

Application Number: 20/0702/FULL

Date Received: 24.08.2020

Applicant: Bryn Aggregates Ltd

Description and Location of Development: Enable the retention of, and proposed extension to, quarry operations including new drainage systems and settlement ponds, landscape bunds and associated works and a site restoration scheme. - Gelliargwellt Uchaf Farm Gelligaer Road Gelligaer Hengoed CF82 8FY

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: Gelliargwellt Uchaf Farm, Gelligaer Road, Gelligaer, Hengoed, CF82 8FY.

Site description: The application site has an area of approximately 29 hectares encompassing the existing Bryn Quarry and surrounding land. Bryn Quarry is situated at Gelliargwellt Uchaf Farm, which is a dairy farm and in addition to this and the existing quarry the applicant's other business activities such as waste recovery and recycling, and an anaerobic digestion facility within land between Gelligaer, Nelson and Trelewis. In terms of the application site relative to the surrounding settlements this can be broadly summarised as follows; Gelligaer lies to the north, Penybryn to the East, Trelewis to the west and Nelson to the south-west.

Development: Enable the retention of, and proposed extension to, quarry operations including new drainage systems and settlement ponds, landscape bunds and associated works and a site restoration scheme.

The submitted planning statement describes the proposal as seeking to continue quarry activities as well as extend the existing quarry with a saleable resource of approximately 2.6 million tonnes of Pennant sandstone. The existing quarry will be extended with a series of 'cuts', which will work the resource in a northerly and then westerly direction beginning at the southern boundary of the site and extending northwards throughout the proposed working period and subsequently westwards. The proposed extension will sit within a bund (part of which is constructed) which is proposed to be completed in full prior to any extraction within the extension area. The application seeks to consolidate the previous permissions for the existing quarry into a new permission to cover this and the extension to the quarry along with supporting infrastructure including alterations to the existing surface water attenuation management system which will be upgraded with new settling lagoons before connecting into the adjacent watercourse.

The stone quarried at the site meets the requirements for +68 PSV high specification aggregate (HSA), which is used where a high degree of skid resistance is required, including motorways and airport runway surfacing.

The anticipated programme is that extraction would be undertaken under a 24 year programme with phased restoration continuing for a further 7 years following cessation of extraction (end date for restoration is circa 2052/3). The phased restoration of the site will also be progressed in tandem with the quarry extraction process. Restoration will be achieved through backfilling the quarry void utilising quarry overburden, waste blast material and inert waste received at the wider Bryn Group site. The final restoration land management regime is anticipated to consist of a combination of elements including agricultural grazing, woodland and small copses, hedgerows, peatland and marshy grassland. The extraction rate is expected to be undertaken at approximately 111,200 tonnes per annum for each of the first 23 years with a reduction to 63,560 in the final year of extraction (year 24). Placement is anticipated to occur at a rate of approximately 55,600 tonnes per annum for the first 24 years with an increase to 166,800 tonnes per annum in the final 7 years (when extraction has ceased and the sole focus will be on restoration).

The phasing of extraction in the extended quarry area would be undertaken in six separate phases with works within the extended area starting in the south-eastern corner (phase one) and then sequentially moving in an anti-clockwise direction before finishing in the north-west corner with phase six.

The restoration would be undertaken in seven phases (A-G) starting within the existing quarry area and then following a broadly similar pattern to the anticlockwise extraction phases, noting however that most of the restoration phases cover larger areas encompassing both parts of the existing quarrying area together with areas of the quarry extension.

Dimensions: The application site area is 29 hectares in size.

Materials: Not Applicable.

Ancillary development, e.g. parking: New drainage systems and settlement ponds and Landscape bunds are proposed.

PLANNING HISTORY 2010 TO PRESENT 10/0429/RET - Retain and complete earthworks - Granted - 04/11/2010.

11/0224/FULL - Erect building and tanks to incorporate anaerobic digestion facility with associated plant, engineering and landscaping works - Refused - 08/12/2011.

11/0226/FULL - Provide permanent operation of materials recycling facility and erection of new building - Refused - 08/12/2011.

11/0227/NCC - Delete condition 13 of planning permission ref 10/0429/RET to remove requirement to reduce height of bund to 1 metre above the adjoining ground level - Granted - 08/12/2011.

12/0570/FULL - Extend existing quarry operations including new drainage system and settlement ponds, landscape bunds and associated works - Granted - 08/08/2013.

14/0226/FULL - Provide materials recycling facility (revision to approved material recycling facility reference 11/0226/FULL) - Granted - 14/07/2014.

15/0488/RET - Retain development previously approved under planning permission 11/0224/FULL for the construction of an anaerobic digestion facility with changes to construction details relating to the position of the digestate tanks, digestate lagoon, surplus gas flare - Granted - 10/12/2015.

16/0069/COND - Discharge Condition 12 (external lighting), Condition 13 (wheel and road washing), Condition 14 (surface water drainage), Condition 15 (slurry pipeline), Condition 16 (landscaping), Condition 18 (construction method statement) and Condition 20 odour management) of planning permission 15/0488/RET (Retain development previously approved under planning permission 11/0224/FULL for the construction of an anaerobic digestion facility with changes to construction details relating to the position of the digestate tanks, digestate lagoon, surplus gas flare, silage clamp and associated works and to change the use of the existing in vessel composting building to an anaerobic digestion reception building and an in vessel composting facility) - Decided - 25/04/2016.

18/0085/NCC - Vary condition 8 of planning consent 15/0488/RET (Retain development previously approved under planning permission 11/0224/FULL for the construction of an anaerobic digestion facility with changes to construction details relating to the position of the d - Granted - 19/04/2018.

18/0843/NCC - Vary condition 08 of planning consent 18/0085/NCC (Vary condition 8 of planning consent 15/0488/RET (Retain development previously approved under planning permission 11/0224/FULL for the construction of an anaerobic digestion facility with changes to construction details relating to the position of the digestate tanks, digestate lagoon, surplus gas flare, silage clamp and associated works and to change the use of the existing in vessel composting building to an anaerobic digestion reception building and an in vessel composting facility) to enable the continuation of restricted Saturday and Bank Holiday hours (which have been operated under for the past three years) to enable collections to take place on Sundays - Granted - 06/12/2018.

19/0011/FULL - Provide additional fire prevention measures including structures, storage tanks, engineering and associated works - Granted - 21/02/2019.

19/0275/NCC - Vary Condition 08 (Hours of operation) of planning consent 14/0226/FULL (Provide materials recycling facility (revision to approved material recycling facility reference 11/0226/FULL) to extend the hours of operation for utility providers - Refused -12/09/2019.

19/0276/NCC - Vary Condition 6 (Hours of operation) of planning consent 12/0570/FULL (Extend existing quarry operations including new drainage system and settlement ponds, landscape bunds and associated works) to extend the hours of operation for utility providers - Refused - 12/09/2019.

20/0140/COND - Discharge conditions 03 (Drainage), 04 (Trees) of planning consent 19/0011/FULL (Provide additional fire prevention measures including structures, storage tanks, engineering and associated works) - Decided - 09/04/2020.

20/0171/COND - Discharge conditions 6 (Resurfacing of access road) and 7 (Site Management Plan) of planning consent 19/0275/NCC granted on appeal reference number APP/K6920/A/19/3240193 (Vary Condition 08 (Hours of operation) of planning consent 14/0226/FULL (Provide materials recycling facility (revision to approved material recycling facility reference 11/0226/FULL) to extend the hours of operation for utility providers) - Decided - 09/04/2020.

20/0172/COND - Discharge conditions 09 (Resurfacing of access road) and 10 (Site Management Plan) of planning consent 19/0276/NCC granted on appeal reference number APP/K6920/A/19/3240204 (Vary Condition 6 (Hours of operation) of planning consent 12/0570/FULL (Extend existing quarry operations including new drainage system and settlement ponds, landscape bunds and associated works) to extend the hours of operation for utility providers) - Granted - 20/04/2020.

20/0293/FULL- Carry out engineering works to provide a lagoon and associated works and infrastructure - Granted -26-06/2020.

