
Bryn Quarry, Gelliargwellt Farm, Gelligaer Road, Gelligaer

Planning Statement for Bryn Aggregates Ltd

August 2020

**Bryn Quarry, Gelliargwellt Farm,
Gelligaer Road, Gelligaer**

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Project Ref:	20635/A3/JA
Status:	Final
Issue/Rev:	0P1
Date:	August 2020
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Ref: 20635/A3/JA/lb
Date: August 2020

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EXECUTIVE SUMMARY

This Planning Statement is submitted on behalf of Bryn Aggregates Ltd to Caerphilly County Borough Council for the following development proposal at Bryn Quarry:

“the retention of, and proposed extension to, existing quarry operations including new drainage system and settlement ponds, landscape bunds, associated works, consolidation of mineral planning permissions and an overall restoration scheme”.

The site comprises an existing blue pennant sandstone Quarry being worked under a current planning permission and adjacent land to the east and north set within Gelliargwellt Uchaf Farm. The application comprises a consolidated planning application which encompasses the existing and proposed quarry area.

The application seeks to maximise the extraction of High Specification Aggregate whilst ensuring that environmental and residential amenity are safeguarded. The minerals proposed for extraction comprise High Specification Aggregate which is an essential material of County and national UK significance. The proposals result in the demonstration of exceptional circumstances as required by MTAN1 at paragraph 49. They are moreover located on the wider Bryn Group site and can help contribute towards the circular economy and Well-being goals of the Well-being of Future Generations (Wales) Act 2015.

The proposals have been informed by a public consultation exercise, extensive dialogue with the Local Authority, significant technical assessment works and an Environmental Impact Assessment.

The working area is proposed to extend by approximately 130m northwards and eastwards – albeit at a deeper level than is currently being worked. The working area would sit entirely within the Mineral Site Buffer Zone designated within the LDP. Separation distances between the working area and sensitive receptors would range from approximately 301m to 341m and are therefore significantly in excess of the minimum 200m buffer distance identified within MTAN1 (Paragraph 71).

The working area will sit entirely within a landscape bund of trees and grazing land to surround the quarry on its northern and eastern side to minimise landscape, noise and dust impacts. It is proposed that this is constructed in full prior to any extraction within the quarry extension area. The northern bund (to Gelligaer) has been approved by Caerphilly Council’s Planning

Committee subject to a s106 agreement (Ref: 17/0973/FULL). Improvements to the eastern bund (to Pen y Bryn) will provide additional screening, tree planting and wildlife enhancement areas and a gentler land profile.

The application proposals will also conform to planning conditions which apply to the operation of the existing quarry at the site. Daily vehicle movements are to remain at the same level as the existing quarry. Blasting is to continue within the same parameters as currently approved and hours of operation to remain the same as the existing quarry.

The proposed development provides a comprehensive and progressive restoration programme which will deliver the phased and complete restoration of the site including the existing Quarry. The provision of a mix of habitats will provide for biodiversity enhancements (net gain). The proposals provide for additional aftercare once the site has been fully restored and all operations have ceased.

This Statement demonstrates that the application proposals accord with the Development Plan, national planning policies and are acceptable in respect of all other material considerations. It is respectfully requested that the planning application is approved accordingly.

1.0 INTRODUCTION

1.1 This Planning Statement is produced on behalf of Bryn Aggregates Ltd in support of a full planning application for the following description of development at Gelliargwellt Farm, Gelligaer Road, Gelligaer within the administrative boundary of Caerphilly County Borough Council:

“the retention of, and proposed extension to, existing quarry operations including new drainage system and settlement ponds, landscape bunds, associated works, consolidation of mineral planning permissions and an overall restoration scheme”.

1.2 The physical constraints and opportunities of the Site have been critical in developing a proposal. The aspiration for the Development is to maximise the extraction of High Specification Aggregate whilst ensuring that environmental and residential amenity are safeguarded.

1.3 To achieve this aspiration, the key design principles of the Development are:

- The area of quarrying will stay entirely within the Mineral Buffer Zone allocated within the Caerphilly CBC Local Development Plan;
- The inclusion of a landscape bund of trees and grazing land to surround the quarry on its northern and eastern side to minimise landscape, noise and dust impacts. The northern bund (to Gelligaer) has been approved by Caerphilly CCBC Planning Committee (Ref: 17/0973/FULL). Improvements to the eastern bund (to Pen y Bryn) will provide additional screening, tree planting and wildlife enhancement areas and a gentler land profile;
- Preservation and enhancement of biodiversity including the creation of peat cells as a part of the landscape bund and re-wetting of parts of the Waun Rydd Site of Importance for Nature Conservation;
- Vehicle movements to remain at the same level as the existing quarry;
- Blasting is to continue within the same parameters as currently approved; and
- Hours of operation to remain the same as the existing quarry.

1.4 The planning application is supported by the following package of plans, surveys and assessments:

- Application Form and CIL Form;

- Plans confirming existing Quarry and proposed extension area with associated cross sections, phasing and restoration details (JPCE and McQuitty Landscape Design);
- Transport Assessment (Corun Consulting Engineers);
- Dust Monitoring and Management Plan (DustScan AQ);
- Coal Mining Risk Assessment, (Blandford Consulting);
- Heritage Statement (Barton Willmore);
- Pre-application Consultation Report (Barton Willmore); and
- Environmental Statement (Barton Willmore with input from Project Team).

2.0 SITE DESCRIPTION

- 2.1 The site is centred at National Grid Reference (NGR) ST 1305 9637 and has an area of approximately 29 hectares (ha). The site comprises an operational quarry and agricultural land set within Gelliargwellt Farm. Vegetation within the site includes field boundaries, with some hedgerows and trees.
- 2.2 The primary vehicle access is from Gelligaer Road, which is located to the north of the site. It also connects neighbouring towns including Gelligaer and Penpedairheol.
- 2.3 The Site is located to the south east of Gelliargwellt Uchaf farmhouse, approximately 7.5km the north west of the outskirts of Caerphilly, within the administrative boundary of CCBC.
- 2.4 The settlements of Gelligaer and Penybryn lie to the north east and east of the site, respectively, and contain several residential properties, a primary school, Gelligaer community centre and local shops. The Waun Rydd Site of Importance for Nature Conservation (SINC) is located immediately adjacent to the north of the site and borders the southern edge of Gelligaer. Penallta Industrial Estate is located further to the east, with the Nant Cylla watercourse, the larger settlements of Penpedairheol and Hengoed to the north east and south east, respectively, a railway line beyond that.
- 2.5 The site is bound to the south by agricultural land and Parc Penallta Country Park, which comprises an area of public open space and woodland. Nelson Bog Site of Special Scientific Interest (SSSI) is located 350m to the south of the site, with woodland and the settlement of Nelson further to the west of the site. Coed Gelliau'r – Gwellt SINC is located approximately 550m to the north west of the site and comprises ancient woodland. In addition, a large solar power farm is located within Hendai Farm, further to the north west of the site.
- 2.6 The Rhymney Valley Ridgeway Walk Public Right of Way (PRoW) runs in a west to easterly direction to the south of the site.
- 2.7 The site is not located within or within proximity to any World Heritage Sites, Registered Parks and Gardens or Registered Battlefields. The nearest designated built heritage assets are 'Gelliargwellt Uchaf Farmhouse' and 'Bee – boles at Gelliargwellt Uchaf', which are both Grade II Listed Structures located to the west of the site. In addition, there are numerous built heritage assets in Gelligaer Conservation Area,

located approximately 200m to the north east of the site, particularly in associated with the 'Gelligaer Roman Site' Scheduled Monument. Moreover, there are several Listed Buildings associated with Penallta Colliery, approximately 600m to the south east of the site.

- 2.8 According to Natural Resources Wales Development Advice Map, the site is wholly located in Flood Zone A, which is 'considered to be at little or no risk of fluvial or coastal/tidal flooding'.
- 2.9 The site is not located within an Air Quality Management Area (AQMA).

3.0 PROPOSED DEVELOPMENT

3.1 The proposed development seeks to 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.

3.2 The proposed application description is as follows:

"the retention of, and proposed extension to, existing quarry operations including new drainage system and settlement ponds, landscape bunds, associated works, consolidation of mineral planning permissions and an overall restoration scheme".

3.3 The basic method of extraction would be as follows:

- site preparation;
- soil stripping;
- excavation; and
- restoration.

