

VARY CONDITION 01 OF PLANNING PERMISSION 22/0175/NCC TO EXTEND THE PERIOD OF EXTRACTION AND RESTORATION WORKS AT THE SITE FOR A FURTHER TWO YEARS (IN EACH CASE) SO THAT EXTRACTION OF MINERALS SHALL NOW CEASE BY 31 DECEMBER 2026 AND RESTORATION SHALL BE COMPLETED BY 31 DECEMBER 2034

Introduction

This Statement is prepared on behalf of Bryn Aggregates Ltd in support of a s73 application for the variation of Condition 1 of Planning Permission 22/0175/NCC such that extraction of minerals shall cease by 31 December 2026 and restoration shall be completed by December 2034 at Bryn Quarry, Gelliargwellt Uchaf Farm, Gelligaer, CF82 8FY.

The application has been prepared by a project team comprised of Bryn Aggregates Ltd, Highlight Planning, JPCE Ltd (engineering), Corun (transportation), the Airshed (air quality), Hydrogeo (hydrogeology), Hunter Acoustics (noise), John Campion Associates (ecology) and McQuitty Landscape Design (landscape).

The following documents are enclosed:

- Application Form;
- Site Location Plan;
- Technical Notes (which formed part of previous application 22/0175/NCC but remain of relevance) in respect of:
 - Air quality, the Airshed;
 - Hydrogeology, Hydrogeo;
 - Noise, Hunter Acoustics; and
 - Transportation, Corun.

The application fee of £230 has been paid directly by the Applicant under separate cover.

A request for an Environmental Impact Assessment Screening Opinion has been submitted under separate cover by Barton Willmore.

Policy Context

The Development Plan comprises the Caerphilly County Borough Local Development Plan up to 2021 (Adopted November 2010) and Future Wales: the national plan 2040 (published February 2021).

Within the adopted LDP, the site is within the Mynydd Eglwysilan SLA and a Sandstone Safeguarding Area and is partially within a Mineral Site Buffer Zone associated with Bryn Quarry and a Green Wedge designation.

The following policies of the adopted LDP are considered of relevance:

- CW2 Amenity;
- CW3 Highways;
- 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;
- SP8 (Mineral Safeguarding).

The following policies of the Future Wales: the national plan 2040 are considered of relevance:

- Policy 1 – Where Wales will grow;

- Policy 9 – Resilient Ecological Networks and Green Infrastructure;
- Policy 11 – National Connectivity;
- Policy 12 – Regional Connectivity; and
- Policy 33 – National Growth Area – Cardiff, Newport and the Valleys.

Relevant national policy and guidance is included in Planning Policy Wales (Edition 12), Minerals Technical Advice Note (MTAN) 1:Aggregates (2004), Regional Technical Statement for Aggregates (2020).

The Site

Bryn Quarry is situated at Gelliargwellt Uchaf, a dairy farm with land lying between Gelligaer, Nelson and Trelewis. The quarry is situated to the south east of the farmhouse.

The application site covers 12.7ha and comprises an existing pennant sandstone quarry. The quarry is accessed from the north west along Gelligaer Road. A landscape bund sits to the north and east of the quarry which was subject of a separate planning permission (ref. 17/0973/FULL).

The quarry produces aggregate from a deposit of pennant sandstone which is one of the highest quality sources of skid resistant surfacing aggregate in the UK. This makes it particularly suitable for major road surfacing projects such as motorways, interchanges, and airport runways. The material has been used in infrastructure across the UK as well as more locally in the construction of Heads of the Valleys Dual Carriageway.

The Proposal

The proposal seeks to enable the continuation of the extraction of minerals and restoration of the quarry for a further two years. There are remaining reserves at the quarry within the approved area for extraction.

This application would not have been required should CCBC have approved a separate application to retain and extend the quarry, which was recommended for approval by Officers and refused in November 2021 (20/0702/FUL). The time limit issue will be resolved if this appeal against the refusal of this application is allowed. There is moreover an undetermined application for extension of quarrying due to be determined by CCBC shortly. However, this S73 application is submitted as a contingency to avoid the sterilisation of the currently permitted reserves although it should be noted that this S73 application relates only to the extension of time and not to alter or extend the previously approved extraction area.