20/0479/FULL - Carry out engineering works to provide agricultural improvement work – Pending.

20/0937/FULL - Erect extension to existing milking parlour to provide covered feeding area – Pending.

21/0082/CLPU - Obtain a Lawful Development Certificate for the proposed provision of allotments for use by the local community, ancillary access and parking – Pending.

21/0226/FULL - Erect building over concrete yard space to provide additional feed storage, and to harvest rain water from the roofs and reduce the water run-off from the yards – Pending.

21/0383/FULL - Erect a farm building over concrete yard space to provide additional cattle housing and to harvest rain water from the roofs and reduce the water run-off from the yards – Pending.

21/0476/NCC - Vary condition 3 and remove condition 12 of planning consent 18/0087/NCC (Remove condition 12 of planning consent 14/0422/NCC (Vary condition 6 of planning permission P/04/1912 to extend the hours of operation on Saturdays until

16:00 and on Bank Holidays from 07.30 to 13.00) to enable the continuation of restricted Saturday and Bank Holiday hours) to enable the continuation of hours of operation – Pending.

POLICY

LOCAL DEVELOPMENT PLAN Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.

Site Allocation: The site is within the Mynydd Eglwysilan Special Landscape Area, partially within a Green Wedge designation and a sandstone safeguarding area.

Policies: CW3 (Highways), CW2 (Amenity), CW4 (Natural Heritage Protection), CW5 (Protection of the Water Environment), CW6 (Trees, Woodland and Hedgerow Protection), CW15 Locational Constraints, CW22 Mineral Safeguarding, CW23 Locational Constraints - Mineral Site Buffer Zones, MN1 Mineral Site Buffer Zones and SI1 (Green Wedges), SP8 (Mineral Safeguarding).

NATIONAL POLICY Planning Policy Wales, Mineral Planning Policy Wales, MTAN1: Aggregates, Regional Technical Statement for Aggregates.

Planning Policy Wales

5.14.23 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.

5.14.47 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.

5.14.48 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.

ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? The application was accompanied by an Environmental Statement.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? Yes, the application site falls partly within the defined Development High Risk Area.

CONSULTATION

Rights Of Way Officer - There are two public rights of way in the area of the proposed: Footpath 160 Gelligaer abuts the South-Western boundary and Bridleway 181 Gelligaer abuts the South-Eastern boundary.

It is recommended that conditions be added to any permission to safeguard these rights of way.

The Coal Authority - No objection subject to informative note to highlight Coal Mining legacy issues.

Ecologist - We recommend the inclusion of 3 No. planning conditions to secure biodiversity conservation and enhancement on site.

Mr R Jones - The Welsh Government as highway authority for the A470 trunk road does not issue a direction in respect of this application.

Transportation Engineering Manager - CCBC - Have considered the submitted information and raise no objection as on balance given the development has been in existence for a number of years, without a detrimental impact upon the highway and that the quantum of material currently being imported/exported from the site will continue to be limited.

Provide planning conditions to address detailed highway considerations.

Senior Engineer (Land Drainage) - It is recognised that NRW are the responsible organisation in relation to the discharge of surface from the site and they have indicated that a Discharge Permit will be required. The standard of water quality at the point of discharge will therefore be set by NRW. Whilst NRW have statutory responsibilities for many aspects of the activities which form carried out as part of the quarrying on the site there is a degree of overlap in the areas of responsibility with reference to this development.

Have concerns regarding the adequacy of the existing settlement lagoons and water quality.

Advises that two planning conditions are recommended to be imposed to address Quality of Water leaving the site and drainage restoration proposals.

Natural Resources Wales - The Nelson Bog Site of Special Scientific Interest (SSSI) is hydrologically linked to the application site. The habitats of special interest within the Nelson Bog SSSI are reliant on hydrological quantity and quality. Changes to either may be detrimental to the special interest of the site and could cause damage to features of the SSSI.

We recommend you should only grant planning permission if you attach NRW recommended conditions to the permission.

We are of the view that should the matters in the conditions be satisfactorily addressed, such that appropriate systems and controls are in place, maintained and monitored, these should be sufficient to prevent detrimental impacts to the SSSI.

Heritage And Placemaking Officer - No fixed permanent structures or buildings are proposed as part of this development that could potentially have an adverse impact upon the settings of the Historic Assets identified in the Heritage Statement submitted with this application.

The phased restoration of the site will be progressed in parallel with the proposed extraction. The restoration works will be completed 7 years following the completion of the mineral extraction. It is proposed to restore the land for agricultural purposes in the longer term, which is supported.

I have no objection in principle to an extension to the quarry. I remain concerned about the lack of consideration given to the grade I listed building in the near vicinity, i.e. Llancaich Fawr Manor House only 1.35ks to the W and the lack of screening to the grade II listed Gelliargwellt Uchaf Farmhouse and garden walls, details of which should have been submitted as part of this application.

Public Health Wales - Raised queries in respect of air quality monitoring. Following receipt of additional short term modelling still have queries but advise that these present a reassuring picture of ambient air quality and that there should not be significant short-term impacts providing proper controls and mitigations measures are in place.

Recommend air quality monitoring be conditioned.

Merthyr Tydfil County Borough Council - No objections.

Chief Fire Officer - No objection, provides advice for developer.

Dwr Cymru - Provide standard advice for applicant.

Glamorgan-Gwent Archaeological Trust - There is no information to suggest that (apart from the Gelliargwellt Uchaf Farm house and beebole range) that any other archaeological features or structures are present in the immediate application area.

It is unlikely that significant archaeological remains will be encountered during the course of the proposal. Raise no objection to the positive determination of this application.

Health & Safety Executive - This application does not fall within any Health and Safety Executive (HSE) consultation zones. There is therefore no need to consult HSE on this planning application and HSE has no comment to make.

ADVERTISEMENT

Extent of advertisement: The application was advertised by way of neighbour notification letters, site notices and a press notice as the application is a major application submitted with an accompanying Environmental Statement.

Response: A petition including 495 signatures titled "Petition against Bryn Group expansion" was received by the Local Planning Authority. Representations have also made reference to an online petition on www.change.org against the proposal which at the time of writing this report appeared to have 1116 signatories.

Further representations objecting to the application from Cllrs Cushing, Gair and Parry were also received.

182 representations were also made which comprises of 100 objections, 81 supportive comments and 1 representation which could not be identified as either wholly supportive or objecting. A number of objectors made several representations which have not been included in the totals.

287 Proforma letters of support were also received in respect of the application.

Summary of observations: The objections raised can be summarised as follows:

Dust / Air Quality

Can't sit in garden or open windows or leave washing out or have to rewash

Impact on School and Children's health

Noise

Odour Issues

Adverse Impact on resident's Health (Physical and mental wellbeing including stress) and quality of life and human rights

Will lead to an Increase in blasting and associated vibration, Lack of notice for blasting, blasting limit too high

Adverse impacts and damage to surrounding residential properties from Blasting

Adverse Traffic Impacts including from HGVs

Impact on archaeology

Visual Impact

Pest/Vermin problems

Impact on Wildlife (including bats, lapwings, snipe, woodcock, ducks, newts, peewits, red kites and frogs and their ponds)

Adverse impact on SINC's

Proximity of extended quarry to existing residents/settlements (Quarry too close to residents) and possible future encroachment

Property devaluation

The CCBC's LDP minerals policy includes a 250m buffer zone as a minimum allowed Effect on Conservation Area, Heritage/Tourism (including Llancaiach Fawr)

Contamination of the ground and bund with plastic waste and animal waste

We cannot know what they will use to backfill this quarry in later years

Cumulative effect of activities at Bryn Group are unacceptable

Misleading conduct of Bryn Group in media/press releases

Loss of Common

No benefits to local community

Company broken law numerous times

Raise concerns over the honesty/integrity of the planning process if application is granted as the Council use the site for Waste Management

Local Residents homes and communities should be respected and treated with a priority over this quarry

Bryn Group carry out works and then apply for retrospective planning, operates outside permitted hours

Allege that Bryn group threatened staff with their jobs if they don't support the application and get friends and family members to do the same

