

COMMITTEE DATE: 15/10/2014

APPLICATION No. 97/01967/N APPLICATION DATE: 31/10/1997

ED: **WHITCHURCH AND TONGWYNLAIS**

APP: TYPE: Application under Section 96 of the Environment Act 1995 for determination of new conditions

APPLICANT: Larfarge Tarmac Ltd

LOCATION: BLAENGWYNLAIS QUARRY, RHIWBINA HILL, CARDIFF

PROPOSAL: APPLICATION UNDER SECTION 96 AND SCHEDULE 13 OF THE ENVIRONMENT ACT 1995 FOR DETERMINATION OF NEW CONDITIONS FOR QUARRY

RECOMMENDATION: That, for the purpose of Section 96 and schedule 13 of the Environment Act 1995 the conditions listed below be **APPROVED**:-

A. Definition of Terms

For the purposes of these planning conditions the following words and phrases shall have the meaning given to them below:

- (i) “Dormant Quarry Application” means the application submitted to City of Cardiff Council in accordance with the requirements of Section 22 of the Planning and Compensation Act 1991 (ref 97/1990N)
- (ii) “ROMP Applications” means the applications submitted to City of Cardiff Council and Caerphilly County Borough Council under the provisions of Schedule 13 of the Environment Act 1995 for a Review of the planning conditions regulating quarrying operations at Blaengwynlais Quarry (ref 97/1967N and P/97/0981/RA/CD).
- (iii) “Date of Determination” means the date upon which new conditions subsequent to the applications are finally determined, i.e. the date upon which all proceedings on the applications, including appeals to the Secretary of State and the High Court have been determined, and the time period for any further appeal has expired.
- (iv) “Emergency” means any circumstances in which the operator has a reasonable cause for apprehending injury to persons or serious damage to property.
- (v) “Mineral Planning Authority, (MPA)”, means City of Cardiff Council and Caerphilly County Borough Council, or any successor mineral planning authority.
- (vi) “Mining Site”, means all that land at Blaengwynlais Quarry which is currently within the permitted area of Blaengwynlais Quarry, comprising

the Dormant Quarry Application area (97/1990N), and the Romp Application areas (97/1967N and P/97/0981/RA/CD).

- (vii) “Substantive recommencement of quarrying” means a resumption of quarrying involving an output of 50,000 tonnes within any 6 month period, to be verified by returns to be submitted to the MPA upon request.
- (viii) “Resumption of quarrying” means the commencement of any quarrying activities at the mining site.

B. Recital

The conditions set out in the schedule below, numbered 1 – 49 inclusive, shall apply to the full Mining Site which is the subject of the Dormant Quarry Application (ref 97/1990N), and the ROMP Applications (ref 97/1967N and P/97/0981/RA/CD).

C. Time Limits

1. Unless otherwise agreed in writing with the MPA, planning permission for the winning and working of minerals or the depositing of mineral waste within the Mining Site shall cease no later than 21 02 2042.
2. Following the expiry of the mineral permissions all extraction, processing and stockpiling of minerals within the Mining Site shall cease.
3. No later than 12 months following the expiry of the planning permissions, or the earlier permanent cessation of winning and working of minerals, as agreed between the mineral operator and MPA, all plant, machinery and structures shall be dismantled and removed from the site.
4. No later than 12 months following the expiry of the mineral permissions or the earlier permanent cessation of winning and working of minerals, as agreed between the mineral operator and MPA, the sale and transportation of any residual stocks from the Mining Site shall cease.

D. Quarry Development

5. Mineral extraction shall proceed in a phased manner and, unless otherwise agreed in writing by the MPA, development shall take place in accordance with the details illustrated on plan reference B111/12: Phase 1; B111/13: Phase 2; and B111/14: Phase 3. The quarry shall be developed to achieve but not exceed the approved limits of excavation shown on plan B111/14.
6. In the event that a substantive recommencement of operations has not occurred within 5 years of the date of determination, updated quarry development plans shall be submitted to the MPA showing any changes to the anticipated quarrying programme for the remainder of the Environment Act First Periodic Review period.

E. Hours of Operation

7. Except in the case of emergencies, or unless the MPA has previously agreed otherwise in writing, no operations other than those associated with the water pumping, servicing, environmental monitoring, maintenance and testing of plant or machinery or other similar work shall be carried out at the site on

Sundays, Bank or National Holidays, or except between the following times on any other day:

0700 - 1900 Mondays to Friday

0700 - 1300 Saturday.

8. Except in the case of Emergency, blasting operations shall only be carried out between 10:00 – 16:00 Monday – Friday, and not at any time on Saturdays, Sundays or Bank/ Public holidays.

F. Access, Traffic and Protection of Highway

9. Details of the design and location of a wheel wash facility shall be submitted to the MPA for approval within 1 month of the date of resumption of quarrying. No HGV's shall leave the mining site unless their wheels have been cleaned in accordance with the approved details.
10. No HGV accessing or leaving the site shall travel via Heol-y-fforest due to the existing road alignment, in perpetuity or unless otherwise agreed in writing by the MPA.

G Off Site Highway Improvements

11. Where there is a substantive recommencement of quarrying at the Mining Site and the required 6 monthly output returns confirm an output of 100,000 tonnes in any 12 month period, a route assessment shall be undertaken and off site highway improvement scheme shall be submitted for the approval of the MPA setting out details of works to Rhiwbina Hill between the quarry entrance and M4 Motorway bridge to the south and to Heol Pen Y Bryn and Waunwaelod Way to the north of the quarry entrance. The scheme shall comprise the formalisation / surfacing of informal passing places within the defined Highway Boundary (excluding a requirement for any alterations to services or drainage within or adjoining the Highway), together with signage for vehicles and pedestrians in locations to be confirmed in the submitted scheme. The submitted scheme shall include measures for a programme of implementation. The development shall thereafter be implemented only in accordance with the approved scheme, unless otherwise agreed in writing by the MPA.

H. Environmental Protection

Noise

12. Except for temporary operations, the free-field Equivalent Continuous Noise Level L_{Aeq1hr} due to operations at the site shall not exceed $55dB_{L_{Aeq1hr}}$ measured at any existing noise sensitive property in the vicinity of the site.
13. The free-field Equivalent Continuous Noise Level L_{Aeq1hr} due to temporary operations such as site preparation and soil and overburden stripping shall not exceed $67 dB_{L_{Aeq1hr}}$ at any existing noise sensitive property in the vicinity of the site. The duration of such temporary operations shall not exceed a total of

8 weeks in any calendar year for work close to any individual noise sensitive property where the suggested noise limit for routine operations is likely to be exceeded.

14. Noise monitoring shall be undertaken at representative properties to be agreed with the MPA, annually for the first two years from a substantive recommencement of quarrying. Thereafter, the frequency of any further monitoring shall be agreed with the MPA. The results of monitoring shall be submitted to the MPA within two months of the first anniversary of the substantive recommencement of quarrying, and within a similar two month period from the second anniversary of the substantive recommencement of quarrying, and shall confirm any action which is to be taken to remedy any noise levels exceeding the limits set out in conditions 11 and 12 above. In the event of noise levels exceeding the specified limits, further noise monitoring shall be undertaken within three months of that event to assess the success of the remedial action.

Blast Vibration

15. Ground vibration as a result of blasting shall not exceed a peak particle velocity of 6mms^{-1} in 95% of all blasts measured over any six month period, and no individual blast shall exceed a peak particle velocity of 10mms^{-1} measured at any vibration sensitive location, which is defined as any residential property in the vicinity of the quarry existing at the Date of Determination. The measurements shall be the maximum of three perpendicular directions taken at the ground surface.
16. All individual blasts shall be designed, managed and implemented to minimise the extent of air overpressure resulting from blasts.
17. Each individual blast shall be monitored by the Operators, to include provision for recording the details and location of the monitoring station; the location of the blast holes within the Quarry Site; weather conditions; specification of the blast in terms of MIC; and total charge weight. Records of blast monitoring shall be made available to the MPA upon request. In the event that monitoring indicates that the vibration levels set out in condition 15 above have been exceeded, then the Operator shall inform the MPA within two working days, with written confirmation of the steps to be taken to ensure compliance with condition 15.
18. Blasting times shall be clearly advertised at the Quarry, and an audible warning shall be sounded prior to any blasting operations taking place, and shall be sounded again immediately after blasting has finished.
19. There shall be no secondary breakage of stone by the use of explosives.

