020
- The Committee Report for 7 October 2021
- The Committee Report for 10 February 2022
- Dust and Particulate Management Plan and Dust Monitoring Plan (one for each development)
- The unchallenged proof of evidence on Air Quality of Katrina Hawkins

141. An unsuspecting member of the public, wandering into the Inquiry to hear all of the elected representatives, without any other knowledge of the scheme, would be concerned by what was said. A resident of Glyncoch would, of course, be very worried. They would assume that their elected representatives had been informed accurately and had informed themselves fully before forming a view. As we have submitted, not a scintilla of the objective evidence has been referred to. There is no evidence that any of it has been read. The objections have been fuelled by assertions which are not supported by the evidence and which are flatly contradicted by the evidence. There has been a complete failure by those who are prominent in their opposition to relay material to the public which would have reduced concerns.

142. The 'perception' or 'fear' case is, therefore, the result of a feedback loop which has been substantially generated by some members of the same elected body which rejected professional advice it had received four times. Somewhat late in the day, it is now agreed

that there is no risk to physical health. The assertion of mental health effects has not only been unsubstantiated, there has been no effort to substantiate it with evidence. RCT's fourth and final case is without any foundation. There is no material consideration here based on fear.

143. There is:

- An established need
- Which is not being met to the full extent required by the landbank
- Which need would be still further under-supplied if the appeals were dismissed – in effect there would be no supply at all within RCT
- Which can be substantially met if the appeals are allowed, as has long been planned by the RAWP for South Wales and by RCT in the LDP (2011)
- And which it has been shown, beyond argument and without challenge, can be met well within environmental limits as prescribed by the long-standing policies of the Welsh Government.

144. Permission should have been granted years ago. When the site is worked-out as planned, it will provide demonstrable ecological benefits and access to the countryside with all of the benefits that brings. In the interim, the wider public will benefit from highways which are surfaced with the best material available in terms of its safety characteristics and durability with all of the benefits that brings.

145. Lastly, there is an opportunity for the Welsh Ministers to make it plain that development management decisions are not complex for schemes such as this. The answer is so obvious when one actually reads the plan, reads the evidence, understands the holistic nature of well-being and applies common sense rather than strain for an irrational and arbitrary outcome.

146. For these reasons we ask you to recommend that Appeal A be allowed and that Appeal B be allowed also.

### ***Summary of Relevant Technical Reports submitted by the Appellant***

#### Air Quality

147. As set out in the SoCG (CD10.15, CD10.16, CD10.17, CD10.19), a period of dust deposition monitoring was carried out over the period October to December 2014 to inform the air quality assessment for the Western Extension Environmental Statement (WE ES) (CD1.2 – 1.5). The methodology used Frisbee-type dust deposition samplers with an adhesive 'sticky pad' directional dust sampler around the collection bottle. The RCTCBC Public Health and Protection Department did not raise any objections to the methodology employed during determination of the Western extension application.

148. A further 3-month programme of dust deposition monitoring was commenced in March 2021 to provide update information inform the Western Extension Supplementary Environmental Statement (CD2.9 – 2.11). This also employed Frisbee-type dust deposition samplers with an adhesive 'sticky pad' directional dust sampler around the collection bottle. The monitoring programme was designed to replicate the 2014 programme where possible to provide an update to the WE ES. No objections were raised by the RCTCBC Public Health and Protection Department regarding the methodology employed. The Council did not request any further information, including later available monitoring data or additional monitoring locations, during the determination period.

149. There are no UK statutory standards that define the point when deposited dust causes annoyance or disamenity. Instead, a number of “custom and practice” thresholds are typically referred to in conjunction with other criteria such as the frequency of occurrence. Furthermore, the Institute of Air Quality Management (IAQM) has issued its’ Guidance on the Assessment of Mineral Dust Impacts for Planning. This document, issued in 2016, clarifies when a dust assessment is required and outlines a recommended methodology for carrying out impact assessments and determining the significance of impacts and effects. The guidance also sets out suggested approaches to mitigating emissions and impacts. Although the guidance is designed specifically for use in England, it is considered that it can be adapted appropriately for use in the devolved administrations such as Wales.
150. In summary, taking account of the designed-in mitigation measures, there is a risk of *slight adverse* effects, at most, arising from ‘nuisance’ dust from the proposed quarry extension at the nearby residential receptors. The overall significance with regards to ‘nuisance’ dust is considered not significant.
151. In terms of fine particulates (PM<sub>10</sub>), the IAQM guidance advises that where existing background ambient PM<sub>10</sub> concentrations are less than 17 µg/m<sup>3</sup> there is little risk that additional contributions from mineral operations would lead to an exceedance of the long-term AQO. Defra predicted background annual mean PM<sub>10</sub> concentrations for the general locality are in the range of 11.53 - 12.05 µg/m<sup>3</sup> for 2020, well below 17 µg/m<sup>3</sup>.
152. The on-going PM<sub>10</sub> monitoring has confirmed that there are no actual or likely breaches of either the long-term annual mean or short-term 24-hour AQOs for PM<sub>10</sub> at Garth Avenue. This therefore supports the original 2015 ES conclusions, following the review of the data that was available at that time, that the overall effect of an extension to the life of the quarry operations and the proposed extension is deemed acceptable in terms of human health, as air quality objectives outside the site will continue to be met.
153. Nevertheless, it remains acknowledged that the quarry forms a potential source of particulate emissions that will require continued management and monitoring and it will remain a requirement of the existing Environmental Permit covering the quarry processes and asphalt production that best practicable means are used to control emissions,
154. Overall, with the on-going application of standard good practice measures, along with the additional site-specific enhanced measures, the residual risk of adverse effects due to nuisance dust is *slight adverse* at most at all receptors. Daily inspections and observations, along with rapid rectification of any identified equipment malfunctions, would be continued to minimise these risks. The resulting significance of nuisance dust is assessed as not significant.

#### Noise and Vibration

155. As set out in the SES, the noise assessment set out in the 2015 ES follows a conventional approach of establishing current background noise levels via noise monitoring at representative properties in the vicinity of the extension area; determining the sound power levels of plant to be utilised; calculating site noise levels; and comparing the site noise levels with conventional noise limit criteria set out in MTAN1.
156. Reference was also made in the 2015 ES to a noise study undertaken as part of an ES submitted in 2010 as part of an update of the planning conditions regulating operations at the quarry. This ‘review of old mining permissions’ commonly referred to as a ‘ROMP Review’ resulted in new planning conditions being imposed by RCTCBC Council which included noise limits at four named locations as part of an updated ‘ROMP schedule of conditions’.

157. As part of the current study, noise monitoring has taken place in December 2020 and March 2021 as an update on baseline conditions.
158. There has been no change to the directly relevant policy or guidance on noise since 2015, specifically Minerals Technical Advice Note (Wales) 1: Aggregates (MTAN1) which remains extant. This confirms that noise limits should relate to the background noise levels and where background noise is less than 45 dB(A), noise limits should be defined as background noise levels plus 10 dB(A) (ref MTAN 1 paragraph 88).
159. The update on baseline conditions has been taken into account in the consideration of site noise limits, and it is recommended that the ROMP conditions for three out of four of the named locations remain in place. For the fourth named location (Conway Close) it is recommended that consideration be given to a lower site noise limit of 46 dB LAeq, 1 hour, as set out in Table 10-4 Suggested Site Noise Limits in the 2015 ES.
160. For the two other named locations assessed as part of the extension development (Cefn Heulog and Cefn Primary School), it is considered that the noise limits proposed in the 2015 ES should remain unchanged.

### Highways

161. As set out in the SES, following completion of the review and update of the highway and transport implications of the proposed developments it is concluded that:
- The recently improved site access is acceptable to serve the proposed development.
  - The quantum of proposed development traffic is already accommodated on the local road network, which has been demonstrated to retain substantial spare capacity.
  - There are no recent records of accidents involving HGV's in the vicinity of the quarry or on the identified access route to/from the A470.
162. Accordingly, it is concluded that the proposed development is acceptable in terms of highway and transport considerations. This conclusion was supported by the Council when considering the 2015 ES which accompanied the planning application, as it raised no objection on highway grounds having assessed the application in the context of current national planning policy as recently as July 2020 when the decision was taken to refuse permission, albeit for matters unrelated to highway impact.

### **The Case for Rhondda Cynon Taf County Borough Council**

163. Mr Bedford did not depart significantly from his written closing submissions (LPA7.1). The following sets out the main points made at the close of the Inquiry.
164. For the reasons rehearsed in the Council's Statement of Case, it is convenient to address Appeal B before Appeal A because the development proposed by Appeal B is subsumed within the development proposed by Appeal A but Appeal A gives rise to additional issues which do not arise under Appeal B by reason of the extended physical area and extended timescale of Appeal A. Each appeal obviously has to be decided on its own merits and so requires separate consideration but there is a considerable amount of overlap and addressing Appeal B first minimises the degree of repetition. It is possible to envisage outcomes whereby both appeals are dismissed or both appeals are allowed or Appeal A is dismissed and Appeal B is allowed. It is hard to envisage a realistic scenario in which Appeal A is allowed and Appeal B is dismissed.

165. Strictly, notwithstanding that the application in Appeal B was made under s.73 Town & Country Planning Act 1990, it still seeks the grant of a fresh planning permission (pursuant to s. 70 TCPA 1990) and so the identified main issue for Appeal A (which derives from the duty in s.38(6) Planning & Compulsory Purchase Act 2004) also arises under Appeal B. This point is made (in short form) at para 5.14.47 of Planning Policy Wales Edition 11 ("PPW") in its advice that time extensions to existing minerals sites need to be considered as new proposals and on their own merits. Compliance or non-compliance with the development plan, in this case the adopted RCT Local Development Plan of March 2011 ("the LDP"), is therefore an issue that arises for both appeals.
166. It is the Council's submission that the outcome of the Inquiry should be a recommendation by the Inspector to the Welsh Ministers that both appeals are dismissed.

### ***Appeal B***

167. The principal condition that is sought to be 'varied' is Condition 1 of the ROMP conditions which sets the end date for the winning and working of materials. The new date sought in Appeal B is 31 December 2028 (in place of 31 December 2022 as currently authorised). The 'variations' to other conditions are consequential on that extended period for working and nothing of substance turns on them.
168. Thus, the principal effect of Appeal B, so far as there are effects on the living conditions of neighbouring occupiers, is to impose all of the impacts that arise from the winning and working of minerals at the site, and the related processing activities, for a new period of 6 years from 1 January 2023 when those impacts would not otherwise be authorised and so would not be experienced by neighbouring occupiers of the site. In other words, the baseline after 31 December 2022 for considering the amenities of local residents is very different from the baseline conditions they experience today.
169. Whilst the starting point is the existing ROMP permission (the planning permission was granted in 1993 and the conditions were settled by the ROMP decision of 24 April 2013), the principle of development under that permission is only established for the period up to 31 December 2022. The existing permission does not establish the principle of development or its acceptability in planning terms for any period thereafter and the decision maker is therefore entitled and required to consider all matters afresh. That fresh consideration is in the context of a baseline of there being no winning and working of minerals at the site.
170. Mr Jenkins was therefore wrong to argue that it was illogical for the Council to now question the acceptability of the development of the existing site, having approved the continuation of that development under the ROMP conditions in 2013. What the Council approved at that time was the continuation of that development until 31 December 2022, with the winning and working of minerals to cease at that point and the site then to be restored. That decision in no way tied the Council's hands as to how it should approach the question of extending quarrying operations into a new time period after 31 December 2022.
171. In terms of the effects on living conditions, the Council does not raise any issues in relation to traffic or air quality (i.e. any respiratory effects due to particulate matter of 10 microns (PM<sub>10</sub>) or below). The Council does raise issues in relation to dust, noise, and blasting.
172. In relation to these three topics, the Council does not dispute the technical evidence relied on by the Appellant, including the monitoring data of the existing effects of the development as a result of current operations. Nor does the Council dispute that conditions can be imposed to regulate quarrying activities, including blasting, which

generate noise and dust. That does not, however, mean that such conditions and such regulation would be adequate to protect the amenities of neighbouring occupiers.

173. It is the Council's case, based on the limitations of the technical evidence in terms of adequately protecting the amenities of the affected neighbouring occupiers, as shown by the empirical evidence of those occupiers of their experiences of living with the effects of those quarrying activities, that regulating the activities by conditions is not adequate to safeguard their amenities, well-being, and mental health.
174. Dealing first with the issue of dust, there is no dispute that there are no statutory requirements, standards, or limits to define what is, and what is not, a level of disamenity dust that would avoid causing nuisance or annoyance to sensitive receptors (such as the occupiers of dwellings that experience such dust). The Appellant accepts (via Ms Hawkins) that disamenity dust from hard-rock quarries can travel distances of up to 400 metres from source, albeit that most is deposited within 100 metres of source. This is confirmed by the IAQM guidance.
175. It is correct that the IAQM guidance uses the 400m distance as a screening test for undertaking an assessment of dust effects, and does not state that effects within 400m are necessarily objectionable or unacceptable. However, that does not gainsay the fact that such effects can be experienced within the 400m distance. It becomes a matter of judgment, in the absence of any standards or limits, as to what degree of effect would be acceptable (judged, as noted above, in the context of a baseline whereby there is no dust generated by minerals working at the site).
176. A substantial part of the community of Glyncoch lies within 400m of the existing working areas of the site. The Appellant argues that disamenity dust effects for residents of Glyncoch are either negligible or slight/negligible (monitoring location R4 at the old people's flat at 1-12 Garth Avenue) because the monitoring data shows levels below the 'indicative threshold' of 200 micrograms per square metre per day, even at locations materially closer to the operational areas than 400m.
177. However, the 'indicative threshold' of 200mg/m<sup>2</sup>/d has no current validation as a measure of nuisance or annoyance resulting from disamenity dust: para 2.1.2 of the IAQM guidance. The IAQM guidance does not advise that such indicative thresholds should be used. It advises that a site-specific threshold should be agreed between the site operator and the local planning authority, but that has not happened in this case. In the absence of such agreement, it is a matter for judgment as to what levels of disamenity dust constitute a nuisance or annoyance.
178. As Ms Hawkins accepted, such a judgment would need to consider not merely the magnitude of effects but also the numbers of affected persons. There has been no challenge to the Council's assessment that, for Appeal A, the western extension would place some 445 dwellings (or about 1000 people) within 400m of a dust source originating at the site (as calculated by Mr Williams). Whilst there is no equivalent quantification for Appeal B, it is apparent that at least a similar number of properties and persons (if not rather more) already live within 400m of the existing working areas. In either case, 1,000 or so affected persons is a sizeable population.
179. There was an implied criticism that the Council had not expressed concern about the use of the 'indicative thresholds' when scoping or reviewing the ES for Appeal B. However, unsurprisingly such work was undertaken by officers and in this instance it is clear that the officers cannot be taken to speak for the Council because Members rejected the officers' advice and recommendations. The Council's concern derives directly from the IAQM guidance that the Appellant has professed to rely on in undertaking its dust assessment and so there can be no legitimate criticism of the Council drawing attention to that guidance and the reservations it expresses about the use of indicative thresholds.



180. Whilst it is correct that the most recent monitoring, which included two offsite locations within parts of Glyncoch, recorded levels of dust for the offsite locations below the chosen indicative threshold, if that threshold has no current provenance, this does not help inform a judgment on the acceptability of the dust effects. It can be noted that dust in those offsite locations was found to be as high or higher as dust adjacent to one of the internal perimeter tracks within the operational areas of the quarry.
181. That the impacts of disamenity dust for residents of Glyncoch are more than merely slight/negligible when judged as a matter of actual experience (rather than measured against an unvalidated 'indicative threshold') is clear from the views expressed by the residents of Glycoch both in writing and in their evidence to the Inquiry.
182. Thus, a resident of Gardner Close (off Coed y Lan) writes "*I thoroughly clean the setting daily, and every morning / wake up with thick layers of yellow dust/sand like substance on my floors, window/window frames/cars*". A resident of Derwendeg Avenue (between Garth Avenue and Cefn Lane) writes "*We suffer tremendously from dust from the quarry. ...Our cars are covered everyday with the dust from there*". A resident of Porcher Avenue (off Garth Avenue) writes "*We have always noticed a lot of dark dust on our outside windowsills, and even within the house itself, there seems always to be significantly more dust (and darker) than that of the average household. We regularly clean our windows and wipe down the outside windowsills even more frequently but this thick black dust can appear again within a matter of a day or two*". A resident of Garth Avenue writes "*Dust is also a constant nuisance*".
183. Cllr Dawn Wood told the Inquiry that from speaking with the residents of Berw Road, "*the road is covered in thick stone dust, doors and windows thick with dust.. the lived experience is misery*". Ms Helen Jarman, a resident of "*the top of Glyncoch*" told the Inquiry "*the dust is the greatest problem- a film of dust in the morning. You wipe it and it is back by the evening*". Vicky Howells MS read an email to the Inquiry from Ms Sian Griffiths, a local resident, which referred to "*dust on the tables, even after wiping*." Ms Griffiths also addressed the Planning and Development Committee on 26 August 2021 when it was considering Appeal B and the transcript of her remarks included "*Our cars, our patio tables in the summer, with the dust, you cannot enjoy living here*", and "*your windows are constantly dirty*".
184. Whilst it may be difficult to show as a matter of scientific evidence that all of the dust is quarry dust (and Ms Hawkins noted that attempts to analyse the monitoring samples were "inconclusive"), it is entirely reasonable to infer that the site is a significant contributor to the disamenity dust experienced by local residents. As Ms Jarman said, "*What else is happening locally that could be causing that?... I live on the doorstep of the quarry. It is obvious. I am some distance from Berw Road where other lorries are, I live right at the top.*"
185. The Appellant does not suggest that the evidence provided by local residents is not genuine or reflect their views. Since it is clearly based on their own empirical experiences of the current operations it does not need to be supported or verified by scientific evidence in order to be persuasive. Mr Jenkins accepted that it was relevant evidence (as it obviously is, relating directly to the land use effects of a physical emanation of quarrying activity). The professional judgment of Mr Williams is that the evidence from local residents is genuine and justified. It therefore fully meets the tests to be regarded as a material consideration.
186. In summary, those tests are:
- I. "*The impact of a proposed development upon the use of and activities upon neighbouring land may be a material consideration.*"

- II. *In considering the impact, regard may be had to the use to which the neighbouring land is put.*
- III. *Justified public concern in the locality about emanations from land as a result of its proposed development may be a material consideration."*

187. Undoubtedly, disamenity dust is capable of being regarded as a polluting discharge from the use of land as a quarry and it is clear that, as a matter of fact, it interferes with the reasonable use and enjoyment of adjoining land for residential purposes.

188. The Court of Appeal in the Newport case (CD9.7) also addressed the position where local concerns are not supported by objective or technical evidence. In that case an Inspector, when making a costs award, had stated ". *perception of public concern without substantial supporting evidence does not amount to demonstrable harm nor is it, on its own, a sound and clear-cut reason sufficient to warrant the refusal of planning permission."*

The Court of Appeal found this to be an error of law, with Lord Justice Hutchison stating (p. 1 83): *"I accept [counsel's] submission that the only sensible construction of the material words is that the Inspector, and, therefore, the Secretary of State who adopted his reasoning, was approaching the question of whether the council had behaved unreasonably on the basis that the genuine fears on the part of the public, unless objectively justified, could never amount to a valid ground for refusal. That was in my judgment a material error of law."*

189. Of course, in neither Court of Appeal case did the Court hold that genuine public concerns would always be a material consideration and nor did it determine what weight should be given to such concerns. Both of these issues would be matters for planning judgment based on the particular facts of the individual case. Here, the concerns about dust clearly relate to an emanation' from the site and they clearly demonstrate an impact on the reasonable use of adjacent land for residential purposes. They are, therefore, clearly material in assessing the acceptability of continued quarrying at the site. The concerns expressed are not trivial and relate to more than an occasional or infrequent occurrence. They directly impact on how residents live their lives in their immediate domestic environment, impacting on their use and enjoyment of their homes and gardens. They therefore should command considerable weight in the decision making process.

190. Turning to noise, the Appellant argues that because it can meet the noise limits set by MTAN1 there can be no basis for a noise objection. Whilst this point would have some force for a new proposal, or for a proposal that has operated successfully without generating complaints about noise, it loses much of its force in the context of an existing use which has been subject to noise limits in line with MTAN1 guidance but which has nonetheless still given rise to local residents complaining about its noise impacts. That empirical experience is an indication that the MTAN1 limits are not a sufficient protection in the circumstances of this particular case.

191. Those complaints are manifested in the written representations made by local residents and in their oral evidence to the Inquiry.

192. The IEMA guidance notes that behavioural responses to noise, such as annoyance *"are essentially subjective and, although quantifiable, can be very sensitive to non-acoustic socio-psychological factors such as location, activity, state of well-being, familiarity with the noise, environmental expectations and attitudes to the noise makers"* and that *"Equally important are those factors which control attitudes and susceptibilities, whether or not a particular source annoys may depend very much on the message it carries. Concerns about the sources of noise can influence annoyance reactions more*

*strongly than physical noise exposure itself*'. Whether this should be seen as a matter of psycho-acoustics rather than acoustics is rather beside the point. What matters is how the local community reacts to audible noise from operations taking place at the site. The evidence from Mr Keith Silk amply illustrated these points when he referred to his acceptance of jack hammer noise from the site starting at 7.00am, in line with his expectations, but not the same noise starting at 6.40am, some 20 minutes early. In his case it was the perception that what was happening should not be happening that was the cause of his concern.