Urge councillors to reject application

Blocking a public rights of way with the bund

This place needs to be closed down not extended

Just for the financial benefit of applicants

No safe or secure fence to keep people out of quarry

CCBC ignores residents

Impact on Ecology, habitats and biodiversity, landscape and heritage would be much greater than acknowledged in the Environmental Statement

Contrary to the Council's duty under the Wellbeing of Future Generations (Wales) Act 2015

The Pre-Application Consultation and conclusions was flawed

The area around the application site has a low environmental capacity to absorb a further 24 years of quarrying

The argument put forward about the scarcity and quality of the High Specification Aggregate is not compelling enough

Extension of this quarry is not justified in the sensitive location

Impact on Coal workings, Historic mining records are not complete and there is a risk of subsidence/sink holes

The Transport Assessment has not taken into consideration the Ty Du Farm development in Nelson

The supportive comments received are summarised as follows:

Provides direct employment and contributes to local economy
Will safeguard jobs in companies that trade with and provide services to Bryn Group
Quarry provides an essential product for roads & buildings not just locally but on a national level and is important for UK infrastructure and UK economy
Impacts are acceptable
Company supports local community groups
This project is essential to Caerphilly Borough as provides materials for reactive works by Welsh Water help maintain water supplies
Local Supply of quarry products helps keep costs down for customers and reduce carbon footprint
Will secure a long term sustainable supply of materials
Very good business. How would we get rid of rubbish if we didn't have this huge recycling company going
Proposed conservation work will enhance the local environment

SECTION 17 CRIME AND DISORDER ACT

What is the likely effect of the determination of this application on the need for the Local Planning Authority to do all it reasonably can to prevent crime and disorder in its area?

It is not considered that crime and disorder will be materially affected by the development.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? Based on current evidence, this is unlikely to be a significant issue in this case, but an advisory note will be attached to the consent and sent to the applicant as a precautionary measure.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? Not applicable.

ANALYSIS

Policies: Planning Policy Wales (which incorporated and updated advice previously contained within Mineral Planning Policy Wales) sets out the over-arching land use planning policy guidance of the Welsh Government in relation to mineral extraction and it is a material consideration in determining planning applications for mineral development. The guidance seeks to strike a balance between the need for minerals to support our way of life and the need to protect the environment and the amenity of local communities.

The guidance sets out the key principles of sustainable mineral development as being to provide mineral resources to meet society's needs and to safeguard resources from

sterilisation; to protect areas of importance to natural or built heritage; to limit the environmental impact of mineral extraction; to achieve a high standard of restoration and to encourage efficient and appropriate use of minerals. These principles have been translated into the policies in the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.

Minerals Technical Advice Note1 (MTAN1): Aggregates

This MTAN sets out detailed advice on delivering the government's minerals policy, including advice on demand, supply and reducing the impact of aggregates production.

Regional Technical Statement

The Regional Technical Statement (RTS) for the South Wales Regional Aggregates Working Party area examines demand and supply across the region and sets out recommendations for each county borough council in order that sufficient aggregates are provided in the most sustainable way. The concept of environmental capacity is used to direct mineral working to the least intrusive sites.

The RTS undertakes apportionment on a sub-regional basis, with areas determined by looking at patterns of supply and representing distinct market areas. Consideration has been given to the distribution of planned housing activity, environmental capacity, proximity and transport networks. Caerphilly, as part of the Cardiff City sub-region, has a required apportionment of 13.4 mt for crushed rock over a 25 year period, compared with existing permitted reserves of 31.3 mt as of the end of 2016, equating to a landbank of 58.5 years.

It is however noted that an earlier planning permission for part of the quarry (12/0570/FULL) considered the issue of the Landbank which at the time was more than 60 years and considered that the nature of the High Specification Aggregate product produced was sufficient justification for approval.

Para. 49 of Minerals Technical Advice Note (MTAN) 1 takes the position that mineral planning authorities (MPAs) should consider whether there is justification for extensions to existing sites where landbanks provide for more than 20 years supply, and that these should not be permitted except in rare and exceptional circumstances. However, these may be justified where supply of an aggregate of a particular specification is clearly demonstrated.

Para. B60 of Appendix B (South Wales) of the RTS states that

"pennant sandstone resources are widespread within the (Cardiff City) sub-region" and "may offer prospects for future resource development...particularly in the case of extensions to existing quarries. In terms of proximity to export markets, these offer greater benefits than those further west".

MTAN 1 requires that the potential use of all waste materials that are available in the locality be fully considered in environmental statements submitted as part of any planning application, in order to ensure that any opportunity to use waste materials is fully assessed before further extraction of natural resources is permitted.

In terms of alternative sources of aggregates, recycled aggregates from construction, demolition and excavation wastes are likely to be available locally. However, Bryn Quarry is a specialist facility producing a high-specification product with specific end uses. Substantial quantities of colliery spoil are understood to exist above Bedwas, Machen and Llanbradach, but these are generally remote from transport links and therefore difficult to utilise effectively. Moreover, previous efforts to obtain planning permission for the removal of tips in Machen have been refused.

MTAN 1 states that granting extensions to quarries where there is already an adequate landbank may be justified

"where supply of an aggregate of a particular specification is clearly demonstrated".

South Wales is the nearest source of supply of High Specification Aggregate (HSA) to The Midlands, South and South East England, and while Welsh Government guidance seeks to encourage self-sufficiency and sustainable mineral development, HSA is a national strategic resource with limited occurrences and it provides essential materials to maintain a safe highway network.

Sources of rock meeting the necessary levels of resistance to polishing, durability and strength to be used as HSA are limited within the UK as a whole. A report was prepared for the government in 2004 (Capita Symonds: The Sustainable Use of High Specification Aggregates for Skid Resistant Road Surfacing in England) which found that there were relatively few areas in the UK where the rock formations held the necessary characteristics and which were not constrained by being in areas remote from markets or in areas where extraction would be environmentally unacceptable. The report also concluded that

"optimum combinations of strength and resistance to polishing are found in a limited number of formations, foremost among which are the Carboniferous "Pennant" Sandstones of South Wales".

While Bryn Quarry was originally permitted for a different purpose it has previously been accepted under permission 12/0570/FULL that the need for High Specification Aggregates (HSA) from the quarry was in accordance with paragraph 49 of MTAN1.

The current application has been supported by correspondence from Tarmac and Hanson. Tarmac advise that a reserve of high specification aggregate at Hafod Quarry in Abercarn is sterilised as a result of unsuitable, poor quality materials above the +68 PSV product and were unable to operate due to high costs associated with the need to remove a significant amount of overburden materials. They advise that Bryn quarry is

strategically important to Tarmac's business as a supplier of High PSV asphalt within the UK. A further submission from Hanson Asphalt states that whilst Hanson does have its own source of +68PSV aggregate, reserves at their Craig Yr Hesg Quarry are almost exhausted and it is becoming increasingly difficult to produce the required volumes of +68PSV that the market now demands. Hanson advise that the only suitable alternative supply of aggregate that meets the required technical specification of a +68PSV aggregate for use in asphalt would be from Ireland. They raise concerns in terms of cost and carbon footprint with this alternative sourcing. It is noted that the RTS statement indicates potential other HSA quarry suppliers within Wales. Notwithstanding this fact it appears that there are constraints on the production of HSA stone from the nearest producers. Therefore it is considered that the proposal is in accordance with paragraph 49 of MTAN 1.

Principle of the development

Policy CW15 recognises that mineral development needs to take place in the countryside since minerals can only be worked where they occur. Therefore, in principle, the development accords with the development plan providing that it is acceptable in all other respects. The proposed extension to the quarry working area falls within the designated Mineral Site Buffer Zone under Policies MN1 (Minerals Site Buffer Zones) and CW23 (Locational Constraints - Minerals Site Buffer Zones) and the separation distance to surrounding residential properties (unconnected with the applicants) would be in excess of the 200m distance advised in MTAN1.

Amenity impacts

Noise

An Environmental Noise Impact Assessment has been carried out by Hunter Acoustics based on the proposals. Noise sensitive properties (NSP) have been identified at Top Hill Farm, Greenacres Bungalow, Claerwen Housing Estate, Llancaiach Isaf and Brynheulog Street/Cefn Llwynau Street/Trosnant Crescent.