Other notable Conditions pursuant to the existing planning permission for the Quarry will be carried forward and include:

- Condition 2 which restricts the maximum volume of stone to be exported from the Site to 400 tonnes per day;
- Condition 3 which restricts the maximum volume of waste material for fill imported to the Site to 200 tonnes per day;
- Condition 11 which limits a maximum of three vehicles laden with minerals to leave the Site and enter onto the B4254 between 8.10 am – 9.10am, 11.55 – 12.55pm and 3.15 – 4.00pm during school term time; and
- Condition 5 which limits the winning, working and processing of stone and the tipping of inert waste between 7.00 – 19.00hrs Monday to Friday and 7.00 – 13.00 hrs Saturday with no blasting except between the hours of 10.00 – 16.00 hrs Monday to Friday and with no operations other than Environmental Monitoring and water pumping on Sundays or Bank / Public Holidays.

The Applicant will continue to operate within these conditions should planning permission be granted for this application.

For the avoidance of doubt, this application solely relates to an extension of two years of quarrying and restoration within the currently permitted area. The application does not relate to any extension northwards or eastwards.

The phased restoration of the quarry void will continue on the basis of the previously approved restoration plan. (Note: the original quarry extension restoration plan was amended by the subsequent bund repositioning planning permission ref: 17/0971/NCC).

Planning Assessment

Principle of Development

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 as part of new road building and the maintenance of existing roads. It is used on roads, bus lanes and cycleways/footpaths within CCBC, within the local area on major projects such as the dualling of the Heads of the Valleys and further afield across the UK.

The extension of time limits at the quarry is therefore in accordance with paragraph 49 of MTAN1.

'Future Wales - the National Plan 2040' which is the national development framework for Wales, a statutory development plan which sets the direction for development in Wales to 2040. It contains a National Mineral Resources Map (pg26) which identifies bedrock resources including "Sandstone with potential for high specification aggregate". Future Wales also recognises *"the value of mineral and material resources and the industry this supports is important at the local, regional and UK levels"* (pg. 37).

It is noted that Planning Policy Wales advises in paragraph 5.14.47 that extensions to existing mineral working, including in relation to time, 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. Planning Policy Wales further advises in paragraph 5.14.48 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."*

Bryn Quarry produces High Specification Aggregate for use in road surfacing and the application relates to extending the time of extraction rather than permitting more quarrying than was originally approved under earlier permissions. It is therefore considered that the need for the aggregate remains and can be justified by its high specification in accordance with paragraph 49 of MTAN1.

The application solely seeks to extend the extraction and restoration of the quarry by a period of two years. 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 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) remains in excess of the 200m distance advised in MTAN1.

Amenity Impacts

The application's considerations in respect of amenity are set out below, however in summary:

- The application does not result in any increase in the permitted working area of the quarry. The quarry would remain 432 metres away from residential properties and separated by a significant landscaped bund with trees. This distance is over double the minimum distance of 200m set within the Welsh Government guidance
- there are no proposals to increase the annual output.

- it has been demonstrated that the extended life of quarry and restoration operations by two years is acceptable in all respects; and
- the quarry operator is committed to working in a responsible manner, minimising any potential impact on the environment and utilising best practices to manage noise, dust, and other environmental impacts. Bryn Group have always been committed to involving local residents through social media and have recently reopened the liaison group further enhancing engagement with the local community.

Noise

The site will continue to operate under the requirements of Condition 14 which requires that between the hours of 07.00 and 19.00 the noise levels arising from the development shall not exceed the proposed environmental noise limits (background noise level plus 10dB (A)) stated for any of the noise sensitive properties identified in the Environmental Noise Impact Assessment report 2612/T2 dated 5 July 2012.

A technical note was prepared by Hunter Acoustics as part of the previous application and its conclusions remain valid for the current application. It confirms that the conclusions of the original noise impact assessment (Hunter Acoustics report 2612/ENS1 dated 05/07/2012) which supported the original application remains valid and there are no concerns with the proposed extension).