193. However, it is fair to note the concession made by Mr Williams that, in the light of the technical noise evidence there was no rational basis for saying there would be unacceptable effects on receptors from noise due to activities within the quarry. He clarified in re-examination that there would be audible noise for some receptors but the impacts were not in his view "critical".
194. Putting that evidence into context, it is also worth recalling the point made by Mr Silk that for him as an affected local resident, *"it is not one massive thing, but one hundred and one little things, they all add up."* Thus, in isolation, it may be that operational noise from the site (leaving aside the separate noise impacts associated with blasting) are not at unacceptable or "critical" levels, but on a cumulative basis with other matters, they are a part of the adverse impacts experienced by local residents in their daily lives. They are also a material consideration and, at least on a cumulative basis with the other impacts, should be given considerable weight.
195. Moving on to blasting, the Council does not dispute the monitoring results for ground vibration and that these are below the levels likely to cause material property damage. However, that same monitoring shows that the air overpressure effects of a proportion of the blasts have been in excess of the limit of 120 dB set by the ROMP condition 24. Moreover, there is an expectation that that will continue to be the case. Dr Farnfield was tempted to downplay this on the basis that 120 dB was a 'relatively low level' but it should be noted that the ES for Appeal B provides a clear rationale for the selection of 120 dB as a control: *"Overpressure may vibrate buildings, but actual damage caused by air overpressure is rare. Damage in the form of broken windows is possible but extremely unlikely below 140 dB; more frequently the perception of vibration, and consequently complaints, are highlighted by windows and loose ornaments rattling which is possible at 120 dB."*
196. The experiences of local residents clearly demonstrate that blasting activity has impacted on their amenities in a materially detrimental manner. A resident of Gardner Close writes that *"The children I currently care for get woken up from their sleep frightened not knowing what is going on around them, the whole house shakes like if the mountain is going to just crumble from underneath you. The effects from the blasts are that strong, I have photo frames fall off the wall and even my guitars in the music room"*. A resident living 300m from the site writes that *"Even at the current distance from the quarry, the house can shake significantly during blasting. This can be alarming"*. A resident of Cefn Close writes that *"there has also been problems with the house shaking when there is blasting at the quarry. This is noisy and particularly distressing for me and my daughter"*. A resident of Ashford Close writes that *"my bungalow is subjected to blasts that rocks its foundations... it is frightening to experience these blasts"*. Another resident of Ashford Close writes that *"I was sat at home in.. Ashford Close when around lunch time there was a very loud 'explosion' which rattled my radiators and violently shook the chair I was sat in"*. A resident on the Cefn Farm Estate writes that *"the explosions have become louder and vibrations stronger.. whether we are standing or sitting at home we can feel the vibrations"*. A resident of Derwendeg Avenue writes that *"We already have noise pollution from the blasts that occur already"*. A resident of Porcher Avenue writes that *"I*

*have heard and felt ground tremors from Craig-yr-Hesg quarry blasts for as long as I can remember during these instances the entire house shakes, I can both hear and feel the vibrations strongly and it often genuinely almost feels like the house/ground is subsiding.. It is quite worrying...". A resident of Daren Ddu Road writes that "I have lived in the property for 10 years and during that time I have noticed tremors caused by blasting. More recently, my family, neighbours and myself have all noticed a greater intensity of the shocks caused by blasting. ...". Another resident of Daren Ddu Road writes that "I have just recently experienced the effect of air over-pressure from a blast at the quarry. The sudden 'whoomph' sound was indeed frightening, accompanied as it was by noisy vibrations of my garage's up-and-over door, and my house is 550m from the present face of the quarry..."*

197. Councillors and local residents speaking at the Inquiry gave similar accounts of the effects of blasting.
198. The Appellant does not challenge the genuineness of these accounts. They show that, whether or not blasts are achieving the limit of 120 dB, they are causing serious adverse impacts for the living conditions of local residents. These impacts are clearly a material consideration in the light of the evidence and should also carry considerable weight.
199. There is a narrow point as to whether the events which have exceeded 120 dB are technically in breach of ROMP condition 24 or not. A definitive view is not necessary for this Inquiry (which is not an enforcement case) but the Council suggests that the proper meaning of the condition is perfectly clear. The design of the blasting is to achieve an outcome: that air over-pressure from "any blast does not exceed 120 dB at any residential property". Condition 24 does not refer to this as something that "should not" happen but to something that "does not" happen. That is an imperative. If that outcome is not achieved there is non-compliance with the condition. In any event, the key point is that it has clearly not been possible to meet the specified limit for all blasts and that has manifested itself in blasts which have caused the degree of vibration that leads to rattling windows and shaking ornaments within what should be a peaceful domestic environment.
200. Concluding on the first main issue, it is quite clear that the effect of 'varying' Condition 1 to allow a 6 year extension to the period allowed for the winning and working of minerals at the site will have unacceptable effects on the living conditions of local residents at Glyncoch and on Berw Road by reason of the dust, noise, and blasting impacts of those activities. Given the nature of those impacts, it is not possible to remove them by adjusting the conditions in some way. The key difference between the Council and the Appellant is that the Appellant contends that the impacts caused are at acceptable levels, notwithstanding that it does not dispute or challenge what local residents say about the empirical effects of those impacts on their living conditions, whereas the Council considers that the impacts have been shown by that empirical experience not to be acceptable. Obviously, this key difference involves a planning judgment about what is acceptable in the context of residential amenity but the Council suggests that it is clear that a continuation of the current operations would be materially detrimental to the living conditions of local residents.

#### Compliance with the development plan

201. It is agreed that the relevant policies of the LDP that apply to Appeal B are Policies CS10, AW5, AW10, and indirectly SSA25 (because the extension area cannot be worked without operations continuing at the existing site). Policy AW14 is not a relevant or applicable policy.
202. It is convenient to start with Policy CS10 which sets out the overarching strategy for minerals development. The first part of the policy establishes in clear terms how the LDP deals with the competing considerations of making provision to meet minerals needs and

safeguarding environmental and social concerns. Effectively, Policy CS10 had three choices of approach: (i) to give priority to minerals needs above environmental/social impacts, (ii) to leave the two competing considerations to be balanced on a case by case basis, or (iii) to give priority to environmental/social protections above meeting minerals needs. It is clear from its language that Policy CS10 chose the third approach.

203. Thus, Policy CS10 sets out to "*seek*" to protect resources and to "*contribute*" to demands for continuous supply, but "*without compromising*" environmental and social issues. That is not language which gives priority to meeting needs or even language that simply calls for a balance. It is language which, unequivocally, expects any contribution to supply to be achieved "*without compromising*" social and environmental protections. That strategic approach then informs the rest of the policy.
204. Policy CS10(1) concerns the maintenance of the 10 year landbank (for hard rock reserves) "*throughout the plan period (to 2021)*."
205. Very largely, this was almost achieved for the original plan period. This is not merely of historic interest because it shows that the strategy of the LDP was able to make an effective contribution to meeting needs during its intended plan period. The Council's refusal of Appeal B has no bearing on that position because Appeal B only relates to what should happen after 31 December 2022, some 21 months after the end of the LDP plan period.
206. Of course, the LDP has not come to an end in line with its plan period and Policy CS10 remains in place at the present time. The Council accepts that there is not now a 10 year landbank in place. To that extent the minerals strategy of the LDP has not delivered the desired outcome. That means that the Council faces a challenge as it moves forward with the LDP Review with regard to the provision of an effective contribution to the landbank. However, that is primarily a forward planning issue. Whether the Council can address it via the Sub-Regional Collaboration measures outlined in PPW and in RTS2 (Annex A) is a matter for the LDP Review process. The appellant is wrong to claim that there is no prospect of showing 'exceptional circumstances' as required by Annex A simply because 70% of the surface area of RCT comprises Pennant sandstone. Whether any resources are "workable" or not involves consideration of the environmental acceptability of such working as much as it involves commercial or technical considerations. If there are no environmentally acceptable sites in RCT then it would have no workable resources just as much as if there were no commercial interest in any sites.
207. However, even if it is concluded that the lack of a current landbank means that Appeal B can now claim support from Policy CS10(I), it remains necessary to address Policy CS10(6) and Policies AW5 and AW10.
208. Policy CS10(6) entails 'ensuring' that the impacts on residential areas are "limited to an acceptable proven safe limit". That policy aim cannot be achieved by Appeal B because of the unacceptable dust, noise, and blasting impacts (as outlined above).
209. Policy AW5(1) sets out the LDP's amenity expectations. It applies to all forms of development and there is nothing in the LDP to suggest that minerals development should be held to lesser standards. Indeed, para 4.98 (supporting Policy CS10) indicates that that is not the case and that minerals development is expected to satisfy Policies AW5 and AW10.
210. Policy AW5(1)(c) requires "*no significant impact upon the amenities of neighbouring occupiers*" Clearly, that cannot be achieved in terms of dust, noise, and blasting for Appeal B. The matters of concern clearly warrant being regarded as "*significant impacts*" for all the reasons rehearsed above and as articulated by local residents in their written and oral evidence. Policy AW5(1)(d) requires a development to be "compatible with other uses in the locality". That requirement cannot be satisfied. Continued mineral extraction of

the site is not compatible with the reasonable enjoyment of residential use of the dwellings in the localities of Glyncoch and Berw Road.

211. Policy AW10 precludes development that would "*cause or result in a risk of unacceptable harm to... local amenity because of... noise pollution. .. or any other identified risk to. . . local amenity [which would include dust and blasting impacts] unless it can be demonstrated that measures can be taken to overcome any significant adverse risk to.. or impact upon local amenity.*"
212. Para 5.63 of the LDP identifies that "Amenity is defined as the pleasant or satisfactory aspects of a location, or features which contribute to its overall character and the enjoyment of residents or visitors. "
213. No one who has read or listened to local residents' concerns about the impacts of dust, noise, and blasting on their living conditions (as summarised above) could consider that Appeal B satisfies Policy AW10. There is clearly unacceptable harm to local amenity and that harm cannot be "overcome" by any of the proposed conditions, controls, or other mitigation measures. The absence of objection to the technical evidence relied on by the Appellant does not mean that the amenity of the Glyncoch area or Berw Road is "pleasant" or "satisfactory" when it is impacted by dust, noise, or blasting from the site.
214. This is, therefore a case where the policies of the LDP pull in opposite directions. Appeal B can claim support from Policy CS10(1), and indirect support from Policy SSA25, but it conflicts with Policies CS10(6), AW5, and AW10. It also conflicts with the overall approach of Policy CS10 because the contribution that it would make to aggregates supply cannot be achieved "without compromising" environmental and social issues.
215. Mr Jenkins argues that Policies CS10(1) and SSA25 are the "dominant" policies that allow Appeal B to claim LPD support in overall terms despite these policy conflicts (albeit that his primary case is that there are no such conflicts because he believes the proposals are acceptable in amenity terms). However, he is quite wrong in this regard. As already noted, Policy CS10 is very clear about where it stands on any tension between its different strands. "Without compromising" is about as clear as clear can be, and is explicit that the desire for a landbank is not to be achieved at the expense of environmental and social issues.
216. Policy SSA25 is only indirectly applicable to Appeal B but its contingent status as a 'Preferred Area' (subject to further evidence as to the acceptability of any proposals) as opposed to a 'Specific Site' is a clear indication that it is not intended to prevail over any conflict with Policies CS10(6), AW5 or AW10.
- The same message is apparent from the overarching strategy in Policy CS10 (noting that SSA25 is referenced in CS10(1) and so must be subject to that overarching strategy), the terms of para 4.98 of the LDP, and the reasoning of the LDP Inspector in his report at paragraphs 12.5 and 12.8.
217. Thus, in terms of the first part of the exercise required by s.38(6) PCPA 2004, the conclusion is that Appeal B is not in accordance with the LDP when its policies are viewed as a whole by reason of the conflicts with its amenity protection policies.
218. The Appellant has placed some emphasis on the fact that the reason for refusal for Appeal B does not identify any conflicts with the LDP. However, that is a process issue rather than a matter of substance. The reason for refusal is explicit about the unacceptable impacts of continued quarrying on the local community to the detriment of their amenity and well-being, especially as regards noise and dust (and in this regard it is clear from the transcript of the Committee meeting on 26 August 2021, outlining matters



of concern that had been raised, that noise embraces blasting as well as other operational noise).

219. Given the plan-led system, and the duty in s.38(6) PCPA 2004, anyone reading the reason for refusal and the issues it raises would be driven to consider the policies of the LDP and what they had to say on those issues. Inevitably that takes you to Policies CS10, AW5 and AW10. No one reading the reason for refusal in conjunction with those policies could conceivably think that the Council had concluded that there was policy compliance. Nor was there. If there were to be any doubt about that, it is entirely removed by the Council's clarification of its reasoning in the decision of 10 February 2022. Whilst that decision was after the event, there has been no suggestion that it does not record the genuine views of the Committee or that they have set out a position that they do not think is the case. Thus, the criticism that the reason for refusal does not refer to LDP conflicts goes nowhere in terms of the second main issue. It is quite clear that when the evidence relating to the matters of concern to the Council is analysed, it shows that there is non-compliance with the LDP because of the conflicts with Policies CS10, AW5, and AW10.
220. The Appellant also seeks to suggest by reference to some of Mr Williams' answers to less than precise questions in cross-examination that he was conceding that this was a case where the proposals accorded with the LDP. It will be recalled that such questions had as their originating focus Policy SSA25, which is only of indirect relevance to Appeal B. It can be noted that there was no attempt to put to Mr Williams any questions about which policy or policies were the dominant policy if they pulled in opposite directions or to engage in any real analysis of the way the LDP policies worked together. Mr Williams' written evidence had set out his considered position with great clarity. It would be remarkable to find that, without any new information to suggest a different conclusion, Mr Williams was intentionally departing from that professional view. Of course, he was not, as he later made quite clear in re-examination. Scoring forensic advocacy points is not a substitute for coherent analysis of the policy position. That position is quite clear: the proposals in Appeal B are not in accordance with the LDP taken as a whole.
221. Turning to other material considerations, they fall into two camps: those that march in support of a plan-led decision to refuse Appeal B and those which may be capable of "indicating otherwise".
222. The first matter to consider is the Well-being of Future Generations Act 2015. On balance, the Council suggests that the WFGA 2015 supports the dismissal of Appeal B because the negative impacts of the proposal for the goal of a healthier Wales outweigh any positives achieved in terms of prosperity and (marginal) environmental gains.
223. The effect of s.2(2) Planning (Wales) Act 2015 is that the function of determining Appeal B "must be exercised, as part of carrying out sustainable development in accordance with the Well-being of Future Generations (Wales) Act 2015, for the purpose of ensuring that the development and use of land contribute to improving the economic, social, environmental and cultural well-being of Wales."
224. Whilst s.2(5) PWA 2015 clarifies that this duty does not change either the need to have regard to the LDP or to other material considerations and nor does it change the weight to be given to such matters, s.2(2) PWA 2015 does ensure that the central purpose of the WFGA 2015 is required to be met when making planning decisions. Essentially, this means that achieving that purpose is a further material consideration that needs to be brought into account and given such weight as is appropriate on the facts of the case.
225. It is significant that the central purpose of the planning system for Wales is not described as merely the maintenance of the status quo, or as the avoidance or minimisation of harm. The central purpose is to use the planning system to make

decisions "for the purpose of ensuring that the development and use of land contribute to improving the economic, social, environmental and cultural well-being of Wales."

226. That focus on seeking to make positive improvements to the various dimensions of the well-being of Wales is reflected in the Well-being Goals set out in s.4 WFGA 2015. At least two of the Goals are explicit in seeking to achieve improvements, most notably for health, where the Goal is "*A healthier Wales... A society in which people's physical and mental wellbeing is maximised...*"
227. Whilst the Council does not contend that the impacts of concern will have adverse effects on the physical health of the affected communities, it does consider that the impacts of dust, noise, and blasting resulting from Appeal B will adversely affect the mental well-being of those communities. That aspect of overall health will not be achieved and mental well-being for those communities will certainly not be maximised by the continuation of quarrying at the site, perpetuating the adverse effects of dust, noise, and blasting for a further 6 years.
228. The Council notes the written evidence of Dr Buroni on the most likely causes of poor health in the existing community being socio-economic rather than environmental, but the metrics used in this analysis do not address mental well-being or negative amenity impacts that would undermine mental wellbeing. Mr Williams also made the point that Public Health Wales did not address mental well-being but confined its consultation responses to a consideration of air quality matters. The fact that there are no breaches of air quality standards says nothing about whether disamenity dust, noise, or blasting will have adverse effects on mental well-being.
229. The Council accepts that the WFGA 2015 is not one-dimensional and that the Goal of a healthier Wales is not the only objective that needs to be considered. In terms of approach (as opposed to outcome) the Council has no fundamental disagreement with Mr Jones, and there is clearly a need to undertake a holistic assessment, including giving appropriate weight to the benefits of safeguarding jobs (both at the site and within the wider supply chain), and (as regards Appeal A) to the limited environmental benefits resulting from some modest improvements to countryside access.
230. The Council's witness was criticised on the basis that it was alleged that his evidence as regards the WFGA 2015 did not address these other matters. However, this is a misplaced criticism. The Council was explicit in recognising that "*continuation and extension of quarrying operations at the site would be broadly aligned with the WFGA goal of a prosperous Wales and the corresponding RCTCBC objective of enabling prosperity*". The countryside benefits were acknowledged in the SoCG for Appeal A and were not applicable to Appeal B. Therefore, the Council did address all relevant matters and concluded that "*the contribution to the objective of prosperity does not outweigh the adverse impact upon achieving the objective relating to health and consequently that the development would not constitute sustainable development.*" Thus, taken as a whole, the WFGA 2015 is a material consideration which supports a plan-led decision to dismiss Appeal.
231. The assessment undertaken by the appellant suffered from the flaw that it had proceeded on the basis that the Goal of a healthier Wales was satisfied because the proposal did not cause unacceptable amenity impacts. There was no assessment on the basis that that premise was not accepted. Thus, if the Council is correct that there are unacceptable amenity impacts on mental well-being as a result of dust, noise, and blasting, there is no assessment by the Appellant as to the overall effect of balancing that negative outcome against the other well-being goals.
232. Turning to national policy as a material consideration, neither PPW nor MTAN 1 provides a basis for a decision on Appeal B that is not in accordance with the LDP. There



are no policies in either document saying that where there is a conflict between the objective of securing a continuous supply of minerals and the objective of protecting the environment and amenities of local residents it is the latter which must yield and be compromised.

233. Even in relation to the particularly valuable (and limited) resources of High Specification Aggregates ("HSA"), PPW is clear (para 5.14.23) that *"The UK and regional need for such minerals should be accorded significant weight provided environmental impacts can be limited to acceptable levels."* The same message is apparent at para 5.14.2, which requires the mitigation of impacts to *"acceptable limits"* and to an *"acceptable standard"* Where this cannot be achieved, a refusal is plainly justified and expected by PPW. MTAN 1 contains a similar message, advising (para 6) that *"It is essential to the economic and social wellbeing of the country that the construction industry is provided with an adequate supply of materials it needs but not to the unacceptable detriment of the environment or amenity."* Para 7 of MTAN 1 is explicit that *"[the] acceptable minimum may not be possible in all instances, and where this is the case, extraction should not take place..."*
234. In substance, there was no disagreement between the parties on this fundamental approach. The disagreement was and is whether acceptable limits can be achieved or not. If the Council is correct that the empirical evidence of past operations has shown that the site cannot operate without causing undue amenity impacts for local residents (for the reasons already rehearsed) there is nothing in national policy to say that those adverse impacts simply have to be accepted by local residents or imposed upon them. Thus, national policy does not provide a justification for a decision contrary to the LDP.
235. Taken together, the LDP, the WFGA 2015, and national policy embrace the material considerations in this case. Taking all of those matters into account, the answer to the second main issue is that there no material considerations which are sufficient to outweigh the requirement to determine Appeal B in accordance with the LDP by dismissing the appeal.

### **Appeal A**

236. The LDP policies discussed for Appeal B are also relevant and applicable to Appeal A. There are, however, two matters that need additional consideration. The first is whether the release of additional aggregates within the western extension changes the policy analysis. The second is whether the additional amenity impacts of the western extension changes the policy analysis. The Council suggests that in both cases the answer is 'no'. Policy SSA 25 directly applies to the western extension and makes it a "Preferred Area" for mineral extraction. As per the LDP glossary and PPW this is a location where permission for mineral extraction "might reasonably be anticipated" but (precisely because it is a "Preferred Area" and not a "Specific Site") it is not a location where any planning applications "are likely to be acceptable in planning terms". This is not a semantic distinction, but a deliberate distinction set out in PPW for the different ways in which locations for potential minerals workings can be identified at the LDP stage. The choice of seeking Preferred Area status was made by the appellant and was endorsed by the Council and by the LDP Inspector at the plan-making stage. It made sense because at that stage various matters were outstanding, not least as regards the acceptability of the amenity impacts of the western extension which was already known to necessarily encroach into the MTAN1 200 metre buffer zone (as noted in the LDP Minerals Background Paper).
237. The Preferred Area status of the western extension area was expressly subject to the need at the development management stage to satisfy all relevant environmental and amenity policies (see para 4.98 of the LDP and para 12.5 of the LDP Inspector's report).

Thus, SSA 25 does not provide any reason for weakening the protection given by those other policies, notably Policies CSI 0(6), AW5, and AWIO.

238. Because the western extension brings additional areas of Glyncoch in closer proximity to the working areas of the site, there is a need to consider whether there will be additional amenity impacts. The Council does not suggest that the amenity impacts will cover any different topics than dust, noise, and blasting but the effects will be increased by the inclusion of additional sensitive receptors who will be closer to the new areas of working that they are to the existing site. Primarily these are residential receptors (and reference has already been made to the 445 dwellings brought within 400 m of the western extension) but there are also receptors at the Cefn Primary School who will be brought within 164 m of the working areas (so far as the school grounds) and within 243 m of the working areas (so far as the school buildings), as shown by the plan in Appendix 1 of CD10.15).
239. In addition, these impacts will be experienced over a 25 year period (as opposed to a 6 year period with Appeal B) so there is a further 19 year period during which those harmful amenity impacts will arise. This is a further factor that increases the scale of harm.
240. The amenity impacts of dust, noise, and blasting have already been rehearsed in the discussion of Appeal B. The same mineral working activities are also proposed for Appeal A and it is therefore reasonable to expect the same adverse impacts on sensitive receptors. The analysis of conflict with the LDP when taken as a whole consequently also applies to Appeal A.
241. The Appellant also takes the point that the reason for refusal for Appeal A does not refer to any LDP conflict. This is another point of process rather than substance. The Reason refers to the fact that Appeal A involves encroachment into the MTAN 1 200m buffer zone without any sufficient or clear justification. Any sensible reader of that objection would understand from MTAN 1 (para 71) that "*The objective of the buffer zone is to protect land uses that are most sensitive to the impact of mineral operations by establishing a separation distance between potentially conflicting land uses. Research has indicated that people living close to mineral workings consider dust to be the main impact of mineral extraction and any processing operations, followed by traffic, and noise and vibration from blasting,*"
242. Any competent planning professional, aware of the plan-led system and the duty in s.38(6) PCPA 2004, understanding the purpose served by a buffer zone and the impacts it seeks to guard against, would then take themselves to the relevant policies of the LDP to see what test they set for assessing matters such as dust, noise and vibration from blasting, in relation to an encroachment into the buffer zone. That would take the planning professional to Policies CS10(6), AW5, and AW10. Thus, whilst as a matter of process it would have been better for the reason for refusal to have made that connection, there can be no substantive doubt that the connection is already implicit in the issues that the reason for refusal does raise. That connection is then expressly confirmed by the Council decision of 10 February 2022, clarifying that its reasoning does embrace conflict with the LDP.
243. There is a narrow point on whether the encroachment into the buffer zone is limited to five sensitive properties or embraces eleven sensitive properties. There are bigger issues in this case but the Council suggests that a purposive reading of paras 70 and 71 of MTAN 1 rather than an overly pedantic focus on one single word would suggest that the objective of the buffer zone is better achieved by looking at the separation of incompatible land uses rather than simply the separation of buildings from quarrying activities. Especially as regards residential amenity, the enjoyment of a dwelling is not confined to the built footprint but is expected to include its amenity space.