3.4 No fixed permanent structures or buildings are proposed as part of this development. The proposed extension will utilise the existing access arrangements to the site with the retention of the existing green waste facility in the floor of the existing quarry. The existing surface water attenuation management system will be upgraded with new settling lagoons before connecting into the adjacent watercourse, the details of which will be set out in the supporting application plans and Hydrogeological Impact Assessment.

3.5 The working area is proposed to extend by approximately 130m northwards and eastwards – albeit at a deeper level than is currently being worked. The working area would sit entirely within the Mineral Site Buffer Zone designated within the LDP. Separation distances between the working area and sensitive receptors would range from approximately 301m to 341m and are therefore significantly in excess of the minimum 200m buffer distance identified within MTAN1 (Paragraph 71).

- 3.6 A landscape bund will be constructed around the site to provide screening to the south eastern boundary. An earth bund has already been resolved to be approved by Caerphilly CBC Planning Committee (Ref: 17/0973/FULL). The full extent of the earth bund will be completed in advance of any extraction of the proposed extension area albeit planting of the bund will only take place the next available season.
- 3.7 The proposed extension will utilise the existing access arrangements to the site with the retention of the existing green waste facility in the floor of the existing Quarry. The existing surface water attenuation management system will be upgraded with new settling lagoons before connecting into the adjacent watercourse, the details of which are provided within the supporting application plans and Hydrological Impact Assessment.
- 3.8 Extraction is proposed to take place at a rate that accords with the conditions which control the transport movements associated with the existing quarry. Condition 3 of the existing planning permission for the quarry (ref: 12/0570/full) states that the maximum volume of stone to be exported from the site should not exceed 400 tonnes per day. Condition 4 of the existing planning consent stipulates that the maximum volume of waste material of fill imported to the site shall not exceed 200 tonnes per day. The proposed development will not alter or increase the type or quantum of material currently being imported or exported to/from the quarry or permitted to be imported/exported under the existing quarry consent
- 3.9 The phased restoration of the site will largely 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 restoration works will be completed some 7 years following completion of the mineral extraction. The final restoration land management regime will consist of a combination of elements including agricultural grazing, woodland and small copses, hedgerows, peatland and marshy grassland. Management plans covering these features will be prepared in agreement with the LPA.

4.0 PLANNING HISTORY

4.1 The existing Quarry is regulated by planning permission reference 08/0055/FULL which was approved in March 2009 and planning permission 12/0570/FULL for its extension which was approved in August 2013. The planning permission authorises the winning and working of stone until the 31st December 2015 (Condition 2 refers) although the operator has largely worked the permitted reserves. Other notable Conditions pursuant to the existing planning permission for the Quarry include:

- Condition 2 which requires the extraction of minerals to cease by 31st December 2022 and site restoration to be completed by 31 December 2031;
- Condition 3 which restricts the maximum volume of stone to be exported from the site to 400 tonnes per day;
- Condition 4 which restricts the maximum volume of waste material for fill imported to the site to 200 tonnes per day;
- Condition 8 which limits a maximum of 3 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 6 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.

4.2 Planning permission 12/0570/FULL has subsequently been amended by way of:

- Planning permission 19/0276/NCC: which enables the utility providers and their contractors to collect aggregates from the quarry outside of the stated operational hours for a maximum of 60 occurrences per yearly quarter (3-month calendar period); and
- Planning Permission 17/0971/NCC: which provides for an amended restoration scheme such that it ties in with the amended positioning of the earth bund surrounding the quarry approved by way of 17/0973/FULL.

- 4.3 A Certificate of Lawfulness for Proposed Use or Development (ref: 18/0432/CLPU) was issued by the Council on 23rd October 2018 for a proposed building for the treatment, storage and removal of dust. The process within the building would enable silicon to be recovered from dust for use in glass, cement, and similar products.

Pre-Application Engagement

- 4.4 Engagement with the Local Planning Authority and local community has been fundamental to the evolution of the proposed development. This is set out within the Pre-application Consultation Report submitted in support of the application and summarised below.
- 4.5 Pre-application dialogue has taken place with the Council over the course of 2019 and 2020 (CCBC Ref: SPA/19/0063 and EIASCO/19/0001) to help inform the development proposal and assessment work undertaken in support of the planning application and Environmental Impact Assessment. Measures taken in response to feedback from the Council have included but not been limited to:
- Preparation of a consolidated planning application (which encompasses the existing and proposed quarry area);
 - Rationalisation of the proposed quarry extension area such that it sits entirely within the LDP Mineral Site Buffer Zone;
 - Provision of a mix of habitats in order to improve biodiversity on site;
 - Preparation of an Environmental Statement which accords with the scope set out by CCBC;
 - Preparation of a Heritage Statement; and
 - Preparation of a landscape and visual impact assessment viewpoint package which conforms with that recommended by the Landscape Officer and agreement to the discharge of further landscape details by condition.
- 4.6 A Public Exhibition Drop-in Event was held at Gelligaer Community Centre on 18th July 2019, where local residents and Councillors were invited to view the proposed plans and provide comments. The invitation to the exhibition was issued to Councillors, residents nearest the site, social media channels and displayed via notices published locally.
- 4.7 Key messages (in order of the frequency in which the issues were raised) from the public consultation related to:

- Air quality impacts – which are addressed and confirmed as being acceptable within the ES and submitted Air Quality Impact Assessment;
- Odour impacts – albeit it is considered that this related to development unrelated to the proposed quarry extension;
- Biodiversity impact - which are addressed within the ES noting that the proposal will result in biodiversity net-gain;
- Noise impacts - which are addressed and confirmed as being acceptable within the ES and submitted Noise Impact Assessment;
- Traffic impacts - which are addressed and confirmed as being acceptable within the submitted Transport Assessment; and
- Level of consultation undertaken – noting that the level of consultation undertaken by the applicant through the public exhibition, social media engagement and Liaison Group Meetings exceeds that which is required of them as an Applicant.

5.0 PLANNING POLICY CONTEXT

Development Plan

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for the area comprises the Caerphilly County Borough Local Development Plan (LDP) which was adopted in November 2010.
- 5.2 By way of background, prior to adoption of the LDP, the Deposit LDP (2008) and Further Focused Changes (2010) made no positive provision for the determination of planning applications for mineral extraction being made within the plan period to 2021. The Council's position was largely predicated on the basis that the mineral landbank for the Authority amounted to some 33 years (as confirmed within the 2008 Regional Technical Statement) which exceeds the requirement within Minerals Technical Advice Note 1 (MTAN) to achieve a minimum of 10 years supply for hard rock. As a result of objections to the Deposit Plan and discussions at the LDP Examination, the Council proposed changes in the form of Matters Arising Changes (September 2010) in order to provide flexibility within the plan in the event that planning applications for mineral extraction were made during the plan period. The Matters Arising Changes introduced changes to the Plan, which of particular relevance to these proposals are set out within paragraphs 0.44-0.45 and 2.48 of the now Adopted LDP. The changes were accepted by the Inspector in order to ensure that the Policies of the LDP accorded with national planning policy guidance (within, at that time, MPPW and MTAN1).

Caerphilly Local Development Plan

- 5.3 The Local Development Plan (LDP) Development Strategy is based upon three broad areas within the County Borough. The application site falls within the 'Northern Connections Corridor', Policy SP2 of which confirms the Development Strategy for the area as follows:

"Development proposals in the Northern Connections Corridor will promote sustainable development that:

- A. Focuses significant development on both brownfield and greenfield sites and have regard for the social and economic functions of the area;**

- B. Reduces carbon trips by promoting more sustainable modes of travel;**
- C. Makes the most efficient use of the existing infrastructure;**
- D. Protects the natural heritage from inappropriate forms of development; and**
- E. Capitalises on the economic opportunities offered by Oakdale/Pen-y-Fan plateau”.**

5.4 In relation to minerals developments and as required by the aforementioned Matters Arising Changes required by the Inspector (identified above), paragraph 0.44 of the Plan states that:

“The Council considers that, on minerals issues, national policy and guidance is sufficiently clear and therefore will be relied upon in the determination of planning applications in relation to mineral extraction and related development, in conjunction with any relevant countywide policies and site-specific policies in the LDP.”