Results of baseline monitoring carried out as part of previous environmental noise impact assessments at the Site in 2010 and 2011 have been used to set limits at nearest noise sensitive receptors. Typical background noise levels taking into account the farm, quarry, materials recycling facility and in-vessel composting facility, varied from 31.5 decibels to 41 decibels. MTAN 1 paragraph 88 states that during daytime (07.00 - 19.00 hours) noise levels above 55dB(A) may cause serious annoyance. Where background noise levels are less than 45dB(A), noise levels should not exceed background levels plus 10dB(A). Night time (19.00 - 07.00 hours) noise should not exceed 42dB(A) although it is not proposed to carry out quarrying operations during the night time.

The noise survey concluded that, with the exception of Greenacres, which is within the control of Bryn Quarry Noise map models indicate that based on a worst case 1hr

daytime period, proposed noise level limits should be met at all NSPs and that excluding Greenacres, the predicted noise levels at sensitive properties ranged (within the phases of development) from 37dB(A) at Llancaiach Farm to 51dB(A) at Claerwen.

The Council's Head of Public Protection has reviewed the noise assessment and has raised no objection subject to planning conditions.

Air Quality

Dust is a generic term to describe particulate matter which may be found on the ground or other surfaces but which can become airborne to disperse in the atmosphere before returning to a surface. It is produced at mineral extraction sites during soil stripping operations, excavation of the mineral, processing operations and during haulage. Particles of less than 10 microns can enter the respiratory system and may be associated with a range of effects on human health, including those on respiratory and cardiovascular systems. MTAN 1 states that the potential impact on health must always be considered in relation to proposals for aggregates extraction.

The Environmental Statement air quality and dust chapter assesses the likely significant effects of the Development on the environment in respect of Air Quality. An assessment has been undertaken using modelling and included baseline monitoring at the nearest residential properties to the proposed extension between November 2018 and October 2019. The particle monitoring included the health related fractions PM10 and PM2.5 along with wind speed and direction, to help determine the contribution from the existing quarry and materials recycling facility.

The worse cast predicted air pollution is that annual mean PM10 is predicted to increase in Penybryn by 5% (from a baseline of 15.7ug/m³ to 17.7ug/m³ annual mean) and PM2.5 by 1% (from a baseline of 7.9 ug/m³ to 8.3ug/m³ annual mean). All changes in PM10 and PM2.5 at sensitive receptors have been graded as negligible within the chapter. This is compared to a Wales limit value (annual mean) of 40ug/m³ for PM10 and 25ug/m³ for PM2.5.

The predicted increase in the annual mean levels of PM10 and PM2.5 as a consequence of the Development has been classified as negligible significance at all sensitive receptors considered within the study area in terms of the IAQM/EPUK assessment framework. These predictions ignore any reduction achieved by mitigation and are therefore likely to be pessimistic. Following comments from the Health Board additional information was supplied in terms of short term air quality and these results indicate that the impacts from the proposed quarry extension are highly unlikely to cause any exceedance of the short-term air quality objective.

The Council's Head of Public Protection has assessed the submitted information and has raised no objection subject to the imposition of conditions to mitigate impacts on existing residential receptors.

Ground vibration

Sandstone is a hard rock that generally requires to be extracted by blasting. When an explosive charge is detonated in a borehole, pressure waves are generated in the surrounding rock. In quarrying operations the blasting is designed to remove a given quantity of rock in a controlled manner by utilizing the pressure waves to cause sufficient displacement in the rock face to break out the rock. The greatest part of the energy from the blast is absorbed in creating mass movement and in direct release to the atmosphere. Some energy, however, escapes to cause vibration in the surrounding rock and when this happens it travels through quickly and diminishes over time and distance like ripples on a pond. Ground vibration is measured in three planes at any one location as peak particle velocity (PPV).

Studies in the USA, Canada, Sweden and the UK have indicated that within normal frequency range associated with blasting, structural damage may be caused at vibration levels exceeding 50 mm/sec PPV. Minor cosmetic damage such as plaster cracks may occur at levels exceeding 12mm/sec. MTAN 1 recommends that the maximum level of ground vibration at sensitive locations should not exceed 6mm in 95% of all blasts measured over a 6 month period, and that no individual blast should exceed 10mms-1.

However, the previous quarry permissions were subject to a more stringent condition, which required that 95% of blasts should not give rise to vibration levels of more than 4mm/sec measured over 6 months and that no blast should exceed 8mm/sec. Officers have monitored vibration from existing quarry blasts at the site and have found that 2mm/sec PPV is rarely exceeded, and blasts often range between 1-1.7mm/sec PPV. The applicant has committed within the submitted information to undertake future blasting from the extended quarry in line with the previous condition requirements and noting the levels of previous blasting from the existing quarry area it is anticipated that even with the closer proximity to residents from an extended quarry that the proposed limits which are tighter than national policy requires is likely to be achievable. Therefore it is recommended that any permission granted be subject to a condition restricting PPV to 4mm/sec and 8mm/sec.

Landscape and Visual impact

The Council's Landscape Officer has reviewed the submitted Landscape and Visual Assessment (LVA) and considers there is unlikely to be any significant medium and long term adverse effects upon the landscape character of the study area providing perimeter mounding, along with site wide restoration is implemented, including planting / seeding design and habitat creation. The construction phase and operational phases are expected to have the largest effect on the landscape character area, however, this should be, with phasing, short to medium term and diminished with the provision of the seeded screening perimeter mounds. Mounds once planted will assist to integrate the site into the landscape character areas and SLA and with mitigation should not be significant. It is however, seen as essential that in order to do so and prevent these

mounds being seen as contrived, that their gradients are gentle, established with grass and quickly followed with the planting.

The visual effects on sensitive receptors notably residential areas adjacent to the site and users of adjacent Public Right of Way will be limited primarily to the construction period. Although significant during the construction period of the mounds, this will be temporary and short term and limited primarily to users of the adjacent Public Right of Way and properties immediately adjacent to the site. This is largely limited to a small number of properties afforded views of the site from the southern edge of Gelligaer and east of Penybryn. Adverse visual effects on these local sensitive receptors should reduce as the proposed construction of mounds and associated landscaping establishes and matures, thus integrating and reducing the short term adverse visual effect.

The extended quarry area appears to slightly overlap the green wedge designation (S11 Gelligaer, Penybryn and Penpedairheol), although the remainder of the application area that falls within it would be subject to the proposed screening bund and peat habitat area. It is not considered that a small encroachment into this particular green wedge, which serves to protect the open nature of the land between Gelligaer and Penybryn, would be of detriment to its overall integrity.

The proposal has also been considered against policy CW4 (Natural Heritage Protection), which requires that proposals conserve and, where appropriate, enhance the distinctive characteristics of such designations. The existing quarrying operation already falls within the Mynydd Eglwysilan Special Landscape Area. Whilst the proposal seeks an extension of the area to be worked, it also proposes the restoration of the existing quarry area. In net terms, therefore, the impact upon the character of the Special Landscape Area is likely to be negligible.

Members are advised that the broad principle of bund screening has been established through earlier planning permissions (including 17/0973/FULL) with comments and oversight from the Landscape Officer and therefore it is considered that the proposals contained within the current application are reasonable and appropriate and finalised details can be achieved through conditions as required by the Landscape Officer to enable detailed discussions on planting and form.

It is noted and acknowledged that concerns have been submitted related to existing works carried out to provide part of the bund which has been raised in objection and subject to local publicity. This involved the contamination within the bund which has been subject to investigations including by Natural Resources Wales. Natural Resources Wales advised the Local Planning Authority that they served a Section 59 Notice to remove the plastic contaminated compost from the landscaping bund and the majority of this work has been undertaken.