244. There is also a separate issue as to whether the harm arising in Appeal A could be avoided by a condition to exclude any extraction within 200m of sensitive properties (however defined). The Appellant does not put forward such a condition (other than as a last resort in APP 12/1, para 10.20) due to the reduction in exploitable reserves that it would entail. The Council does not promote such a condition because it would not address (a) impacts suffered by local residents within 200m of the existing plant and processing areas (which Appeal A seeks to maintain) or (b) impacts suffered by local residents beyond the 200m point of the western extension, such as those affected by dust at up to 400 m away. The MTAN 1 distance is expressed to be a "Minimum Distance" and in this case the Council considers it would be insufficient to safeguard the amenities of local communities.
245. Thus, the Council does not consider that such a condition should be imposed or would change the analysis that Appeal A is not in accordance with the LDP taken as a whole.
246. Turning to other material considerations, they are substantially the same matters as arise for Appeal B. Whilst Appeal A makes a greater contribution to the Council's landbank, that does not warrant any more favourable response in the light of the adverse impacts, for the reasons already set out in relation to the advice in PPW and MTAN 1 where mineral extraction cannot be achieved without unacceptable amenity impacts.
247. The conclusion for Appeal A is therefore the same as for Appeal B: there are no material considerations to sufficiently outweigh the conflicts with the LDP and the requirement to determine the appeal in accordance with its policies. Appeal A therefore should also be dismissed.

#### Overall Conclusion

248. Notwithstanding the economic benefits of providing further supplies of sandstone to support construction activity both within Wales and elsewhere in the UK (and noting that the Council has no alternative supplies currently identified for that purpose), the Council considers that the time has come to bring quarrying activities at the site to a close in line with its existing planning permission. The Council has reached this conclusion because of the effects that continued quarrying has and will have on the amenities and well-being of the affected communities closest to the site, most notably at Glyncoch but also for residents of Berw Road.
249. The Council acknowledges that in reaching this conclusion it made decisions contrary to the advice of its professional officers, both as regards Appeal A and as regards Appeal B. Indeed, it follows from the rejection of Appeal B that the Council considers that the planning controls that currently regulate quarrying at the site are not sufficient to safeguard the amenities and wellbeing of the affected communities and nor are those controls capable of being adjusted so as to provide an acceptable living environment for those communities. The Council also acknowledges that its position is not now based on a dispute about matters of technical evidence, such as the calculation of expected noise levels or air quality levels. The Council considers that there were some shortcomings in the technical evidence initially put forward but it accepts that supplementary technical evidence has been subsequently provided to address those matters.
250. The Council's position is based on a twin-fold stance. First, it considers that technical evidence has limitations as a sufficient measure of the impacts of the proposals on the amenities and well-being of the affected communities. Some of those limitations are recognised in the technical literature and guidance that relates to those matters. Second, the Council considers that in this case there is better empirical evidence available of the likely effects by reason of the lived experiences of the affected communities in relation to existing quarrying operations at the site. Those operations have continued under the current planning controls for the best part of a decade and it is obvious from the

responses of local people that those controls have not been adequate to safeguard the amenities and well-being of the affected communities, especially as regards noise, particularly resulting from blasting activity, and as regards dust.

251. This is not a case of simply adjusting the controls to address local concerns. The fundamental issue is the unduly close juxtaposition of incompatible uses. The Quarry is too close to residential areas (and vice versa) to allow an acceptable relationship to be created for continued working, whether for the next 6 years or for the next quarter century.
252. Ultimately, the key judgments in this case concern the relative weight to be given to the competing considerations of the safeguarding of the amenities and well-being of affected communities and the economic benefits of additional minerals supplies. The Council suggests that in any overall balancing between these considerations, it is the human factor that should prevail and local people closest to the site should not be expected to pay the price for the further extraction of minerals to meet wider societal needs. By 31 December 2022 they will have already made a more than sufficient contribution towards the costs of meeting those wider needs.

### **The Cases made by interested parties who appeared at the Inquiry**

253. In total, some 14 people spoke during the first Tuesday afternoon and Wednesday morning of the Inquiry which was set aside for interested persons to make their oral contributions.
254. The oral contributions reported below represent a summary. However, in all cases the full statement has been taken into account in forming my conclusions.

### **Objectors**

#### Heledd Fychan MS

255. I am a local resident and also one of two town councillors for the Pontypridd ward and also a Member of the Senedd for this region. Until May this year, I was also the Rhondda Cynon Taf Councillor for Pontypridd town ward and I spoke at a number of meetings on behalf of residents, to oppose this development.
256. A number of things have changed in Wales since the last time that the owners of Craig yr Hesg quarry received planning permission:
- In 2015, the Well-being of Future Generations Wales Act was passed.
  - In April 2019, the Senedd – or rather the Assembly as it was then – announced a climate emergency.
  - In December 2019, the Welsh Government began consultation on a Clean Air Plan for Wales: Healthy Air, Healthy Wales. However, in March 2020, a global pandemic led to the work to proceed with a Clean Air Law was reduced. Nonetheless, although work has slowed down, it is ongoing and there is a clear commitment in this Senedd's programme for government that there will be a new clean air law.
  - We have also seen the Government commit, as a result of the climate emergency, to reviewing all new road building projects.
  - In 2021, the World Health Organisation (WHO) published an update on air quality stating that research clearly shows the impact poor air quality has on health and that the levels considered safe were much lower than the levels that were considered safe in 2005, which was the last time I reviewed the levels. WHO states that *"Clean air is fundamental to health. Compared to 15 years ago, when the previous edition of these guidelines was published, there is now a much*

*stronger body of evidence to show how air pollution affects different aspects of health at even lower concentrations than previously understood. But here's what hasn't changed: every year, exposure to air pollution is still estimated to cause millions of deaths and the loss of healthy years of life."*

257. Why is this important? It shows clearly that we now have greater awareness and knowledge in terms of the link between air pollution and health, and also our duty not only to people living now, but also future generations.
258. The latest research confirms what the residents of Glyncoch and the whole area have known for decades – namely that air pollution from the quarry – that is the dust and also the traffic pollution linked to the quarry – has an impact on their health.
259. The quarry owners will certainly try to convince you of all the ways in which they ensure that the quarry is safe. But in terms of the residents that I represent, I can say for certain that they do not trust them to keep to their word. In recent years, this has been the reality:
- Clouds of dust have often been seen above the quarry with dust clearly visible from the mountain opposite. Traces of dust on tables and cars, and reports of dust are often given by residents.
  - The vibrations have been stronger than they are supposed to be, with residents mentioning being frightened and more than that, damage to their property. The lorries have been more consistent and heavier than they were supposed to be with houses shaking. The damage includes cracks in walls, and it is also believed that Berw Road has been destabilised.
260. If this were an application to open a quarry for the first time on this site, I am sure that it would have no hope of getting planning permission because of how close the quarry is to the local population and the fact that we understand better – and are more concerned – about the impact of industrial dust on health.
261. I urge you to respect the views of local residents, as well as the local Council, and to oppose this application. Similarly, there is a moratorium because of the climate emergency on building new roads. There should also be a moratorium on extending the life or area of a quarry that is so close to homes and communities. The materials for roads are not more important than people's health and lives.
262. The last time the life of the quarry was extended, local people were told it would be the last time this would happen. Yet nearly 30 years later, here we are, fighting an appeal so that their wishes can be realised. The people of Glyncoch, Berw Road and the surrounding area deserve better because we know better about the risks. I urge you to uphold the Council's decision in light of what we now know, rather than what we might have been willing to tolerate in the past.

Cllr Dawn Wood

263. I have been recently elected and live in Berw Road. From my own experience the road, my doors and windows are covered in a thick stone dust. 100's of residents complain to me about lorry movements, which run between 7am and 7pm. From this constant pollution the community is very worried about respiratory health.
264. Blasting shakes people's houses and has caused cracks in walls.
265. These factors make life miserable for the most deprived families, leading to negative mental health impacts. Overall human impacts should prevail over economic benefits.

Helen Jarman

266. My family has lived in the area for over 50 years. We have spent time and money on our home for it now to be damaged by blasting activities from the quarry. This includes damage to our boundary wall, the external walls of our house and internal walls. The floor in the lounge has also dropped leaving a large hole.
267. The biggest problem we suffer is the dust on all the surfaces of our home. This dust is obviously coming from the quarry and will cause long term health impacts.
268. I think the Council should offer a Council Tax reduction to communities that have to suffer such impacts.

Cllr Doug Williams

269. I am a Councillor for RCTCBC for the Glyncoch Ward and I am also part of the 'Quarry Action Group'. I have researched air quality and the WHO air quality targets are exceeded across local postcodes. There are higher levels of cancers and poor health in my ward, which is one of the most deprived in Wales. This can only be explained by the dust from the quarry. The dust is seen on windows, solar panels and inside properties across worktops.
270. The primary school is seriously affected by air over pressure from the regular quarry blasts, which has even broken the glass in my own conservatory, some 800 metres from the quarry.
271. There are other quarries in the area that can provide similar stone. Local residents are frightened by the quarrying activities which is giving rise to poor mental health.

Cllr Mike Powell

272. I am a Councillor for RCTCBC for the Trallwn Ward and I am also a member of the Pontypridd Town Council. Firstly, attention should be drawn to the recording of the RCTCBC Development Control Committee in July 2020, where the health impacts of the quarrying activities were discussed.
273. My main concerns relate to the transport impacts resulting from the quarrying activities. When the White Bridge is re-opened there will be increased use of these local roads. The HGV's regularly wait in the B&Q car park in the mornings prior to the quarry opening. This causes traffic delays as a queue of lorries forms, blocking junctions and narrow roads. Queueing HGV's also leads to increased air pollution from their exhaust fumes. Berw Road has to be regularly repaired due to HGV damage and consideration of this cost to the public purse should be weighed against any economic benefits from the quarry.
274. The appellant should be looking at alternative methods of transporting the materials, such as using the rail infrastructure.
275. I am concerned that the Council does not have the necessary resources to monitor the quarrying activities. One example of this was my request to get background air quality levels during the covid-19 'lockdown', whilst the quarry was closed, but this was not undertaken.

Cllr Simon Pritchard

276. I am the leader of the Pontypridd Town Council. I am here today to reflect on local feeling, which is overwhelmingly against the quarry. Any decision made today should not compound poor past planning decisions. In Glyncoch residents thought the end of quarrying activities were in sight, but now this could be increased further.
277. There are high levels of anxiety and stress in the area due to the noise and dust. It is not as if affected residents could move away, as who would buy a house so close to quarrying activities?

278. To my mind health and wellbeing are far more important goals in the WFGA than prosperity.
279. As we move towards a greener future there will be less road building and therefore aggregates will no longer be required. Any need for stone could be fulfilled by using secondary / recycled aggregate. Given this, an extension to the quarry is not required.

Vicki Howells MS

280. I am the Senedd Member for the Cynon Valley and my constituents are extremely worried about the impact of the variation of the planning conditions on their physical and mental health. It is recognised that the quarry has been in operation for many years, but research in health has shown the negative impacts poor air quality can have on health. Therefore, why should the public continue to suffer?
281. The area is in high deprivation, in fact the most deprived 10% in Wales particularly in terms of health. Dust and blasting are the most common concerns I hear about. Residents tell me that the dust monitors are in the wrong places and do not reflect the true situation.
282. The WFGA requires us to consider health impacts, including mental health. It should also be noted that In August 2020 the Welsh Government launched its Clean Air Plan for Wales: Healthy Air, Healthy Wales. The plan also set out an intention to introduce a new Clean Air Act for Wales. In January 2021, the Government published a White Paper setting out an indicative timetable for this, however this has been delayed due to covid-19. The Act will seek to protect and improve the health of the people of Wales.
283. As one of my constituents cannot be here today I will read out this email from Mrs Sian Griffith: The only free thing in life is air, but the air here comes with strings attached. My father recently passed away due to COPD and asthma. The quarry blasts shake our houses and the dust coats the windows, doors and outside furniture.

Keith Silk

284. I am a local resident who continues to suffer as a result of the quarrying activities. I live close to an active quarry and therefore insurance cover for my property is limited and I doubt any claim would be successful.
285. Quarrying activities sometimes start before 7am, which is in breach of planning conditions. Whilst I can tolerate the 'normal' working day activities, these early starts annoy me and cause anxiety.
286. The monitoring equipment is located in the wrong places. For example, the dust monitoring station in Garth Avenue is located under trees, which would limit the amount of dust it catches. In terms of dust I often see a dust haze over the quarry after blasting, which then moves across the local area. I have also noticed that blasting is altered when monitoring equipment is being used.
287. Quarry traffic makes it difficult to walk along Berw Road and cross the Railway Bridge. Traffic is also at a standstill in peak hours as the HGVs block junctions. The new quarry access has also caused highway concerns due to the drainage water running down the hill and freezing across the access.
288. There used to be a Liaison Group that met at the local Leisure Centre, but nothing changed at the quarry as a result of these meetings. Hanson has lost the trust of local residents because of their infringements of planning permissions.

**Supporters**

Josezanne Hughes

289. I am a Hanson Employee and I support the above applications and appeals because Craig-yr-Hesg Quarry has been in this community for the last 100 years. The reason it has been here so long is because it provides an essential and rare quality stone. Blue Pennant 68PSV. It is the most hard wearing stone used for surfacing motorways and A roads amongst other things.
290. Nowhere else in the UK provides this level of quality stone. We supply asphalt plants literally the length and breadth of Britain. Us not being here would affect jobs and road safety across the UK.
291. Every driver is given a copy of 'BE A GOOD NEIGHBOUR'. This explains to drivers our requirements of them. Be courteous on the roads, be mindful of local council planning time restrictions, always be sheeted when leaving site and always use the wheelwash to ensure we keep the roads clean. We also have a road sweeper in twice a day to keep the dust down and the quarry and roads outside as clean as we possibly can. Dust suppression systems are in full use at all times.
292. When the big storms hit 2 years ago and Pontypridd was under a few feet of water, the quarry provided man power, cleaning materials and equipment and a road sweeper to help people clean out their houses and surrounding areas.
293. The quarry provides numerous jobs for local people, I live 2 miles from the quarry. CYH also helps the local community in other ways. We have supplied funds and material to local developments in schools at Glyncoch, paved pathways to local allotments and sponsored Pontypridd under 11 's Mid District rugby team for their complete kit.
294. We welcome anyone to arrange an appointment and come to site and see what we do. We have had a few schools come here. We provide small sized PPE with hard hats and some goody bags for each child. They had photos with the front loaders and dumpers. They loved it. This is an essential quarry.

Mike Wilkes

295. I am employed by Hanson and support the appeals because the quarry supplies a limited natural resource to the asphalt industry nationwide, to make sure our roads are safe and maintained to the highest level. It also provides job opportunities to local people and businesses in the surrounding area as well as welcoming in the local community the quarry supports numerous local projects.

Mark Hopkins

296. I am employed by Hanson and support the appeals. I am aware of all the environmental controls that are required at the quarry and take great pride in the work that we do. The quarry provides essential building supplies as well as providing economic support for local families.

Phil Webb

297. I am a haulage operator I am a haulage operator and have been contracted by Hanson for over 20 years. I employ a number of staff and drivers who are locally based. We transport the Hanson stone nationally to complete roadworks. My lorries are all Euro 6 compliant to ensure cleaner emissions.

298. If the quarry closes then it may lead to redundancies within my business.

Mr Glyn Cullen

299. I am the general manager of KJ Services, which has been in operation for 50 years. We are based in the Rhymney Valley and employ approximately 100 people, including apprenticeships, in the south Wales area. We are proud to be locally based and provide sustainable employment.



300. We abide by the highest possible safety standards which Hanson require.
301. The local supply chain would be impacted if the quarry closed as Hanson tries to use local businesses to support its operations.

Nicholas Penny

302. I am a haulier contracted to Hanson. My business employs 6 people, 1 of which lives in Glyncoch. I have invested heavily in infrastructure to support the business. My drivers prefer working for Hanson as the hours are regular providing a better work-life balance i.e., no overnight stays.
303. Closing the quarry would have a significant negative impact on my business.

**Written Representations**

304. The Planning Inspectorate received 16 representations before the Inquiry opened and a further 105 representations supporting the proposals before it closed (APP19/1). Some people sent more than one representation. In the main, the objectors drew attention to the adverse effects of quarrying operations on air quality, the noise environment, blasting, traffic and thus the physical and mental health of the surrounding population. Those supporting the appeals drew attention to the economic benefits of the quarry and the unique qualities of the mineral reserves available.

**Responses from technical statutory consultees**

305. There were no objections to the proposed developments from technical statutory consultees comprising the Public Health Protection and Community Services Division of RCTCBC; Cwm Taf University Health Board; Public Health Wales; Highways Authority, Natural Resources Wales, CADW, Glamorgan Gwent Archaeological Trust, and the Health and Safety Executive.

**Conditions and Obligations**

306. In the event that the Welsh Ministers decide to approve the appeals, I consider the conditions set out in the attached schedules to be reasonable and necessary and would satisfy the tests set out in Circular 16/14: The Use of Planning Conditions in Development Management.
307. In the main, the Council and the appellant were agreed as to the conditions that should be imposed. The conditions in disagreement include: Appeal A Nos 17 and 28. Appeal B Nos 13 and 23. Conditions 13 and 17 relate to the measurement of the buffer zone distance. For the reasons set out below [335] I prefer the Council's assessment that measurements should include the curtilage of the property. Therefore, I have included wording to this effect in the condition. Conditions 23 and 28 refer to noise levels. The various ES's have assessed the impact of mineral extraction and processing and its mitigation on the lower dbA levels, albeit based on historic survey data. Therefore, I consider that these should be included within the planning conditions to provide certainty to the local community. The appellant has confirmed that the operations can meet these noise levels, which in any event represent worst case scenario.

Obligations

308. Two Planning obligations made under S106 of the Town and Country Planning Act 1990, dated 23 June 2022, were completed and presented at the Inquiry. In the event that the planning permissions were to be granted and implemented they would be subject to the obligations, which from the date of commencement of the development the owner will not carry out further winning and working of minerals on the site pursuant to the existing mineral planning permissions. The relevant planning permissions are:

- 56/86/0827, dated 20 August 1993
- 349/Z/970, dated 27 January 1970
- P.22/2/596, dated 20 August 1965
- 5183, dated 7 January 1949

309. The obligations are directly related to the proposed development, fairly and reasonably related to it and necessary to make it acceptable in planning terms. Furthermore, the obligations and their terminology are sufficiently precise and enforceable.

## Conclusions

310. Throughout my conclusions, numbers in [ ] are references to other paragraphs in the report.

## Main considerations

311. Having considered all the evidence and submissions I believe the main issues as set out in my opening of the Inquiry should be reframed. I therefore consider the main considerations for the Welsh Minister's determination of the appeals is:

- Whether the proposal is in accordance with the Development Plan and if not whether there are any material considerations that when taken together and weighed against any disadvantages of the proposal, are sufficient to outweigh the presumption in favour of determining planning applications in accordance with the Development Plan.

312. From all that I have seen and read there are no objections or concerns relating to landscape, visual impact, ecology, hydrology, cultural heritage, agricultural land quality impacts [80]. Accordingly, my consideration of the impact of the proposals are primarily focused on air quality, noise, blasting and ground vibration and highway safety.

## Planning Policy

313. The Welsh Minister will know that PPW makes it clear that the planning system should be genuinely plan-led. It says, at paragraph 1.22 that "Development plans must show how places are expected to change to accommodate development needs over the plan period. They provide certainty for developers and the public about the type of development that will be permitted at a particular location." Indeed, the preparation of local plans by the local planning authority involves the local community at every stage. The adopted development plan is therefore the expression of how the local community wishes to see its area develop and provides a high degree of certainty to all [63].

314. Thus, the starting point for the determination of planning applications is the development plan. Future Wales at Policy 19 promotes regional planning and in particular a co-ordinated framework for mineral extraction so that resources can be sustainably managed. Future Wales is a development plan with a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities.

315. It is common ground between the Council and the appellant that LDP policies: SSA25; AW14; CS10; AW5; and AW10 are relevant for the determination of these appeals [29]. In particular SSA25 identifies the western extension area (Appeal A) as a Preferred Area of Known Mineral Resource. PPW at 5.14.19 establishes that "*Preferred Areas which will be areas of known resources with some commercial potential and where planning permission might reasonably be anticipated.*" In understanding the 'reasonableness' of a planning permission other LDP policies would be called upon to assess: the safeguarding

of minerals (AW14) (in reference to Appeal A only); minerals extraction (CS10); new development (AW5); and environmental protection and public health (AW10).

316. RCTCBC has commenced preparation on a revised LDP for the period 2022 – 2037. I understand that RCTCBC will start the ‘Call for Candidate Sites’ process at the end of June 2022 – too early for the Inquiry to know whether any suitable mineral sites would come forward. In any event, according to the Revised LDP Delivery Agreement it is at an early stage of its preparation and therefore carries little weight.

Need for the mineral

317. LDP Policy CS10(1) confirms that the Council will contribute to local, regional and national demand for a continuous supply of minerals by maintaining a minimum 10-year landbank of rock aggregate reserves. In recognition of this LDP Policy SSA25 states that the “*Land adjacent to Craig yr Hesg Quarry, Pontypridd is identified as a Preferred Area of Known Mineral Resource.*” The supporting text to this Policy at paragraph 6.185 also establishes that “*The Regional Technical Statement identifies the need to allocate additional rock reserves in Rhondda Cynon Taf, to ensure a supply of general hardstone resources over the period of the LDP and given the requirement to take a share of the production presently derived from the Brecon Beacons National Park.*” This Policy has been through a number of rounds of community consultation and public examination by an independent Inspector to provide certainty for the local community [313].
318. PPW, at paragraph 5.14.15, includes a similar requirement for the maintenance of a minimum landbank of 10 years throughout the entire plan period. Indeed, PPW sets out at paragraph 5.14.10 that “*Ensuring the sustainable supply of minerals is a strategic issue which plays a fundamental underpinning role in supporting non-minerals development. Each mineral planning authority should ensure that it makes an appropriate contribution to meeting local, regional and UK needs for primary minerals which reflects the nature and extent of resources in the area and their best and most appropriate use, subject to relevant environmental and other planning considerations. For aggregates this should be done under the aegis of the North and South Wales Regional Aggregates Working Parties, whose role is to provide a regional overview of supply and demand and through the framework provided by the Regional Technical Statements for Aggregates.*”
319. Regional Technical Statements for the North Wales and South Wales Regional Aggregate Working Parties 2nd Review, September 2020 (RTS2) provides a sustainable approach to mineral development in Wales to ensure that an adequate and steady supply of aggregates can be maintained throughout Wales (and beyond, in the case of materials that are exported).
320. RTS2 (including the update following the Welsh Government RTS2 clarification letter) indicates an annual requirement for RCTCBC of 0.765m tonnes of crushed rock, which for the 25-year provision period of RTS2 (15 years plus a minimum 10-year landbank at the end of the period), requires a minimum provision for RCTCBC of 19.125 million tonnes. With permitted reserves of 9.83 million tonnes as at the RTS2 base date of 31 December 2016, this equated to a residual requirement to make an allocation for 9.295 million tonnes of new crushed rock reserves in a review of the RCTCBC LDP (if a 15-year replacement LDP were to have commenced from January 2017). These figures assume the availability of the permitted reserves in existing quarries, including the remaining 2.5 million tonnes of permitted reserves in Craig yr Hesg Quarry. If Appeal B were to be dismissed this remaining reserve would be effectively sterilised.
321. I acknowledge that the Council has not endorsed the RTS2 figures. However, there has been no alternative detailed assessment put forward that would cast doubt on these figures, which have been accepted by the majority of Councils in south Wales.