Dust

20. The best practicable means shall be used to restrict the generation of dust within the Mining Site, and shall include provision for haul roads and access roads to be watered during dry weather to lay any surface dust.

21. At all times during the carrying out of operations, a water bowser or similar equipment shall be available on site, and be used to minimise the emission of dust from haul roads within the Mining Site.
22. Measures shall be taken to minimise dust emissions from quarrying operations, in accordance with the following protocol:
 - (i) Soils and overburden shall not be handled during extreme dry conditions unless the working areas are first dampened down;
 - (ii) Drilling of shot holes shall be undertaken using drilling rigs fitted with a suitable dust collection system;
 - (iii) Site roads within the quarry shall be dampened down as appropriate, in accordance with the requirement of Conditions 20 and 21;
 - (iv) The site entrance road shall be maintained by use of a road sweeper which shall operate as required to maintain the surface of the road free of mud and other detritus.
 - (v) All lorries, once loaded, shall be sheeted prior to leaving the site, with the exception of any load carrying plus 75mm size stone.
 - (vi) The speed of haulage vehicles at the site will be restricted to 10mph.
 - (vii) All site vehicles will be fitted with upswept exhausts and radiator fan shields.
 - (viii) Lorries will be loaded so as to avoid spillages.
 - (ix) All site traffic will be kept to the designated haul routes
 - (x) Any plant spillages will be cleared to avoid accumulations.
 - (xi) Drop heights will be minimised at loading and discharge points.

Drainage and Water Pollution

23. Any facilities for storage of oils, fuels or chemicals on the site shall be sited in impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, or the combined capacity of inter-connective tanks, plus 10%. All filling points, vents, gauges and site glasses shall be located within the bund. The drainage system of the bund shall be sealed with no discharge to any water course, land or underground strata. Associated pipe-work shall be located above ground and protected from accidental damage. Details and layout of these installations to be submitted and approved by the MPA prior to construction.
24. Measures shall be taken to minimise the risk of groundwater pollution from quarrying operations, in accordance with the following protocol:
 - (i) All fuel and chemicals should be stored in bunded areas in accordance with current Natural Resources Wales (formerly the Environment Agency) guidelines.

- (ii) All mobile plant using fuel should be located on hard standing when not in use.
 - (iii) All immobile plant using fuel should be located on hard standing. Drip trays should also be appropriately placed under all relevant plant.
 - (iv) All refuelling activities should be undertaken on areas of hard standing, using appropriate care and attention and in accordance with the correct procedures. Hard standing areas used by any plant to be positively drained with flows being passed through an approved oil separator before final discharge. Details of incident reporting and waste management procedures to be available to the MPA on request.
 - (v) An incident reporting procedure should be maintained for reporting all site incidents, including pollution events. Suitable emergency responses should also be in place in the event of an incident and shall be available to the MPA on request.
 - (vi) Appropriate spill kits or other means of controlling accidental spills should be made available on site. Adequate training in the use of such equipment should also be provided.
 - (vii) A maintenance and inspection programme should be followed in order to check the condition of site equipment and provide early warning of any potential leaks or spills.
 - (viii) Suitable waste management procedures should be followed to prevent surface pollution resulting from any waste products, fuel containers, chemical drums etc.
 - (ix) During site restoration all hazardous plant and equipment should be removed from the quarry.
 - (x) The use of herbicides and other related chemicals should be restricted both during quarry working and post restoration. Chemical applications should be made at appropriate times, in suitable quantities, so to avoid sub surface contamination.
25. Settlement ponds at the site shall be regularly emptied and maintained so as to keep them in good and effective order, and the discharge of waste, oil or other pollutant to any settlement pond, ditch, stream, watercourse or other culvert is not permitted. A record of any maintenance work or emptying of settlement ponds to be kept and shall be made available to the MPA on request.

Ground and Surface Water

26. Monthly Flow monitoring in the Nant Cwmnofydd and Nant y Fforest streams shall continue at the flow gauging stations illustrated on figure 8.3 within the ES (or such other locations as may be agreed with the MPA), and the results shall be made available to the MPA upon request.

27. Prior to the commencement of dewatering in phase 2 of the quarry development programme, a monitoring scheme shall be submitted for the approval of the MPA. This Scheme shall be reviewed annually and a report submitted for approval of the MPA by 1st June each year. Each review shall demonstrate, that;
- (i) the quarry operations are not having or are likely to have a significant adverse impact on the special interest of Fforestganol a Chwm Nofydd SSSI and Blaengwynlais grasslands SINC;
 - (ii) the Monitoring Scheme remains fit-for-purpose in detecting any potential significant adverse impacts on the special interest of the Fforestganol a Chwm Nofydd SSSI.
 - (iii) the Monitoring Scheme continues to describe a fit-for-purpose mitigating action to be undertaken should a significant adverse impact be detected on the special interests of the SSSI.
28. The Monitoring Scheme as defined in Condition 27 above shall include, inter alia, details of:
- (i) the location and construction of all monitoring locations within the monitoring network, including stream, spring, borehole and ecological monitoring locations, and the nature of monitoring at those locations;
 - (ii) the dewatering pumping arrangements and the means of recording pumped volumes, together with the methodology for assessing the groundwater component of the pumped water;
 - (iii) the discharge arrangements for the water pumped from the Mining Site;
 - (iv) all monitoring devices, techniques and frequencies of data acquisition. Frequencies of monitoring will include as a minimum; annual ecological monitoring; monthly stream and spring flow monitoring; re-active quarry face monitoring, and; monthly borehole monitoring;
 - (v) quality assurance procedures including protocols for identifying anomalous data and how this data will be addressed within datasets and analyses;
 - (vi) the nature and timetable for the annual reporting to the MPA;
 - (vii) the method of data analysis and interpretation to be employed, including the means by which it will be demonstrated at any time that quarrying and/ or dewatering is not having significant adverse affect on the special interests of Fforestganol a Chwm Nofydd SSSI;
 - (viii) the template for reports to be submitted to the MPA, including the provision of raw data, and the graphical representation of data;
 - (ix) the protocol and timescales to be followed in the event that a monitoring device in the monitoring network becomes inoperable. This should include inter alia the timescale for both reporting failures and

implementing agreed remedial actions to ensure the integrity of the monitoring network;

- (x) the means by which the requirement for mitigating action is triggered, and the nature of such action required to mitigate any significant adverse effects on the special interests of Fforestganol a Chwm Nofydd SSSI. This should include, inter alia; the timescales in which such a trigger is reported to the MPA; the timescales for the implementation of agreed further investigation and mitigating action;
 - (xi) The details of mitigating actions to be taken in the event of a trigger as defined in x above, including an assessment of their efficacy and ongoing monitoring of their effectiveness.
29. No dewatering of the quarry shall be undertaken until at least two consecutive years of baseline monitoring has been submitted to the MPA, in accordance with the Monitoring Scheme as set out in Conditions 27 and 28.
30. The Monitoring Scheme shall operate, as outlined in Conditions 27 and 28, for as long as quarry dewatering continues. Once quarrying, and therefore dewatering, has permanently ceased, the Monitoring Scheme shall continue to operate, as outlined in Conditions 27 and 28 until such time as the MPA agrees that groundwater levels have returned to their natural level, and for a further five years thereafter.