The Bryn Group website includes a news article where Alun Price (Managing Director of Bryn Group) is quoted as saying

"Our neighbours are justifiably angry at the contamination found in some consignments of compost used atop the quarry bund, and we have and continue to apologise unreservedly for that. We hope they will find assurance from this detailed independent study that found the structure of the bund is not contaminated, as many of them believe, and is in fact properly constructed. There was clearly a failure in the physical sifting ("screening") and quality control systems in place for our compost, but we assure you that it was not deliberate. With advice from NRW and our advisors, we have taken steps to identify and resolve the issue and have already improved our processes with the addition of a new screening machine and extra quality assurance checking. We will now work hard and swiftly to remediate the surface of the quarry bund to remove the areas of contamination, so that it can be landscaped and planted to improve both the visual impact and its shielding properties."

The issues surrounding the contamination of material within the bund is undoubtedly regrettable but from the statements provided by both Natural Resources Wales and Bryn Group show this matter is being addressed and indications have been given from Bryn Group that revised processes and additional equipment has been adopted which provides some reassurance that future bund works can be undertaken without such problems reoccurring.

Ecology.

Part 1(6) of the Environment (Wales) Act 2016 imposes a duty on a public authority to seek to maintain and enhance biodiversity in the exercise of functions in relation to Wales, and in so doing promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions.

The Site is dominated by marshy and semi-improved grassland over deep peat, which is where most of the Development will be located. Other habitats include drystone walls, standing and running water, hedgerows, improved grassland, tall ruderal vegetation, scattered scrub, and ephemeral/short perennial vegetation.

The applicants have carried out ecological surveys including an Extended Phase 1 Habitat Survey, Botanical Survey of the Waun Rydd SINC, Survey for Great Crested Newt and Lapwing Survey.

There is one statutory designation within 2km of the site which is the nationally important Nelson Bog SSSI approximately located 300m to the south-west of the Site.

A further 16 Sites of Importance for Nature Conservation have been identified within the Biodiversity chapter of the Environmental Statement as being within 2km of the site. SINC's are local designations. The Waun Rydd SINC is located adjacent to the site boundary.

Overall the assessment concludes that impacts on the Nelson SSSI is likely to be negligible and the impact on SINC's are also likely to be negligible without further mitigation measures.

A Great Crested Newt Survey was undertaken and found no evidence of the species concluding that Great Crested Newt are considered to be absent on-Site and within 500 m of the site boundary. The Site is considered to be of importance for birds, invertebrates, reptiles and common amphibians at a site level.

The Environmental Statement identified the main likely significant effects during the extraction phase are habitat loss, degradation and fragmentation, and disturbance or displacement of animals and birds. The following activities have also been identified as having potential to cause these significant effects:

Digging / soil stripping of existing overburden, requiring removal or disturbance of existing vegetation, dry stone walls and soils

Pollution by chemicals associated with the use of heavy plant or mobilisation of suspended solids resulting in toxic effects to plants

Removal of hedgerows; and

Visual, noise or vibration related disturbance from vehicles / heavy plant, lighting and digging.

The site restoration proposals include three areas for the deposition of peat extracted from the quarry extension area. These will be connected to surface water lagoons and water levels within the peat controlled via penstocks. The peat cells are intended to retain the existing peat resource (avoiding carbon release) but will also offset the loss of marshy grassland through the creation of approximately 5.82ha of new peatland habitat. The north-western cells are included in the landscaping for the consented screening bund. The depth of peat in the cells has been indicated as likely to be between 1m and 2.5 m.

Based on experiences gained from another Welsh site the applicant's ecologist advises this is likely to result in the establishment of blanket bog vegetation and/or mire vegetation of higher quality and ecological value than the agriculturally improved habitat to be lost.

However whilst the three peat cells will offset the total habitat loss, the positioning of the cells is such that the largest of the three, positioned at the eastern end of the existing quarry, is isolated from the other cells and habitats on the landscape bund by agricultural grassland. This will result in reduced habitat connectivity between the designated sites to the north and south of the Site.

The assessment advises that overall, in the absence of further mitigation, the loss of marshy grassland will result in a permanent adverse effect of significance at the Local level.

To address this adverse impact it is proposed that the restoration plans include a corridor of new wetland habitat to restore connectivity between the Waun Rhyd SINC and Nelson Bog SSSI. It is considered that Landscaping plans can be finalised with the Landscape Officer and Ecologist to provide a visually acceptable restoration to provide enhanced habitat connectivity. A planning condition requiring details of finalised Landscaping and hedgerow enhancement are proposed to be included.

Whilst there will be a minor adverse effect on the disturbance / displacement of birds (including waders) and other wildlife during the operations phases, following restoration it is anticipated to result in a minor beneficial effect resulting from habitat creation (including provision of new habitat for lapwing) and long-term management for the peat and habitats, ponds and ditches, reptiles and invertebrates.

The Council's Ecologist has reviewed the submitted information and raises no objection recommending planning condition to secure biodiversity conservation and enhancement on site.

Hydrology/Hydrogeology

The submission has included detailed Hydrology information which has been reviewed by both Natural Resources Wales and the Council's Land Drainage Officer. The existing quarry operation has a dewatering process and existing lagoon system and it has been acknowledged by all parties that the proposed extension of the quarry will require additional measures to ensure there are no adverse impacts on the water environment particularly noting the hydrological linkages to environmental sensitive sites most notably the SSSI. It is proposed that planning conditions to require a full scheme of drainage measures is submitted and agreed prior to the quarry extension being brought into use and subject to agreement of these measures the proposal would accord with Policy CW5 (Protection of the Water Environment).

Heritage, Archaeology and Conservation

It is considered that the proposal will not have a detrimental impact on the closest Listed Buildings (Gelliargwellt Uchaf Farmhouse and Bee-holes) and that no other Listed Building (including Llancaiach Fawr and the adjacent barn) will be unacceptably impacted by the development. The consultation response received from Glamorgan Gwent Archaeological Trust indicates that it is anticipated that there will not be an impact in terms of known Archaeology and the application site is sufficiently separated from the Gelligaer Conservation Area to ensure its character and appearance is preserved by the development.

Traffic and Highway impacts

In terms of the impact of Traffic and the Highway impacts it is noted that the proposed development would maintain the existing levels of traffic already in place from the quarry and would therefore not lead to an increase in daily movements to/from the site.

On this basis the Transportation Engineering Services Manager has raised no objections to the development subject to planning conditions being imposed which restrict daily exportation and importation of stone and waste materials for fill, require cleaning of vehicles prior to entering the public highway and also restrict the number of vehicles laden with minerals to leave the quarry during school run hours and lunchtime during term time.

In response to a weight restriction Traffic Order put in place on the Shingrig Road Bridge at Nelson the applicant submitted a technical note which indicates that an alternative route (A470/A4059 4-arm roundabout near Abercynon - A472 towards Treharris - A472 towards Tredomen - Penallta Link Road - Penallta Road to Gelligaer - Church Road onto Gelligaer Road - Bryn Quarry access) has sufficient capacity to accommodate all HGV traffic associated with Bryn Quarry.

It is considered that with the requested conditions to address highway considerations that the proposal would accord with Policy CW3 (Design Considerations - Highways).

Legal Agreement

It is noted that previously legal obligations have been agreed with the developer in respect of a Section 106 agreement associated with the consent for the bund and also a variation of condition application (17/0971/NCC) in order to secure proposed peat mitigation measures, to secure monitoring of water levels within the SINC and to set trigger levels for further mitigation to protect the characteristic features of the SINC. This may include financial measures, for example a bond, to ensure that the peat mitigation measures can be completed if, for some reason, the operator fails to comply. It is considered that an updated Section 106 agreement based upon the previous agreement be sought reflecting the new proposal as well as the timescales of the revised extraction and restoration period and entered into if members are minded to approve the application.

Comments from Consultees:

Gelligaer Community Council advised that they unanimously objected to planning application Case Ref 20/0702/FULL for the retention of, and proposed extension to the quarry at Gelliargwellt Uchaf Farm on the following grounds:

1. Dust - local residents are having to endure the nuisance of increased visible dust on their clothes, cars, windows of their properties and on furniture throughout the inside of their homes which is causing much distress.
2. Noise - residents are having to endure loud noise from machinery and blasting at the site, and whilst industrial noise has controls in place, agricultural has none and it is nigh on impossible to distinguish between the two.