5.5 On the basis of the LDP Proposals Map, the application site lies outside the defined settlement boundary for Gelligaer and within a Special Landscape Area and Sandstone Safeguarding Zone. A small part of the application site (restricted to the entrance of the existing Quarry), falls within the defined Coal Safeguarding Zone and the majority of the site falls within the defined Mineral Site Buffer Zone which is based upon the currently approved operations.

5.6 In this regard, Policy SP5 of the plan confirms that settlement boundaries are defined in order to:

- A. Define the area within which development would normally be allowed, taking into account material planning considerations;**
- B. Promote the full and effective use of urban land and thus concentrate development within settlements;**
- C. Prevent the coalescence of settlements, urban development and fragmented developed; and**
- D. Prevent inappropriate development in the countryside.**

- 5.7 In support of Policy SP5, Policy CW15 confirms the exceptions for considering development proposals outside defined settlement boundaries and states:

“Development proposals will be considered against the following criteria, where they apply:

- A. Development proposals will not be permitted if they prejudice the implementation of wider comprehensive redevelopment or constrain the development of any adjacent site for its allocated land use;**
- B. Within settlement boundaries proposals for all types of development accord with the role and function of the settlement within which they are located, and;**
- C. Outside settlement boundaries proposals will not be permitted unless the proposed development is either:**
 - 1. Associated with either agriculture, forestry or the winning and working of minerals or;**
 - 2. For the conversion, rehabilitation or replacement of rural building and dwellings, or;**
 - 3. For recreation, leisure or tourism proposals that suitable in a countryside location or;**
 - 4. For associated with the provision of public utilities, infrastructure and waste management facilities that cannot be reasonably located elsewhere or; and**
 - 5. Associated with the reclamation/treatment of derelict or contaminated land”.**

- 5.8 The supporting text to Policy CW15 confirms that:

“Minerals development is unique in that it can only happen where the minerals occur. There are substantial mineral resources within the County Borough, including resources of shallow coal, limestone, sandstone and sand and gravel all of which are indicated on the Proposals Map.... Any proposals for the winning or working of minerals will be considered in the context of national guidance together with the Countrywide Policies and appropriate site-specific policies contained within the LDP” (Paragraphs 2.33 and 2.34 refer).

5.9 Policy SP8 of the LDP confirms that the Council will contribute to regional demand for a continuous supply of minerals by:

- A. Safeguarding known resources of coal, sand and gravel and hard rock; and
- B. Maintaining a minimum 10-year landbank of permitted reserves in line with national guidance.

The LDP does not however identify any 'new' areas for mineral extraction within the plan area. The supporting text to Policy SP8 confirms that the Council will **"balance the need for the safeguarding of nationally important mineral resources against the potential impact of such development on the landscape and on sites of ecological interest"** (Paragraph 1.68 refers)

5.10 In terms of the conservation of natural heritage, Policy SP10 of the plan confirms that the Council will protect, conserve, enhance and manage natural heritage in the County Borough in consideration of all development proposals whilst Policy SP7 confirms that the Council will seek to secure Planning Obligations where they are necessary to remove obstacles to development, meet local needs and make development more sustainable.

5.11 The plan also contains a series of development control policies which include the following:

- Policy CW1 which seeks to utilise the least environmentally damaging transportation route for developments which create a significant number of freight trips;
- Policy CW2 which requires all development proposals to be compatible with surrounding land uses, to not compromise the viability of existing neighbouring land uses and to ensure that there is no unacceptable impact on the amenity of adjacent properties or land;
- Policy CW3 which requires development proposals to have regard for the safe, effective, and efficient use of the transportation network;
- Policy CW4 which confirms that development within Special Landscape Areas will only be permitted where it conserves and where appropriate enhances the distinctive or characteristic features of the Special Landscape Area;
- Policy CW5 which states that development should not have an unacceptable adverse impact upon the water environment or pose an unacceptable risk to the quality of controlled waters (including ground water and surface water);
- Policy CW6 which requires development proposals to make all reasonable efforts to retain, protect and integrate trees, woodlands or hedgerows within the development

site and that where trees, woodland or hedgerows are removed that suitable replacements are provided where appropriate.

- 5.12 In addition to the above and in light of the site's location within a Mineral Safeguarding Area, Policy CW22 of the plan restricts any new permanent or temporary development unless it can be demonstrated that the mineral is no longer of any value or that there is an overriding need for the development. The site also lies within a defined Minerals Site Buffer Zone.
- 5.13 In terms of the 'area specific' policies relevant to the Northern Connections Corridor, the site's location within a Special Landscape Area is confirmed within Policy NH1 whilst the designation of the site within a Minerals Safeguarding Area is confirmed by Policy MN2. Policy MN1 and associated Minerals Site Buffer Zone confirm that Bryn Quarry is an active quarry (reference Policy MN1.2).

National Legislation and Planning Policy

- 5.14 The Well-being of Future Generations (Wales) Act 2015 is relevant and imposes a duty on public bodies to carry out 'sustainable development' in accordance with the 'sustainable development principle'. National planning policy guidance is set out by the Welsh Government within Planning Policy Wales (Edition 10, 2018) (PPW) and Minerals Technical Advice Notes (2004). These documents set the Government's policies and objectives on mineral developments and are material considerations under the terms of Section 38(6) of the Act. It should also be noted that the Caerphilly LDP (paragraph 0.44) confirms that on minerals issues, national policy and guidance is sufficiently clear and will be relied upon to determine planning applications in relation to mineral extraction in conjunction with any relevant policies within the LDP.

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

- 5.15 "Sustainable development" means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the well-being goals.
- 5.16 'Sustainable development principle' means that Local Authorities must act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

- 5.17 In order to achieve this principle, the Act introduces five ways of working to support decision making which ensures public bodies take account of: long-term thinking, an integrated approach, engagement, collaboration and preventative action.
- 5.18 Well-being goals identified in the Act are:
- A prosperous Wales;
 - A resilient Wales;
 - A healthier Wales;
 - A more equal Wales;
 - A Wales of cohesive communities;
 - A Wales of vibrant culture and thriving Welsh language; and
 - A globally responsible Wales.
- 5.19 The Environment (Wales) Act 2016 has been designed to complement the Wellbeing of Future Generations (Wales) Act 2015 by applying the principles of sustainable development to the management of Wales' natural resources.
- 5.20 It also imposes a duty to require all public authorities, when carrying out their functions in Wales, to seek to "maintain and enhance biodiversity" where it is within the proper exercise of their functions. In doing so, public authorities must also seek to "promote the resilience of ecosystems".
- 5.21 The "sustainable management of natural resources" means— (a) using natural resources in a way and at a rate that promotes achievement of sustainable development and the well-being goals (b) taking other action that promotes achievement of that objective, and (c) not taking action that hinders achievement of that objective.

Planning Policy Wales

- 5.22 PPW states that **"Construction related minerals and mineral products are particularly important in Wales and are essential for housing and infrastructure, such as schools, roads, railways, airports and flood defences and a steady and adequate supply of materials is necessary"**.
- 5.23 PPW sets out the Welsh Government's general policies for mineral development in Chapter 5.14. Paragraph 5.14.4 states: -
- 5.24 Mineral working is different from other forms of development in that:

- extraction can only take place where the mineral is found to occur;
- it is transitional and cannot be regarded as a permanent land use even though operations may occur over a long period of time; and
- when operations cease land needs to be reclaimed to a high standard and to a beneficial and sustainable after-use so as to avoid dereliction and to bring discernible benefits to communities and/or wildlife.

5.25 Paragraph 5.14.1 states that society needs, and will continue to need for the foreseeable future, a wide range of minerals. The role of the planning authority in relation to mineral extraction is to balance the fundamental requirement to ensure the adequate supply of minerals with the protection of amenity and the environment.

5.26 The key principles are to:

- provide positively for the safeguarding and working of mineral resources to meet society's needs now and in the future, encouraging the efficient and appropriate use of high-quality materials;
- protect environmental and cultural characteristic of places, including those highly cherished for their intrinsic qualities, such as wildlife, landscapes, ancient woodlands and historic features, and to protect human health and safety and general well-being;
- reduce the impact of mineral extraction and related operations during the period of working by ensuring that impacts on relevant environmental qualities caused by mineral extraction and transportation, for example air quality and soundscape, are within acceptable limits; and
- achieving, without compromise, a high standard of restoration and aftercare so as to avoid dereliction and to bring discernible benefits to communities, heritage and/or wildlife, including beneficial after uses or opportunities for enhancement of biodiversity and the historic environment.