Ecology

31. 12 months prior to the commencement of dewatering in phase 2, a repeat botanical survey (higher and lower plants) shall be undertaken of the Fforestganol a Chwm Nofydd SSSI, with particular reference to the flush and spring features. The results of the survey shall be used to inform an interpretive report, to be submitted for the approval of the MPA, which shall set out:
- (i) Following the hydrological monitoring undertaken as a requirement of conditions above, the identification of trigger levels to monitor changes in the ecological conditions associated with the wet woodland springs and seepages
 - (ii) proposals for mitigation measures to be implemented in the event of any derogation in the ecological conditions associated with the wet woodland springs and seepages.
32. During the period of dewatering, an ecological survey shall be carried out 1, 3 and 5 years after the commencement of dewatering within the Fforestganol a Chwm Nofydd SSSI, to compliment the spring flow observations, and inform any mitigation measures which may be required. The results of a monitoring and interpretation report shall be submitted to the MPA annually on dates to be agreed prior to the commencement of dewatering.
33. Within 3 months of the Date of Determination, a scheme shall be submitted for the approval of the MPA setting out the details of the proposed Ecological Mitigation Area (EMA) to be created within 1.99 hectares of land shown on plan 1 and figure 1 within Appendix 7.9 accompanying the Environmental

Statement (ES). The scheme shall include the principles of target habitat establishment set out in section 2.1 of Appendix 7.9, and shall provide details of the management to be undertaken to foster the biodiversity value of the defined area, drawing upon the principles set out in Appendix 7.9 to the ES. The scheme shall be implemented as agreed.

34. Within 3 months of the Date of Determination, a scheme shall be submitted for the approval of the MPA setting out the details of the proposed enhancement of the plantation woodland situated between the EMA and the eastern boundary of the quarry, as illustrated on drawing 1 and figure 2 within Appendix 7.9 accompanying the Environmental Statement (ES). The scheme shall be implemented as agreed.
35. The scheme of bat mitigation at the cave submitted on 30th April 2014 setting out proposals for the provision of a grill at the entrance to a cave within the quarry area, monitoring of activity by bats, and mitigation measures, if required, shall be implemented in full and in accordance with the timescale for implementation set out in the submitted scheme.
36. Prior to the felling of any trees within the mining site, a repeat bat survey shall be carried out to verify that the baseline study has not changed. In the event of bat roosts being identified, then mitigation measures shall be submitted for the approval of the MPA and implemented as approved.
37. Within 12 months of the Date of Determination or prior to a resumption of quarrying, whichever is the later, a Hazel Dormouse Mitigation Strategy shall be submitted for approval by the MPA setting out proposals for appropriate mitigation, as outlined in Appendix 7.9 accompanying the Environmental Statement (ES). The strategy shall be implemented as agreed.
38. Within 12 months of the Date of Determination or prior to a resumption of quarrying, whichever is the later, a Reptile Mitigation Strategy shall be submitted for approval by the MPA setting out proposals for the capture and transfer of any reptiles from the operational area to the EMA as outlined in Appendix 7.9 accompanying the Environmental Statement (ES). The scheme shall be implemented as agreed.
39. Prior to operations taking place within the undisturbed area of phase 1, shown on plans B111/11 and /12, a survey for badgers will be undertaken to verify that the baseline study has not changed in respect of setts. In the event of setts being identified, then mitigation measures shall be implemented in accordance with a scheme to be agreed by the MPA.
40. Within 12 months of the Date of Determination or prior to a resumption of quarrying, whichever is the later, an Invasive Plant Species Survey shall be undertaken to verify that the baseline study has not changed in respect the distribution of Schedule 9 plant species. The findings of the survey shall be used to ensure that any vegetation removal associated with quarry development is compliant with the provision of the Wildlife and Countryside Act 1981 (as amended in April 2010).
41. Any clearance of trees and scrub shall only take place outside the main bird nesting season of February to August or whilst under the supervision of a suitably qualified ecologist, to minimise the risk of accidental destruction or disturbance of nests, eggs, and nestlings.

42. During operational periods of quarry development that take place within the bird breeding season, a cliff nesting bird survey shall be conducted to determine the status and location of cliff nesting birds, in particular peregrine falcon. Where nest site(s) are identified, a 100m buffer area shall be implemented until such a time that an ecologist confirms nesting has ended and any young have fully fledged.
43. Prior to the installation of lighting at the quarry, a 'lighting plan shall be submitted for the approval of the MPA. The plan shall include measures to monitor lux levels as part of a need to minimise light pollution and minimise ecological impacts, particularly on bats. The scheme shall be implemented as agreed.
44. No materials, waste, arisings or plant shall be stored or operated within the Blaengwynlais Quarry Fields SINC, or allowed to fall, be washed or blown into it.

Landscaping

45. Within 3 months of the Date of Determination, a scheme shall be submitted for the approval of the MPA setting out the details of the tree and shrub planting, and beating up of existing trees along the western boundary of the site. The scheme shall include locations for planting / beating up, species composition, planting details, and maintenance provision, cross referencing the ecological proposals in conditions 33, 34 and 37. The scheme shall be implemented in the first planting season following approval.

Cultural Heritage

46. Prior to the commencement of any soil stripping in the currently undisturbed north eastern area of the mining site, a scheme shall be submitted for the approval of the MPA setting out proposals for a watching brief, to be carried out by a competent archaeological contractor, who should be present during soil stripping operations. The scheme shall make provision for any archaeological interest to be recorded and reported, and for contingency measures to be implemented in the event of identifying any currently unforeseen features of archaeological interest.

H. Restoration

47. Not later than 21.02 2040, or the expiry of six months following the permanent cessation of the winning and working of minerals, whichever is the sooner, the Operator shall submit for the written approval of the MPA, a detailed final restoration scheme, including drawings to illustrate the proposals for the final restoration of the quarry. The final restoration scheme shall be based upon the concept restoration plan ref B111/15, and provide for the Mining Site to be restored as a nature conservation bias, with restoration treatment of the benches and faces, and subject to ground conditions, the provision of ponds / ephemeral areas at the base of the restored quarry. The remainder of the Quarry Site shall be cleared of all plant, machinery, buildings and apparatus in accordance with the requirements of Condition 3. The restoration scheme

shall include details of the final re-profiling works for the Quarry Site, the soil /soil forming material profiles to be established; tree and shrub planting schedules; seeding, fencing and drainage; and a programme and timetable for the implementation of the works.

I. Aftercare Management

48. Within 3 months of the Date of Determination, a scheme shall be submitted for the approval of the MPA setting out the details of management within the proposed Ecological Mitigation Area (EMA). The scheme shall include provision for management to be undertaken over a minimum period of 10 years, and shall include the management principles set out in section 6.0 within Appendix 7.9 accompanying the Environmental Statement (ES).
49. An aftercare scheme for the mining site, covering a period of 10 years, specifying such steps as may be necessary to bring the mining site to a condition fit for the proposed after use shall be submitted for the approval of the MPA not less than 6 months prior to the date at which it is expected that the restoration works will be completed.

REASONS

1. To ensure that the development is completed in accordance with the plans approved by the Council.
- 2-4 To allow the re-assessment of the impact of the quarry once the development hereby permitted has been substantially completed, and to avoid doubt as to the extent and period of the development hereby permitted.
- 5-6 To facilitate future landscaping and restoration works, to control the height and form of quarry faces in the interests of public safety and amenity, and to protect the safety and amenity of nearby residential areas
- 7-8 To protect the amenity of nearby residential areas.
- 9 To reduce the risk of dust nuisance in the vicinity of the quarry and to thereby lessen the environmental impact of the operation.
- 10-11 In the interests of safe access and highway safety
- 12-14 To reduce the risk of noise nuisance in the vicinity of the quarry and to thereby lessen the environmental impact of the operation.
- 15-19 To limit blasting operations so as to protect the amenities of local residents and users of nearby land or premises from the impact of excessive ground vibration, air blast, dust and flying debris, to give reasonable warning of blasting operations in the interests of public safety

and amenity, to ensure the satisfactory planning of the surrounding area, and to ensure the assimilation of quarrying into the area at minimum social and environmental cost.