3. Environmental - the development has a direct negative impact on the natural habitat. Biodiversity is reduced when existing organisms in the habitat are displaced or destroyed.

They concluded that gradual incremental planning applications have resulted in this development encroaching closer to just within 300m of people's homes. The dust, noise and environmental damage does not affect just one home but a whole estate. It contributes to considerable hidden suffering, with increased levels of stress, anxiety and depression experienced, which can lead to long term physical health conditions. The residents have a basic right to quiet enjoyment which this development does not allow. The Public Rights of Way Officer has recommended a number of planning conditions to protect existing rights of way which are close to the site. It is however considered that separate legislative powers exist in respect of public rights of way and to avoid duplication of powers the comments will be provided to the applicant as informative advice.

In relation to the Heritage Officer's comments about the lack of consideration of Llancaich Fawr (Grade I listed Llancaiach Fawr Manor House and Grade II listed adjacent barn) which is located approximately 1.35km from the application site a Heritage Addendum was prepared and submitted by the applicant. This considered the impact on Llancaiach Fawr and in particular commented "The manor house is set more widely within enclosed fields and woodland creating a largely rural setting. The manor has no functional or associative relationship with the application site, nor does it have any visual linkages through designed or incidental long-distance views that contribute to its significance. By the virtue of their distance from the site, intervening built form, topography and landscape features, it is not considered that the site makes any contribution to the significance or setting of Llancaiach Fawr Manor House and barn."

The addendum went on to consider the Impact of the development as "Acknowledging that setting is not limited to visual effects. It is clear, that Llancaiach Fawr Manor House has an enclosed immediate setting with a clearly defined curtilage to the manor complex. The entrance to the property runs north to south and is lined by mature trees, providing screening to the east. Within the wider setting of the assets there is intervening woodland and modern industrial buildings which separate the assets from the Site. In addition, the assets are set c.50m lower than the level of the site, which prevents long distance views towards the site. By the virtue of their distance from the site, intervening built form, topography and landscape features, it is considered that the proposed development would have a neutral impact on the significance or setting of the historic assets." It is considered that the impact on Llancaiach Fawr from the development proposed would be acceptable.

In respect of a further matter raised by the Conservation Officer related to the impact of the development on the closest listed buildings (Gelliargwellt Uchaf Farmhouse, Grade II listed and Stone Garden Wall with Bee-Boles, Grade II listed) the addendum submitted reaffirms that the conclusions in the submitted heritage statement remain valid. It is considered that the setting of the farmhouse and wall has already been

impacted by previous development (in particular the recycling operation) and the proposed quarry extension will be adequately screened by existing landscaping and additional planting is not required to preserve the Listed Building and its setting.

Comments from public: - Dust / Air Quality.

Can't sit in garden or open windows or leave washing out or have to rewash.
Impact on School and Children's health.

The application submission has included monitoring and modelling for air quality and provisions are made for ongoing monitoring of dust and air quality during the proposed development including the restoration phases of the site following the cessation of extraction. The proposal is considered to have an acceptable impact on all surrounding receptors.

Noise.

The application submission has included an assessment of noise impacts and this has been found acceptable. A Planning condition to require agreed noise levels are not exceeded is proposed.

Odour Issues.

It is not anticipated that the quarrying operation will generate significant impacts in terms of odour. The issue of odour from other activities of Bryn Group (for example farming and recycling) would be matters to be addressed separately from the consideration of this application.

Adverse Impact on resident's Health (Physical and mental wellbeing including stress) and quality of life and human rights.

Impacts in terms of dust and noise have been addressed above. It is not considered that with the safeguards recommended in terms of dust and particulate monitoring that there would be any unacceptable impacts on health, quality of life or related human rights.

Will lead to an Increase in blasting and associated vibration, Lack of notice for blasting, blasting limit too high.

Adverse impacts and damage to surrounding residential properties from Blasting.

As considered in the report above the blasting/vibration levels would be restricted in line with the existing permissions for quarrying at the site. The level of vibration (PPV) contained within the planning condition is more onerous than national guidance (MTAN1) and below the recognised threshold for where damage to property may occur and is therefore considered to have an acceptable impact on neighbour amenity. The matter of notice period for blasting would be a matter for the applicant to address.

Adverse Traffic Impacts including from HGVs.

The proposal would continue the existing level of traffic in terms of HGV movements and the Transportation Engineering Manager has offered no objection to the development subject to conditions to restrict the quantum of minerals that can leave the site on a daily basis and further restrictions related to time periods to accord with school term dates.

Impact on archaeology.

The Council's Archaeological advisor (Glamorgan Gwent Archaeological Trust) has raised no concerns in respect of the impact on archaeology.

Visual Impact.

Subject to conditions and finalised restoration plans it is considered that the development will have an acceptable Visual Impact on the area.

Pest/Vermin problems.

It is not considered that the proposal for the quarrying operation and extension would itself lead to a material risk of pest/vermin.

Impact on Wildlife (including bats, lapwings, snipe, woodcock, ducks, newts, pee wits, red kites and frogs and their ponds).

The proposed development would impact some habitat and wildlife during the excavation phases however following restoration it is considered that it is anticipated to result in a minor beneficial effect resulting from new habitat creation.

Adverse impact on SINCs.

The SINCs and indeed a SSSI have been considered as part of the assessment submitted with the application and with the proposed restoration planned, no unacceptable impacts on the designations will occur.

Proximity of extended quarry to existing residents/settlements (Quarry too close to residents) and possible future encroachment.

The proposal would maintain a sufficient buffer to existing residential which exceeds the 200m required under MTAN1. Any future applications would be considered at the time they are submitted in accordance with national and local planning policy.

Property devaluation.

Devaluation is not a material planning consideration.

The CCBC's LDP minerals policy includes a 250m buffer zone as a minimum allowed.

The proposal accords with the Local Development Plan's mineral policies including buffer zone.

Effect on Conservation Area, Heritage/Tourism (including Llancaiach Fawr).

The proposal is not considered to have any unacceptable impacts on the Gelligaer Conservation Area, Heritage Assets or Tourism.

Contamination of the ground and bund with plastic waste and animal waste.

As detailed earlier in the report the issue of bund contamination has been investigated with NRW serving notice on the applicant and removal of unacceptable material has commenced.

We cannot know what they will use to backfill this quarry in later years.

The application documents state that restoration will be achieved through backfilling the quarry void utilising quarry overburden, waste blast material and inert waste. This is considered to be acceptable in human health terms.

Cumulative effect of activities at Bryn Group are unacceptable.

In assessing the application regard has been had to the existing lawful operations of Bryn Group which includes recycling, farming and anaerobic digestion facilities as well as the existing quarry operation. The proposed extension will not increase traffic movements of HGVs and will be subject to similar restrictions as the existing permissions. It is not considered that the cumulative impact is unacceptable.

Misleading conduct of Bryn Group in media/press releases.

No specific details have been provided and this is not considered a material planning consideration.

Loss of Common.

The land comprising the application site is within private ownership and is not common land. Following final restoration the site would return currently inaccessible quarry land to countryside and as such it will not result in a permanent loss of common.

No benefits to local community.

This is the personal view of the objector.

Company broken law numerous times.

No specific details have been provided and this is not considered a material planning consideration.

Raise concerns over the honesty/integrity of the planning process if application is granted as the Council use the site for Waste Management.

The planning application has been subject to normal publicity procedures and planning processes and the application has been reported to Planning Committee in a transparent manner. The Council has established separation of functions to ensure probity in the planning process.

Local Residents homes and communities should be respected and treated with a priority over this quarry.

The development has been assessed having regard to impacts on residents within the communities and the proposal is deemed acceptable.

Bryn Group carry out works and then apply for retrospective planning, operates outside permitted hours.

The application before members is to extend the quarry and consolidate existing quarry activities which can be lawfully carried out under extant planning permissions. The application should be considered on its merits.

Allege that Bryn group threatened staff with their jobs if they don't support the application and get friends and family members to do the same.

No evidence has been provided that any representations received have been made under duress.