322. The Pennant Sandstone reserve at Craig yr Hesg is of national UK importance, due to its very high skid resistance (polished stone value (PSV)) properties [71]. The Appellant claims that there is an ongoing shortage of such material in Wales and the UK and that the anticipated development related growth is likely to compound this. RTS2, at paragraph 2.8 states that *“Indigenous sources of High Specification Aggregate (HSA) materials within England are very limited, and many are constrained by their location within National Parks. HSA exports from Wales are therefore of major significance.”*
323. Only one further quarry has been identified in RCTCBC, namely, Forest Quarry, to supply similar sandstone, but this site has been mothballed and is unlikely to re-open [72]. Moreover, I have no evidence that neighbouring Councils would be able to meet future Pennant Sandstone demand or that new mineral sites have been identified or ‘put forward’ by landowners.
324. I also note that Minerals Background Paper December 2009 (CD 7.1) confirmed that the Craig yr Hesg extension area was the only land that came forward as a Candidate Site for future mineral extraction, as an extension to the only working quarry in RCT producing HSA.
325. The quantity of material to be extracted from the western extension would be some 10 million tonnes and would amount to many years supply for the Council. On the contrary, to cease extraction in December 2022 would have a substantial negative impact on the availability of HSA aggregate across Wales.
326. Whilst local residents suggested that the sandstone could be imported from quarries elsewhere, such as a site in Cumbria [71], I have no evidence that this site has the productive capacity to service an increase in demand or any comparison of the environmental costs of such an option. Moreover, PPW (paragraph 3.14.48) states that *“The presence of an existing quarry should be a material consideration when considering a proposal for an extension. There may be benefits to extending a site in terms of shared infrastructure, for instance, as opposed to working a new greenfield site.”*
327. I heard from interested parties that the future increase in use of secondary aggregates should be taken into account when establishing the need for the pennant sandstone. PPW establishes at paragraph 5.14.12 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”*. However, I have no evidence that suitable secondary materials are available which meet the necessary skid resistance required for road surfacing.
328. To conclude on this matter, I have no evidence before me to demonstrate that there is no need for the continued extraction of pennant sandstone or that a sustainable supply could be sought elsewhere. Therefore, in accordance with PPW, I afford significant weight to the regional and UK need for such minerals and the requirement to maintain a 10 year minimum landbank.

### ***Living conditions of local residents***

329. PPW establishes at paragraph 5.14.2 that *“The role of the planning authority in relation to mineral extraction is to balance the fundamental requirement to ensure the adequate supply of minerals with the protection of amenity and the environment.”*
330. Further at paragraph 5.14.43 that *“Development plans should set out clearly the criteria that will be applied to minerals proposals to ensure that they do not have an unacceptably adverse impact on the environment and the amenity of nearby residents.”* MTAN 1 also contains guidance to reduce the impact of aggregate production and states at paragraph 75 that *“The potential impact on health must always be considered in relation to proposals for aggregates extraction”*.

331. The LDP was adopted prior to the publication of PPW 11 and does not contain any specific criteria to assess amenity impacts. Nonetheless, LDP Policy AW10 is relevant insofar as it establishes that development proposals “*will not be permitted where they would cause or result in a risk of unacceptable harm to health and / or local amenity*”. The written justification for LDP policy AW10 does not explain what would constitute an ‘*unacceptable harm to health*’ although when also drawing upon LDP policies AW5 and CS10, which similarly address harm to local amenities, it suggests it would be one that was ‘*significant*’ and ‘*limited to an acceptable proven safe limit*’. To my mind the term ‘*significant*’ will, in the absence of any other definition, be a matter of judgement, with reference to any defined standards. In support of this approach PPW at paragraph 5.14.42 states “*Any effects on local communities and the environment must be minimised to an acceptable standard*”.
332. It is common ground that the reports prepared by the appellant meet the methodology standards required by the Council and statutory consultees. I acknowledge that the Council raised concerns relating to the appropriateness of the technical base in relation to dust monitoring, however, further measurements were undertaken and these were not challenged by the Council [172]. The appellant’s responses during the Inquiry provided sufficient reassurance that the assessments are soundly based and that they are conservative. Whilst criticisms are made by local residents, no alternative detailed assessment has been put forward that would cast doubt on the findings of the appellant or indicate that the likely effects would differ from those assessed. The conclusions of the ES and SES can therefore be considered reliable.

#### The buffer zone

333. Buffer zones are extensively used to provide areas of protection around permitted and proposed mineral workings where new development which would be sensitive to adverse impact should be resisted. PPW states, at paragraph 5.14.45, that “*The maximum extent of the buffer zone would depend on a number of factors: the size, type and location of workings, the topography of the surrounding area, existing and anticipated levels of noise and dust, current and predicted vibration from blasting operations and availability of mitigation measures.*” Whereas MTAN1 advises, at paragraph 71, that for hard rock quarries the minimum buffer zone distance should be 200 metres, adding that “*...minimum distances should be adopted unless there are clear and justifiable reasons for reducing the distance. An example may be that, because of other means of control, there is very limited impact from the mineral extraction site.*”
334. LDP Policy AW14 point 5 states “*The limestone and sandstone quarries at Forest Wood and Craig yr Hesg, will be further safeguarded from development that would adversely affect operations by 200 metre buffer zones as shown on the proposals maps.*” A 200 metre buffer zone is currently extant at CYH Quarry.
335. The Appeal A proposal would impinge on the buffer zone, resulting in some 150 properties being within 200m of the extraction operations. Whilst the appellant disputes this figure I prefer the Council’s argument that the measurement of a buffer zone should be from the property boundary rather than the walls of a dwellinghouse or school given that these outdoor spaces are extensively used by the occupants for example play, gardening and relaxation [243]. My consideration of living conditions will therefore take this into consideration and ascertain whether there are clear and justifiable reasons for reducing the buffer zone distance.
- #### Perception of harm
336. The Council state that their reasons for refusal results from the objections made by local residents and that local residents’ perception of harm from development can be a material consideration [185-189]. Moreover, the Council consider that such objections can

be justified or warranted even if they are not supported by objective or scientific evidence, for example, where they are based on empirical evidence of past events associated with the use. I would also add that the impacts from living conditions need to be seen in the context of continuing operations over a number of years, rather than as isolated events.

337. The appellant provided legal submissions on this matter (APP13/1). I agree with the Council that public perceptions of harm can be a material consideration. However, as set out by the appellant, the weight to be attached to such submissions in the planning balance should be determined by the extent of the evidence advanced on that particular issue, which is a matter of planning judgement [85].

#### Well-being of Future Generations Act (WFGA)

338. As set out above [44] the planning function must be exercised in accordance with the WFGA. The WFGA places a duty on all public bodies to carry out sustainable development. In the WFGA 'sustainable development' means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the well-being goals. The well-being goals to achieve the Wales the Act wants to see are in summary:

- Prosperous - An innovative, productive and low carbon society which recognises the limits of the global environment and therefore uses resources efficiently and proportionately (including acting on climate change); and which develops a skilled and well-educated population in an economy which generates wealth and provides employment opportunities, allowing people to take advantage of the wealth generated through securing decent work;
- Resilient - A nation which maintains and enhances a biodiverse natural environment with healthy functioning ecosystems that support social, economic and ecological resilience and the capacity to adapt to change (for example climate change);
- Healthier - A society in which people's physical and mental well-being is maximised and in which choices and behaviours that benefit future health are understood;
- More equal - A society that enables people to fulfil their potential no matter what their background or circumstances (including their socio economic background and circumstances);
- Cohesive communities - Attractive, viable, safe and well-connected communities;
- Vibrant culture and thriving Welsh language - A society that promotes and protects culture, heritage and the Welsh language, and which encourages people to participate in the arts, and sports and recreation; and
- Globally responsible – A nation which, when doing anything to improve the economic, social, environmental and cultural well-being of Wales, takes account of whether doing such a thing may make a positive contribution to global well-being.

339. The Council argues that the WFGA supports the dismissal of the appeals due to the negative impact on the goal of a healthier Wales [222]. Furthermore, the planning system is there to ensure development improves the economic, social, environmental and cultural wellbeing of Wales. Therefore, planning decisions should do more than retain the status quo [225]. There is no dominant or hierarchy of goals and they must be considered as an integrated set of seven. To my mind achieving the goals set out in the WFGA and the exercise of the planning function is not just about balancing impacts; it is working towards a win-win solution and identifying the multiple benefits where they exist.

340. The WFGA is a golden thread that runs through PPW. At paragraph 1.18 PPW states that *“A plan-led approach is the most effective way to secure sustainable development through the planning system and it is essential that plans are adopted and kept under review. Legislation secures a presumption in favour of sustainable development in accordance with the development plan unless material considerations indicate otherwise to ensure that social, economic, cultural and environmental issues are balanced and integrated.”*
341. A key element of the Council’s case is that the impacts of dust, noise and blasting resulting from the proposals will adversely affect the mental well-being of local communities. Thus, the goal of a healthier Wales would not be achieved and certainly not maximised by the continuation of quarrying [227]. Moreover, as described in the Council’s Opening Statement (LPA5.1) at paragraph 6 *“The Council’s position is based on a twin-fold stance. First, it considers that technical evidence has limitations as a sufficient measure of the impacts of the proposals on the amenities and well-being of the affected communities. Some of those limitations are recognised in the technical literature and guidance that relates to those matters. Second, the Council considers that in this case there is better empirical evidence available of the likely effects by reason of the lived experiences of the affected communities in relation to existing quarrying operations at the site. Those operations have continued under the current planning controls for the best part of a decade and it is obvious from the responses of local people that those controls have not been adequate to safeguard the amenities and well-being of the affected communities, especially as regards noise, particularly resulting from blasting activity, and as regards dust.”*
342. The evidence relied upon by the Council is information acquired from observations made by the local community with their own appraisal applied. Whilst I do not dispute this evidence it is difficult to apply a robust approach to analyse it i.e., making ‘apple to apple’ comparisons. I would suggest that this information is anecdotal and is not supported by objective, independent evidence such as notarized documentation, photographs, audio-visual recordings.
343. Nonetheless, I accept from the evidence presented by some local residents that stress/fear/anxiety is caused by the quarry and the continuation of quarrying activities will add to these health issues. Stress and anxiety are recognised as factors affecting an individual’s mental health. Some of those who gave evidence also spoke to experiences of cancers and respiratory health issues of family members who had lived and worked in the area [258, 263, 267, 269, 277, 280, 283] and there were concerns that future scientific research may point to the air emissions from the quarry being harmful to human health [257]. It is therefore a consideration that falls within the scope of WFGA and LDP policy AW10.
344. Undoubtably, this is a complex matter where it needs to be established whether there would be/is an actual harm to health and well-being rather than a perceived impact. There were references to some specific incidents associated with the quarry, some of which are air quality issues. These included incidences of dust plumes after blasting [286] and dust being deposited over the windows of houses and external property such as garden furniture, children’s play equipment and cars. Blasting operations caught people ‘off guard’ and caused houses to shake and items to fall from shelves [259, 286].
345. I also heard that some interested parties consider that the appellant does not operate in a transparent manner, insofar as the local community does not trust the appellant to do what it says, and that the development may not proceed as the appellant says it will. Views were expressed that the area had now had its fair share of quarrying and it should stop as required by the existing planning permissions in place. These concerns result in stress and anxiety in the local community [258, 263, 267, 269, 277, 280, 283].

346. To my mind it will be the case that an unspecified number of people in Glyncoch will experience stress and anxiety, as would be seen in any community. Nevertheless, I understand that when a planning application is proposed in a community that is specifically vulnerable to adverse health conditions [115], that such stress and anxiety may be exacerbated. Although, it should be noted that stress and anxiety can be caused by other factors such as economic [117].
347. It would be reasonable to assume that, given their nature, the highly specialised quarrying and mineral processing operations are strictly regulated by the appropriate body, including NRW and RCTCBC, to the standards that are required. Nonetheless, it would appear that some local residents see a clear link between the appeals site and the poor quality of the health of some residents. The local community is well aware of the poor quality health experienced generally and the level of deprivation recorded [269, 281].
348. The Welsh Minister will be aware that planning decisions should assume that pollution control regimes will operate effectively. I have no substantive evidence before me to conclude that NRW or the Council's development control processes have or would not work effectively, and that the proposal would be delivered in line with the planning permission and associated Environmental Permits.
349. From all the evidence before me the stress and anxiety felt by the local community is somewhat justified. However, my reasoning below seeks to establish whether there would be/is an actual harm to health and well-being.

#### Air Quality

350. The planning applications were accompanied by a suite of technical reports and further updates to these were presented to the Inquiry. The air quality assessments primarily considered potential changes in levels of local PM<sub>10</sub> (particulate matter of 10 µm or less) and whether the proposals could influence future compliance with relevant Air Quality Objectives (AQOs) that have been established in relation to the protection of human health. Further assessments also considered the potential for nuisance or disamenity dust impacts. The Council's and other objectors to the appeals raised concerns at the Inquiry with regard to the location of the dust monitors, lack of standards for nuisance dust and no site-specific threshold has been agreed between the site operator and the LPA.
351. A period of dust deposition monitoring was undertaken over the period October to December 2014 to inform the 2015 ES. A further short-term three-month dust monitoring exercise was also completed in 2021 comprising deposition and directional dust at several downwind locations, which, where feasible, replicated the original 2014 monitoring locations. The Council were consulted as to the locations of the monitoring devices and no concerns were raised. The appellant also confirmed that the devices were regularly checked to ensure that vegetation or other obstructions did not impede their operation.
352. The standards and objectives relevant to the Local Air Quality Management (LAQM) framework are prescribed through the Air Quality (Wales) Regulations 2000 and Air Quality (Wales)(Amendments) Regulations 2002. The applicable air quality objectives and limit values currently applicable to the UK and relevant to the Site and Proposed Development with regards to the protection of human health are set out in APP6/1.
353. In August 2020 the Welsh Government published a 'Clean Air Plan for Wales' which sets out the Welsh Government's plans for improving air quality over a 10-year pathway. This includes proposals for a new Clean Air Act for Wales to enhance existing legislation and introduce new powers to further tackle air pollution. The final Bill is not yet available.
354. 'Guidance on the Assessment of Mineral Dust Impacts for Planning', published by 'The Institute of Air Quality Management' (IAQM) was extensively referred to at the Inquiry.



This document provides specific non-statutory guidance in relation to dust and mineral extraction. The guidance clarifies when a dust assessment is required and outlines a recommended methodology for carrying out impact assessments and determining the significance of impacts and effects. The guidance also sets out suggested approaches to mitigating emissions and impacts. Whilst the guidance is designed specifically for use in England, no parties have raised any concerns that it could not be adapted appropriately for use in Wales.

355. Using the IAQM guidance the predicted impacts and effects at individual receptors takes account of a number of factors, such as, but not limited to:

- the existing and future air quality in the absence of a proposed development;
- the extent of current and future population exposure to the impacts and the severity of those impacts, whether in relation to ambient pollutant concentrations or dust soiling;
- whether the predicted impacts potentially result in failure to achieve compliance, or enhance compliance, with EU Ambient Air Directive values and / or UK AQOs and national and / or local air quality action plans;
- whether the predicted impacts potentially result in the need for declaration of a new or extended AQMA, or removal of an existing AQMA;
- whether the predicted impacts potentially result in permanent or temporary damage or improvements to nature conservation sites of local, national or international importance and the geographical extent of those impacts; and,
- the influence and validity of any assumptions adopted when undertaking the prediction of impacts.

356. The results from the air quality assessments show the following impacts and effects:

- a review of the available PM<sub>10</sub> monitoring data suggest potential impacts at the nearest receptors due to contributions to PM<sub>10</sub> concentrations from the existing quarry activities, when compared to a baseline of 'no quarry activity' could be *slight to moderate* adverse at most; reducing to *negligible slight* at receptors further away;
- receptors are more distant to the proposed extension and as such potential contributions to PM<sub>10</sub> concentrations are predicted to be *negligible*;
- extensive PM<sub>10</sub> monitoring has been undertaken in the locality and confirmed that PM<sub>10</sub> concentrations at Garth Avenue remain well below both the long-term and short-term AQOs; the data has confirmed that RCTCBC does not need to progress to declare an AQMA in the area.

357. Accordingly, the technical evidence to the inquiry shows clearly that PM<sub>10</sub> levels would remain below relevant air quality limits. This finding is strengthened by the lack of objection from statutory consultees including PHW and CTUHB. Moreover, the Council agreed a DMMP which seeks to bring together the management and monitoring measures that were to be implemented specifically in relation to dust taking into account the existing planning permission and Permit controls and included measures in relation to both the continuation of the existing quarrying activities and the proposed extension. The DMMP would be formally reviewed every 2 years from the date of planning permission so that it could be updated in agreement between the operator and LPA.

358. The Council does not dispute the air quality evidence in respect of particulates of PM<sub>10</sub> or below [171]. However, it does dispute the appellant's conclusions in respect of nuisance or dis-amenity dust and provided evidence through the representations made by

local residents and past complaints. A review of complaints received by the site due to fugitive dust indicate a total of 11 complaints received over the period 2012-2016 and 4 in 2021. As background, the ES states that between 2012 and April 2014 72 blasts were undertaken.

359. Given the nature and scale of the proposed works local anxiety about air pollution and any related health implications are reasonable. The ongoing movement of topsoil, subsoil and overburden, along with the extraction and processing of minerals and any transportation, would have the potential to generate dis-amenity dust.
360. There is no dispute that there are no statutory requirements, standards, or limits to define what is, or not, an appropriate level of deposited dust to avoid significantly harming living conditions. No specific standards were put forward by the Council. The appellant Instead used a number of 'custom and practice' thresholds alongside other criteria such as the frequency of occurrence to enable a conclusion to be drawn as to whether deposited dust causes annoyance or disamenity. I consider this is a robust approach which did not raise objections from statutory consultees.
361. Dust deposition monitoring was carried out over the periods: October – December 2014; March 2021 – April 2022. Additional monitoring locations were also established both on and off-site in January 2022. In summary the results highlighted that:
- dust deposition rates at Conway Close are consistently low at rural background levels (other than on one single round) with no evidence of significant dust deposition from the quarry or other sources;
  - dust deposition rates on the north-western perimeter of the current extraction and working areas have been variable with the rates over the 13-month period broadly similar to 'residential areas and the outskirts of towns' in the UK; there have been occasional exceedances of the indicative 'custom and practice' screening thresholds but these monitoring locations are not representative of sensitive receptors and do not reflect conditions at receptors closest to the existing extraction areas;
  - dust deposition rates on the haul road close to the Primary Crusher feed hopper have been variable and are typically above the screening thresholds referred to; but these measurements do not reflect conditions outside the site boundary due to separation distance and the intervening tree belt but provide information on conditions within the site;
  - One round of data is available for the two off-site monitoring locations. Dust deposition rates here are well below the indicative threshold referred to, and substantially lower than those reported on the site boundary over the same period. Deposition rates recorded at the two off-site locations were at level reported in the UK for 'residential areas and the outskirts of towns' and 'commercial centres of towns'.
362. Dust particles emitted from mineral workings have a relatively high mass and generally deposit within 100m of the point of release, with the remainder being deposited within 200- 400m of source [174]. Since Cefn Primary School and a number of properties along Conway close lie, respectively, some 164metres and 170metres from the edge of the extraction area, with a substantial part of Glyncoch community lying within 400m, it is clear that some potential exists for these properties to be affected by dust. I take the point that, even with the use of good practice measures in line with the accepted guidance, it is unlikely that dust could be entirely eliminated. Nevertheless, there would be a fair degree of distance, even accounting for the reduction in the buffer zone, separating sensitive receptors from site workings.

363. The appellant recognises that the appeal proposals may result in dust at nearby sensitive receptors, however, suitable planning conditions could mitigate this impact. The DMMP would also ensure dust levels are monitored and reviewed which would facilitate a site-specific threshold to be considered. Furthermore, the proposed landscaping bund and tree planting would also reduce fugitive dust emissions. I also acknowledge that except for work on the creation of a landscaping bund, which would be for a limited period at the beginning of the operation, large diesel vehicles and plant operating on the site would generally be working within the quarry void.
364. Dust and poorer air quality might at times affect areas close to the mining operation, however, the technical evidence to the inquiry shows clearly that PM<sub>10</sub> and dis-amenity dust levels would remain below relevant limits. With monitoring and remediation measures, such as those set out in the DMMP, any such adverse impact could be readily addressed such that, at worst, any resultant harm would be of short duration. This could be ensured by appropriately worded conditions. Overall, I do not consider the likely frequency or magnitude of such dust deposition incidences to be such that would result in significant adverse impacts on amenity on nearby sensitive land uses.
365. I find that, with regard to air quality, there would be no conflict with LDP Policies AW10, AW5, CS10 [35-40]. Furthermore, given the mitigation measures in place, which would provide other means of control to justify a reduction in the buffer zone, the proposals would not exacerbate or create poor air quality where the WFGA goal 'a healthier Wales' aims to reduce average population exposure to air pollution.

#### Noise

366. As set out in the SoCG for Appeal A at paragraph 9.33 and 9.34 (CD10.15) "*noise limits in accordance with guidance on noise from mineral working can be regulated by planning conditions. There is no reason to believe that noise limits in accordance with guidance on noise from mineral working could not continue be regulated by planning conditions in accordance with the identified guidance on noise.*"
367. As set out in the SoCG for Appeal B at paragraph 8.20 and 8.21 (CD10.16) "*Noise monitoring has confirmed that the current noise limits imposed by RCT are being adhered to in all cases (ref condition 18 of the ROMP schedule of conditions). In the event that the appeal is allowed the Inspector could seek to re-instate these or similar noise conditions on a permission for the requested extended time period.*"
368. Nonetheless, as I heard at the Inquiry there is local concern about noise emanating from the quarrying operations [277]. Operations at the existing quarry do generate noise at times from the movement and operation of large diesel vehicles and equipment. Blasting is also particularly intrusive in this suburban area. The western extension would also move operations closer to residential properties and a primary school.
369. Minerals proposals are expected to make provision for the control and mitigation of noise emissions. Impact should be assessed in the context of the prevailing acoustic environment. MTAN1 at paragraph 88 sets out that where background noise is less than 45 dB(A), noise limits should be defined as background noise levels plus 10 dB(A). However, allowance is made for noisy, short-term activities such as soil-stripping or at times when bunds are being constructed or removed but should not exceed 67dB(A) for periods of up to 8 weeks in a year at specified noise sensitive properties.
370. The results from the most recent noise survey in March 2021 highlights:
- For Conway Close in March 2021, the measured background noise levels were in the range 30-47 dB L<sub>A90,T</sub> during the hours of operation of the quarry. The average background noise level was 37 dB L<sub>A90,T</sub>. The observations during the set up and

collection of the installed meter indicated that current site activities were not audible at this location.