- 20-22 To reduce the risk of dust nuisance in the vicinity of the quarry and to thereby lessen the environmental impact of the operation.
- 23-25 To protect against the pollution of water-courses and water supplies in the interests of the amenity of the surrounding land and to ensure quarrying operations do not adversely affect the quality or quantity of groundwater supplies in the surrounding area.
- 26-32 To monitor and protect the nature conservation interests of Fforestganol a Chwm Nofydd Site of Special Scientific Interest
- 33-43 To monitor, protect and enhance features of Ecological Importance.
- 44 To protect the features of interest for nature conservation for which the SINC has been designated.
- 45 To ensure the proper landscaping of the area in the interests of visual amenity.
- 46 To identify, protect and enhance the setting of features and artefacts of archaeological interest.
- 47-49 To provide for the early restoration of the excavated area to some other productive use once limestone extraction has ceased.

1. INTRODUCTION

- 1.1 In October 1997 the Council received two applications (97/1967N & 97/1990N) to apply new conditions to the existing planning permissions for mineral extraction at Blaengwynlais Quarry (A third similar application (P/97/0981/RA/CD) was also made to Caerphilly County Council in respect of the part of the quarry within the Caerphilly area). These applications are not applications for quarrying (which is already established by earlier planning permissions) but applications to bring up to date the planning conditions on these earlier permissions to meet more stringent modern standards and therefore reduce the environmental impact of mineral working.
- 1.2 During consultation on these proposed new conditions the then Environment Agency and Countryside Council for Wales (now Natural Resources Wales) raised concerns relating to the impact of quarrying on groundwater levels and spring flows adjoining the quarry particularly in relation to the groundwater fed calcareous flushes within the adjoining SSSI's (Cwm Nofydd and Fforestganol) in supporting nationally rare aigal species.

- 1.3 Since then these applications have been held in abeyance pending the applicant providing a further investigation of the hydrogeology in the vicinity of the quarry to overcome these concerns.
- 1.4 This problem of mineral review applications been held in abeyance for long periods awaiting further information is not unique to these applications and the problem is common across Wales. In order to tackle this issue the Welsh Government have issued regulations to enable these stalled applications to be finally determined. These regulations came into force in January 2009.
- 1.5 The regulations take account of High Court judgements in 1999 that held that the imposition of conditions by Mineral Planning Authorities under the mineral review legislation were “development consent” under the EIA directive meaning that the need for EIA has to be considered prior to the imposition of new operating conditions. Given this the new regulations require the operators of stalled mineral review applications, such as Blaengwynlais to prepare and submit an EIA to compliment the previously submitted proposed revised conditions within timescales prescribed within the regulations.
- 1.6 In order to start this process the Council is required to adopt a scoping opinion setting out clearly the information which they consider is reasonably required to assess the environmental effects of the review application. This scoping opinion was issued by the Council on 22nd June 2010.
- 1.8 Subsequently the applicant prepared an Environmental Statement and submitted this to the Council along with a revised schedule of new conditions for the quarry on 2nd December 2011. Following this the Council undertook consultation on the Environmental Statement and revised set of new conditions for the quarry (see summary of responses below).
- 1.9 During consultation issues were raised relating to the impact of traffic and nature conservation which required further consideration and discussions. These discussions have now concluded and resulted in the delay in bringing this matter to Committee.

2. BACKGROUND

- 2.1 This application is submitted under the provisions of the Environment Act 1995 and would bring the quarry under modern controls. The Act requires the operator to submit a scheme of conditions for approval by the Mineral Planning Authority, but places some restrictions on what can be included. MPG14 ("Review of mineral planning permissions") advises on the procedures for determining new conditions. It states that an MPA can include any conditions which may be imposed on a grant of planning permission for minerals development. However where the MPA determines conditions different from those submitted and the effect of these conditions (other than

restoration and aftercare conditions) is to restrict working rights further than existing conditions the applicant may be entitled to compensation from the MPA. Working rights would be restricted if any of the following is restricted or reduced:

- (i) the size of the working area;
- (ii) the depth of the working area;
- (iii) the height of any deposit of mineral waste;
- (iv) the rate of extraction;
- (v) the rate of mineral waste deposition;
- (vi) the period of expiry of planning permission; and
- (vii) the total quantity of minerals extracted.

- 2.2 The legislation requires the MPA to determine any application for determination of conditions within 3 months of submission otherwise the conditions as submitted will be deemed to be approved. In order to overcome this issue a series of agreements to extend the period of determination have been agreed since 1998 with the current agreement in place until 31st October 2014. Therefore if the application is not determined at this Committee a further agreement to an extension of time will be needed and there is a risk that this may not be forthcoming meaning the application will be deemed to be approved.
- 2.3. The quarry straddles the boundary between the administrative areas of Cardiff and Caerphilly and lies immediately off Heol Pen Y Bryn to the east of Blaegwynlais. It is situated approximately 2.6 km to the north of J32 of the M4 motorway and approximately 3.1km south west of the centre of Caerphilly. The quarry last worked in 1996 and is essentially a single area but is divided into three parcels in planning terms.
- 2.4 This application covers approximately 4 hectares comprising the middle part of the quarry (Area B on attached Plan) where permission for quarrying was granted on 7th April 1961 (CR 6859). The most southerly and original part of the quarry, comprising approximately 3.hectares, is subject to an Interim Development Order made on 15th March 1948 (Area A on attached Plan). An identical application for revised conditions for this part of the quarry is also being considered at this Committee (97/01990/N). The final most northern part of the quarry where permission was granted on 28th March 1961, comprising approximately 5 hectares falls within the administrative area of Caerphilly County Borough Council (Area C on attached Plan). An identical application (P/97/0981/RA/CD) is being considered for this area by their Planning

Committee on 8th October, 2014 with the aim of all three parts of the quarry being governed by an identical set of conditions.

3. INTERNAL CONSULTEE RESPONSES

- 3.1 The Director of Strategic Planning, Traffic and Transport (Highways) raised the following comments.

It is noted that these applications are not for quarrying, which is already established by earlier planning permissions, but are applications to bring the planning conditions up to date in order to meet more stringent modern standards and therefore reduce the environmental impact of mineral quarrying. As such it would not be appropriate for the applicant to undertake a full Transport Assessment as the use and associated traffic movements have long been established on this site.

However, it is considered necessary that a route assessment be undertaken should the output returns confirm an output of 100,000 tonnes in any 12 month period, particularly with regard to Rhiwbina Hill / Pantmawr Road, as this is the likely route that vehicles would take south - in order that passing places can be introduced (where sufficient space is available within the existing constraints of the adopted highway).

It would be considered that the Heol-y-fforest route may not be an option for HGV's due to the alignment of the road junction and therefore a condition to be attached which would prevent this route from being used would be recommended.

It would also be considered necessary to provide a wheel wash facility within the curtilage of the site in order to prevent mud and debris from being carried onto the adopted highway. As such an appropriately worded condition is included below.

On the basis of the above, I can confirm that Transportation would recommend the following conditions be included:

Conditions:

- (i) **Wheel Wash Facility** – Details of the design and location of a wheel wash facility shall be submitted to the MPA for approval within 1 month of the date of a resumption of quarrying. No HGV's shall leave the mining site unless their wheels have been cleaned in accordance with the approved details.

(ii) **Off Site Highway Improvements** – Where there is a substantive recommencement of quarrying at the Mining Site and the required 6 monthly output returns confirm an output of 100,000 tonnes in any 12 month period, a route assessment shall be undertaken and off site highway improvement scheme shall be submitted for the approval of the MPA setting out details of works to Rhiwbina Hill between the quarry entrance and M4 Motorway bridge to the south. The scheme shall comprise the formalisation / surfacing of informal passing places within the defined Highway Boundary (excluding a requirement for any alterations to services or drainage within or adjoining the Highway), together with signage for vehicles and pedestrians in locations to be confirmed in the submitted scheme. The submitted scheme shall include measures for a programme of implementation. The development shall thereafter be implemented only in accordance with the approved scheme, unless otherwise agreed in writing by the MPA.