5.27 The importance of High Specification Aggregates (HSA) is identified in PPW where it states:

"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.”
(Paragraph 5.14.23)

- 5.28 PPW refers to the Study undertaken by Travers Morgan on behalf of the DoE (1993), which recommended that:

“In view of the strategic importance of High Specification Aggregates in the maintenance of safety standards on Britain’s most heavily traffic roads, it is recommended that the materials are given special consideration in future minerals Planning Policies”

- 5.29 The report referred to within PPW was published in 1993 by Travers Morgan Ltd (now part of Capita Symonds Ltd) for the former DoE on the supply of, and demand for, HSA for use in road surfacing materials throughout the UK. The Study was updated in 2004 which considered the available sources of HSA; their location in relation to key markets; the recent and likely future demand for HSA; and the sustainability issues associated with transportation of the aggregate. This report is the only published document on the availability of HSA material across the UK.

- 5.30 The 2004 report noted that:

“High Specification Aggregates used for the construction of skid resistance road surfaces are relatively rare and highly specialised aggregates which can be obtained only in limited areas. They are of fundamental importance in underpinning both national and local policies on skid resistance and this, combined their scarcity, means that they are often transported long distances for use and areas which do not have indigenous sources of suitable material - as is the case in much of southern and eastern England”

(reference "The Sustainable Use of High Specification Aggregates for Skid Resistance Road Surfacing in England": (ODPM/Mineral Industry Research Organisation).

- 5.31 The Study reviewed specification requirements and noted that the trend has been to increase the use of HSA, particularly as a reflection of the growing fear of litigation in situations where accident investigations reveal inadequate skidding resistance. In terms of the quantities used, the Study noted that in the period 1992-2002, there had been a 130% increase in the demand for Polished Stone Value (PSV) +58 HSA in England, rising from 2.63 million tonnes in 1992 to 6.126 million tonnes in 2002. The quantity supplied by quarries in England was 3.795 million tonnes with 2.331 million tonnes supplied to England from other parts of the UK (including Wales). The imports from the rest of the UK to England increased from 0.915 million tonnes in 1992 to 2.331 million tonnes in 2002, representing an increase of more than 150%.
- 5.32 In addition, the demand and need for particularly 68+ aggregate has risen as Local Highway Authorities and Trunk Road Agencies are routinely specifying this quality material for accident black spots. This is despite PSV material of 65+ being a more plentiful resource and specified as suitable in National Guidance.
- 5.33 In terms sources of supply, the Study identified 59 active quarries able to supply HSA, of which 23 sites lie in England, 13 in Wales, 9 in Scotland and 14 in Northern Ireland. It should be noted that Bryn Quarry is included as containing a typical PSV of 75, placing the quarry with the highest quality in Wales in terms of PSV rating.
- 5.34 Since the Capita Symonds Report was published in 2004, it is notable that a number of HSA quarries have closed or are no longer operational including: Bwlch Ffos, Lean, Blackhill, Venn (closed) and Cribarth (mothballed). Of the + 68 PSV sites, only 3 are currently operating with significant units of production (Cribarth near Builth Wells (planning permission end date of 2023), Craig yr Hesg near Pontypridd and Gilfach near Neath).
- 5.35 The locations of HSA sources illustrated on Figure 7.1 highlight that the quarries in south east Wales, including Bryn Quarry, are the closest sources of HSA to not only South Wales but also central and southern England making them of strategic national importance in the supply of HSA. This material is used extensively in the South Wales and South West England areas for which is there is no other source.
- 5.36 The key recommendations of the Capita Symonds report were that:

- New reserves of HSA need to be permitted as high priority if the future supply of HSA is to be maintained in accordance with anticipated demand;
- HSA should be seen as a national, strategic resource, and “any parochial restriction on the future availability of such resources could have serious consequences in terms of road safety and skidding related accidents;
- To facilitate the availability of supplies, Mineral Planning Authorities should differentiate between resources of HSA and those for other, more general applications, with separate landbanks being maintained for each.

5.37 The proposals are for the extension of the existing Bryn Quarry. PPW (Paragraphs 5.14.47 – 5.14.48) recognises that:

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

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

5.38 This therefore recognises the fact that the environmental and amenity effects of existing quarries are well known and that there is experience in acceptably regulating and preventing any adverse effects. This is the case at Bryn Quarry, where the extension to the quarry will benefit from the extensions to the existing screening bunds and a continuation of the same working practices at the site.

5.39 Paragraph 5.14.52 refers to the approach to restoration:

“In view of the long life of many mineral working sites, it is essential that progressive restoration is introduced at the earliest opportunity where appropriate and practicable.”

Minerals Technical Advice Note (Wales) 1: Aggregate (March 2004)
(MTAN1)

- 5.40 In support of PPW, MTAN1 notes that Wales generally has a plentiful supply of aggregate from rock resources, but that at a more detailed level it is:

"A fundamental objective to conserve natural resources for their intrinsic qualities ...particularly those in relatively short supply. These include resources suitable for use as road surfacing materials with high skid resistance" (paragraph 31 refers).

- 5.41 MTAN 1 continues by noting that the conventional principle of seeking to minimise road transport of aggregate does not apply in all cases in that:

"Certain aggregates have limited availability geologically, such as high quality aggregates for road construction that have the ability to provide particular levels of surface skidding resistance and durability. These are relatively plentiful in Wales but unavailable in some parts of the UK. The pennant sandstone outcrop in South Wales has been identified as one of the main prospects for development and the UK importance of the resource should be recognised by relevant planning authorities. Such material is a special case that may well justify transportation over long distances because of the national need for the provision of the specific type of material with limited availability" (paragraph 42 refers).

- 5.42 MTAN also confirms that 'a minimum 10 year landbank of crushed rock' should be maintained during 'the entire plan period' and that where landbanks already provide for more than 20 years of aggregates extraction, 'Mineral Planning Authorities should consider whether there is justification for further extensions to existing sites save in rare and exceptional circumstances which **"may be justified for example where supply of an aggregate of a particular specification is clearly demonstrated"** (paragraph 49 refers).

- 5.43 The above guidance in MTAN 1 has been amended by a Statement issued to the Chief Planning Officers of LPAs in Wales by the Welsh Minister for Housing and Regeneration (25th July 2014), as part of the formal endorsement of the Regional Technical Statement 1st Review. This notes in relation to MTAN1 para 49 that this was drafted at a time when it was presumed that a plan period would be 10 years. This pre-dated the onset of LDPs and LDP periods of 15 years. The letter thus notes that **"the implication is that it may not be sufficient to conclude that having a 20 year or more**

landbank will result in the required minimum landbank throughout the plan period. Therefore, it may be prudent to come to this conclusion only if there was in place a landbank of 25 years or more. This letter clarifies that it is where landbanks already provide for more than 25 years of aggregates extraction that new allocations will not be necessary”.

- 5.44 MTAN1 recognises that resources suitable for use as road surfacing materials with high skid resistance are in relatively short supply (Paragraph 31 refers).
- 5.45 In addition, MTAN also confirms that a 200 metre minimum buffer zone should be defined from the outer edge of the area where extraction and processing operations will take place to protect the amenity of adjacent sensitive land uses (paragraph 71 refers).

Regional Technical Statement

- 5.46 MTAN1 also refers to a Regional Technical Statement (RTS) which encourages the South Wales Regional Aggregates Working Party (RAWP) and North Wales RAWP to be prepared as a means of ensuring that an adequate supply of primary aggregates can be maintained. The RTS is intended to provide a guide to decisions on future supply which are to be taken via the Local Development Plans produced by the respective Unitary Authorities. Caerphilly County Borough Council is represented as a member of the South Wales RAWP, and the RTS was published by the South Wales RAWP in October 2008 with its first review published in 2014.
- 5.47 The RTS apportions crushed rock requirements to be provided in each Authority over a 25 year period (based on the usual 15 year life of an LDP with the need to have a minimum 10 year supply remaining at the end of the plan period). The RTS is however clear that the apportionments are a minimum requirement. In addition, they are a snapshot of the situation at the base date. They are also not split into different types of stone, nor take account of the different purposes or markets the stone is required for. Therefore, while the RTS should be the starting point in the consideration of need, it is recognised that there are significant issues in solely using the RTS for the purposes of assessing the need for the level of reserves proposed as part of this application
- 5.48 The original RTS’ recommendation for Caerphilly County Borough Council, which formed part of the considerations in preparing the LDP, was that:

“No resource allocation is required at present. However in preparing Local Development Plans, consideration should be given

to whether the factors in Box 1 above give rise to any requirement for resource allocations alternative high quality sandstone reserves need to be safeguarded selectively in the LDP and be subject to further investigation for potential future use" (paragraph 4.31, page 94 refers).