- For Cefn Heulog in March 2021, the measured background noise levels were in the range 29-46 dB  $L_{A90,T}$  during the hours of operation of the quarry. The average background noise level was 36 dB  $L_{A90,T}$ . The observations during the set up and collection of the installed meter indicated that current site activities were also not audible at this location.

371. Additional baseline surveys were also conducted in March 2022 to allow noise measurements to be obtained at these locations without any contribution from site activities.

372. In summary the results indicated that:

- The proposed limits for Conway Close are proposed at 46 dB  $L_{Aeq,1h}$  which is more stringent than required by MTAN 1 based on the recent survey data.
- The background noise levels measured at Pen y Bryn show that the background noise levels are fairly consistent. Therefore, the maintained site noise limit of 47 dB  $L_{Aeq,1h}$  is appropriate at this location.
- The proposed limits for Garth Avenue of 54 dB  $L_{Aeq,1h}$  is more stringent than required by MTAN 1 based on the recent survey data.
- The recent noise measurements in March 2022 had an average result of 53 dB  $L_{A90,1h}$ . The MTAN1 limit based on the 2022 data would be 55 dB  $L_{Aeq,1h}$ . Therefore, the suggested site noise limit of 55 dB  $L_{Aeq,1h}$  is appropriate for Rogart Terrace.
- At Cefn Heulog the additional measurements from the installed meter in March 2022 had an average background noise level of 37 dB  $L_{A90,T}$ . The MTAN1 limit based on the 2022 data would therefore be 47 dB  $L_{Aeq,1h}$ . This is 2 dB above the previously suggested site noise limit of 45 dB  $L_{Aeq,1h}$  for this location. Accordingly, the limit of 45 dB  $L_{Aeq,1h}$  suggested for Cefn Heulog is more stringent than required.
- At Cefn Primary School the additional measurements from the installed meter in March 2022 had an average background noise level of 38 dB  $L_{A90,T}$ . The MTAN1 limit based on the 2022 data would be 48 dB  $L_{Aeq,1h}$  at the school buildings. This is 3 dB above the previously suggested site noise limit of 45 dB  $L_{Aeq,1h}$  for this location. As such the limit of 45 dB  $L_{Aeq,1h}$  suggested for Cefn Primary School is more stringent than required.

373. As established at the Inquiry all of the calculated reasonable worst case site activity noise levels, without any additional mitigation, have shown compliance with these suggested site noise limits. This indicates that site noise is at an acceptable level to avoid a significant effect at noise sensitive properties. Given that at some locations the noise limits are more stringent than MTAN 1 guidance and have been assessed through the ES process provides additional reassurance for the local community. From all the evidence before me, it is therefore these more stringent limits that should be used within the planning conditions.

374. Blasting operations can have unacceptable noise impacts if not conducted correctly. Environmental effects of noise associated with blasting may arise from the blast itself and from the secondary effects of air overpressure. The former would generally only be noticed infrequently and close to the quarry, whilst the latter could be experienced further away.

375. MTAN1 establishes at paragraph 81 that *“Because air overpressure is transmitted through the atmosphere, meteorological conditions such as wind speed and direction, cloud cover and humidity will all affect the intensity of the impact. In view of this unpredictability, planning conditions to control air overpressure are unlikely to be enforceable. This is not a reason for doing nothing and careful blast design should be able to resolve excessive levels of air overpressure. Such details are controlled by quarry regulations which impose requirements relating to health and safety at quarries.”*
376. Blasting is carried out at CYH Quarry one to four times per month, depending on market demand. The duration of a blast in terms of noise is of short duration, similar to a clap of thunder. Blasts are monitored, with records kept detailing the results of vibration, air over pressure, and the blast design as part of the Environmental Management System (EMS) implemented at the quarry.
377. The extant planning conditions at the site places a limit for peak air overpressure of 120 dB(Linear) which I was informed by Dr Farnfield is a very low level and will often result in apparent breaches of the condition when monitoring takes place in windy conditions. From site monitoring records in the period 2018 to 2022 the limit was exceeded on 11 occasions with a typical value being 114 dB(Linear) or 10 Pa (APP9/1).
378. Whilst the control of air overpressure by planning condition is not supported by MTAN1 [372], the appellant supports a condition to design and monitor blasts to minimise the extent of air overpressure and to review exceedances of 120dB and implement any findings. I consider the condition to be a practical approach to the management of air overpressure which recognises that there are technical difficulties in reliably monitoring data due to weather conditions whilst ensuring that every possible step is taken to minimise the impact.
379. The proposed screening bund along the eastern and northern sides of the proposed operation would significantly reduce noise emissions from the site over the lifetime of the operation. Nonetheless, vehicles engaged in the landscaping works might not be fully screened at all times by the existing planting. As such vehicle noise could be intrusive. I accept that noise from diesel vehicles and plant could be restricted by conditions, including lower restrictions than currently exist. Nevertheless, there would be limited occasions when particular activity in certain locations, combined with particular atmospheric or weather conditions, would result in noise, particularly low frequency noise, affecting sensitive receptors located close to the quarry.
380. In reaching this conclusion I acknowledge that the area is affected to some extent by road traffic and other ‘urban’ noise and is not recognised as a tranquil area. I also note local residents’ concerns relating to whether the operator would comply with planning conditions. But that would be a matter of law to be determined on the basis of the particular circumstances, having regard to the character of the noise and many other considerations. In any event I am entitled to take the view that conditions will be adhered to and enforced if they are not.
381. Noise from the operational quarry would at times be intrusive and would, to some extent, detract from the enjoyment of the area. Nevertheless, I am satisfied that the noise controls suggested here, some of which are more stringent than the MTAN 1 requirements, would avoid the proposals having a significant adverse impact on health and the living conditions of local residents, even with a reduction of the buffer zone. Accordingly, the proposals would comply with LDP policies AW10, AW5, CS10 [35-40]. Moreover, given the mitigation measures in place the proposals would not exacerbate or create a poor quality soundscape where the WFGA goal ‘a healthier Wales’ aims to reduce average population exposure to noise pollution.

#### Blast vibration

382. As I was informed at the Inquiry MTAN1 notes that the level of ground vibration likely to generate complaints varies considerably from person to person and from site to site. MTAN1 also notes that people are relatively sensitive to ground vibration and are likely to have a threshold of perception as low as  $0.5 \text{ mm.s}^{-1}$ . It should be noted that vibration levels between  $0.6 \text{ mm/s PPV}$  and  $50 \text{ mm/s PPV}$  are routinely experienced in everyday life within a property and are considered wholly safe. MTAN1 also notes that local residents are often concerned about the possibility of structural damage to their properties.
383. The appellant stated that with experience and knowledge of the quarry factors which influence ground vibration, such as blast type and design, site geology and receiving structure, the magnitude and significance of any blast induced vibration can be accurately predicted. Accordingly, blasting operations at Craig yr Hesg have and can be controlled to comply with the limits recommended in MTAN1 relating to ground vibration and enforced via planning conditions. Nonetheless, given the concerns raised by local residents the levels of vibration are very perceptible and said to cause structural damage.
384. The susceptibility of individuals to vibration will vary from person to person depending on factors such as age, health, physical attitude and to a large extent, previous exposure. As Dr Farnfield explained during his evidence vibration can be felt or heard well below the levels that result in damage to structures. Although not significant in terms of structural risk, these situations result in homeowners often being concerned something serious could happen to their property.
385. On my site visit I was shown damage to properties where the occupiers stated this was due to blasting activities. Nevertheless, the occupiers did not have any structural surveys or evidence to lay the cause of the damage at the door of the quarry. In this respect many domestic properties will exhibit cracks that may be wrongly attributed to blasting activities. There are many additional reasons why properties will develop cracks, for example: fatigue and ageing of wall coverings; structural overloading; and foundation settlement, particularly after times of prolonged dry spells.
386. Blasting will continue to be required at the appeal site. The assessment shows it would be possible to satisfy the relevant criteria in relation to nearby residential properties. Subject to controls, including increased public liaison, I consider that the proposal would not have an unacceptable effect on local amenity with regard to blasting and vibration.

#### Highway safety

387. Many local residents explained to me at the inquiry their concern about the effects of HGVs from the quarry on the local road network [273, 287]. HGVs would use the improved existing access onto Berw Road and then join the A470. Given the character of Berw Road, I understand local concerns about the impact of the proposal on highway safety.
388. However, there is no technical evidence to indicate that the existing road network could not reasonably accommodate the traffic generated by the appeal schemes or that the traffic would result in unacceptable harm to highway safety or conflict with relevant LDP Policies. Accordingly, I find no reason to dismiss the appeal on highway safety grounds.

#### Living conditions conclusions

389. The overall effects on amenity need also to consider the possibility of a combination of impacts in some places, and for some receptors, that might include adverse effects from the reduction of the buffer zone, noise and dust pollution. Some impacts might have a cumulative effect over time given the past history of quarrying in the area.

390. I have no reason to doubt the experiences put forward by local residents and their genuine concerns relating to health and well-being. Nevertheless, this evidence is not corroborated or substantiated by the technical evidence which has been accepted by the Council. It is this technical evidence which provides the basis for assessing a planning proposal as established by planning policy [331].
391. Taking all these considerations into account, I find that Appeal A would in particular have a short term minor adverse effect on the living conditions of neighbouring residents due to the land stripping and soil movement activities in proximity of their homes and school. However, once the landscaping bund and planting was in place this would reduce to a negligible effect.
392. Overall, I consider that the proposals would not cause unacceptable adverse amenity impact and any impact on local communities can be minimised to an acceptable level. I conclude that the proposals would be in accordance with LDP Policies AW10, AW5, and CS10.

### ***Benefits of the proposed development***

#### **Supply and demand**

393. It is expected that some 15 million tonnes of aggregate would be extracted as a result of these appeals [25]. There was no dispute that there was sufficient market demand to make the full use of this material. This would still be the case even if alternative sources of supply such as the Forest Quarry site were also to come on-stream. In addition, whilst there are technological developments currently in progress which may well lead to alternative forms of road surfacing materials in the longer term, they are unlikely to obviate the demand for high PSV aggregate during the period this site would be in operation.
394. Added to this PPW Paragraph 5.14.48 sets out that “*The presence of an existing quarry should be a material consideration when considering a proposal for an extension. There may be benefits to extending a site in terms of shared infrastructure, for instance, as opposed to working a new greenfield site.*”
395. Having regard to all these factors therefore, I consider that the projected supply of HSA should be taken to represent a national benefit carrying significant weight, in accordance with its status within PPW as a mineral of national importance.

#### **Economic benefits**

396. One of the limbs of sustainable development is economic wellbeing. Further, the goals of the WFGA are to deliver a prosperous Wales, an equal Wales and a Wales of cohesive communities, all of which include some element of economic involvement.
397. As I heard at the Inquiry the quarry currently directly supports a number of jobs in the surrounding area and indirectly those in the wider supply chain. In particular I heard from a number of haulage contractors who explained the importance of the quarry for their businesses [297, 299, 302]. Local employment would be particularly important in an area that suffers from high levels of deprivation, which would be highly sensitive to any change in the socio-economic environment and thus impacting on the maintenance of a viable community as set out in the evidence provided by Dr Baroni [APP10/1]. The Council did not provide any evidence to counter this.
398. Moreover, the resources of stone available at the quarry have a Polished Stone Value (PSV) of +68 to 70 and an Aggregate Abrasion Value of <10, making it one of the highest quality sources of skid resistant surfacing aggregate not only in South Wales, but the UK. The sale of stone provides economic benefits to the appellant, which in turn would be invested into the workforce as well as supporting local projects like sponsoring the local

rugby team [293]. Additionally, the stone is used in infrastructure improvements which benefit the wider economy of Wales. Indeed this point is made at paragraph 5.14.22 of PPW stating *"It is essential to the economic health of the country that the construction industry is provided with an adequate supply of the minerals it needs."*

399. With that in mind, I consider that the proposals would deliver / continue to deliver considerable benefit in relation to both the local and wider economy.

#### Access to countryside

400. It is agreed by the parties that the development would provide rights of way improvements. At present there is no formal access to the countryside to the west of Glyncoch, and the proposals make provision for a new right of way from Glyncoch westwards to link with existing rights of way at Darren Ddu Road and the network of public footpaths beyond. This includes a link to the Pontypridd Circular Walk.

401. This represents a local benefit of substantial value and would support a healthier and cohesive Wales by providing a choice of recreational walks, access to the countryside and providing spaces for people to interact.

#### Biodiversity enhancement

402. PPW, at paragraph 6.4.3, states *"The planning system has a key role to play in helping to reverse the decline in biodiversity and increasing the resilience of ecosystems, at various scales, by ensuring appropriate mechanisms are in place to both protect against loss and to secure enhancement"*

403. The proposed screening landform associated with the western extension development which would be constructed within the buffer zone would enhance biodiversity by virtue of the substantial tree planting and regeneration of acid grassland proposed. It would also enable a linkage between currently unconnected blocks of woodland. The progressive natural regeneration and restoration of the quarry would also provide further areas of habitat for bats, birds, invertebrates and reptiles.

404. In terms of Appeal A: A suggested planning condition (Appendix 1 no 38) sets out the requirement for a Species Protection, Habitat Management and Tree & Woodland Protection/Management Plan species protection

405. In terms of Appeal B: The Ecological Management Plan, dated May 2021, which could be secured by condition (Appendix 2 no 32), provides for existing site habitat management, restoration habitat management and update protected species surveying and monitoring.

406. Whilst some of the proposed biodiversity enhancements are required to mitigate potential harm to living conditions, it seems to me that the whole scheme(s) would result in biodiversity benefits that should be accorded moderate weight.

#### Community liaison

407. It is proposed to re-establish the liaison group to provide a mechanism for contact between the operator and those living locally as well as providing greater publicity of blasting events. This may indeed help local residents too understand the operations within the quarry and the appellant to understand any impacts of their operations externally [288]. This may also assist in improving transparency and trust between the parties.

408. Despite this benefit, to my mind, this should attract little weight in the planning balance, given that it would be necessary as a direct consequence of the development, and would not result in any other advantage for the local community.

### ***Planning Balance and Overall Conclusion***



409. There is considerable local opposition to the proposed development, which is evident from the written representations and the submissions made at the Inquiry, but also sizable support for the scheme. One of the aims of national planning policy is to strengthen local decision making [313]. However, local opposition or support for a proposal is not in itself a ground for refusing or granting planning permission, unless it is founded upon valid planning reasons. The application therefore falls to be determined on its planning merits.
410. PPW at paragraph 5.14.42 states “*Any effects on local communities and the environment must be minimised to an acceptable standard*”. Therefore, an acceptable proposal need not necessarily result in no harm, or even no ‘net’ harm.
411. It is common ground that there would be no material harm in respect of the landscape character and appearance of the area, which is neutral in the final balance. I also found no significant harm in terms of road safety or blasting and vibration, which would comply with LDP Policies AW10, AW5 and CS10 [35-40].
412. Whilst I found some limited harm to local amenity, in terms of operational noise and air quality, during the construction of the landscaping bund, this would not be a significant adverse risk to be contrary to the LDP. The proposed conditions would adequately limit any amenity impacts to an acceptable standard.
413. The overall benefit for biodiversity would be a consideration attracting moderate weight in favour of the proposed development in the planning balance. The increased access to the countryside and provision of Public Rights of Way also attracts substantial weight.
414. The resources of stone available at the quarry have a high PSV making it one of the highest quality sources of skid resistant surfacing aggregate not only in South Wales, but the UK. From the evidence before me there is a likely national need for this mineral and this should be accorded significant weight for allowing the appeal and within this I also include the economic benefits. Whilst I acknowledge the need to make greater use of secondary aggregate and that alternative sites may come forward in the future, I do not find that the ‘significant weight’ afforded to the need for the mineral should be reduced.
415. Decision makers must determine planning applications in accordance with the development plan, unless material considerations indicate otherwise. I have found that the proposals and their associated mitigation measures would comply with the development plan and WFGA, PPW and MTAN1 which are also important material considerations in this case.
416. Overall, I find that the proposed developments would accord with the development plan when considered as a whole. For the reasons given above and having regard to all other matters raised in evidence, I conclude that the appeals should be allowed.
417. In reaching these conclusions, I have taken into account the requirements of sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act’s sustainable development principle through its contribution towards one or more of the Welsh Ministers’ well-being objectives, including building an economy based on the principles of fair work, sustainability and the industries and services for the future and making our cities, towns and villages even better places in which to live and work.

## Recommendation

418. I recommend that the appeal reference APP/L6940/A/20/3265358 for the construction of a landscape screening landform around the eastern and northern margins of the extension area; construction of a screen mound along the western boundary of the

extension area; the extension of Craig yr Hesg Quarry via the phased extraction of some 10 million tonnes of Pennant Sandstone; extraction of the remaining reserves of some 5.7 million tonnes of sandstone within the existing quarry; retention of existing aggregate crushing screening plant to process sandstone from the existing quarry and extension site together with related access roads and infrastructure; use of existing approved quarry access road to the public highway; and implementation of a comprehensive restoration scheme for the application site to establish amenity grassland, woodland and nature conservation uses be allowed subject to the conditions set out in Appendix A to this report.

419. I recommend that the appeal reference APP/L6940/A/21/3282880, for the continuation of quarrying and related operations without complying with conditions 1-4 inclusive and conditions 45 and 46 imposed on the Environment Act ROMP schedule of conditions issued by RCT Council on 24th April 2013, ref 08/1380/10 be allowed subject to the conditions set out in Appendix B to this report.

*J Burston*

Inspector

## Appendix A: Schedule of Recommended Planning Conditions - Appeal A

1	<p>The development hereby permitted shall be commenced before the expiration of five years from the date of this permission. The developer shall give the Local Planning Authority not less than 14 days prior written notice of the 'date of commencement of development'. This shall be taken as the date of commencement for monitoring purposes.</p> <p>Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 (as amended)</p>
2	<p>The extraction and processing of minerals from the site shall cease by 31st December 2047, restoration shall be completed by 31st December 2049 and all residual stocks, fixed plant and buildings to which this permission relates shall be removed by 31st December 2049. For a period of 5 years from the date of completion of restoration the site shall be managed in accordance with the approved aftercare scheme submitted under the provisions of Condition 54 below. The planning permission shall expire following the complete restoration and aftercare of the site in accordance with the approved restoration and aftercare schemes submitted under the provisions of Conditions 52 and 54 respectively.</p> <p>Reason: the minerals development permitted is temporary in nature.</p>
3	<p>The development shall be carried out strictly in accordance with the following approved plans and documents, unless otherwise stipulated by conditions:</p> <ul style="list-style-type: none"> <li>• Planning Application Statement (May 2015)</li> <li>• CYH/E1 – Application Site Plan – Aerial</li> <li>• CYH/E2 – Application Site Plan ☐ CYH/E3 – Block Phasing</li> <li>• CYH/E4/B – Initial Works</li> <li>• CYH/E5/B – Cross Section - Screening Landform</li> <li>• CYH/E6/B – Countryside/Amenity Enhancement</li> <li>• CYH/E7 – Current Situation</li> <li>• CYH/E8/B – Quarry Phase 1 ☐ CYH/E9/B – Quarry Phase 2</li> <li>• CYH/E10/B – Quarry Phase 3</li> <li>• CYH/E11/B – Cross Sections – Quarry Phases</li> <li>• CYH/E12 – Quarry Restoration Concept</li> <li>• CYH/E13 – Cross Sections – Quarry Bench Treatments</li> <li>• CYH/E14 – Concept Restoration – Aerial</li> </ul> <p>Reason: Required to be imposed pursuant to Section 71ZA of the Town and Country Planning Act 1990 (as amended)</p>
4	<p>A copy of this permission and the approved plans showing the method and direction of working and restoration shall be displayed in the operator's site office at all times during the life of the site. Any subsequent approved amendments shall also be displayed.</p> <p>Reason: To ensure the operator and site contractors are aware of the working programme and the conditions attached to carrying out the development.</p>

5	<p>The operator shall submit detailed survey plans of the site, including levels to Ordnance Datum, every 5 years from the date of commencement until completion of restoration of the site.</p> <p>Reason: to enable the Local Planning Authority to monitor the achievement of the quarry profiles in each phase of the development in accordance with Policies CS10 and AW5 of the Rhondda Cynon Taf Local Development Plan.</p>
6	<p>Prior to the commencement of mineral extraction within Phase 1 of the extension area as indicated on Plan CYH/E3, the construction of the screen bunds B1 and B2 and the erection of the palisade security fence at the locations shown on CYH/E4B shall be completed in accordance with the approved plans.</p> <p>Reason: To protect the amenities of neighbouring residential properties in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.</p>
7	<p>Prior to the commencement of mineral extraction within Phase 1 of the extension area as indicated on Plan CYH/E3, a detailed scheme of seeding and woodland planting of the Northern Screening Landform and preparation of the Western Screen Bund to promote natural regeneration shall be submitted for the written approval of the Local Planning Authority. The scheme shall include details of:</p> <ul style="list-style-type: none"> <li>(i) Purpose, aim and objectives of the scheme;</li> <li>(ii) A statement of the plans ecological potential and any ecological constraints;</li> <li>(iii) Details of the landscaping schemes, including; <ul style="list-style-type: none"> <li>a) species composition,</li> <li>b) source of material (all native planting to be of certified British provenance),</li> <li>c) techniques and methods of vegetation establishment (including natural regeneration)</li> <li>d) method statements for site preparation and establishment of target habitat features;</li> <li>e) extent and location of proposed works;</li> <li>f) aftercare and long term management;</li> <li>g) personnel responsible for the work;</li> <li>h) timing of the works;</li> <li>i) monitoring;</li> </ul> </li> </ul> <p>The scheme shall be implemented as approved.</p> <p>Reason: To protect the amenities of neighbouring residential properties in accordance with Policies AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan.</p>
8	<p>Except in emergencies to maintain safe quarry working (which shall be notified to the Local Planning Authority as soon as practicable), or unless the Local Planning Authority has otherwise agreed beforehand in writing (including email):</p> <ul style="list-style-type: none"> <li>a) Quarrying operations shall only be carried out between the hours of: <p style="margin-left: 40px;">0700 hours and 1900 hours Monday to Friday; and 0700 hours and 1600 hours Saturdays; and not at any time on Sundays or Statutory Public Holidays.</p> </li> </ul>