(iii) **HGV Route** – No HGV accessing or leaving the site shall travel via Heol-y-fforest due to the existing road alignment, in perpetuity or unless otherwise agreed in writing by the LPA.

3.2. The Director of Strategic Planning, Traffic and Transport (Drainage) raised the following comments on the suggested conditions relating to drainage and water pollution:

- (1) Condition 21 (now 23) add “ Details and layout of these installations to be submitted and approved by the MPA prior to construction.”
- (2) Condition 22 (now 24) add “Hard standing areas used by any plant to be positively drained with flows being passed through an oil separator before final discharge. Details of incident reporting and waste management procedures to be submitted to the MPA for approval.”
- (3) Condition 23 (now 25) add “A record of any maintenance work or emptying of settlement ponds be kept and shall be made available to the MPA on request.”

3.3 The County Ecologist raised the following comments

- (1) Cardiff Beech Woods SAC

Beech Woods is designated a Special Area of Conservation as it is one of the largest concentrations of *Asperulo-Fagetum* beech forest in Wales and represents the habitat close to the western limit of its past native range in both the UK and Europe. The area was designated a SAC on 1st January 2001.

The south eastern edge of Blaengwynlais Quarry lies very close (40 m) to the border of the Cardiff Beech Woods SAC, and there are conceivable pathways by which activities associated with the quarry may impact upon the SAC features, most notably smothering of plants and trees by deposition of dust.

Between July 2010 and December 2011 in fulfillment of our duty as a competent authority under Regulation 63 of the Conservation of Habitats and Species Regulations 2010, Cardiff Council undertook a Review of Consents to assess the effects of extant consents upon European Sites, including Cardiff Beechwoods SAC. The review's aims were to identify and address any consented activities that remain extant and that may be damaging or could damage one of the European Sites within Cardiff.

The Review of Consents concluded there are not likely to be any significant effects upon the features of the Cardiff Beech Woods SAC arising from existing consents at Blaengwynlais Quarry, provided conditions attached to those consents are adhered to. Potential dust emissions and dust controls/mitigation measures would require an IPPC permit which would enforce strict controls on emissions from the quarry.

No additional conditions to those already in place.

(2) Fforestganol a Chwm Nofydd Site of Special Scientific Interest (SSSI)

The citation for this SSSI makes reference to areas of wet woodland consisting of alder and ash, and small, base-rich flushes supporting the regionally rare broad-leaved cotton-grass *Eriophorum latifolium*. The mechanism by which quarrying activities may affect this feature of the SSSI is dependent upon analysis of the intervening geology, an understanding of which is beyond my area of expertise. This being the case I would refer to the advice provided by the Countryside Council for Wales in their consultation response dated February 8th 2012, and note that they have undertaken to provide further advice on the appropriate wording of conditions to address potential impacts of quarrying upon the habitats mentioned above.

We look to the applicant to work with CCW to arrive at conditions which would avoid adverse impacts on the calcareous flush feature of the SSSI.

(3) Blaengwynlais Quarry Fields SINC

The Blaengwynlais Quarry lies adjacent to the Blaengwynlais Quarry Fields Site of Importance for Nature Conservation (SINC) which has

been designated because of its semi-improved calcareous grassland supporting the only population of Autumn Gentian in Cardiff.

We would like our standard SINC condition applied:-

Condition: No materials, waste, arisings or plant shall be stored or operated within the Blaengwynlais Quarry Fields SINC, or allowed to fall, be washed or blown into it.

Reason: To protect the features of interest for nature conservation for which the SINC has been designated.

(4) Bats

I note that evidence of Greater Horseshoe Bats has been found in the small cave on the site. From the information supplied it is difficult to ascertain where the cave is in relation to proposed future quarrying activity, and thereby estimate the effects that this quarrying activity will have upon roosting bats. Therefore, I recommend that more detailed diagrams be supplied which illustrate the location of the cave entrance and known extent in relation to quarrying activities.

I welcome the proposal to place a grill over the entrance to the cave in order to prevent unauthorised access. This will require a WG licence, and in these circumstances we would ask that the following standard condition be attached, which could be amended to reflect the specific activity which is licensed:-

Where any species listed under Schedules 2 or 4 of The Conservation (Natural Habitats, etc) Regulations 1994 is present on the site [or other identified part] in respect of which this permission is hereby granted, no works of site clearance, demolition or construction shall take place in pursuance of this permission unless a licence to disturb any such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been produced to the local planning authority.

I note that CCW have requested further dialogue on the issue of bats in this cave, and it may be that further conditions are proposed.

(5) Great Crested Newts (GCN)

I am aware of records of this species within the quarry from 1998, and note that subsequent surveys have not found evidence of this species within the quarry. In my view, nearby GCN populations could colonise waterbodies in the quarry if they were more permanent, and dried up only in exceptionally dry years rather than every year as seems to be

the case at the moment. I note that in Phase 2, there is provision for a restored lagoon; the applicant should be aware that if this lagoon is permanent or semi-permanent, then it may become colonised by GCNs and subsequent quarrying activities may then require protected species licences.

(6) Dormice

As expected, Dormice have been detected around the quarry, and certain quarrying activities will damage or destroy their habitat. As CCW have pointed out, it is important that compensatory planting take place and be established before any suitable habitat is cleared. Compensatory planting schemes should take account not only of the area of habitat lost, but also the connectivity of habitat which allows free dispersal of individuals around the periphery of the quarry and into hedgerows connecting the wider countryside beyond.

I agree with the proposed conditions in principle.

(7) Reptiles

I welcome the undertaking to translocate reptiles from those area which are to be quarried and where these species have been shown to occur by survey work. However I can see no mention of the receptor site(s), whether the habitat there is suitable to receive translocated reptiles, whether there are currently reptiles in the receptor site(s) (and therefore the effects of introducing translocated specimens into these populations), nor of any habitat management measures aimed at ensuring that the receptor site(s) can support the newly introduced animals in the long term. Furthermore, the receptor site(s) should be monitored to ensure that the translocation has been successful.

Some elements of the proposed Ecological Mitigation Area may be suitable to receive translocated reptiles, such as the proposed rock/scree grassland and scrub/grassland glades. However, I note that these proposed habitats would be bordered to the south by a band of planted broadleaf woodland on what is a relatively flat field, so I am concerned that shading from this proposed woodland would render the other habitats unsuitable for reptiles.

No survey work was undertaken within the main 'bowl' of the quarry itself, perhaps because the sparse vegetation was assumed to be unsuitable habitat for reptiles. Leaving aside whether or not this assumption is correct, in time some areas may develop scrub habitat capable of supporting reptiles, or reptiles may colonise areas of existing habitat. Either way, the applicant should be aware of the

possibility that in the future, areas of the quarry for which there are currently no records may support these species, and therefore require survey, trapping and translocation exercises.

I agree that production of a Reptile Mitigation Strategy should be conditioned, but bearing in mind my comments above, I would hope to be consulted on this strategy as it is developed.

(8) Peregrine

I have no comment other than to support the proposed condition.

(9) Nesting birds

We have a standard condition in our adopted Biodiversity SPG which we ask to be attached to any consent which requires removal of trees, bushes, shrubs etc:-

Works of vegetation clearance associated with the development hereby approved shall not take place during the breeding bird season, 1st February to 15th August inclusive, without prior written approval from the Local Planning Authority. Reason:- All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000.

I recognise that this period is longer than that proposed, but where it can be demonstrated by a suitably qualified ecologist that vegetation to be cleared is free of nesting birds, then we will accept that the area of vegetation surveyed can be cleared within this period. Where nesting birds are found, we advise that an exclusion zone of 5 metres be established around the nest until the young are fledged.