- 5.49 The "factors" referred to include (1) the technical capability of one type of material to interchange for another and (2) whether adequate productive capacity can be maintained to meet the required supply. The South Wales Regional Aggregates Working Party Annual Report (2010) confirms that Caerphilly County Borough Council has a landbank for rock of 58 years although no differentiation is provided in respect of the contribution made from HSA sources and the figure also includes active, inactive and dormant sites. Accordingly, Caerphilly Council acknowledged as part of the LDP preparation process that the landbank reduces substantially to 27 years when only resources from active sites are taken into consideration (LDP Minerals Background Paper, 2008).
- 5.50 In the case of sources of HSA (of which Bryn Quarry is the only source within Caerphilly County Borough Council since the closure of Hafod Fach) it should be noted that; (1) the other sources of aggregate available in Caerphilly County Borough Council cannot substitute for or interchange with the HSA available at Bryn Quarry, and (2) current permitted reserves for HSA aggregates within Caerphilly CBC are limited and will not be adequate to allow production levels to be maintained over the remaining plan period. Additional resources will, therefore, need to be released to maintain supplies.
- 5.51 The RTS First Review (August 2014) states:

"The proximity principle is also modified by recognition that certain types of 'high specification aggregate' (HSA) serve quite different markets and are therefore required for distribution over much greater distances (Thompson, Greig & Shaw, 1993; Thompson et al., 2005). This applies especially to the skid-resistant aggregates derived from the Pennant Sandstones of South Wales (and to a lesser extent from a range of other formations within Powys and elsewhere in Wales), which are essential for road surfacing applications throughout England and Wales." (Paragraph 2.8)

"In terms of being able to predict future sales, however, there is considerable uncertainty: there could be a higher than average upsurge in demand as road maintenance requirements catch up with the lack of all but essential spending during the recent recession (and particularly with the cumulative resurfacing requirements triggered by recent harsh winters); or there could simply be a continuation of recent levels of demand, as any improved availability of central and local authority funding is diverted to other, more neglected, areas of public finance. There is therefore no evidence that the demand for exports of aggregate from South Wales will be any greater over the next 10 to 15 years than it was over the baseline period of 2001 - 2010." (Paragraph 3.31)

Mineral Land Supply

- 5.52 The Caerphilly CBC active aggregate quarries are identified within the RTS (as of 2013) as being:
- Bryn (HSA); and
 - Hafod Fach (HSA).
- 5.53 Hafod Fach has been inactive since 2015. Notwithstanding this, Bryn Quarry has the highest PSV Value (75); and Hafod Fach (68).
- 5.54 Bryn Quarry (i.e. the application site), is being worked with limited resource remaining to be worked from the existing planning permission.
- 5.55 Hafod Fach was granted planning permission in 1999 for a 7MT extension, with an estimated annual output of 0.25MT (quoted at the time of the application). However, it is understood that this quarry has constraints on its output which limit the supply of HSA material to approximately 25% of total output, equivalent to a total reserve of 1.75MT of HSA (which equates to circa 65,000 tpa). Whilst Gelligaer Quarry also provides HSA material, the operational area of the quarry falls within the adjacent Authority of Merthyr Tydfil County Borough Council, being located immediately adjoining the administrative boundary with Caerphilly CBC. This quarry has a reserve of circa 15MT with an output of approximately 0.2MT per year of 68+ material. The completion of permitted reserves at Gelliargwellt Uchaf, therefore, will represent a substantial

reduction in the total HSA production within Caerphilly CBC unless this application for the extension to the quarry is secured.

Regional Technical Statement 2nd Review Consultation

- 5.56 The RTS 2nd Review was subject to consultation in November 2019. Whilst not the published final version of the document, the consultation document raises the following additional issues of relevance:

"The proximity principle needs to be modified, in some cases, by recognition that certain types of 'high specification aggregate' (HSA) serve quite different markets and are therefore required for distribution over much greater distances. This applies especially to the skid-resistant aggregates derived from the Pennant Sandstones of South Wales and from a range of other formations within Powys and elsewhere, which are essential for road surfacing applications throughout England and Wales (Thompson, Greig & Shaw, 1993; Thompson et al., 2004). Indigenous sources of HSA materials within England are very limited, and many are constrained by their location within National Parks. HSA exports from Wales are therefore of major significance." (Paragraph 2.8)

"In South Wales, the main export is of sandstone, the vast majority (almost 90%) of which is High Specification Aggregate (HSA) - skid-resistant road surfacing material with a Polished Stone Value (PSV) of 58 or above, and generally much higher (Thompson, Greig & Shaw 1993; Thompson et al, 2004). As noted earlier, these exports are of major importance because of the limited sources of unconstrained HSA materials within England." (Paragraph 3.37)

- 5.57 The RTS 2nd Review identifies that Bryn Quarry is the only current source of HSA in Caerphilly CBC.

Summary

- 5.58 Irrespective of the present overall landbank for all minerals within Caerphilly CBC, MTAN specifically identifies at paragraph 49 that new extraction sites can be permitted

where there is in excess of 20 years supply in exceptional circumstances where the **“supply of an aggregate of a particular specification is clearly demonstrated.”**

- 5.59 Accordingly, there is a clear need to allow the development of this site in order to provide HSA sandstone which is an essential material of County and national UK significance, and releasing this site would allow the continued supply of this high quality material.

6.0 APPRAISAL AND 'NEED' FOR PROPOSED DEVELOPMENT

- 6.1 Whilst the application site lies outside the defined settlement boundary for Gelligaer as set out within the adopted LDP, Policy CW15 of the Plan confirms that exceptions include the winning and working of minerals. The supporting text to Policy CW15 acknowledges that minerals can only be worked where they occur, and in this regard the application site is identified within the LDP both as a Minerals Safeguarding Area (reflecting the existing sandstone resource – Policy MN2) and also as a Minerals Site Buffer Zone (confirming the extant planning permission which prevails - Policy MN1.2).
- 6.2 It is recognised that the Council currently has a sufficient landbank to meet national planning policy guidelines in terms of providing a minimum 10 year supply of permitted reserves (as re-enforced by Policy SP8). However as set out within Section 5, the landbank predominantly comprises reserves for general purpose aggregate with inadequate provision for high quality HSA material. This application is however predicated on the basis that the extension of the Quarry is required to provide for a continued supply of a scarce HSA which is in short supply both within the County Borough and also within the UK. The landbank for rock reserves within Caerphilly Council is dominated by non-HSA material which is not capable of being interchanged for the high quality and scarce resource available within the application site which is acknowledged by the RAWP as being the best quality pennant sandstone Quarry in Wales.
- 6.3 This provides the basis and exceptional circumstances, as allowed for by paragraph 49 of MTAN1 to allow the extraction of this mineral reserve, given its scarcity and HSA.
- 6.4 The supporting text to Policy SP8 confirms that the Council will “balance the need for the safeguarding of nationally important mineral resources against the potential impact of such development on the landscape and on sites of ecological interest” (paragraph 1.68 refers) whilst the same sentiment is endorsed within MPPW, MTAN1 and the South Wales RTS. Paragraph 0.44 of the LDP states that in relation to proposals for minerals extraction, national policy and guidance is sufficiently clear to be relied upon in the determination of planning applications in relation to mineral extraction. It is on this basis that the application is submitted for consideration by the Council in recognition of the overall ‘need’ for the resource and also the environmental effects which are addressed within the application supporting documentation.