	<p>For the purposes of this permission “quarrying operations “shall mean the stripping of overburden, the development of the quarry faces (including drilling), the loading and transportation of stone to the primary crusher and the operation of the primary crusher or any replacement thereof.</p> <p>b) No operations for the formation of the Northern Screening Landform, the Western Screen Bund or the formation and subsequent removal of material from designated soil storage areas shall be carried out at the site except between the following times:</p> <p>0800 to 1700 hours Mondays to Fridays; and 0900 to 1300 hours on Saturdays; and not at any time on Sundays or Statutory Public Holidays.</p> <p>Reason: To protect the amenities of local residents in accordance with Policies CS10 and AW10 of the Rhondda Cynon Taf Local Development Plan.</p>
<b>9</b>	<p>No vehicles other than those associated with the manufacture of coated road stone, the production of readymix concrete or the servicing, maintenance and testing of plant and machinery shall enter/leave the Quarry except during the hours of 0700 and 1900 Mondays to Friday and 0700 and 1600 on Saturday.</p> <p>Reason: To protect the amenities of local residents in accordance with Policies CS10 and AW10 of the Rhondda Cynon Taf Local Development Plan.</p>
<b>10</b>	<p>No extraction of minerals shall take place below 100m A.O.D. other than those works necessary for the construction of the quarry sump.</p> <p>Reason: the impact of the proposed development on the natural environment has only been assessed to a depth of 100m AOD in accordance with Policy CS10 of the Rhondda Cynon Taf Local Development Plan.</p>
<b>11</b>	<p>Except in emergencies, or unless the Local Planning Authority has otherwise agreed beforehand in writing, all HGV's and commercial vehicles must enter and leave the site via the access located to the south of Rogart Terrace</p> <p>Reason: in the interests of highway safety in accordance with Policies AW5 and CS10 of the Rhondda Cynon Taf Local Development Plan.</p>
<b>12</b>	<p>No loaded HGV's shall leave the site un-sheeted except those only carrying stone in excess of 75mm.</p> <p>Reason: in the interests of highway safety and public amenity in accordance with Policies AW5 and CS10 of the Rhondda Cynon Taf Local Development Plan..</p>
<b>13</b>	<p>Within 3 months of the date of this permission the developer shall submit for the approval of the Local Planning Authority a scheme indicating the facilities and/or methods to be put in place to ensure deleterious material is not carried onto any part of the public highway, including provision for revision in the event of the scheme being ineffective and any remedial measures to be put in place to clear the highway of any such material. The scheme shall be implemented as approved and utilised during the period of operation of the quarry.</p>

	Reason: in the interests of highway safety in accordance with Policies AW5 and CS10 of the Rhondda Cynon Taf Local Development Plan.
<b>14</b>	<p>Following the completion of the construction of the Northern Screening Landform no quarry plant and machinery, other than those required for planting and maintenance, shall travel along the strip of land to the north of the Landform.</p> <p>Reason: To protect the amenities of local residents in accordance with Policies CS10 and AW10 of the Rhondda Cynon Taf Local Development Plan.</p>
<b>15</b>	<p>Prior to the construction of the permissive path between Orchard Drive and Darren Ddu Road shown on Plan CYH/E6, details of the construction, including access on to the existing Public Right of Way along Darren Du Road and timescale for implementation, completion and retention, shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.</p> <p>Reason: To ensure the pathway is suitable for use and does not allow inappropriate access on to the existing Public Right of Way, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.</p>
<b>16</b>	<p>The controls set out in Dust Management and Monitoring Plan dated 16 August 2017 shall be implemented from the date of commencement of the development and shall be complied with at all times until the expiry of the permission. The first formal review set out in section 5.2 of the Plan will be due 2 years from the date of commencement of the development.</p> <p>Reason: To protect the amenities and health of local residents in accordance with Policies CS10 and AW10 of the Rhondda Cynon Taf Local Development Plan.</p>
<b>17</b>	<p>No mobile crushing or screening equipment shall be operated within 200 metres of the boundary of the curtilage of any residential properties or within 200 metres of the boundary of the playing fields at Cefn Primary School without the prior express permission of the Local Planning Authority unless the equipment is located on land:</p> <p>(a) below 180 metres A.O.D. in the existing quarry (shaded pink on Plan CYH/E7);  (b) below 170 metres A.O.D. for the western extension approved by this planning permission (shaded green on Plan CYH/E7);</p> <p>Reason: To protect the amenities of neighbouring residential properties in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.</p>

<p><b>18</b></p>	<p>The operator of the quarry shall maintain and operate an automatic weather monitoring station at the primary crusher, in a manner to ensure the accurate measurement of atmospheric temperature, wind direction, wind speed and precipitation. All data shall be recoded in an accessible format and retained by the operator for at least two years and made available for examination by any authorised officer as determined by the Local Planning Authority.</p> <p>Reason: To ensure informed management of the operations at the site to ensure that dust emitted is not a source of nuisance so as to protect the amenities of local residents in accordance with Policies CS10 and AW10 of the Rhondda Cynon Taf Local Development Plan.</p>
<p><b>19</b></p>	<p>Unless the Local Planning Authority has otherwise agreed beforehand in writing ( including e-mail ) drilling operations above 180 metres A.O.D. within the existing quarry (shaded pink on Plan CYH/E7) shall only be carried out between the hours of 1000 and 1600 Monday to Friday, and not at any time on Saturdays, Sundays or Statutory Public Holidays.</p> <p>Unless the Local Planning Authority has otherwise agreed beforehand in writing ( including e-mail ) drilling operations above 170 metres A.O.D. within the western extension approved by this planning permission (shaded green on Plan CYH/E7) shall only be carried out between the hours of 1000 and 1600 Monday to Friday, and not at any time on Saturdays, Sundays or Statutory Public Holidays.</p> <p>Reason: To protect the amenities of local residents in accordance with Policies CS10 and AW10 of the Rhondda Cynon Taf Local Development Plan.</p>
<p><b>20</b></p>	<p>At depths below those specified in condition 19, drilling operations shall only be carried out between the hours of 0700 and 1800 Monday to Friday, and not at any time on Saturdays or Statutory Public Holidays unless the Local Planning Authority has agreed beforehand in writing (including e-mail ).</p> <p>Reason: To protect the amenities of local residents in accordance with Policies CS10 and AW10 of the Rhondda Cynon Taf Local Development Plan.</p>
<p><b>21</b></p>	<p>Except in the case of emergency to maintain safe quarry working (which shall be notified to the Local Planning Authority as soon as practicable), no blasting shall take place at the site except between 1000 and 1600 Monday to Friday, and there shall be no blasting on Saturdays, Sundays and Public Holidays.</p> <p>For the purpose of this condition, "emergency" means any circumstances in which the operator has a reasonable cause for apprehending injury to persons or serious damage to property.</p> <p>Reason: To protect the amenities of local residents in accordance with Policies CS10 and AW10 of the Rhondda Cynon Taf Local Development Plan.</p>

<p><b>22</b></p>	<p>Blasting shall be undertaken in such a manner to ensure that ground vibration at any vibration sensitive building, measured as a maximum of three mutually perpendicular directions taken at the ground surface, does not exceed a peak particle velocity (ppv) of 6mms per second in 95% of all blasts measured over any continuous six month period, and no single blast shall exceed a ppv of 10mms per second. The measurement is to be taken at or near the foundations of any vibration sensitive building in the vicinity of the quarry existing at the date of this permission.</p> <p>Reason: To limit ground vibration from blasting operations so as to protect the amenities of local residents and the structure of buildings in accordance with Policies CS10 and AW10 of the Rhondda Cynon Taf Local Development Plan.</p>
<p><b>23</b></p>	<p>Each individual blast referenced in Condition 22 shall be monitored in accordance with the Blast Monitoring Scheme submitted on 30 July 2018. All monitoring shall be undertaken in accordance with the terms of the approved scheme for the duration of quarrying operations at the site. In addition:</p> <p>(a) Blasting times shall be clearly advertised at the Quarry;</p> <p>(b) A warning, audible at the site boundary, shall be sounded prior to any blasting operations taking place, and shall be sounded again immediately after blasting has finished.</p> <p>(c) Blasting times shall be clearly advertised in a prominent location on the operator's website, at least 24 hours in advance of the blasting occurring.</p> <p>(d) Blasting times should also be advertised in advance through appropriate social media channels, at least 24 hours in advance of the blasting occurring. The details of which social media channels will be used will be submitted to and approved in writing by the local planning authority, within 3 months of the date of this permission.</p> <p>Reason: To ensure that the impact of blasts on residents is minimised, and to protect the amenities of local residents in accordance with Policies CS10 and AW10 of the Rhondda Cynon Taf Local Development Plan.</p>
<p><b>24</b></p>	<p>Blasting shall be undertaken in such a manner to ensure that ground vibration at the site of any Dwr Cymru Welsh Water apparatus, measured as a maximum of three mutually perpendicular directions taken at the ground surface, does not exceed a peak particle velocity (ppv) of 50 mms per second for any blast. The measurement is to be taken at the closest point of the blast to any DCWW apparatus.</p> <p>Reason: To limit ground vibration from blasting operations so as to protect the structure of DCWW apparatus in accordance with Policies CS10 and AW10 of the Rhondda Cynon Taf Local Development Plan.</p>
<p><b>25</b></p>	<p>No secondary blasting shall be carried out on the site.</p> <p>Reason: To protect the amenities of local residents in accordance with Policies CS10 and AW10 of the Rhondda Cynon Taf Local Development Plan.</p>



26	<p>All individual blasts shall be designed, managed and implemented to minimise the extent of air overpressure resulting from blasts. If air overpressure exceeds 120dB at any nearby sensitive residential property (not owned by the applicant) the Local Planning Authority shall be informed within 7 days and the design, management and implementation of the blasts must be reviewed prior to any further blasting being undertaken at the site, with all future blasting being undertaken in accordance with the findings of the review.</p> <p>Reason: To limit air overpressure from blasting operations so as to protect the amenities of local residents and the structure of buildings in accordance with Policies CS10 and AW10 of the Rhondda Cynon Taf Local Development Plan.</p>														
27	<p>Prior to the firing of a blast the shotpile area shall first be dampened down, provided that it is accessible and safe to do so.</p> <p>Reason: To ensure that the impact of blasts on residents is minimised, and to protect the amenities of local residents in accordance with Policies CS10 and AW10 of the Rhondda Cynon Taf Local Development Plan.</p>														
28	<p>Between the hours of 0700 and 1900 the free field Equivalent Continuous Noise Level LAeq (1 hour) resulting from operations within the site shall not exceed the relevant noise limit specified in Table 1 below at each selected noise sensitive property. Measurements taken to verify compliance shall have regard to the effects of extraneous noise and shall be corrected for any such effects. Measurements and assessments shall be made in accordance with BS4142.</p> <p>Table 1</p> <table data-bbox="204 1173 1270 1653"> <tr> <th>Receptor</th><th>Criteria</th></tr> <tr> <td>Cefn Heulog</td><td>45 dB LAeq</td></tr> <tr> <td>Cefn Primary School</td><td>45 dB LAeq</td></tr> <tr> <td>No 36 Conway Close</td><td>46 dB LAeq</td></tr> <tr> <td>No 3 Pen Y Bryn</td><td>47 dB LAeq</td></tr> <tr> <td>Flat above shop Garth Avenue</td><td>54 dB LAeq</td></tr> <tr> <td>No 1 Rogart Terrace</td><td>55 dB LAeq</td></tr> </table> <p>Reason: To ensure that the noise emitted is not a source of nuisance, and to protect the amenities of local residents in accordance with Policies CS10 and AW10 of the Rhondda Cynon Taf Local Development Plan.</p>	Receptor	Criteria	Cefn Heulog	45 dB LAeq	Cefn Primary School	45 dB LAeq	No 36 Conway Close	46 dB LAeq	No 3 Pen Y Bryn	47 dB LAeq	Flat above shop Garth Avenue	54 dB LAeq	No 1 Rogart Terrace	55 dB LAeq
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<p><b>29</b></p>	<p>Between the hours of 1900 and 0700 the free field Equivalent Continuous Noise Level LAeq (1 hour) due to operations in the site shall not exceed 42 dB LAeq at each selected noise sensitive property specified in Table 1 set out in condition 28 above.</p> <p>Reason: To ensure that the noise emitted is not a source of nuisance, and to protect the amenities of local residents in accordance with Policies CS10 and AW10 of the Rhondda Cynon Taf Local Development Plan.</p>
<p><b>30</b></p>	<p>Noise levels attributable to operations of a temporary nature within or on the periphery of the site such as the formation, removal or alteration of spoil tips, screening landforms and storage embankments, measured at any noise sensitive property specified in Table 1 in condition 28 above, shall not exceed a level of 67dB LAeq, 1 hour (free field) These noise limits shall only apply for a maximum of 8 weeks in any calendar year.</p> <p>Reason: To ensure that the noise emitted is not a source of nuisance, and to protect the amenities of local residents in accordance with Policies CS10 and AW10 of the Rhondda Cynon Taf Local Development Plan.</p>
<p><b>31</b></p>	<p>Prior to the commencement of any soil stripping operations within the area shaded green on Plan CYH/E7 a revised Noise Management scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The operation of the approved scheme shall commence on the commencement of soil stripping within the area shaded green and thereafter all site operations within the quarry site shall be monitored in accordance with the approved scheme. The submitted scheme shall:</p> <p>(a) specify that monitoring shall be undertaken biannually for the following two years at the properties listed in Table 1 above, and thereafter the frequency of monitoring shall be agreed between the operator and the Local Planning Authority;</p> <p>(b) include the provision of measures to reduce noise levels from site operations and specify the exact locations and methodology for monitoring; and</p> <p>(c) provide for the results of monitoring to be submitted to the Local Planning Authority within 1 month of the monitoring being undertaken, together with confirmation of action required and/or undertaken to remedy any breach of the noise limits set out in Table 1.</p> <p>(d) specify the steps to be taken on receipt of a complaint of noise nuisance, including the commencement or continuation of the noise monitoring programme to assist in the investigation of any relevant complaint.</p> <p>Reason: To ensure that the noise emitted is not a source of nuisance, and to protect the amenities of local residents in accordance with Policies CS10 and AW10 of the Rhondda Cynon Taf Local Development Plan.</p>

32	<p>The best practicable means shall be used to minimise noise from reversing warning devices which are fitted to mobile plant and vehicles on the site. This will include fitting broadband directional alarms to vehicles.</p> <p>Reason: To ensure that the noise emitted is not a source of nuisance, and to protect the amenities of local residents in accordance with Policies CS10 and AW10 of the Rhondda Cynon Taf Local Development Plan.</p>
33	<p>Any facilities for the storage of oils, fuels or chemicals on the site shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, or the combined capacity of inter-connective tanks, plus 10%. All filling points, vents, gauges and site glasses shall be located within the bund. The drainage system of the bund shall be sealed with no discharge to any water course, land or underground strata. Associated pipe work shall be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund.</p> <p>Reason: To prevent pollution of nearby watercourses and drainage systems in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.</p>
34	<p>Throughout the period of working, restoration and aftercare, the operator shall protect and support any ditch, stream, water course or culvert passing through the site and neither impair the flow nor render less effective drainage onto and from adjoining land. No run-off water from the site shall be permitted to flow down the quarry access road and onto the Berw Road.</p> <p>Reason: To prevent pollution of nearby watercourses and drainage systems in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.</p>
35	<p>Any settlement ponds at the site shall be kept clear of mud and silt as necessary and the discharge of waste, oil or other pollutant to any settlement pond, ditch, stream, watercourse or other culvert is not permitted.</p> <p>Reason: To prevent pollution of nearby watercourses and drainage systems in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.</p>
36	<p>No floodlighting other than that in existence at the date of this consent, shall be used on the site without the prior written approval of the Local Planning Authority. Any request for prior written approval must identify the impact of the additional lighting on bats and the amenity of nearby residents potentially affected.</p> <p>Reason: To prevent any unacceptable light pollution and to protect the amenities of local residents in accordance with Policies AW8, CS10 and AW10 of the Rhondda Cynon Taf Local Development Plan.</p>

37	<p>No development shall take place within the area shaded green on Plan CYH/E7 until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. The programme of work shall be carried out in accordance with the approved details. The programme should include the requirement that an archaeological watching brief be conducted during ground disturbing activities; and also specify suitable contingency arrangements to ensure that sufficient time and resources are made available to fully investigate and record any archaeological features that are discovered. The results of all the mitigation and fieldwork and any post excavation work shall be contained in a report to be submitted for the approval of the LPA.</p> <p>Reason: In order that the archaeological operations are undertaken to an acceptable standard and that legitimate archaeological interest in the site is satisfied in accordance with Policy AW7 of the Rhondda Cynon Taf Local Development Plan.</p>
38	<p>Within 6 months of the date of this permission a Species Protection, Habitat Management and Tree &amp; Woodland Protection/Management Plan for all the land in the ownership of the developer within and surrounding the quarry, shall be submitted for the written approval of the local planning authority. The plan shall include:</p> <ul style="list-style-type: none"> <li>(a) An appropriate scale plan showing 'Species, Habitat and Tree/Woodland Protection Zones' where development activities are restricted and / or where protective measures will be installed or implemented;</li> <li>(b) Details of any protective measures (both physical measures and sensitive working practices) necessary to avoid impacts on species, habitats and trees during development;</li> <li>(c) Details of specific species and habitat mitigation measures;</li> <li>(d) A plan showing the location of areas of habitat management, mitigation and monitoring;</li> <li>(e) Details of a habitat management, creation and monitoring programme;</li> <li>(f) Details of site management, and habitat creation.</li> <li>(g) Details of arrangements for the review and updating of the Plan;</li> <li>(h) Details of habitat monitoring;</li> <li>(i) That no cultivation, drainage, fertiliser or herbicide application will take place to habitat management areas without prior agreement of the Local Planning Authority;</li> <li>(j) Invasive plant treatment and eradication;</li> <li>(k) Preparation of a work schedule</li> </ul> <p>The works shall be implemented in accordance with the approved details</p> <p>Reason: To ensure the protection and management of wildlife and habitats, in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.</p>

<p><b>39</b></p>	<p>The existing trees, bushes and hedgerows within the control of the developer (other than those shown as being removed on any of the approved plans) shall be retained and shall not be felled, lopped, topped or removed in areas outside of the area of mineral working without the prior written consent of the Local Planning Authority. Any such vegetation removed without consent, dying, being severely damaged or becoming seriously diseased shall be replaced with trees or bushes of such size and species as may be specified by the Local Planning Authority, in the planting season immediately following any such occurrences.</p> <p>Reason: In the interests of amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan</p>
<p><b>40</b></p>	<p>Any replacement planting planted under condition 39 above shall be maintained and any plants which within five years of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.</p> <p>Reason: In the interests of amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan</p>
<p><b>41</b></p>	<p>All disturbed areas of the site and all topsoil, soil making material and overburden mounds shall be kept free from injurious weeds until the completion of aftercare.</p> <p>Reason: To prevent a build-up of harmful weed seeds in soils that are being or will be used for restoration in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.</p>
<p><b>42</b></p>	<p>All topsoil and subsoil shall be stripped from operational areas prior to those areas being brought into use and shall be used either directly for restoration of completed areas and/or permanently retained on site for use in restoration.</p> <p>Reason: To ensure the appropriate use of soil resources on the site in accordance with Policies AW8 and CS10 of the Rhondda Cynon Taf Local Development Plan.</p>
<p><b>43</b></p>	<p>No plant or vehicles shall cross any area of un-stripped topsoil except where such trafficking is essential and unavoidable for purposes of undertaking permitted operations. Essential trafficking routes shall be marked in such a manner as to give effect to this condition. No part of the site shall be excavated or traversed or used for a road or for the stationing of plant or buildings, or storage of subsoil or overburden or waste or mineral deposits, until all available topsoil and subsoil has been stripped separately from that part. The exception is that topsoils may be stored on like topsoils and subsoils may be stored on like subsoils.</p> <p>Reason: To prevent the unnecessary compaction of soils and damage to soil structure in accordance with Policies AW8 and CS10 of the Rhondda Cynon Taf Local Development Plan.</p>

44	<p>The Local Planning Authority shall be notified in writing at least 14 days before each of the following stages:</p> <p>(a) Before each phase of soil stripping is due to commence;  (b) Where areas have been prepared ready for soil replacement; (c)  (c) On completion of soil replacement</p> <p>Reason: To ensure that the Local Planning Authority is given opportunity to check that soil operations do not occur under unsuitable conditions and to provide sufficient notice for site inspection in accordance with Policies AW8 and CS10 of the Rhondda Cynon Taf Local Development Plan.</p>
45	<p>Soil stripping shall not commence in any phase until any standing crop or vegetation has been cut and removed.</p> <p>Reason: To avoid incorporation of concentrations of decaying vegetation in soil in accordance with Policies AW8 and CS10 of the Rhondda Cynon Taf Local Development Plan.</p>
46	<p>Topsoil, subsoil and soil making material shall only be stripped when they are in a dry and friable condition, and no movement of soils shall occur during the months October to March (inclusive), unless otherwise agreed in writing with the Local Planning Authority</p> <p>Reason: To prevent the unnecessary damage to soil structure in accordance with Policies AW8 and CS10 of the Rhondda Cynon Taf Local Development Plan.</p>
47	<p>All topsoil, subsoil not immediately placed for restoration purposes shall be stored in separate mounds which shall:</p> <p>(a) Not exceed 3 metres in height in the case of topsoil, or exceed 5 metres in height in the case of subsoil;  (b) Be constructed with only the minimum amount of soil compaction to ensure stability and shaped so as to avoid collection of water in surface undulations;  (c) Not be subsequently moved or added to until required for restoration, unless the Local Planning Authority has otherwise agreed beforehand in writing;  (d) Have a minimum 3.0 metre stand-off, undisturbed around each storage mound;  (e) Comprise topsoils on like texture topsoils and subsoils on like texture subsoils;  (f) In the case of continuous mounds, ensure that dissimilar soils are separated by a third material, which shall have previously been agreed in writing by the Local Planning Authority.</p>

	Reason: To prevent the loss of soil and minimise damage to soil structure during storage in accordance with Policies AW8 and CS10 of the Rhondda Cynon Taf Local Development Plan.
<b>48</b>	<p>Soils will be stored at the locations shown on Plans CYH/E8/B, CYH/E9/B and CYH/E10/B or at such alternative locations as may be previously agreed in writing with the Local Planning Authority.</p> <p>Reason: To ensure the availability of the adequate material for the landscaping and restoration of the site in accordance with Policy CS10 of the Rhondda Cynon Taf Local Development Plan.</p>
<b>49</b>	<p>Prior to soil stripping and formation of soil storage mounds, a scheme for grass seeding and management of all storage mounds that will remain in situ for more than three months shall be submitted for the written approval of the Local Planning Authority. Seeding and management of the storage mounds shall be carried out in accordance with the approved details.</p> <p>Reason: To protect mounds from soil erosion, prevent build-up of weeds in the soil and remove vegetation prior to soil replacement in accordance with Policies AW8 and CS10 of the Rhondda Cynon Taf Local Development Plan..</p>
<b>50</b>	<p>Within three months of completion of soil handling operations in any calendar year, the Local Planning Authority shall be supplied with a plan showing:</p> <p>(a) The area stripped of topsoil and/or subsoil;  (b) The location of each soil storage mound; and  (c) The quantity and nature of material therein.</p> <p>Reason: To facilitate soil stock taking and monitoring of soil resources in accordance with Policies AW8 and CS10 of the Rhondda Cynon Taf Local Development Plan.</p>
<b>51</b>	<p>Within 6 months of the date of this permission, an Interim Restoration Scheme shall be submitted for the written approval of the Local Planning Authority. The Interim Restoration Scheme shall cover the restoration of final benches located outside active quarrying areas and other land within the quarry boundary not required for operational purposes. The Scheme shall be implemented as approved.</p> <p>Reason: In the interests of the amenity of the local area in accordance with Policy CS10 of the Rhondda Cynon Taf Local Development Plan.</p>