4. EXTERNAL CONSULTEE RESPONSES

- 4.1 The Environment Agency (now Natural Resources Wales) comment that they have reviewed the updated schedule of planning conditions proposed by the applicant and have no adverse comments to make. However they advise that measures to ensure ongoing monitoring of groundwater at the site are incorporated in condition 24 (now condition 26).
- 4.2 The Countryside Council for Wales (now Natural Resources Wales) have

made detailed comments on the wording of the conditions in correspondence from them dated 8th February, 2012, 1st August 2012, 14th October 2013 and 10th December 2013. Following discussions with both the Countryside Council for Wales and the applicant numerous revisions have been made to the proposed schedule of conditions to accommodate their comments. This has resulted in their comments dated 5th February, 2014 where they state they will be in a position to remove our objection provided that:

(1) The Bat Mitigation Scheme based on the worst case scenario should European Protected Species (Bats) be present is amended following the detailed advice as detailed in Annex 1. This Scheme (if amended) could then be used to underpin Condition 33 (now condition 34) enabling a full assessment of the likely impacts of quarrying on the maintenance of the favourable conservation status of bat species. Subsequent to these comments the applicants submitted a revised Bat Mitigation Strategy on 30th April, 2014 taking into account comments raised by Natural Resources Wales in their response dated 5th February, 2014. Natural Resources Wales confirmed on the 29th July that the revised Strategy now addresses their concerns.

(2) That the revisions and new conditions recommended by NRW to the planning conditions (set out below) are incorporated into the final conditions.

Fforestganol a Chwm Nofydd Site of Special Scientific Interest SSSI Condition 26 (now Condition 28)

We note that the applicant wishes not to attach the wording 'temporary or permanent cessation of pumping' as requested by NRW (CCW) as they consider the current Condition 26 sufficiently safeguards the SSSI. NRW still recommends that this wording be included however we leave the final decision to the LPA.

Ecology conditions

Condition 29 (now condition 31)

We note that the applicant considers botanical surveys should be commenced '12 months prior' not the '2 years prior' as requested by NRW, as they consider this will provide more up to date information. We agree that this proposal is appropriate to cover our concerns regarding monitoring the impacts to the SSSI features.

Condition 30 (now condition 32)

Again, we note that the applicant wishes not to amend the wording to include annual monitoring for five years after the period of dewatering. NRW (at that time CCW) had previously advised that this post dewatering annual survey was undertaken to inform a view on whether there had likely been a detriment to the features of the SSSI as a result of the quarry workings.

We note that the applicant considers this unnecessary for the control of mineral extraction however we advise that post resumption monitoring is relevant here to evidence to NRW and LPA that there has been no impacts and should therefore be included in the condition. In an effort to move the review forward we are prepared to agree that post dewatering monitoring could be undertaken in years 1, 3 and 5.

Following these comments the applicant submitted a revised Bat Mitigation Strategy on 30th April, 2014 taking into account these comments and further comments from Natural Resources Wales dated 29th July, 2014 stated:

In terms of the outstanding matters from the section titled Protected Species of our 5 February letter, we can confirm that:

Bat Mitigation Report - cave

The pertinent matters detailed in the Annex have been addressed.

Condition 33: Scheme for provision of grill at cave entrance

- bullet point 1. The mitigation strategy has been revised to address this point.
- bullet point 2. We have no further comments on this matter at this stage. We will await the results of pre-commencement surveys and the consequent review of the mitigation strategy that may follow.

NRW's other comments relating to the proposals remain as set out in our letter of 5 February 2014.

- 4.3 Rhondda Cynon Taf comment that the EIA accompanying the application states that re-opening of the quarry would generate some 55 tonne lorries leaving the site each day generating 110 movements.

The access lanes, Heol Pen-y-Bryn and Blackbrook Road, leading to the proposed development site are sub-standard in terms of highway width, forward visibility and structural integrity to cater for the heavy traffic that would be generated by the proposed development. Therefore, a condition is suggested to undertake improvements to the highway network leading to the site to facilitate safe vehicular access in the interests of highway safety. Such improvements would include passing lay-bys, 5.5m wide by at least 10m in length, located at strategic locations to allow for two-way traffic flows.

The structural integrity of the lanes are not constructed to cater for the extraordinary and heavy loading by commercial traffic that would be generated by the proposed development which would result in excessive maintenance liability as well as creating hazards to the detriment of safety of all highway users. Therefore, a conditions survey is suggested accordingly to address this

area of concern that includes a compensation arrangement to undertake any remedial works if required.

In light of the above assessment, no highway objections subject to the following conditions: -

- 1) Notwithstanding the submitted details, improvements to the lanes leading to the proposed development site shall be in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site. The approved details shall be implemented to the satisfaction of the Local Planning Authority prior to quarry operations commencing on site.

REASON: To facilitate safe access leading to the site, in the interests of the safety and free flow of traffic.

- 2) Prior to the commencement of the development, a report indicating a methodology for undertaking a conditions survey of local roads that could be affected by the proposed development (Heol Pen-y-Bryn and Blackbrook Road) shall be submitted to and approved in writing by the Local Planning Authority. The report should include: the timescales for undertaking the surveys and the method(s) of reporting the findings to the Local Planning Authority; comprehensive photographs; and potential compensation arrangements. After every 12 months of the operation, interim survey results and any compensation arrangements shall be submitted to and approved in writing by the Local Planning Authority unless otherwise agreed in writing with the LPA.

REASON: To ensure that the extraordinary traffic use arising from the proposed development does not have an adverse impact on the structural integrity and highway safety.

- 3) HGV's used as part of the development shall be restricted to 09:00am to 16:30pm weekdays, 09:30am to 13:00pm Saturdays with no deliveries on Sundays and Bank Holidays unless otherwise agreed in writing with the Local Planning Authority.

REASON: In the interests of the safety and free flow of traffic.

5. REPRESENTATIONS

- 5.1 Neighbouring Occupiers and local Members (including those in the adjoining Rhiwbina ward) were consulted and the application was advertised on site and in the local press. Following this the representations listed below were received.

- 5.2 Councillor Adrian Robson comments that his main concern relates to likelihood of a number of HGVs using the Rhiwbina Hill/Pantmawr Road route to and from the site and the impact this will have on both the residents along the route and the road network itself. He notes that there are many less houses on the northbound route and would urge that the lorries leave the site via the northwards route. Although the existing permission allows for vehicles to use either route, he suggests that circumstances have changed sufficiently since the quarry last operated, so to have a number of lorries using Rhiwbina Hill/Pantmawr Road would be dangerous (especially where Rhiwbina Hill is effectively a country road without footway) with properties located on it.

Councillor Robson also queries whether any activity could raise or lower groundwater levels or could increase the risk of flooding at all (noting that the Rhydwdled brook flooded in Rhiwbina in 2009).

- 5.3 A local Rhiwbina Hill resident objected to the application citing the following reasons:

- (1) High level of traffic already using Rhiwbina Hill
- (2) The unsuitability of the road to accommodate the average 110 journeys per day by HGVs which is very narrow and winding, often with poor visibility and generally of only single vehicle width, with occasional passing places.
- (3) The likelihood of blockages on the road where HGVs cannot pass each other and the detrimental impact this would have on normal traffic, including significant volumes of commuter traffic at peak times between Caerphilly and Rhiwbina.
- (4) Occasional damage to roadside trees with branches falling into the road would inevitably become a far more frequent occurrence if heavy lorries were regularly having to press close to the edges of the carriageway in order to pass other vehicles.
- (5) The inevitable further delay caused by large lorries to the very heavy peak hour traffic travelling in either direction along Pantmawr Road and lower section of Rhiwbina Hill south of the mini-roundabout.
- (6) The impact on the quality of the road surface
- (7) The impact on noise and pollution levels
- (8) Dust generation

The local resident also comments that the provision of passing bays along Rhiwbina Hill would not adequately meet any of the concerns expressed above about traffic congestion, surface deterioration, or noise and pollution

and furthermore, depending upon the number and placing of the bays, it would have the inevitable effect of substantially diminishing the attraction of the road: namely its quiet rural, and partly residential, character through beautiful woodland scenery.