Need

- 6.5 MTAN1 confirms that **"Certain aggregates have limited availability geologically, such as high quality aggregates for road construction that have the ability to provide particular levels of surface skidding resistance and durability."** (Paragraph 42). It goes on to confirm that the Pennant Sandstone outcrop of South Wales which is the aggregate worked at Bryn Quarry, **"has been identified as one of the main prospects for development and the UK importance of the resource should be recognised by relevant planning authorities. Such material is a special case... because of the national need for the provision of the specific type of material with limited availability"** (emphasis added – paragraph 42 of MTAN1 refers).
- 6.6 The importance, scarcity, and special nature of this resource is further emphasised by the South Wales Regional Aggregates Working Party Regional Technical Statement (2008) which identifies at paragraph 3.83 in relation to paragraph 42 of MTAN1 that this **"implies that, given suitable environmental safeguards, additional levels of extraction to meet this particular need, should actually be encouraged."**
- 6.7 Clearly the aggregate quality of Bryn Quarry is of national UK wide importance which is recognised as a special exceptional case for allowing the ongoing extraction of this material within MPPW and MTAN1.
- 6.8 Bryn Quarry will provide an essential component to the supply of HSA sandstone throughout Caerphilly County and nationally. The development of this site will continue to maintain the necessary supply of these high quality products to established markets including Local Highway Authorities who specify the use of 68+ material for road surfacing.
- 6.9 Notably within South Wales there are ongoing infrastructure projects which will require HSA material including the A465 Heads of the Valleys Dualling Project. The material from Bryn Quarry will also be used for the repair and resurfacing of existing roads within the region. Aggregate from the quarry will additionally be utilised for surfacing of cycle and bus lanes. The need for the material at Bryn Quarry is, therefore, firmly established.
- 6.10 The enclosed statement from Tarmac (Appendix A) (which was referenced within the Inspector's Report for the recent appeal case at Tir Pentwys, Hafodyrynys, Pontypool, Torfaen CBC) identifies the strategic importance of Bryn Quarry to Tarmac, evidencing Tarmac's extensive demand for HSA both in Wales and nationally. The document states:

"The availability of aggregate within the UK with these properties (i.e. HSA with a psv level of 68+) is localised and strictly limited. There are approximately only 8 quarries in the UK that supply aggregates that consistently record a psv level of 68+, within South Wales there are currently only 2, Bryn being one ... After the closure of Bwlch Ffos minning site (Resolven) which was operated by Tarmac Quarry Materials as its primary source of 68+ PSV material in Wales as well as the vast majority of the UK, Tarmac has highlighted Bryn quarry as its major supplier of high PSV aggregate in Wales, the South West of England and Midlands. As the other source of 68+ PSV aggregate within South Wales is unable to meet these demands, Bryn quarry is strategically important to Tarmac's business as a supplier of High PSV asphalt within the UK."

- 6.11 A further letter has been issued by Tarmac through the Pre-application Consultation process which is appended in Appendix B.
- 6.12 The proposed development also meets the development management criteria within the LDP in relation to the following aspects which are summarised from the supporting documentation submitted in support of this application.

Landscape

- 6.13 The site is located within the Gelligaer Common SLA defined by Policy NH1.2. Whilst the site is located within this area, it is important to note that the designation of this Special Landscape Area does not preclude development, but rather seeks to ensure that any development does not have an unacceptable impact on the specific distinctive or 'special' features or characteristics of the area (paragraph 3.101 of the LDP refers).
- 6.14 Within the context of this application, it is firstly important to recognise that the HSA mineral only arises at this location. Furthermore, the SLA designation includes the general area between Gelligaer and Nelson and much of Caerphilly County outside of defined urban areas. Accordingly, it is not possible for the applicant to extract the HSA outside of the SLA boundary whilst the LDP does not define areas for new mineral development. Furthermore, the application proposals are temporary in nature and during this time, the quarry works will be screened by the existing and proposed landscape bunds and vegetation planting, such that the works will not have an

unacceptable impact upon the SLA. The proposals comply with the requirements of Policy CW4 in terms of conserving the special character of the area and once completely restored the development will enhance its appearance and ecological value. The application proposals (once completed) will leave the character and appearance of the area unharmed, thereby conserving the character of the area and consequently satisfying the requirements of Policy CW4.

- 6.15 On this basis of the Landscape Assessment, which is submitted within the Environmental Statement, it can be concluded that the quarry extension will fit comfortably into the wider rural landscape and the proposed planting will not only have screening value, but it will add to local landscape character, habitat diversity and richness of the area.
- 6.16 Accordingly, it is considered that the proposed development will not have an unacceptable impact upon the character of the area in accordance with Policies CW4 and CW6 of the LDP.

Biodiversity

- 6.17 The submitted Environmental Statement includes a Biodiversity chapter and associated Ecological Impact Assessment as an appendix. This concludes that the proposed development is compatible with all relevant policy documents (which includes Planning Policy Wales, TAN 5, The Environment Wales Act and LDP Policies CW4, CW6 and NH3).
- 6.18 Measures proposed through the project CEMP, Environmental and Dust Management Plans and biodiversity and green infrastructure plans (which includes the creation of peat cells and a post-restoration new wetland habitat corridor) ensure that the proposals will enhance existing habitats, improve biodiversity and improve the resilience of ecosystems to secure a net benefit for biodiversity.

Noise

- 6.19 The submitted Noise Impact Assessment includes a Noise Survey of the existing ambient and background noise climate at the site and also noise modelling to predict the noise levels from the proposed quarry extension. The Noise Assessment confirms that the proposed development and associated noise emissions will be in accordance with the environmental noise criteria as set out within Minerals Technical Advice Note (Wales) 1: Aggregate (MTAN1) at all adjacent noise sensitive properties with the exception of Greenacres Bungalow which is the property at the site access to the B4254 which is under the control of the applicant. Indeed, the proposed extension area will be at its

closest 301m from the curtilage of the nearest residential properties within Gelligaer. This is approximately 50% greater than the recommended separation distance (or Buffer Zone) of 200m that is advocated within MTAN1 (paragraph 71). Whilst the buffer distance has been significantly exceeded as part of the proposed development, it should be noted that other schemes have been supported by Officers elsewhere (such as that at Craig yr Hesg within RCT – Ref: 15/0666/10) where the buffer distances have not been met.

- 6.20 The Noise Assessment proposes that a suitably worded condition should be attached to any forthcoming consent for the site to ensure that noise levels from the proposed quarry extension do not exceed the noise limits as detailed within MTAN1 whilst a series of good practice measures for noise control are also included within the report. Accordingly, it is considered that the proposed development will not have an unacceptable impact upon the amenity of adjacent properties (in so far as they relate to land beyond the control of the applicant), in accordance with Policy CW2 of the LDP.

Transport

- 6.21 The submitted Transport Assessment includes a capacity assessment of key junctions in the vicinity of the site and also an accident analysis which confirms that there are no significant highway capacity issues arising from the proposed development and that the quarry does not cause highway safety issues in accordance with Policies CW1 and CW3 of the LDP.
- 6.22 Access to the quarry will continue to be via the existing priority junction with Gelligaer Road, as this access is established and has a good safety record. Corun Consulting Engineers was commissioned to undertake a Transport Assessment in September 2019, which is submitted in support of the planning application, and in their report, they confirm that **"the access also meets the visibility requirements of TAN18 based on observed 85th percentile speed data"**.
- 6.23 The Transport Assessment confirms that the proposed development will not alter or increase the type or quantum of material currently being imported or exported to/from the site in accordance with the extant planning permission which limits the maximum level of stone exported from the site to 400 tonnes per day (Condition 6 of planning permission 08/0055/FULL refers) and also the maximum volume of waste material imported to the site to 200 tonnes per day (Condition 7 refers) which will be honoured as part of this current application.

Air Quality

- 6.24 The submitted Air Quality Impact Assessment includes an assessment of the proposed development against UK air quality objectives with an advanced dispersion model used to predict impacts of the proposed operations to consider the baseline conditions from the existing quarry operations, together with the impact of the proposed quarry extension at different phases of the mineral workings.
- 6.25 The Air Quality Impact Assessment concludes that existing levels of air pollution are well within relevant air quality objectives and that omissions from the proposed quarry extension are likely to be insignificant based upon an assumption that good practice measures are effectively implemented by the operator. Effective dust suppression measures can continue to be undertaken on site and supplemented for the wider extension area. Accordingly, it is considered that the proposed development will not have an unacceptable impact upon the amenity of adjacent properties in accordance with Policy CW2 of the LDP.