52	<p>Not later than 31 December 2047 or the expiry of 6 months following the permanent cessation of the winning and working of minerals and the depositing of mineral waste, whichever is the sooner, a detailed final restoration scheme, including drawings to illustrate the proposals for the final restoration of the quarry shall be submitted to and approved in writing by the Local Planning Authority. The final restoration scheme shall be based upon the restoration concept plan CYH/E12 and include, inter alia the following matters:</p> <ul style="list-style-type: none"> <li>(a) the nature of the intended after use of the site;</li> <li>(b) the location, depth and treatment of any dust/fine aggregate on the site;</li> <li>(c) the ripping of the quarry floor (other than where comprised of bedrock) and the re-spreading over the floor of the excavated area of any overburden, subsoil and topsoil previously stripped from the site, in that order;</li> <li>(d) the ripping of any compacted layers of final cover to ensure adequate drainage and aeration; such ripping should normally take place before placing of the topsoil;</li> <li>(e) the machinery to be used in soil re-spreading operations;</li> <li>(f) the final proposed levels of the site on a contour plan at 5m intervals and the gradient of the restored slopes which shall be graded to prevent ponding of, or erosion by surface water and to conform with the surrounding land;</li> <li>(g) the drainage of the restored land including the formation of suitably graded contours to promote natural drainage and the installation of artificial drainage where necessary,</li> <li>(h) the position and design of any ditches and watercourses where all such features shall be designed to achieve maximum ecological diversification;</li> <li>(i) the reinstatement of the plant site and access roads by clearing plant, buildings, machinery and concrete or brickwork, and other obstructions, replacing of subsoil and then topsoil previously stripped from the site;</li> <li>(j) details of the spreading of soils previously stripped and stored on the site including depths and placement areas;</li> <li>(k) the method of soil replacement and soil handling;</li> <li>(l) position and erection of boundary fencing;</li> </ul> <p>The position of any roadways, footpaths and bridleways to be provided linked with existing Public Rights of Way, including the crossing and surfacing of such routes. The restoration works shall be carried out in accordance with the approved restoration scheme and shall be fully implemented within two years of the date of approval of the scheme or by 31st December 2049, whichever is the sooner.</p> <p>Reason: In the interests of the amenity of the local area in accordance with Policy CS10 of the Rhondda Cynon Taf Local Development Plan.</p>
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<p><b>53</b></p>	<p>Prior to the commencement of the Final Restoration Scheme, the operator shall submit a scheme to deal with any potential contamination on the site. The scheme shall include such of the following steps as the Local Planning Authority shall deem necessary:</p> <p>(a) A desk-top study and walk-over survey shall be carried out by a competent person to identify and evaluate all potential sources and impacts of contamination relevant to the site. A report of the desktop study and walk over survey shall be submitted to the Local Planning Authority upon completion.</p> <p>(b) Unless the report supplied under (a) above satisfies the Local Planning Authority that it is not required, a site investigation shall be carried out by a competent person to fully and effectively characterise the nature and extent of any contamination and its implications.</p> <p>(c) A scheme containing a written method statement for the remediation of any contamination revealed by the site investigation in (b) above shall be agreed in writing with the Local Planning Authority prior to commencement and all requirements shall be implemented and completed by a competent person in accordance with a timescale to be approved in writing by the Local Planning Authority.</p> <p>(d) A suitable validation report of any remedial works carried out under iii) above shall be submitted to and approved by the Local Planning Authority.</p> <p>If during restoration works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in any remediation proposals above then revised remediation proposals shall be submitted to and approved in writing by the Local Planning Authority, and thereafter implemented in accordance with an agreed timescale with the Local Planning Authority.</p> <p>Reason: In the interests of health and safety and environmental amenity in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.</p>
<p><b>54</b></p>	<p>Not later than 30 December 2049 or the expiry of 24 months following the permanent cessation of the winning and working of minerals and the depositing of mineral waste, whichever is the sooner, an aftercare scheme, for amenity after use that promotes the use of the site for nature conservation shall be submitted for the approval of the Local Planning Authority.</p> <p>The aftercare scheme shall include the following elements:</p> <p>a) A five year period of aftercare following restoration;</p> <p>b) The inclusion of all areas affected by the quarrying activities, and areas outside the extraction area that have been used to store soil or overburden and areas subject to trafficking by mobile plant and equipment;</p> <p>c) The steps to be taken and the period during which they are to be undertaken and who shall be responsible for taking those steps;</p> <p>d) The timing and pattern of vegetation establishment (including grass seeding of restored areas with a suitable herbage mixture and application rates to achieve</p>

	<p>species rich grassland and heath land restoration, the distribution of native tree and shrub planting including stock types, sizes, spacing, method and position of planting);</p> <p>e) Cultivation practices for the preparation of soils;</p> <p>f) Fertilising and lime application based on soil analysis, weed control;</p> <p>g) Land management techniques;</p> <p>h) The provision of boundary treatment;</p> <p>i) Entry onto the site shall be granted to officials of the Welsh Government at all times during soil stripping or replacement operations, restoration and aftercare of the site;</p> <p>An aftercare habitat management plan which shall include;</p> <p>a) The details of the provision of areas to be restored to nature conservation and their application to local biodiversity objectives (to include nesting sites for peregrine falcon and raven, roosting and hibernation areas for bats, native woodland restoration, natural species-rich grassland and heath land restoration);</p> <p>b) Description and evaluation of features to be managed;</p> <p>c) Ecological trends and constraints that may influence management;</p> <p>d) Aims and objectives of management;</p> <p>e) Appropriate management options for achieving aims and objectives;</p> <p>f) Prescription for management actions;</p> <p>g) Work Schedule;</p> <p>h) Personnel responsible for implementation of plan;</p> <p>i) Monitoring and remedial/contingency measures triggered by monitoring.</p> <p>Aftercare operations shall be carried out in accordance with the approved aftercare scheme unless otherwise approved in writing by the Local Planning Authority</p> <p>Reason: In the interests of the amenity of the local area in accordance with Policy CS10 of the Rhondda Cynon Taf Local Development Plan.</p>
55	<p>Before 31st March of every year during the aftercare period, the site operator shall arrange a formal site meeting to review the aftercare operations which have taken place on the site during the previous year, and also the programme of management for the following year. The parties invited to this meeting shall include the site operator, the owners of the land (if not the operator), any other relevant occupiers, the Local Planning Authority and such relevant advisors and/or representatives of the Local Planning Authority as it shall nominate. At least one month before the date of each annual review meeting, the site operator shall provide a written report to the Local Planning Authority. The report shall contain details of the management and other operations carried out on the site in the previous year and those which are planned for the ensuing year.</p>

	Reason: In the interests of the amenity of the local area in accordance with Policy CS10 of the Rhondda Cynon Taf Local Development Plan.
<b>56</b>	<p>Within 6 months of the date of this consent or prior to the commencement of preparatory construction/excavation works in relation to the eastern landform, whichever is the sooner, a strategy shall be submitted for communication and engagement with the local community. This shall include measures for the setting up of a Community Liaison Group. The strategy shall be implemented in accordance with the approved details</p> <p>Reason: In the interests of the amenity of the local residents in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.</p>
<b>57</b>	<p>The average annual output of aggregates from the site shall not exceed 400,000 tonnes when calculated over any period of three consecutive calendar years.</p> <p>Reason: In the interests of the amenity of the local residents in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.</p>

## Appendix B: Schedule of Recommended Planning Conditions - Appeal B

1	<p>The development hereby permitted shall be commenced before the expiration of five years from the date of this permission. The developer shall give the Local Planning Authority not less than 14 days prior written notice of the 'date of commencement of development'. This shall be taken as the date of commencement for monitoring purposes.</p> <p>Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 (as amended)</p>
2	<p>The extraction and processing of minerals from the site shall cease by 31st December 2028, all residual stocks, fixed plant, and buildings to which this permission relates shall be removed by 31st December 2029 and restoration shall be completed by 31st December 2030.</p> <p>For a period of 5 years from the date of completion of restoration the site shall be managed in accordance with the approved aftercare scheme submitted under the provisions of Condition 43 below.</p> <p>The planning permission shall expire following the complete restoration and aftercare of the site in accordance with the approved restoration and aftercare schemes submitted under the provisions of Conditions 41 and 43 respectively.</p> <p>Reason: The minerals development permitted is temporary in nature.</p>
3	<p>The development shall be carried out strictly in accordance with the following approved plans and documents, unless otherwise stipulated by conditions:</p> <ul style="list-style-type: none"> <li>• CYH1 – Site Location Plan</li> <li>• CYH2 – Application Site Plan</li> <li>• CYH3 – Aerial Photograph</li> <li>• CYH4 – Current Topographical Survey</li> <li>• CYH5 – Interim Quarry Development Plan</li> <li>• CYH6 – Final Quarry Development Plan</li> <li>• CYH7 – Restoration Concept Plan</li> <li>• CYH8 – Sections</li> <li>• CYH9 – Bench Treatment Sections</li> <li>• CYH C31 – Additional Tree Screening at Primary Crusher</li> </ul> <p>Reason: Required to be imposed pursuant to Section 71A of the Town and Country Planning Act 1990 (as amended).</p>

<p><b>4</b></p>	<p>A copy of this permission and the approved plans showing the method and direction of working and restoration shall be displayed in the operator's site office at all times during the life of the site. Any subsequent approved amendments shall also be displayed.</p> <p>Reason: To ensure the operator and site contractors are aware of the working programme and the conditions attached to carrying out the development.</p>
<p><b>5</b></p>	<p>The operator shall submit detailed survey plans of the site, including levels to Ordnance Datum, every 5 years from the date of commencement until completion of restoration of the site.</p> <p>Reason: to enable the Local Planning Authority to monitor the achievement of the quarry profiles in each phase of the development in accordance with Policy CS10 of the Rhondda Cynon Taff Local Development Plan.</p>
<p><b>6</b></p>	<p>Except in emergencies, to maintain safe quarry working (which shall be notified to the Local Planning Authority as soon as practicable), or unless the Local Planning Authority has otherwise agreed beforehand in writing (including email):</p> <p>Quarrying operations shall only be carried out between the hours of:</p> <ul style="list-style-type: none"> <li>• 0700 hours and 1900 hours Monday to Friday; and</li> <li>• 0700 hours and 1600 hours Saturdays; and</li> <li>• not at any time on Sundays or Statutory Public Holidays.</li> </ul> <p>For the purposes of this permission "quarrying operations" shall mean the stripping of overburden, the development of the quarry faces (including drilling), the loading and transportation of stone to the primary crusher and the operation of the primary crusher or any replacement thereof.</p> <p>Reason: To protect the amenities of local residents in accordance with Policies CS10 and AW10 of the Rhondda Cynon Taff Local Development Plan.</p>
<p><b>7</b></p>	<p>No vehicles other than those associated with the manufacture of coated road stone, the production of readymix concrete or the servicing, maintenance and testing of plant and machinery shall enter/leave the Quarry except during the hours of 0700 and 1900 Mondays to Friday and 0700 and 1600 on Saturday.</p> <p>Reason: To protect the amenities of local residents in accordance with Policies CS10 and AW10 of the Rhondda Cynon Taf Local Development Plan.</p>

<b>8</b>	<p>No extraction of minerals shall take place below 100m A.O.D. other than those works necessary for the construction of the quarry sump.</p> <p>Reason: the impact of the proposed development on the natural environment has only been assessed to a depth of 100m AOD in accordance with Policy CS10 of the Rhondda Cynon Taf Local Development Plan.</p>
<b>9</b>	<p>Except in emergencies, or unless the Local Planning Authority has otherwise agreed beforehand in writing, all HGV's and commercial vehicles must enter and leave the site via the access located to the south of Rogart Terrace.</p> <p>Reason: In the interests of highway safety in accordance with Policies AW5 and CS10 of the Rhondda Cynon Taf Local Development Plan.</p>
<b>10</b>	<p>No loaded HGVs shall leave the site un-sheeted except those only carrying stone in excess of 75mm.</p> <p>Reason: In the interests of highway safety and public amenity in accordance with Policies AW5 and CS10 of the Rhondda Cynon Taf Local Development Plan.</p>
<b>11</b>	<p>Within 3 months of the date of this permission the developer shall submit for the approval of the Local Planning Authority a scheme indicating the facilities and/or methods to be put in place to ensure deleterious material is not carried onto any part of the public highway, including provision for revision in the event of the scheme being ineffective and any remedial measures to be put in place to clear the highway of any such material. The scheme shall be implemented as approved and utilised during the period of operation of the quarry.</p> <p>Reason: In the interests of highway safety in accordance with Policies AW5 and CS10 of the Rhondda Cynon Taf Local Development Plan.</p>
<b>12</b>	<p>The controls set out in Dust Management and Monitoring Plan dated May 2021 shall be implemented from the date of commencement of the development and shall be complied with at all times until the expiry of the permission. The first formal review set out in section 5.2 of the Plan will be due 2 years from the date of this permission.</p> <p>Reason: To protect the amenities and health of local residents in accordance with Policies CS10 and AW10 of the Rhondda Cynon Taf Local Development Plan.</p>

13	<p>No mobile crushing or screening equipment shall be operated within 200 metres of the boundary of the curtilage of any residential properties without the prior express permission of the Local Planning Authority unless the equipment is located on land below 180m AOD.</p> <p>Reason: To protect the amenities of neighbouring residential properties in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.</p>
14	<p>The operator of the quarry shall maintain and operate an automatic weather monitoring station at the primary crusher, in a manner to ensure the accurate measurement of atmospheric temperature, wind direction, wind speed and precipitation. All data shall be recoded in an accessible format and retained by the operator for at least two years and made available for examination by any authorised officer as determined by the Local Planning Authority.</p> <p>Reason: To ensure informed management of the operations at the site to ensure that dust emitted is not a source of nuisance so as to protect the amenities of local residents in accordance with Policies CS10 and AW10 of the Rhondda Cynon Taf Local Development Plan.</p>
15	<p>Unless the Local Planning Authority has otherwise agreed beforehand in writing (including e-mail) drilling operations above 180 metres A.O.D. shall only be carried out between the hours of 10.00 and 16.00 on Monday to Friday, and not at any time on Saturdays or Sundays or Statutory Public Holidays.</p> <p>Reason: To protect the amenities of local residents in accordance with Policies CS10 and AW10 of the Rhondda Cynon Taf Local Development Plan.</p>
16	<p>In any part of the quarry below 180m AOD, drilling operations shall only be carried out between the hours of 0700 and 1800 Monday to Friday, and not at any time on Saturdays or Statutory Public Holidays unless the Local Planning Authority has agreed beforehand in writing (including e-mail).</p> <p>Reason: To protect the amenities of local residents in accordance with Policies CS10 and AW10 of the Rhondda Cynon Taf Local Development Plan.</p>
17	<p>Except in the case of emergency to maintain safe quarry working (which shall be notified to the Local Planning Authority as soon as practicable), no blasting shall take place at the site except between 1000 and 1600 Monday to Friday, and there shall be no blasting on Saturdays, Sundays, and Public Holidays.</p> <p>For the purpose of this Condition 20, "emergency" means any circumstances in which the operator has a reasonable cause for apprehending injury to persons or serious damage to property.</p>

	Reason: To protect the amenities of local residents in accordance with Policies CS10 and AW10 of the Rhondda Cynon Taf Local Development Plan.
<b>18</b>	<p>Blasting shall be undertaken in such a manner to ensure that ground vibration at any vibration sensitive building, measured as a maximum of three mutually perpendicular directions taken at the ground surface, does not exceed a peak particle velocity (ppv) of 6mms per second in 95% of all blasts measured over any continuous six-month period, and no single blast shall exceed a ppv of 10mms per second. The measurement is to be taken at or near the foundations of any vibration sensitive building in the vicinity of the quarry existing at the date of this permission.</p> <p>Reason: To limit ground vibration from blasting operations so as to protect the amenities of local residents and the structure of buildings in accordance with Policies CS10 and AW10 of the Rhondda Cynon Taf Local Development Plan.</p>
<b>19</b>	<p>Each individual blast referenced in Condition 18 shall be monitored in accordance with the Blast Monitoring Scheme submitted on 30 July 2018. All monitoring shall be undertaken in accordance with the terms of the approved scheme for the duration of quarrying operations at the site. In addition:</p> <ul style="list-style-type: none"> <li>(a) Blasting times shall be clearly advertised at the Quarry;</li> <li>(b) A warning, audible at the site boundary, shall be sounded prior to any blasting operations taking place, and shall be sounded again immediately after blasting has finished.</li> <li>(c) Blasting times shall be clearly advertised in a prominent location on the operator's website, at least 24 hours in advance of the blasting occurring.</li> <li>(d) Blasting times should also be advertised in advance through appropriate social media channels, at least 24 hours in advance of the blasting occurring. The details of which social media channels will be used will be submitted to and approved in writing by the local planning authority, within 3 months of the date of this permission.</li> </ul> <p>Reason: To ensure that the impact of blasts on residents is minimised, and to protect the amenities of local residents in accordance with Policies CS10 and AW10 of the Rhondda Cynon Taf Local Development Plan.</p>
<b>20</b>	<p>No secondary blasting shall be carried out on the site.</p> <p>Reason: To protect the amenities of local residents in accordance with Policies CS10 and AW10 of the Rhondda Cynon Taf Local Development Plan.</p>



<p><b>21</b></p>	<p>All individual blasts shall be designed, managed, and implemented to minimise the extent of air overpressure resulting from blasts. If air overpressure exceeds 120dB at any nearby sensitive residential property (not owned by the applicant) the Local Planning Authority shall be informed within 7 days and the design, management and implementation of the blasts must be reviewed prior to any further blasting being undertaken at the site, with all future blasting being undertaken in accordance with the findings of the review.</p> <p>Reason: To limit air overpressure from blasting operations so as to protect the amenities of local residents and the structure of buildings in accordance with Policies CS10 and AW10 of the Rhondda Cynon Taf Local Development Plan.</p>										
<p><b>22</b></p>	<p>Prior to the firing of a blast the shotpile area shall first be dampened down, provided that it is accessible and safe to do so.</p> <p>Reason: To ensure that the impact of blasts on residents is minimised, and to protect the amenities of local residents in accordance with Policies CS10 and AW10 of the Rhondda Cynon Taf Local Development Plan</p>										
<p><b>23</b></p>	<p>Between the hours of 0700 and 1900 the free field Equivalent Continuous Noise Level LAeq (1 hour) resulting from operations within the site shall not exceed the relevant noise limit specified in Table 1 below at each selected noise sensitive property.</p> <p>Measurements taken to verify compliance shall have regard to the effects of extraneous noise and shall be corrected for any such effects. Measurements and assessments shall be made in accordance with BS4142.</p> <p>Table 1</p> <table data-bbox="183 1294 1252 1635"> <tr> <th>Receptor</th><th>Criteria</th></tr> <tr> <td>No 36 Conway Close</td><td>46 dB LAeq</td></tr> <tr> <td>No 3 Pen Y Bryn</td><td>47 dB LAeq</td></tr> <tr> <td>Flat above shop Garth Avenue</td><td>54 dB LAeq</td></tr> <tr> <td>No 1 Rogart Terrace</td><td>55 dB LAeq</td></tr> </table> <p>Reason: To ensure that the noise emitted is not a source of nuisance, and to protect the amenities of local residents in accordance with Policies CS10 and AW10 of the Rhondda Cynon Taf Local Development Plan.</p>	Receptor	Criteria	No 36 Conway Close	46 dB LAeq	No 3 Pen Y Bryn	47 dB LAeq	Flat above shop Garth Avenue	54 dB LAeq	No 1 Rogart Terrace	55 dB LAeq
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<p><b>24</b></p>	<p>Between the hours of 1900 and 0700 the free field Equivalent Continuous Noise Level LAeq (1 hour) due to operations in the site shall not exceed 42 dB LAeq at each selected noise sensitive property specified in Table 1 set out in condition 23 above.</p> <p>Reason: To ensure that the noise emitted is not a source of nuisance, and to protect the amenities of local residents in accordance with Policies CS10 and AW10 of the Rhondda Cynon Taf Local Development Plan.</p>
<p><b>25</b></p>	<p>Noise levels attributable to operations of a temporary nature within or on the periphery of the site such as the formation, removal or alteration of spoil tips, screening landforms and storage embankments, measured at any noise sensitive property specified in Table 1 in condition 23 above, shall not exceed a level of 67dB LAeq, 1hour (free field) These noise limits shall only apply for a maximum of 8 weeks in any calendar year.</p> <p>Reason: To ensure that the noise emitted is not a source of nuisance, and to protect the amenities of local residents in accordance with Policies CS10 and AW10 of the Rhondda Cynon Taf Local Development Plan</p>
<p><b>26</b></p>	<p>The best practicable means shall be used to minimise noise from reversing warning devices which are fitted to mobile plant and vehicles on the site. This will include fitting broadband directional alarms to vehicles.</p> <p>Reason: To ensure that the noise emitted is not a source of nuisance, and to protect the amenities of local residents in accordance with Policies CS10 and AW10 of the Rhondda Cynon Taf Local Development Plan.</p>
<p><b>27</b></p>	<p>Noise shall be monitored in accordance with the Noise Management Plan approved under planning reference 13/1188/38 on 27th November 2014.</p> <p>Reason: To ensure that the noise emitted is not a source of nuisance, and to protect the amenities of local residents in accordance with Policies CS10 and AW10 of the Rhondda Cynon Taf Local Development Plan.</p>
<p><b>28</b></p>	<p>Any facilities for the storage of oils, fuels or chemicals on the site shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, or the combined capacity of inter-connective tanks, plus 10%. All filling points, vents, gauges and site glasses shall be located within the bund. The drainage system of the bund shall be sealed with no discharge to any water course, land, or underground strata. Associated pipe work shall be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund.</p>

	Reason: To prevent pollution of nearby watercourses and drainage systems in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.
<b>29</b>	<p>Throughout the period of working, restoration and aftercare, the operator shall protect and support any ditch, stream, water course or culvert passing through the site and neither impair the flow nor render less effective drainage onto and from adjoining land. In particular, no run-off water from the site shall be permitted to flow down the quarry access road and onto the Berw Road.</p> <p>Reason: To prevent pollution of nearby watercourses and drainage systems in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.</p>
<b>30</b>	<p>Any settlement ponds at the site shall be kept clear of mud and silt as necessary and the discharge of waste, oil or other pollutant to any settlement pond, ditch, stream, watercourse or other culvert is not permitted.</p> <p>Reason: To prevent pollution of nearby watercourses and drainage systems in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.</p>
<b>31</b>	<p>No floodlighting other than that in existence at the date of this consent, shall be used on the site without the prior written approval of the Local Planning Authority. Any request for prior written approval must identify the impact of the additional lighting on bats and the amenity of nearby residents potentially affected.</p> <p>Reason: To prevent any unacceptable light pollution and to protect the amenities of local residents in accordance with Policies AW8, CS10 and AW10 of the Rhondda Cynon Taf Local Development Plan.</p>
<b>32</b>	<p>The Ecological Management Plan (May 2021) included at Appendix 7.3 to the EIA shall be implemented for the duration of the permission.</p> <p>Reason: To afford protection to animal and plant species in accordance with Policies AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan.</p>