Another, local resident comments that no account is being taken of how to minimise disruption to local residents as the Environmental Statement makes it clear that the directional split of lorry traffic north and south of the quarry will ill depend on market demand. He states that the southbound route means lorries going past many more homes and in order to minimise disruption to local residents from noise, vibration and air pollution and minimise the length of country lane on which they travel all lorry traffic should go northwards from the quarry up to the junction with the A469 on Caerphilly Mountain, and then down the new stretch of the A469 to join the dual carriageway A468 at the foot of the hill and from there down to the A470.

6. ANALYSIS

- 6.1 The aims of the majority of the conditions as submitted are welcome, will result in a much improved operation, and will reduce the impact of the quarry on the environment. Currently this area of the quarry has 10 planning conditions on approval of this application it will have a comprehensive set of 49 updated and modern planning conditions applying to the quarry as a whole.
- 6.2. Comments raised by the Highways and Drainage sections and the County Ecologist have been incorporated in the proposed planning conditions as have the majority of comments raised by Natural Resources Wales (formerly Environment Agency and Countryside Council for Wales). There are a number of outstanding issues which I have considered below.
- 6.3. Firstly, objections have been raised by Councillor Robson and residents living on Rhiwbina Hill regarding the impact of HGV traffic on the road. In responding to these objections it is important to note that Blaengwynlais Quarry already has planning permission for the extraction of limestone via the existing site access and local road network, including Rhiwbina Hill. Given this the principle of quarrying and associated HGV traffic from Blaengwynlais quarry is already been established with no restrictions on output, hours of working or vehicle routing. This application is solely concerned with the review of planning conditions at the quarry, Any attempt at restricting the working rights at the quarry through restricting access to the quarry and thereby limiting the rate of extraction could result in substantial compensation claims against the Council for lost working rights.
- 6.4 As part of the Environmental Statement the applicant has undertaken a review of empirical traffic data based on a worst case scenario whereby it is assumed

that all of the site traffic travels either to the north or south, thereby maximising its impact on any given link or junction. This shows that the hourly volume of traffic associated with the proposed development (10 movements – 5 in/5 out) falls well within normal, observed day to day variations during the peak hours of the network, when the capacity is most limited. This additional traffic was found to represent 12.5% to 25% of the existing daily variation range and up to 6.7% of the existing peak hour volume on the quietest section of the routes considered during the lower PM peak hour.

- 6.5 Should the quarry reopen, it is anticipated that market demand would arise both to the north and south of the site, which would in turn result in a directional split of the traffic by direction. This directional split would reduce the proportional increase and corresponding impact on any given link.
- 6.6 The applicant also reviewed the safety performance of the local road network and found there are no inherent characteristics of the local road network which compromise safety, as although the roads are relatively narrow in places, the majority of their length provides sufficient width for a car to pass a HGV.
- 6.7 Effectively, there is only one highway directly serving the site, and whilst there are highway engineering issues associated with the use of the southbound route along Rhiwbina Hill, concerns have also been raised by Caerphilly County Borough Council and Rhondda Cynon Taf County Borough Council regarding the nature of the northbound route along Heol Pen-y-Bryn to the A469 Watford Road. Thus whilst there are certain constraints associated with both routes, the applicant have no alternative other than to utilise the routes which are available.
- 6.8 In terms of the suggestion that an agreement be reached regarding the direction of distribution of HGV traffic so no traffic was allowed to travel south of the quarry would not be practical and would be difficult to enforce as it would impose restrictions on the markets which could be served by the quarry. The quarry will need to respond to market demand over time, and the nature and location of such demand will inevitably change over the life of the quarry.
- 6.9 The proposed hours of working restrictions (07.00 – 19.00 Mondays to Fridays and 07.00 -13.00 on Saturdays, with no working on Sundays and Bank Holidays) proposed by the applicant are an improvement on the existing situation, which allows HGV traffic to 8.00 pm rather than 7.00 pm Monday and Fridays and on Saturday afternoons and this will reduce the impact of HGV traffic on the surrounding road network should the quarry reopen.
- 6.10. In addition following lengthy discussion with the applicant they have voluntarily agreed to enter into a planning condition where if output exceeds 100,000

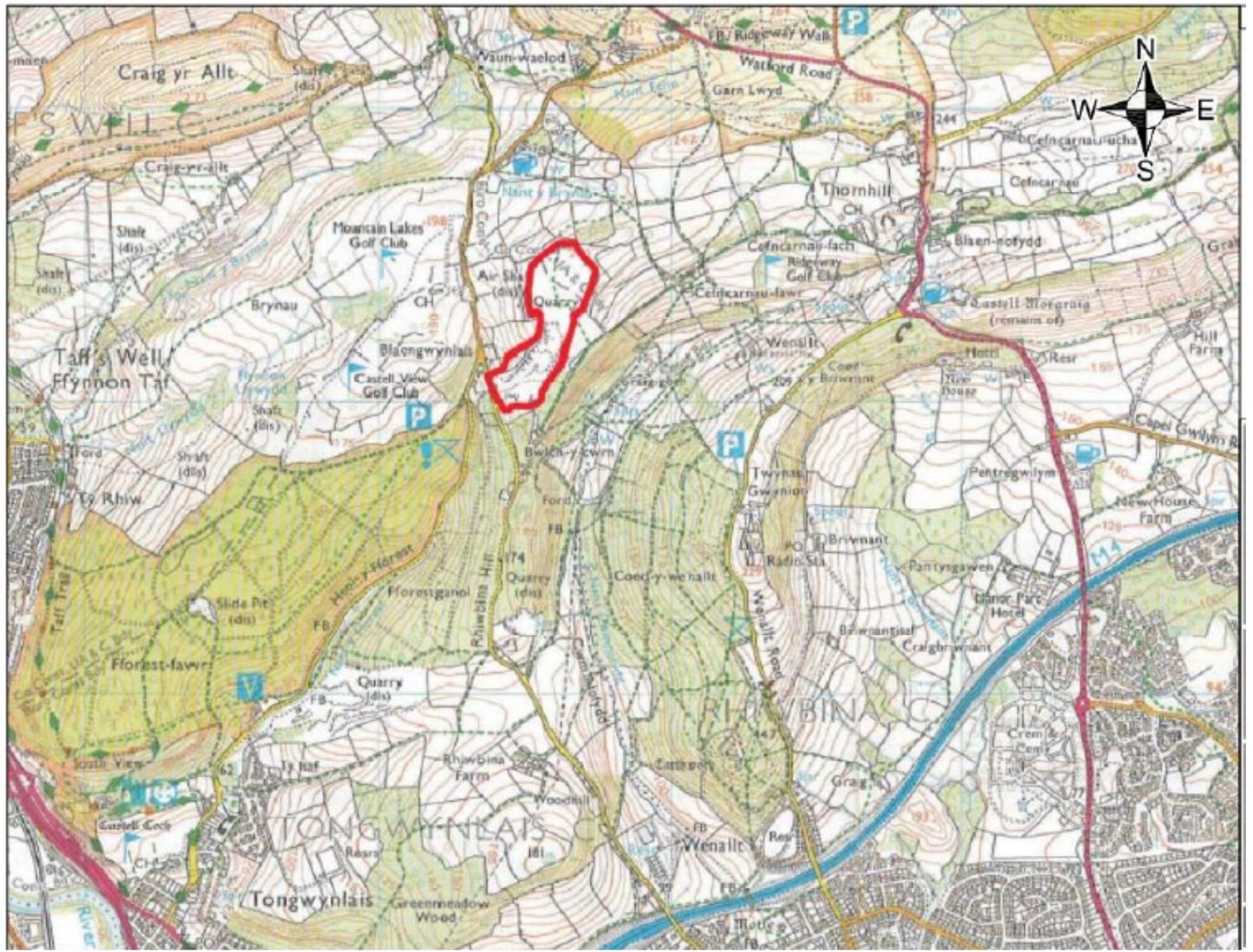
tonnes in any 12 month period they will undertake a route assessment and submit an off site highway improvement scheme to the Council for approval which would include providing passing places along Rhiwbina Hill south of the quarry and along Pen Y Bryn and Waunwaelod Way north of the quarry and an appropriate condition is included at condition 11. Given the constraints outlined above it is considered this is a positive step and will further reduce the impact of quarry traffic on roads south and north of the quarry should levels exceed 100,000 tonnes per annum.