Hydrology

- 6.26 The submitted Hydrological Impact Assessment has been undertaken based on a site walkover, including a Water Features Survey, together with a desk study review of published information; available site investigation and surface- and ground-water monitoring data for the Site. The Assessment includes a number of measures which are incorporated into the proposals for the site – including following best practice guidelines within the Environmental Management Plan for the site in respect of accidental spillages, improvements to drainage channels, improvement works to settlement ponds and further monitoring across the site. It is accordingly not anticipated that any significant impact from the proposed development will occur upon ground water and surface water as a consequence of the proposed development in accordance with Policy CW5 of the LDP.

Blasting

- 6.27 A Blasting and Mining Heritage Report has been submitted in support of the application. Blasting at the existing quarry presently takes place three times a fortnight on average and the same pattern will continue into the quarrying of the extension. Blasting is controlled by way of Conditions 9 and 10. The report recommends that these conditions are taken forward and applied to this consolidated application. Notwithstanding, it should be noted that the independently

monitored blasting at the site undertaken by Hunter Acoustics recorded vibration levels that are both significantly lower than the permitted level and are also at a much lower level than that which is likely to induce cosmetic damage to a residential dwelling or light industrial building (as set out in Section 5 of the Blasting and Mining Heritage Report). The vibration levels associated with the blasting at Bryn Quarry will not interact with the mine workings to induce collapses of the sandstone into the mine workings that would lead to surface subsidence and structural damage. The report moreover concludes that there is no risk of structural damage as a result of air overpressure from the blasting at the quarry.

Coal Mining Risk

- 6.28 The Coal Mining Risk Assessment submitted in support of the application records that there is no record of any mine entry, shaft or adit, being present within the planning application area. The risk of an unrecorded disused mine entry being present within the Site cannot be entirely dismissed given the mining history of the area, but it is highly unlikely given the detailed mining records available for the area. If any unusual features are observed during quarrying or other excavation work then the works shall cease immediately, and advice should be sought from a Chartered Geologist or from The Coal Authority.

Historic Environment

- 6.29 The Grade II listed building, Gelliargwellt Uchaf Farmhouse and the Grade II bee-boles at Gelliargwellt Uchaf Farm and are located c. 200m west of the site (to the west of the existing operational area). A pre-application consultation with CCBC highlighted the potential for the development to impact the setting of the listed buildings as a result of their proximity to the site. An assessment of assets in the wider landscape concluded that intervening residential development and topography is such that there was no potential for an impact.
- 6.30 The submitted Heritage Statement concludes that the proposed extension site is in an area that is not visible from the Grade II listed Gelliargwellt Uchaf Farmhouse or the Grade II listed bee-boles. As part of the wider landscape, the quarry forms part of the setting of the Gelliargwellt Uchaf Farmhouse and is included within the listing description when first designated. Agricultural land, that forms the majority of the wider setting, can be considered to make some contribution to the significance of the asset by virtue of its historical and economic association. The area of agricultural land lost as a result of the quarry extension is minimal in the context of

the wider landscape, such that there will be no appreciable change to the overwhelmingly agricultural character of the wider landscape. Furthermore, the proposals also seek to restore the land to agricultural use following the completion of the mineral extraction.

- 6.31 For the reasons outlined above, the Heritage Statement concludes that the proposed development is considered to preserve the setting of the Grade II listed Gelliargwellt Uchaf Farmhouse and bee-boles in accordance with Section 6 of PPW10 and the legislative requirements of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Contribution to Circular Economy

- 6.32 PPW states that **"a circular economy is one which aims to keep materials, products and components in use for as long as possible"** (Paragraph 5.11.2). Paragraph 5.11.7 goes on to say that early consideration should be given to **"designing out waste through appropriate site selection and treatment [and] recognising synergies and the multiple economic, environmental, social and cultural benefits which can be gained through appropriate materials choices"**.

- 6.33 The proposals present a unique opportunity to contribute to the circular economy through:

- Being located as part of the wider Bryn Group site where synergies between the various activities that take place already exist;
- Adding by-product quarry dust into inert recovered soils from the MRF to create better quality soils that can be used in landscape projects;
- Adding by-product quarry dust into cement to create a stronger, better quality product;
- The proposed extraction of silicon from quarry dust within the proposed shed (which benefits from a Certificate of Lawfulness for Proposed Use or Development (ref: 18/0432/CLPU) for use in glass and cement production. Both products can be further recycled;
- Quarry dust can be used in place of sand which would have been excavated in sand and gravel pits. As coal power stations are closing nationally there is the potential for a shortage of Fly Ash which is used to strengthen concrete. There is potential for quarry dust to be used in place of Fly Ash and therefore negates the need to mine for further virgin resource;

- The MRF can accept waste streams recovered when roads are repaired by utility providers and their contractors. This inert waste can subsequently be used when filling the quarry and help contribute towards its restoration to agricultural use.

7.0 WELL-BEING OF FUTURE GENERATIONS (WALES) ACT 2015

- 7.1 The Well-being of Future Generations (Wales) Act 2015 is relevant and imposes a duty on public bodies to carry out 'sustainable development' in accordance with the 'sustainable development principle'.
- 7.2 The ways in which the proposal accords with the Well-being goals identified in the Act is set out below.

A Prosperous Wales

- 7.3 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 developing skills and skilled jobs in the local economy. It would sustain and secure the 15 existing jobs at the site over a longer period and facilitate the creation of five additional jobs (including apprenticeships).

A Resilient Wales

- 7.4 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 (in comparison to the currently approved scheme).

A Healthier Wales

- 7.5 Health and well-being impacts have been considered extensively in the Environmental Statement and it is considered that the development would not have any unacceptable adverse impacts relating to noise and dust etc. With regard to mental well-being –for those that live and work in the area the development offer some comfort as the employment contribution that the site makes, as well as the economic contribution, will continue for some time and this may contribute positively towards mental well-being. As considered above the applicant have put forward numerous measures to limit the physical impacts of the quarry and this should mean that the mental wellbeing of people living nearby should not be adversely affected. The site would also help to secure

longer term employment and the economic contribution that the site makes, and this can be seen as a positive contribution to mental well-being.

A More Equal Wales

- 7.6 As highlighted previously 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 newly established business's to establish themselves – the site has the prospect to offer employment where people can fulfil their potential.

A Wales of Cohesive Communities

- 7.7 The proposed development incorporates numerous mitigation measures that would help to reduce any visual impacts. Any potential impact on the attractiveness of the area must also be considered taking into consideration the currently approved restoration and aftercare plans. In comparison to the currently approved scheme the proposed restoration would offer a more attractive overall package (for example, through the provision of ecological connectivity and habitat areas) and therefore, in the long term, could offer a benefit in terms of the landscape and the attractiveness of communities. The proposal would have a positive impact in terms of the viability of communities. Without the quarry there would be substantially 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 would offer a much longer period of employment and viability for the community.

A Wales of Vibrant Culture and Thriving Welsh Language

- 7.8 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

- 7.9 The proposed extension would provide for a long term 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 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.

8.0 CONCLUSIONS

- 8.1 The Council's LDP identifies a minerals landbank of 27 years from active sites within the County Borough although this includes all grades of aggregate (LDP Minerals Background Paper, 2008 refers). This application relates to the extraction of a scarce, nationally important reserve of HSA. Accordingly, the application proposals must be considered on this basis as an exceptional and special circumstance to allow this proposal as required by MPPW and MTAN1.
- 8.2 In line with pre-application guidance provided by the Council, the proposed extraction area is located entirely within the defined Buffer Zone in the LDP, and the proposed development far exceeds the acceptable distances (based on MTAN1 Buffer Zones) from residential properties. As demonstrated within the submitted technical reports, the application will not have an unacceptable impact upon the amenities of neighbouring residents or the environment.
- 8.3 Within this context, the LDP confirms that mineral proposals will be determined on the basis of national planning policies. MTAN1 establishes 5 key principles for minerals planning policy in Wales which confirms that where these principles are met, there is a presumption in favour of development. This Planning Statement has considered these principles and has demonstrated respectively that:

Principle 1 Provide Mineral Resources to Meet Society's Needs

- 8.4 The application proposals meet with this requirement given the provision of a high quality, a nationally (UK) scarce and important resource of HSA material. This situation results in the demonstration of exceptional circumstances as required by MTAN1 at paragraph 49.

Principle 2 Protect Areas of Importance

- 8.5 The proposals do not affect any statutory protected sites or areas (National Parks, Areas of Outstanding Natural Beauty, SSSIs, Listed Buildings etc), or have adverse impacts upon protected species, habitats, flora or fauna.