Air Quality

The AQIA conducted by the Airshed for the current approved quarry concluded that air quality impacts would be of minor adverse significance as a worst-case. This assessment was accepted by the planning authority. This was subsequently borne out by the results of air quality monitoring over a year using instrument approved by DEFRA for local air quality management (PM10 and PM2.5 Beta monitors). The AQIA for the proposed quarry extension included an updated assessment of the worst-case impacts for the current approval, which concluded that the impacts would be of negligible significance. This assessment was also accepted by the officers of the planning authority in consultation with EHOs and public health specialists. The findings of the enclosed note remain valid for the current application and the proposed extension of time will have no material effect on the findings of these assessments.

Dust mitigation will continue to be implemented as set out in the Dust Management Scheme for the site (Document Reference: BQE – 2013 – DMS). Mitigation measures include wheel washing facilities (existing autonomous system in place) and speed restrictions of 10mph will be imposed on all vehicles driving on the site, in order to minimise dust emissions from internal road surfaces. During dry weather conditions, the Site currently operates a series of water sprinklers along the main haul roads together with a mobile water bowser spray unit. In order to further prevent dust generation, all internal unsurfaced haul roads will be maintained and compacted, to minimise spillage from vehicles and dust emissions from loose and uneven surfaces. All vehicles leaving the Site will be adequately sheeted or otherwise contained prior to exiting the Site onto the public highway. There are accordingly no air quality impacts which would necessitate the refusal of the application for the extension of time limits.

Ground Vibration

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 current quarry permission is subject to a more stringent condition, which requires 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. Should Officers consider it necessary, the applicant can therefore commit to any permission granted be subject to a condition restricting PPV to 4mm/sec and 8mm/sec.

Landscape and Visual Impact

It is important to note that the quarry has almost reached its full lateral extent and further disturbance beyond the consented excavation limits will be limited to restoration works. In this regard, substantial construction has already taken place of sections of the mitigation screening mounds to the north and east (approved via a separate planning permission, Reference 17/0973/FULL). Elements of the mitigation planting associated with these mounds have been implemented and planting will continue in sequence, as further final restoration surfaces become available.

The proposal to enable the continuation of extraction of the mineral and restoration for a further two years would have minimal landscape and visual effects. Landscape mitigation measures would continue to follow the consented plans and will ensure that the extended period of quarrying activities would continue to be well assimilated into the landscape. Views from the surrounding area to the proposed development are anticipated to be largely unchanged when compared to those anticipated for the consented scheme. The integrated planting and ecological approach would be unaltered and would still continue to add to the landscape and biodiversity of the site and the surrounding area (whilst in the interim the site will continue to provide for local sandstone requirements).

Overall, the proposal would have minimal landscape and visual effects and the final restoration of the site, as consented, would still be achieved.

Ecology

The mineral extraction works to date have already resulted in the changes to those habitats which were identified in the Extended Phase 1 Habitat Survey undertaken for the quarry extension site. The restoration of perimeter mounded areas which have habitat implications in terms of providing some replacement marshy grassland habitat has already commenced. The ecological implications of extending the mineral extraction period as proposed would be no different from those envisaged from the original extraction programme. The opportunity to create biodiversity enhancement following the conclusion of the mineral extraction works will remain, being merely being delayed for the duration of the proposed time extension.

Hydrogeology

The Site has been assessed to be at a low risk of flooding from rivers and seas. This has been confirmed through previous applications. Hydrogeo have prepared a technical note confirming that the conclusions of the 2012 report titled 'Bryn Quarry Proposed Quarry Extension Hydrogeology / Hydrology Assessment Gelliargwellt Uchaf, Gelligaer, Hengoed' which supported the original application remains valid and there are no concerns with the proposed two year extension from a hydrogeology / hydrology perspective.

Transport

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.

The original Transport Assessment previously undertaken by Corun assessed the highway network, using pre covid traffic data, up to 2030, with no significant development impact on the local highway network. A technical note prepared by Corun confirms that Covid 19 has a significant effect on traffic movements, with baseline traffic levels in the typical AM and PM peak hours often being far lower than pre covid levels. Whilst traffic levels over a 24 hour period are largely back to normal, there appears to have been a shift in typical AM and PM peak hours, due to the increased level of

homeworking. Therefore, it is concluded that the proposed extension to 2033 is highly unlikely to change the conclusion of the original Transport Assessment, as development traffic will remain constant, with only baseline traffic increasing on the network and the impact of the development will therefore, decrease over time

Historic Environment

As per the previous applications at the site, 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 Llancaich Fawr and the adjacent barn) will be unacceptably impacted by the development. The consultation response received from Glamorgan Gwent Archaeological Trust to previous applications at the site have indicated 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.