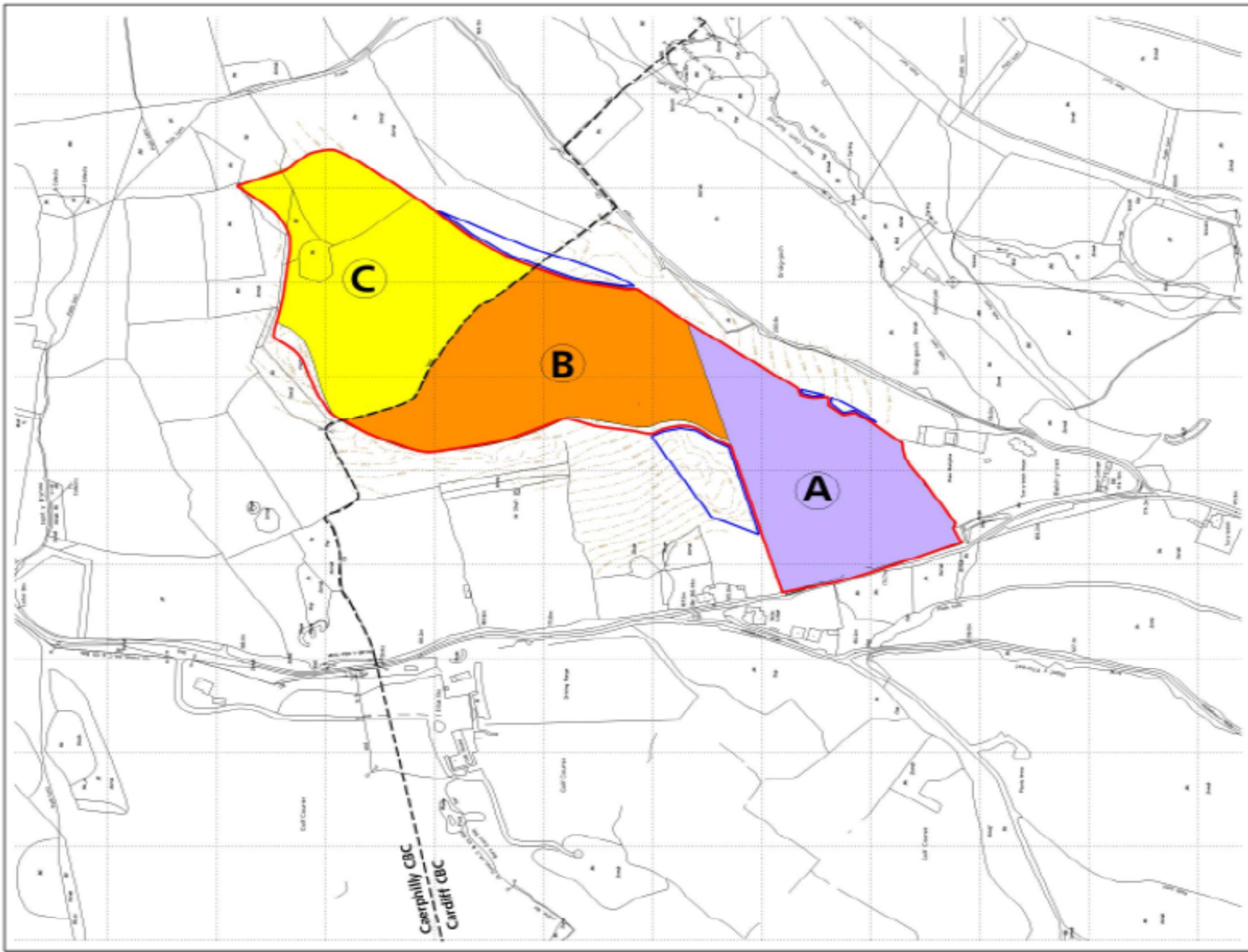
- 6.11. Secondly in terms of the concerns and suggested conditions raised by Rhondda Cynon Taf County Borough Council it should be noted that the applicant has made a commitment not to use Blackbrook Road and Heol Pen y-Bryn is the only access to the north so imposition of such conditions would not be practical and could limit markets the quarry can serve with an ultimate impact on working rights. In addition as outlined above the applicant has voluntarily agreed to enter into a planning condition where if output exceeds 100,000 tonnes in any 12 month period they will undertake a route assessment and submit an off site highway improvement scheme to the Council for approval which would include providing passing places along Heol Pen Y Bryn and Waunwaelod Way north of the quarry. Also in terms of hours of operation it is important to note the hours suggested by the applicant are an improvement on the current situation, which allows HGV traffic to 8.00 pm rather than 7.00 pm Monday and Fridays and on Saturday afternoons.
- 6.12 Thirdly following lengthy and detailed discussions with Natural Resources Wales (formerly Countryside Council for Wales) there remains just one outstanding issue in relation to biodiversity and this relates to condition 26 relating to the Groundwater and Surface Water Monitoring Scheme. Natural Resources Wales have requested the addition of the following wording at the end of the last criterion (xi) of the condition.

Mitigating action may require temporary or permanent cessation of pumping whilst alternative means of mitigation are implemented, or if other chosen means of mitigation fail.

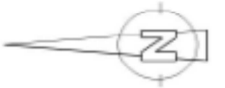
- 6.13 The applicant is unwilling to accept this suggestion as it prejudices circumstances and criterion (x) of the condition already covers this eventuality by requiring submission of details of the nature of such action required to mitigate any significant adverse affects on the special interests of Fforesganol a Chwm Nofydd SSSI. Such action could include the temporary or permanent cessation of pumping if considered necessary. Given this it is recommended that the conditions are approved as submitted. In addition under the Water Resources Act the quarry operator must apply for an abstraction licence from Natural Resource Wales, which gives them an opportunity to control this through this process.

- 6.14 Finally, Councillor Robson queried whether any activity could raise or lower groundwater levels or could increase the risk of flooding at all (noting that the Rhydwdled brook flooded in Rhiwbina in 2009). This issue was considered as part of the Environmental Impact Assessment. The quarry lies within the Nant-y-Fforest catchment which flows downstream towards Tongwynlais and to the River Taff. The Environmental Impact Assessment concluded that recommencement of quarry operations will not give rise to any change in surface water run-off to this catchment as the quarry is already broadly at its full extent in terms of soil stripping, etc and the fact the quarry will create additional storage within the hydrogeological system. Given this likelihood of any increased flooding downstream of the site is considered to be low. In addition in order to comply with Natural Resources Wales criteria surface water runoff from the quarry will not exceed greenfield runoff rates. Any impact on surrounding watercourses is controlled by conditions 23 to 25 which have been drafted in consultation with the Council's drainage section. These conditions are designed to ensure that quarrying operations do not adversely affect the quality or quantity of groundwater supplies in the surrounding area.
- 6.15 Subject to the changes outlined, the application can be approved and will bring about a major improvement in the Council's control over the site. The revised conditions in my recommendation provide the best level of improvement without attracting the risk of claims for compensation. In line with recommended good practice for handling such complex matters





- Legend**
-  Planning Application Boundary
 -  Other Land Under Control of Applicant
 -  **A** IDO Ref. No. 222C. Dated 14/4/1992
 -  **B** Planning Consent CR6859 dated 7/4/1961
 -  **C** Planning Consent 4079 dated 28/3/1961
 -  Caerphilly County Borough Council/Cardiff County Borough Council Boundary



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Blaengwynlais Quarry

Planning Permissions

Drawn By C.J.M. / G.L.W.	Scale 1 : 2500
Date October 1997	Drawing No 1.02