Urge councillors to reject application.

This would be a matter for councillors to consider having regard to the relevant material planning considerations in respect of the application.

Blocking a public rights of way with the bund.

The Public Rights of Way Officer has been consulted on the application and has offered no objection to the application. Obstruction of Public Rights of Way is subject to specific legislation and therefore should this occur action can be undertaken.

This place needs to be closed down not extended.

Just for the financial benefit of applicants.

These are the personal views of the objectors.

No safe or secure fence to keep people out of quarry.

This would be a matter for the quarry operator to address through their responsibilities as landowner and in respect of other legislation (such as health and safety legislation).

CCBC ignores residents.

The representations received from residents have been summarised in this report. Impact on Ecology, habitats and biodiversity, landscape and heritage would be much greater than acknowledged in the Environmental Statement.

The Environmental Statement and subsequent submissions by the applicant are considered to be sufficient to address the issues raised above.

Contrary to the Council's duty under the Wellbeing of Future Generations (Wales) Act 2015.

The duties under the Well-Being of Future Generations (Wales) Act 2015 have been considered as detailed within the other material considerations section of this report.

The Pre-Application Consultation and conclusions was flawed.

It is considered that the pre-application consultation accorded with statutory requirements for validation of the planning application.

The area around the application site has a low environmental capacity to absorb a further 24 years of quarrying.

The argument put forward about the scarcity and quality of the High Specification Aggregate is not compelling enough.

The application has been considered with regard to National Planning Policy including Planning Policy Wales, Minerals Technical Advice Note 1 and supporting Regional Technical Statement. The consideration of environmental capacity has been balanced against the extension of an existing quarry operation which has the ability to produce High Specification Aggregate and the proposal is considered acceptable and in accordance with paragraph 49 of MTAN1 where supply of an aggregate of a particular specification is clearly demonstrated.

Extension of this quarry is not justified in the sensitive location.

The application has been considered in respect of the designations and impacts of the development is subject to the planning conditions proposed is considered to have an acceptable impact.

Impact on Coal workings, Historic mining records are not complete and there is a risk of subsidence/sink holes.

The Coal Authority have been consulted on the application and have raised no objections in relation to the development.

The Transport Assessment has not taken into consideration the Ty Du Farm development in Nelson.

The proposed traffic from this application would remain the same as the existing quarry operation with vehicle movements restricted by planning conditions and therefore would have neutral impact in overall traffic numbers versus the current baseline. The Transportation Engineering Manager has raised no objections to the development.

Other material considerations: The duty to improve the economic, social, environmental and cultural well-being of Wales, has been considered in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015. In reaching the recommendation below, the ways of working set out at section 5 of that Act have been taken into account, and it is considered that the recommendation is consistent with the sustainable development principle as required by section 8 of that Act.

Future Wales - The National Plan 2040 was published on 24 February 2021 and forms part of the statutory development plan for the county borough. In addition to this Planning Policy Wales (PPW) has been amended to take account of Future Wales and PPW Edition 11 has also been published on 24th February 2021. In reaching the conclusion below full account has been taken of both Future Wales and PPW Edition 11 and where they are particularly pertinent to the consideration of the proposals they have been considered as part of the officer's report. It is considered that the recommendation(s) in respect of the proposals is (are) in conformity with both Future Wales and PPW Edition 11.

RECOMMENDATION (A) that the application is DEFERRED to allow the applicants to enter into a Section 106 Agreement as set out above (B) On completion of the Agreement, that planning permission is GRANTED.

This permission is subject to the following condition(s)

- 01) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

- 02) The development shall be carried out in accordance with the following approved plans and documents:
 Drawing Reference BAL-NQE-2017-50m -026 - Site location plan 1_5000
 Drawing Reference BAL-NQE-2017-50m-018rev A - Site location plan-A4
 Drawing Reference BAL-NQE-2017-50m-017revD - Distances
 Drawing Reference BAL-NQE-2017-50m-023 - Section location plan
 Drawing Reference BAL-2018-NQE-50m-022 - Sections
 Drawing Reference BAL-NQE-2017-50m-020 - Extraction phasing
 Drawing Reference BAL-NQE-2017-50m-019 - Restoration phasing
 Drawing Reference BAL-NQE-2017-50m -003revD - Fully extracted quarry with 50m standoff
 Drawing Reference BAL-NQE-2017-50m -002revD - Whole site restoration with 50m standoff
 Drawing Reference BAL-NQE-2017-50m-001revB - New quarry extension areas with 50m standoff
 Drawing Reference BAL-NQE-2017-50m-004revB - Extraction Phase 1
 Drawing Reference BAL-NQE-2017-50m-005revB - Extraction Phase 2
 Drawing Reference BAL-NQE-2017-50m-006revB - Extraction Phase 3
 Drawing Reference BAL-NQE-2017-50m 007revB - Extraction Phase 4
 Drawing Reference BAL-NQE-2017-50m -008revB - Extraction Phase 5
 Drawing Reference BAL-NQE-2017-50m-009revB - Extraction Phase 6
 Drawing Reference BAL-NQE-2017-50m-010revB - Restoration Phase A
 Drawing Reference BAL-NQE-2017-50m-011revB - Restoration Phase B
 Drawing Reference AL-NQE-2017050m-012A - Restoration Phase C
 Drawing Reference BAL-NQE-2017-50m-013A - Restoration Phase D
 Drawing Reference BAL-NQE-2017-50m-014A - Restoration Phase E
 Drawing Reference BAL-NQE-2017-50m-015revA - Restoration Phase F
 Drawing Reference BAL-NQE-2017-50m-016revB - Restoration Phase G
 Drawing Reference BAL-NQE-2017-50m-002revE - Whole Site Restoration
 REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) Notwithstanding the submitted details no development relating to the quarry extension shall take place until an updated drainage scheme is submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall include an updated Water Management system, Water Quality and Quantity Monitoring and Contingency Plan as well as details of the implementation, maintenance and management of the sustainable drainage scheme. The approved scheme shall be implemented and thereafter managed and maintained in accordance with the approved details.
 REASON: To ensure protection of water quality in accordance with policy CW5 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 04) Before phase A of the restoration commences a full restoration scheme shall be submitted and approved in writing by the Local Planning Authority.

The scheme shall include but not be limited to the following:

Details of the design, implementation, maintenance and management of the sustainable drainage scheme for each phase of the restoration and the final restoration proposals. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details.

Those details shall include:

- i) a timetable for the implementation for each phase of the restoration
- ii) detailed drawings
- iii) detailed drainage calculations
- iv) a management and maintenance plan for the lifetime of the development.