Coal Mining Risk

The application solely seeks to extend the time limits of the currently permitted quarry with there being no lateral extension beyond the permitted area. The application therefore does not give rise to any additional coal mining risks not previously accounted for within the approved development.

Well-being of Future Generations (Wales) Act 2015 Assessment

The ways in which the proposal accords with the Well-being goals identified in the Act is set out below.

A Prosperous Wales: The development would make a positive contribution to the prosperity of Wales and specifically the local area as well as ensuring the important resources of UK importance are used efficiently and are available for future generations. The proposal would also offer the chance for the continuation of skills to be developed and skilled jobs in the local economy to be safeguarded.

A Resilient Wales: The proposals include a comprehensive set of measures relating to ongoing restoration, aftercare and habitat creation at the site during and following the cessation of operations at the site. Social and economic resilience will be increased through this development. It is considered that the restoration and aftercare measures combined with the proposed habitat enhancements would provide a medium to long term benefit in terms of ecological resilience.

A Healthier Wales: Health and well-being impacts have been considered extensively and it is considered that the development would not have any unacceptable adverse impacts relating to amenity. The site would also help to secure longer term employment and the economic contribution that the site currently makes and this can be seen as a positive contribution to mental well-being.

A More Equal Wales: The site is a substantial employer in the local area and injects a substantial amount of money into the local economy and supports local businesses and community groups (such as Nelson RFC). This contribution could help people to fulfil their potential, whether it be through direct employment at the site or through self-employment/sub-contracting. The economic contribution that the site makes in the area could help new businesses establish themselves – the site has the prospect to offer employment where people can fulfil their potential.

A Wales of Cohesive Communities: The proposed development retains the numerous consented mitigation measures that have been incorporated in the development to reduce any landscape and visual impacts. Currently approved restoration and aftercare plans would continue to be implemented to ensure that the development is well assimilated into the local landscape. The proposal would have a positive impact in terms of the viability of communities. Without the quarry there would be less well paid employment and less disposable income in the area (which could impact on local businesses such as shops, pubs, etc.) and this would almost certainly have a negative impact on the viability of

communities in the area. The proposed extension of time limits would offer a longer period of employment and viability for the community.

A Wales of vibrant culture and thriving Welsh language: Quarrying and mining operations have long been a part of a culture of the wider area and the proposal would enable this to continue and help reinforce this culture.

A Globally Responsible Wales: The proposed extension of time limits would provide for an extended period of supply of HSA for road building/repairs (amongst many other end products) and would help to ensure a steady supply of these minerals for future generations. Rather than set up a new quarry with all the associated infrastructure and plant the proposal will extend the time limits of the existing quarry and make use of the existing plant and ancillary infrastructure. This would be a more sustainable option and would reflect advice given in chapter 14 of PPW.

Conclusions

This application relates to the extraction of a scarce, nationally important reserve of High Specification Aggregate for an extended period of two years. The extension of time to the approved operations is required to ensure that the mineral at the quarry is not sterilised and continues to be worked efficiently. There are no proposals to increase the annual output and the area of working and restoration (which is far in excess of the recommended buffer distances in MTAN 1) nor will it move any closer to residential properties as a result of this application.

All conditions attached to the existing planning permission (covering matters such as noise, dust, blasting, transport etc) can be carried forward should planning permission be granted.

The application therefore demonstrates that the proposals accord with national planning policies and also suitably deal with key local planning issues relating to the site as set out in the LDP. It is accordingly considered that the proposals are an acceptable development which meets the requirement of Section 38(6) of the 2004 Act and the Well-being of Future Generations (Wales) Act 2015 and therefore should be approved.

I trust that the submission provides sufficient information to positively determine the application. However, should you have any questions or wish to discuss in the meantime please do not hesitate to contact me.

Joe Ayoubkhani, Highlight Planning, December 2024