Principle 3 Reduce Impact of Aggregates Production

- 8.6 The proposed development provides an appropriate Buffer Zone between the new working area and existing residential properties which more than 50% exceeds the recommended distances of MTAN1. In addition, the submitted technical reports demonstrate that the proposals will not have an unacceptable impact upon the amenity of neighbouring residential properties or the environment.
- 8.7 The application proposals will also conform to planning conditions which apply to the operation of the existing quarry at the site. These control hours of operation, movement of vehicles and blasting processes and ensure that the amenities of the surrounding areas will be preserved.
- 8.8 The proposals will also be well screened by proposed landscaping bunds and planting which will limit any visual impact to slight or negligible levels during operation.

Principle 4 Restoration and Aftercare

- 8.9 The proposed development provides a comprehensive and progressive restoration programme which will deliver the phased and complete restoration of the site including the existing Quarry. It is proposed that an aftercare regime be conditioned in line with that included on Condition 19 of 12/0570/FUL.

Principle 5 Efficiency of Use / Recycling

- 8.10 As a UK scarce resource, this HSA material will be used on an efficient basis by end users due to its scarcity. It will, therefore, not be used as a substitute for lower grade and far more widely available material.

Overall Conclusions

- 8.11 In light of the above it is considered that the application proposals are acceptable and can proceed given that they will have no demonstrable harm to interests of acknowledged importance.
- 8.12 This situation, therefore, demonstrates that the application 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.

APPENDIX A
Tarmac Report

Bryn - High Specification Aggregate Source



Report by



Bryn - High Specification Aggregate Source

- Regional geological setting

Bryn Quarry is located between the villages of Nelson and Gelligaer, just 2 miles off the A470 and 13 miles from Jct 32 of the M4. The quarry itself is situated on the site of a recycling operation. The strata being worked are from the Pennant Measures of Upper Carboniferous Age, which form the central part of the South Wales coalfield. In contrast to underlying divisions of the Coal Measures, sandstones predominate in the Pennant Measures and comprise poorly sorted, fine to coarse, feldspathic and micaceous lithic greywackes. These rocks vary from being massive to flaggy or cross bedded and commonly exhibit pebbly beds containing iron-stone clasts, mudstones flakes and coarse carbonised plant remains. Individual sandstone units of up to 60 m are common but locally exhibit thin impersistent partings and thin beds of clayey siltstones associated with coal seams.

- Bryn geology

Bryn Quarry extracts sandstone from the Grovesend Beds within the Upper Pennant Measures, which in this locality are sub-horizontal but form part of a broader scale, shallow, synclinal feature.

The geology of the consented extraction area has been derived from the published maps Of the British Geological Survey. However, more detailed geological information exists in the form of exploration drilling records from five cored boreholes, supplemented by two open-hole boreholes.

The material quarried is a very consistent sequence of massive, ill-sorted, medium grained sandstones with only brown weathering discoloration along the numerous joint planes. Due to the bedding and joint pattern, the rock tends to be slabby in nature, with blocks of 0.3 metre x 1 metre x 1 metre being common.

The sandstones are remarkably consistent, except for a thin mudstone horizon up to 0.3 metres thick towards the base of the face, but good quality sandstones are exposed again below this horizon. This mudstone, together with the occasional thin clay smeared joint, is discarded at the face and stock-piled for future processing as crusher run materials in a separate operation. In addition to the removal of soil and clay overburden to depths of approximately 1.5 metres, a further 0.5 metres of weathered top rock is removed prior to blasting and processing.

Bryn - High Specification Aggregate Source

- Importance of High Specification Aggregates

A report carried out by Capita Symonds states: *“High Specification Aggregates (HSA) used for the construction and maintenance of skid-resistant road surfaces are relatively rare. They are highly specialised aggregates which can be obtained only from a limited number of geological formations, mainly within the western and northern parts of the UK. Such aggregates are of fundamental importance in underpinning both national and local policies on road safety and skid resistance and this, combined with their scarcity, means that they are often transported long distances for use in areas which do not have indigenous sources of suitable material, as is the case in much of southern and eastern England.”*

The aggregate produced at Bryn quarry is classified as a HAS (High specification Aggregate) due to the fact that it has a High resistance to polishing (Polished stone Value) and achieve in excess of 68psv.

High specification aggregates (HSA's) with a high polished stone value are used extensively in road surfacing, construction and maintenance particularly where high volumes of commercial traffic occur and wherever road conditions are likely to give a high risk of skidding related accidents e.g. junctions, roundabouts etc. They represent the premium products of the aggregate quarrying industry.

The availability of aggregate within the UK with these properties is localised and strictly limited. There are approximately only 8 quarries in the UK that supply aggregates that consistently record a psv level of 68+, within south wales there is currently only 2, Bryn being one. In 1991 only 12% of the total output of HSA's in Great Britain, fell into the category of psv's greater than 68.

The Travers Morgan report published in 1993 by the Department of the Environment recommended that: *“In view of the strategic importance of High Specification Aggregates in the maintenance of safety standards on Britain's most heavily trafficked road it is recommended that these materials are given special consideration in future minerals planning policies”*.

- Demand for 68+ PSV Aggregate in the UK

There are no official published figures for demand of 68+ PSV aggregate in the UK, but Tarmac estimate the total UK demand is around 300,000 tonnes of 68+ PSV aggregate per annum. Tarmac is the largest supplier of Aggregates and Asphalt in the UK and its national demand is approximately 60-80,000 tonnes of 68+ PSV aggregate. Within Wales this demand is approximately 30-40,000 tonnes.

Bryn - High Specification Aggregate Source

- Strategic importance of Bryn to Tarmac

After the closure of Bwlch Ffos mining site (Resolven) which was operated by Tarmac Quarry Materials as its primary source of 68+ PSV material in Wales as well as the vast majority of the UK, Tarmac has highlighted Bryn quarry as its major supplier of high PSV aggregate in Wales, the South West of England and Midlands.

As the other source of 68+ PSV aggregate within south Wales is unable to meet these demands, Bryn quarry is strategically important to Tarmac's business as a supplier of High PSV asphalt within the UK. As an environmentally conscious company, Tarmac sees the location of Bryn as a prime driver in minimizing the need to Transport 68+PSV aggregate long distances into Wales and the south west of England from other sources.

Conclusions

The relationship between Tarmac and Bryn Quarry (Mineral Traders Ltd.) is important in preserving and obtaining maximum benefit from the high value aggregate contained within its deposit. Tarmac, as a leading supplier of asphalt within Wales, using Bryn as its source of 68+ PSV is able to provide a cost effective, competitive and high quality asphalt product to its customers in Wales.

REFERENCES

- *HIGH SPECIFICATION AGGREGATES FOR ROAD SURFACING MATERIALS IN ENGLAND – UPDATING THE TRAVERS MORGAN REPORT* Thompson, A , 2004, Capita Symonds Limited,
- *HIGH SPECIFICATION AGGREGATES FOR ROAD SURFACING: Technical Report. Report to the Department of the Environment.* Thompson, A., Greig, J.R., and Shaw, J. 1993. Travers Morgan Limited

APPENDIX B

Letter from Tarmac, 17th August 2020

17th August 2020

[REDACTED]
Bryn Group
Gelliargwellt Farm
Gelligaer
CF82-8FY

Dear [REDACTED]

High PSV Aggregates

Further to the relationship between Tarmac and Bryn Aggregates, maintaining access to potential high PSV aggregate is imperative to the continued maintenance of the highway infrastructure from the use of the aggregate sourced from this unit.

Bryn aggregate meets all the technical and physical property requirements. For the classification of 68psv and as such is of national importance to highway network of both the Welsh infrastructure and the surrounding areas of Southern and Eastern English counties.

A report carried out by Capita Symonds states (2004): *"High Specification Aggregates (HSA) used for the construction and maintenance of skid-resistant road surfaces are relatively rare. They are highly specialised aggregates which can be obtained only from a limited number of geological formations, mainly within the western and northern parts of the UK. Such aggregates are of fundamental importance in underpinning both national and local policies on road safety and skid resistance and this, combined with their scarcity, means that they are often transported long distances for use in areas which do not have indigenous sources of suitable material, as is the case in much of southern and eastern England."*

Yours sincerely

[REDACTED]
[REDACTED]
Area Commercial Manager
S Wales

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