<p><b>33</b></p>	<p>The existing trees, bushes, and hedgerows within the control of the developer (other than those shown as being removed on any of the approved plans) shall be retained and shall not be felled, lopped, topped, or removed in areas outside of the area of mineral working without the prior written consent of the Local Planning Authority. Any such vegetation removed without consent, dying, being severely damaged or becoming seriously diseased shall be replaced with trees or bushes of such size and species as may be specified by the Local Planning Authority, in the planting season immediately following any such occurrences.</p> <p>Reason: In the interests of amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.</p>
<p><b>34</b></p>	<p>Any replacement planting planted under condition 33 above shall be maintained and any plants which within five years of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.</p> <p>Reason: In the interests of amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan</p>
<p><b>35</b></p>	<p>Trees, shrubs, and hedges planted in accordance with the Additional Tree Screening at the Primary Crusher as shown on plan CYH-C31 (at Appendix 11.6 of the ES) shall be maintained and any plants which within five years of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.</p> <p>Reason: In the interests of amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.</p>
<p><b>36</b></p>	<p>All topsoil and subsoil shall be permanently retained on site and used in restoration.</p> <p>Reason: To prevent loss of soil in accordance with Policies AW5, AW6, AW8 of the Rhondda Cynon Taf Local Development Plan.</p>
<p><b>37</b></p>	<p>All disturbed areas of the site and all topsoil, soil making material and overburden mounds shall be kept free from injurious weeds until the completion of aftercare.</p> <p>Reason: To prevent a build-up of harmful weed seeds in soils that are being or will be used for restoration in accordance with Policies AW5, AW6, AW8 of the Rhondda Cynon Taf Local Development Plan.</p>

<p><b>38</b></p>	<p>Within 6 months of the date of this permission, an Interim Restoration Scheme shall be submitted for the written approval of the Local Planning Authority. The Interim Restoration Scheme shall cover the restoration of final benches located outside active quarrying areas and other land within the quarry boundary not required for operational purposes. The Scheme shall be implemented as approved.</p> <p>Reason: In the interests of the amenity of the local area in accordance with Policy CS10 of the Rhondda Cynon Taf Local Development Plan.</p>
<p><b>39</b></p>	<p>Not later than 31 December 2028 or the expiry of 6 months following the permanent cessation of the winning and working of minerals and the depositing of mineral waste, whichever is the sooner, a detailed final restoration scheme, including drawings to illustrate the proposals for the final restoration of the quarry shall be submitted to and approved by the Local Planning Authority in writing. The final restoration scheme shall be based upon the restoration concept plan CYH7 and include, inter alia the following matters:</p> <ul style="list-style-type: none"> <li>(a) the nature of the intended after use of the site;</li> <li>(b) the location, depth, and treatment of any dust/fine aggregate on the site;</li> <li>(c) the ripping of the quarry floor (other than where comprised of bedrock) and the re spreading over the floor of the excavated area of any overburden, subsoil and topsoil previously stripped from the site, in that order;</li> <li>(d) the ripping of any compacted layers of final cover to ensure adequate drainage and aeration; such ripping should normally take place before placing of the topsoil;</li> <li>(e) the machinery to be used in soil re-spreading operations;</li> <li>(f) the final proposed levels of the site on a contour plan at 5m intervals and the gradient of the restored slopes which shall be graded to prevent ponding of, or erosion by surface water and to conform with the surrounding land;</li> <li>(g) the drainage of the restored land including the formation of suitably graded contours to promote natural drainage and the installation of artificial drainage where necessary;</li> <li>(h) the position and design of any ditches and watercourses where all such features shall be designed to achieve maximum ecological diversification;</li> <li>(i) the reinstatement of the plant site and access roads by clearing plant, buildings, machinery and concrete or brickwork, and other obstructions, replacing of subsoil and then topsoil previously stripped from the site;</li> <li>(j) details of the spreading of soils previously stripped and stored on the site including depths and placement areas;</li> <li>(k) the method of soil replacement and soil handling;</li> <li>(l) position and erection of boundary fencing;</li> </ul>

	<p>(m) the position of any roadways, footpaths, and bridleways to be provided linked with existing Public Rights of Way, including the crossing and surfacing of such routes.</p> <p>The restoration works shall be carried out in accordance with the approved restoration scheme and shall be fully implemented within two years of the date of approval of the scheme or by 31st December 2030, whichever is the sooner.</p> <p>Reason: In the interests of the amenity of the local area in accordance with Policy CS10 of the Rhondda Cynon Taf Local Development Plan.</p>
<p><b>40</b></p>	<p>Prior to the commencement of the Final Restoration Scheme, the operator shall submit a scheme to deal with any potential contamination on the site. The scheme shall include such of the following steps as the Local Planning Authority shall reasonably deem necessary:</p> <p>(a) A desk-top study and walk-over survey shall be carried out by a competent person to identify and evaluate all potential sources and impacts of contamination relevant to the site. A report of the desk-top study and walk over survey shall be submitted to the Local Planning Authority without delay upon completion.</p> <p>(b) Unless the report supplied under (a) above satisfies the Local Planning Authority that it is not required, a site investigation shall be carried out by a competent person to fully and effectively characterise the nature and extent of any contamination and its implications.</p> <p>(c) A scheme containing a written method statement for the remediation of any contamination revealed by the site investigation in (b) above shall be agreed in writing with the Local Planning Authority prior to commencement and all requirements shall be implemented and completed by a competent person in accordance with a timescale to be approved in writing by the Local Planning Authority.</p> <p>(d) A suitable validation report of any remedial works carried out under (c) above shall be submitted to and approved by the Local Planning Authority.</p> <p>If during restoration works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in any remediation proposals above then revised remediation proposals shall be submitted to and approved in writing by the Local Planning Authority, and thereafter implemented in accordance with an agreed timescale with the Local Planning Authority.</p> <p>Reason: In the interests of health and safety and environmental amenity in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.</p>

<p><b>41</b></p>	<p>Not later than 30 December 2028 or the expiry of 24 months following the permanent cessation of the winning and working of minerals and the depositing of mineral waste, whichever is the sooner, an aftercare scheme, for amenity after use that promotes the use of the site for nature conservation shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>The aftercare scheme shall include the following elements:</p> <ul style="list-style-type: none"> <li>(a) A five-year period of aftercare following restoration;</li> <li>(b) The inclusion of all areas affected by the quarrying activities, and areas outside the extraction area that have been used to store soil or overburden and areas subject to trafficking by mobile plant and equipment;</li> <li>(c) The steps to be taken and the period during which they are to be undertaken and who shall be responsible for taking those steps;</li> <li>(d) The timing and pattern of vegetation establishment (including grass seeding of restored areas with a suitable herbage mixture and application rates to achieve species rich grassland and heath land restoration, the distribution of native tree and shrub planting including stock types, sizes, spacing, method and position of planting).</li> <li>(e) Cultivation practices for the preparation of soils;</li> <li>(f) Fertilising and lime application based on soil analysis, weed control;</li> <li>(g) Land management techniques;</li> <li>(h) The provision of boundary treatment;</li> <li>(i) Entry onto the site shall be granted to officials of the Welsh Government at all times during soil stripping or replacement operations, restoration, and aftercare of the site;</li> </ul> <p>An aftercare habitat management plan which shall include;</p> <ul style="list-style-type: none"> <li>(a) The details of the provision of areas to be restored to nature conservation and their application to local biodiversity objectives (to include nesting sites for peregrine falcon and raven, roosting and hibernation areas for bats, native woodland restoration, natural species –rich grassland and heath land restoration);</li> <li>(b) Description and evaluation of features to be managed; (</li> <li>(c) Ecological trends and constraints that may influence management;</li> <li>(d) Aims and objectives of management;</li> <li>(e) Appropriate management options for achieving aims and objectives;</li> <li>(f) Prescription for management actions;</li> <li>(g) Work Schedule;</li> <li>(h) Personnel responsible for implementation of plan;</li> <li>(i) Monitoring and remedial/contingency measures triggered by monitoring.</li> </ul> <p>Aftercare operations shall be carried out in accordance with the approved aftercare scheme unless otherwise approved in writing by the Local Planning Authority</p> <p>Reason: In the interests of the amenity of the local area in accordance with Policy CS10 of the Rhondda Cynon Taf Local Development Plan.</p>
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42	<p>Before 31st March of every year during the aftercare period, the site operator shall arrange a formal site meeting to review the aftercare operations which have taken place on the site during the previous year, and also the programme of management for the following year. The parties invited to this meeting shall include the site operator, the owners of the land (if not the operator), any other relevant occupiers, the Local Planning Authority, and such relevant advisors and/or representatives of the Local Planning Authority as it shall nominate. At least one month before the date of each annual review meeting, the site operator shall provide a written report to the Local Planning Authority. The report shall contain details of the management and other operations carried out on the site in the previous year and those which are planned for the ensuing year.</p> <p>Reason: In the interests of the amenity of the local area in accordance with Policy CS10 of the Rhondda Cynon Taf Local Development Plan.</p>
43	<p>Within 6 months of the date of this permission a strategy shall be submitted for communication and engagement with the local community. This shall include measures for the setting up of a Community Liaison Group. The strategy shall be implemented in accordance with the approved details.</p> <p>Reason: In the interests of the amenity of the local residents in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.</p>
44	<p>The average annual output of aggregates from the site shall not exceed 400,000 tonnes when calculated over any period of three consecutive calendar years.</p> <p>Reason: In the interests of the amenity of the local residents in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.</p>



## Appendix C: Appearances

### FOR THE APPLICANT:

Mr Richard Kimblin QC	No 5 Chambers
Ms Sioned Davis	No 5 Chambers
Instructed by Ms Andrea Bruce	Partner Knights
Ms Katrina Hawkins BSc MSc CEnv MIAQ MIES MIAMA	Chairman of Smith Grant LLP (SGP),
Ms Rachel Canham BEng MSc	Acoustic Consultant WBM
Dr Robert Farnfield BSc PhD FIQ	Consultant Explosives Engineer EPC-UK PLC
Mr Owen Jones BA Hons Dip TP MSc MRTPI PIEMA	Director of LRM Planning Limited
Mr Graham Jenkins BA(Hons) MRTPI MIQ	Technical Director SLR Consulting Ltd

### FOR THE LOCAL PLANNING AUTHORITY:

Mr Michael Bedford QC	Cornerstone Barristers
Mr P Williams MRTPI	Associate Amity Planning Consultants

### INTERESTED PERSONS:

Ms Heledd Fychan	MS
Ms Dawn Wood	Cllr
Ms Joseanne Hughes	Weighbridge Clerk (Hanson Aggregates)
Mrs Helen Jarman	Local Resident
Mr Doug Williams	Cllr
Mr Mike Powell	Cllr
Mr Mike Wilkes	General Foreman (Hanson Aggregates)
Mr Mark Hopkins	Hanson Aggregates
Mr Phil Webb	Haulage operator
Mr Glyn Cullen	General Manager (KJ Services)

Mr Pritchard	Cllr
Ms Vikki Howells	MS
Mr Keith Silk	Local Resident

## **Appendix D: Appellant Documents**

<b>Number</b>	<b>Document</b>
APP1/1	Statement of Case - Extension Appeal
APP2/1	Statement of Case - S73 Appeal
APP3/1	Response to LPA Statement of Case - Extension Appeal
APP4/1	Response to LPA Statement of Case - S73 Appeal
APP5/1	Proof of Evidence of Katrina Hawkins - Dust
APP5/2	Appendices to Proof of Evidence of Katrina Hawkins - Dust
APP5/3	Summary Proof of Evidence of Katrina Hawkins - Dust
APP5/4	Addendum Note to Proof of Evidence of Katrina Hawkins - Dust
APP5/5	Rebuttal Proof of Evidence of Katrina Hawkins - Dust
APP6/1	Proof of Evidence of Katrina Hawkins - Air Quality
APP6/2	Appendices to Proof of Evidence of Katrina Hawkins - Air Quality
APP6/3	Summary Proof of Evidence of Katrina Hawkins - Air Quality
APP7/1	Proof of Evidence of Rachel Canham
APP7/2	Appendices to Proof of Evidence of Rachel Canham
APP7/3	Summary Proof of Evidence of Rachel Canham
APP8/1	Proof of Evidence of Jeremy Hurlstone
APP8/2	Note from Jeremy Hurlstone on Highway Issues raised at the Inquiry
APP9/1	Proof of Evidence of Dr Robert Farnfield
APP10/1	Proof of Evidence of Dr Andrew Buroni
APP10/2	Appendices to Proof of Evidence of Dr Andrew Buroni
APP11/1	Proof of Evidence of Owen Jones
APP11/2	Appendices to Proof of Evidence of Owen Jones
APP11/3	Summary Proof of Evidence of Owen Jones
APP12/1	Proof of Evidence of Graham Jenkins

APP12/2	Summary Proof of Evidence of Graham Jenkins
APP13/1	Legal Note
APP14/1	Appearances List
APP15/1	Appellant's Grounds for Making a Costs Application
APP15/2	Appellant's Costs Application 27 June 2022
APP16/1	Appellant's Opening Statement
APP17/1	Note regarding Restoration Guarantee
APP18/1	Note regarding HGVs
APP19/1	Bound set of letters in support of the appeals
APP20/1	Documents required by Mr Williams
APP21/1	Proposed site visit route
APP22/1	S106 Agreement appeal B
APP23/1	S106 Agreement appeal A
APP24/1	Closing submissions for the appellant

## **Appendix E: Council Documents**

<b>Number</b>	<b>Document</b>
LPA 1.1	Statement of Case
LPA 2.1	Supplementary Statement of Case
LPA 3.1	Proof of Evidence of Phill Williams
LPA 3.2	Appendices to Proof of Evidence of Phil Williams
LPA 4.1	Noise Statement by Matt Wilson
LPA 5.1	Opening statement on behalf of RCTCBC
LPA 6.1	Supplementary Planning Guidance: Planning Obligations December 2014
LPA 7.1	Closing Submissions on behalf of the Council
LPA 8.1	Response to Cost Application on behalf of the Council

## **Appendix F: Core Documents**

### **CD1 – Appeal A Western Extension Application**

<b>CD1.1</b>	Planning Application Statement and Application plans
<b>CD1.2</b>	Environmental Statement Volume 1
<b>CD1.3</b>	Environmental Statement Volume 2 - Appendices
<b>CD1.4</b>	Environmental Statement Volume 3 - Landscape and Visual Impact Assessment Figures
<b>CD1.5</b>	Environmental Statement Volume 4 - Non-Technical Summary

### **CD2 - Documents Submitted After Validation (Western Extension Application (Appeal A))**

<b>CD2.1</b>	Letter dated 12 September 2016 accompanied by Response to Well Being and Environmental Health Issues June 2016 (v2) - September 2016 and response to consultee comments submitted 15 September 2016
<b>CD2.2</b>	Revised Application Plans CYH/E4/B - CYH/E11/B - October 2016
<b>CD2.3</b>	Email dated 9 January 2017 from SLR re number of blasts within buffer zone
<b>CD2.4</b>	Letter dated 13 June 2017 from RCT with request for further information required before taking the application to committee and response letter dated 16 August 2017 from SLR to RCT with the information requested by RCT including provision of a draft Dust Management Plan
<b>CD2.5</b>	Email dated 30 July 2018 from Hanson to Hugh Towns, Carmarthenshire CC, acting as minerals planning adviser to RCT supplying a Blast Monitoring Scheme (as referred to in draft Condition 24 in the schedule of proposed planning conditions within the February Committee Report)
<b>CD2.6</b>	Email dated 3 October 2018 from SLR to Hugh Towns accompanied by a note on output and traffic movements and letter from SLR re updated ecology survey dated 24 September 2018.
<b>CD2.7</b>	Letter dated 25 February 2020 from SLR to RCT following resolution to refuse the application at committee on 6 February 2020
<b>CD2.8</b>	Letter dated 7 July 2020 from SLR to RCT in advance of committee on 9 July 2020 with suggestions for planning conditions instead of a refusal
<b>CD2.9</b>	Environmental Statement Volume 5 - Supplementary Environmental Statement
<b>CD2.10</b>	Environmental Statement Volume 6 - Supplementary Environmental Statement Appendices
<b>CD2.11</b>	Environmental Statement Volume 7 - Supplementary Environmental Statement Non-Technical Summary

### **CD3 - Core Documents Appeal B**

- CD3.1** Environmental Statement Volume 1
- CD3.2** Environmental Statement Volume 2 - Appendices
- CD3.3** Environmental Statement Volume 3 - Non-Technical Summary
- CD3.4** Application Plans

### **CD4 - Committee Reports, Minutes and Decision Notices**

- CD4.1** Committee Report and Minutes dated 6 February 2020 (Extension Application)
- CD4.2** Committee Report and Minutes dated 9 July 2020 (Extension Application)
- CD4.3** Decision Notice (refusal) dated 23 July 2020 (Extension Application)
- CD4.4** Committee Report and Minutes dated 26 August 2021 (S73 Application)
- CD4.5** Committee Report and Minutes dated 7 October 2021 (S73 Application)
- CD4.6** Decision Notice (refusal) dated 8 October 2021 (S73 Application)
- CD4.7** Committee Report and Minutes dated 10 February 2022 (Extension Application and S73 Application)

### **CD5 - Air Quality**

- CD5.1** IAQM Guidance on the Assessment of Mineral Dust Impacts for Planning, May 2016 (version 1.1)
- CD5.2** IAQM Guidance on the Assessment of Dust from Demolition and Construction, 2016 (version 1.1)
- CD5.3** IAQM Land-Use Planning and Development Control: Planning for Air Quality, January 2017

### **CD6 – Noise**

- CD6.1** Department of the Environment & Welsh Office, Mineral Planning Guidance: The Control of Noise at Surface Mineral Workings, MPG 11, April 1993
- CD6.2** Planning Guidance (Wales), Technical Advice Note (Wales) 11, Noise – October 1997 [TAN 11]
- CD6.3** Mineral Technical Advice Note (Wales) 1: Aggregates (MTAN1) - March 2004
- CD6.4** Institute of Environmental Management & Assessment (IEMA) Guidelines for Environmental Noise Impact Assessment - November 2014

### **CD7 - Development Plan**

<b>CD7.1</b>	Minerals Background Paper for Rhondda Cynon Taf Local Development Plan to 2021 - December 2009
<b>CD7.2</b>	Inspector's Report on the Rhondda Cynon Taf Local Development Plan to 2021 - 7 February 2011
<b>CD7.3</b>	Rhondda Cynon Taf Local Development Plan to 2021 - Adopted March 2011
<b>CD7.4</b>	Rhondda Cynon Taf Local Development Plan to 2021 Review Report - November 2019
<b>CD7.5</b>	Rhondda Cynon Taf Local Development Plan Proposals Map
<b>CD7.6</b>	Candidate Site Register LDP 2006 - 2021

#### **CD8 - Emerging Development Plan**

<b>CD8.1</b>	Revised Local Development Plan Delivery Agreement - March 2022
<b>CD8.2</b>	Email from RCT dated 2 February 2022 regarding a proposed new Revised Local Development Plan 2022-2037
<b>CD8.3</b>	Candidate Site Methodology, October 2020, Western Extension Candidate Site Material submitted March 2021 and Call for Sites

#### **CD9 - Relevant Decisions, Cases and Legislation**

<b>CD9.1</b>	The Town and Country Planning (Development Management Procedure) (Wales) Order 2012
<b>CD9.2</b>	Well-being of Future Generations Act 2015
<b>CD9.3</b>	Planning and Compulsory Purchase Act 2004, Section 38
<b>CD9.4</b>	<i>City of Edinburgh Council v Secretary of State for Scotland</i> (1997)
<b>CD9.5</b>	<i>R v Rochdale MBC ex parte Milne</i> (2000)
<b>CD9.6</b>	<i>R v London Borough of Camden</i> (2001)
<b>CD9.7</b>	<i>Newport Borough Council v Secretary of State for Wales</i> (1997)
<b>CD9.8</b>	<i>West Midlands Probation Committee v Secretary of State for the Environment</i> (1997)
<b>CD9.9</b>	<i>Derbyshire Dales v Secretary of State for Communities and Local Government</i> (2009)
<b>CD9.10</b>	<i>Gateshead Metropolitan Borough Council v Secretary of State for the Environment</i> (1993)

#### **CD10 – Other**

<b>CD10.1</b>	Craig Yr Hesg ROMP review 08/1380/10 Decision Notice 24 April 2013 and Committee Reports of 7 February and 7 March 2013
<b>CD10.2</b>	General Permitted Development Order Approval of Asphalt Plant reference 13/0825/23 - November 2013



<b>CD10.3</b>	Planning permission reference 13/1039/10 for Quarry Two-way Site Entrance and Access Road - March 2014
<b>CD10.4</b>	Planning permission reference 17/0788/10 for demolition of Gospel Hall on Garth Avenue and construction of 2 new dwellings - September 2020
<b>CD10.5</b>	Environmental Permit Reference PPC/009-3.5-HQPEL/0104D for the Asphalt Plant and the Processing Plant with Introductory Note and Variation reference 10:0222/083209 - February 2022
<b>CD10.6</b>	South Wales Regional Aggregates Working Party Annual Report 2019
<b>CD10.7</b>	Regional Technical Statements for the North and South Wales Aggregate Working Parties 2008, 1st Review 2014 (RTS1)
<b>CD10.8</b>	Minister's Clarification letter - 25 July 2014
<b>CD10.9</b>	Regional Technical Statements for the North and South Wales Aggregate Working Parties 2008, 2nd Review (RTS2) and Appendix B - September 2020
<b>CD10.10</b>	Welsh Government Clarification Letter - 11 November 2021
<b>CD10.11</b>	Transcript of committee meeting dated 9 July 2020 (Extension Application)
<b>CD10.12</b>	Transcript of committee meeting dated 26 August 2021 (S73 Application)
<b>CD10.13</b>	Transcript of committee meeting dated 7 October 2021 (S73 Application)
<b>CD10.14</b>	Transcript of committee meeting dated 10 February 2022 (Extension Application and S73 Application)
<b>CD10.15</b>	Statement of Common Ground (Extension Application)
<b>CD10.16</b>	Statement of Common Ground (S73 Application)
<b>CD10.17</b>	Statement of Common Ground (Dust)
<b>CD10.18</b>	Planning Policy Wales Edition 11, February 2021
<b>CD10.19</b>	Further Statement of Common Ground (Dust)
<b>CD10.20</b>	Section 106 Agreement (Extension Application)
<b>CD10.21</b>	Section 106 Agreement (S73 Application)