REASON: To ensure suitable drainage and protection of water quality in accordance with policy CW5 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 05) Within 6 months of the approval of the application, a management and monitoring plan for the peat/wetland areas and Waun Rhyd SINC shall be submitted to and approved in writing by the Local Planning Authority. The management plan shall include details of post development monitoring and reporting, and a vegetation monitoring programme to include baseline and ongoing Phase 2 vegetation surveys of the SINC. The management and monitoring plan shall be implemented as agreed.
REASON: To provide biodiversity conservation measures, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, and policy contained in Welsh Assembly Government's Planning Policy Wales (2016) and Tan 5 Nature Conservation and Planning (2009) and policy CW4 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 06) Prior to the commencement of development, a hydrological and ground water monitoring strategy for the application site and the adjacent SINC shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall be implemented as approved.
REASON: To provide biodiversity conservation measures, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, and policy contained in Welsh Assembly Government's Planning Policy Wales (2016) and Tan 5 Nature Conservation and Planning (2009) and policy CW4 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 07) Prior to the commencement of development, a reptile strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall be implemented as approved.
REASON: To provide biodiversity conservation measures, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, and policy contained in Welsh Assembly Government's Planning Policy Wales (2016) and Tan 5 Nature Conservation and Planning (2009) and policy CW4 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 08) The maximum volume of stone exported from the site shall not exceed 400 tonnes a day. Records of the volume of stone exported from the site shall be kept by the quarry operator and shall be made available to the Local Planning Authority on request.
REASON: In the interests of highway safety and general amenity in accordance with policies CW2 and CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 09) The maximum volume of waste material for fill imported to the site shall not exceed 200 tonnes a day. Records of the volume of fill imported to the site shall be kept by the quarry operator and shall be made available to the Local Planning Authority on request.
REASON: In the interests of highway safety and general amenity in accordance with policies CW2 and CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 10) No vehicle shall enter the public highway unless its wheels and chassis have been cleaned to prevent material being deposited on the highway.
REASON: In the interests of highway safety and to prevent mud being deposited on the highway in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 11) A maximum of three vehicles laden with mineral extracted under this permission shall leave the site and enter the B4254 during each of the following time periods during school term time:- 08.10 - 09.10 hours, 11.55 - 12.55 hours and 15.15 - 16.00 hours.
REASON: In the interests of highway safety and general amenity in accordance with policies CW2 and CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 12) Notwithstanding the submitted plans within 3 months of the date of this consent, detailed proposed topographic plans and accompanying sections showing the proposed ground profile of the mounds at suitable intervals along the mounds showing the proposed gentler gradients. The development shall be carried out in accordance with the approved details.
REASON: In the interests of visual amenity in accordance with policy SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 13) A suitably scaled and detailed planting plan and written specification (following the submitted drawing Landscape and Ecology Strategy dated June 2020 Drawing number 481 'PLANNING'01 Issue 01) shall be submitted for the written approval of the Local Planning Authority within three months of the date of this consent. The submitted details shall include the proposed soil types and depth, ground preparation, native planting species and mixes, plant sizes, planting numbers, wildflower and species grass seed mixes and sowing rates. Details of tree guards, mulches and the location of any stock-proof fencing, along with

details, in order to protect proposed woodland, hedgerows, wildflower and all areas of relocated peat. The development shall be carried out in accordance with the approved details.

REASON: In the interests of visual amenity in accordance with policy SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 14) A construction works detailed timetable/programme, highlighting phasing of all operations during the construction period of the perimeter mounds, including implementation a timetable for construction, placing of soils and all seeding and planting operations shall be submitted for the written approval of the Local Planning Authority within three months of the date of this consent. The development shall be carried out in accordance with the approved details.
REASON: In the interests of visual amenity in accordance with policy SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 15) Details relating to the 5 year landscape maintenance and defects plan and schedule of maintenance operations including routine physical tasks with monthly timetable, to satisfy appropriate standards of aftercare and to enable the soft landscape design, mitigation and implementation objectives to be satisfied. Including details of who is responsible for these tasks shall be submitted within three months of the date of this consent. The development shall be carried out in accordance with the approved details.
REASON: In the interests of visual amenity in accordance with policy SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 16) A written detailed medium and long term landscape management plan, covering a 15 year period plus, including areas of peat translocation and to ensure that the proposed landscaping successfully matures and integrates the proposed quarry extension shall be submitted for the written approval of the Local Planning Authority within three months of the date of this consent. The development shall be carried out in accordance with the approved details.
REASON: In the interests of visual amenity in accordance with policy SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 17) The operation phase for the proposed quarry extension shall only commence once the perimeter mounds have been completed and seeded and planted, with a completion report submitted, along with photographs both on site and from local residential areas and adjacent PRow Viewpoints 08, 09, and 11 for the written approval of the Local Planning Authority.
REASON: In the interests of visual amenity in accordance with policy SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 18) An Arboricultural survey in accordance with recommendations given in BS 5837:2012 'Trees in relation to construction' and the draft Supplementary Planning Guidance LDP4 'Trees and Development' Tree Constraints Plan (TCP), Root Protection Area (RPA), Tree Protection Plan (TPP) shall be

submitted for the written approval of the Local Planning Authority within three months of the date of this consent. The development shall be carried out in accordance with the approved details.

REASON: In the interests of visual amenity in accordance with policy SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 19) 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 agreed otherwise in writing:
- i) The winning, working and processing of stone and the tipping of inert waste shall not be carried out except between the following times
0800 - 1800 hours Monday to Friday
0800-1300 hours Saturday
 - ii) No blasting or hammering shall be carried out except between the hours of 1000 - 1600 hours Monday - Friday
 - iii) No operations other than environmental monitoring and water pumping shall take place at the site on Sundays or bank/public holidays.
- REASON: To protect the amenities of local residents in accordance with policies CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 20) Blasting shall be designed so that the ground vibration measured as peak particle velocity in any one of three orthogonal planes shall not exceed 4 millimetres per second in 95% of all blasts measured over any 6 month period and no individual blast shall exceed a PPV of 8mm/second as measured at any sensitive receptor.
- REASON: To safeguard the amenity interests of local residents in accordance with policies CW2 and CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 21) No loaded lorries shall leave the site unless sheeted with the exception of those carrying stone larger than 500mm.
- REASON: To prevent material being deposited on the highway in the interests of highway safety and to safeguard the local environment in accordance with policies CW2 and CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 22) No secondary blasting shall be carried out at the site except with the prior written agreement of the Local Planning Authority.
- REASON: To safeguard the amenity interests of local residents in accordance with policies CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 23) No Further blasting shall take place until a fully detailed scheme for the methods to be employed to minimise the effects of the air blast overpressure arising from blasting, having regard to blast design, methods of initiation, and the prevailing

weather conditions has been submitted to the Local Planning Authority for approval. Once approved the scheme shall be implemented in its entirety and the results made available to the Local Planning Authority upon request.

REASON: To protect the amenities of the local environment and to ensure compliance with the conditions relating to the blasting in accordance with policies CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 24) No further quarrying operations, including the breaking up, movement or export of stone or other material shall take place until a scheme and programme of measures for the suppression of dust has been submitted to and approved by the local planning authority. The scheme shall include:
- A) the suppression of dust caused by the moving and storage of soil and overburden, stone and other materials within the site
 - B) dust suppression on haul roads
 - C) dust arising from blasting
- The scheme shall be implemented and complied with at all times, once approved.
- REASON: In the interests of amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 25) The daytime environmental noise limits (0800 - 1800hrs) shall not exceed the proposed environmental noise limits stated at the locations contained in 4153/NIA1_Rev2 Environmental Noise Impact Assessment dated 2nd July 2020.
- REASON: In the interests of amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 26) Green Acres bungalow must remain within the ownership and control of Bryn Group until such time as the quarry has been extended and fully restored in line with this permission.
- REASON: In the interests of amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 27) Within three months of the date of this consent a scheme for off-site dust monitoring shall be submitted to and agreed in writing with the Local Planning Authority. The agreed scheme of off-site dust monitoring shall be implemented prior to any development being carried out in respect of the quarry extension. The approved scheme must thereafter be adhered until the completion of final restoration works.
- REASON: In the interest of the amenity of local residents in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 28) Within three months of the date of this consent a scheme for off-site PM10 monitoring shall be submitted to and agreed in writing with the Local Planning Authority. The agreed scheme of PM10 monitoring shall be implemented prior to

any development being carried out in respect of the quarry extension. The approved scheme must thereafter be adhered until the completion of final restoration works.

REASON: In the interest of the amenity of local residents in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 29) Before any soils or hardcore that do not fall within the green category set out in Table 2 of the WLGA document 'Requirements for the Chemical Testing of Imported Materials for Various End Uses and Validation of Cover Systems 2013' are brought on to site, a scheme for their importation and testing for contamination shall be submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme.
REASON: In the interests of public health and in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.
- 30) Details of a safety bund/water screen around the quarry boundary and details of the installation of interceptors for potential contaminants shall be submitted for the written approval of the Local Planning Authority within three months of the date of this consent. The development shall be carried out in accordance with the approved details.
REASON: in the interests of the prevention of contamination of the water environment in accordance with policy CW6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 31) Extraction of minerals shall cease by 31 December 2046 and restoration shall be completed by 31 December 2053.
REASON: The permission relates to temporary development and to ensure that the site is restored in a timely manner.

Advisory Note(s)

Please find attached the comments of The Land Drainage Officer, Fire Authority, Rights of Way Officer that are brought to the applicant's attention.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any coal mining feature is unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: www.gov.uk/coalauthority.