

SECTION A – MATTERS FOR DECISION

Planning Applications Recommended For Approval

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| <u>APPLICATION NO:</u> P2017/0036 | <u>DATE:</u> 16/01/2017 |
| PROPOSAL: Variation of Condition 15 of planning permission P2010/0026 in order to allow for <ul style="list-style-type: none">a) An output of 750 tonnes of dimensional blockstone and/or masonry products per working week for the duration of the planning permission (a maximum of 2x24 tonne carrying capacity vehicles and 5x20 tonne carrying capacity vehicles per day) andb) The removal of 700 tonnes per working week of aggregate produced from the waste stone resulting from the dimensional stone and masonry production process for a limited period of 2.5 years (a maximum of 7x20 tonne carrying capacity vehicles per day) | |
| LOCATION: | Gwrhyd Specialist Quarry Gwrhyd Uchaf Farm, Gwrhyd Road, Pontardawe, Swansea SA9 2SB |
| APPLICANT: | Artisan Stone Supplies Ltd |
| TYPE: | Vary Condition |
| WARD: | Pontardawe |

BACKGROUND

A request was received from Councillor Steve Hunt (Seven Sisters Ward) for this application to be heard by Planning Committee (and be the subject of a site visit) due to concerns regarding highway safety and the state of routes being proposed to carry the lorry loads.

By reason of its location, this is a scheme which has potential implications both for Pontardawe (where the site sits) and Cymllynyfell wards (where the traffic goes through). On this basis (and notwithstanding Cllr. Hunt's request) Officers determined that this is a matter which "*is appropriate to be determined by Members, taking into account the views of Members where they have requested an application to be considered at Committee*" and thus is reported to Planning Committee on this basis (under A1 of the delegated arrangements).

In respect of a site visit, the approved protocol states that “where it is felt by Officers that a site visit would be beneficial for Members” such a visit may be requested by the Development Manager – Planning, following referral to the Chair of Planning for a decision. The Chair has agreed to such a Members’ site visit, which will be held on the morning of the Committee.

SITE AND CONTEXT

Gwrhyd Quarry is a specialist stone quarry producing dimensional blockstone and other masonry products, located on Gwrhyd Mountain, approximately 2.6km west of Ystradgynlais, 5km north of Pontardawe and 3.5km south of Cwmllynfell. The site covers an area of some 7.5 hectares and includes the former Gwrhyd Uchaf farm complex and land to the east, north and south of the former farm complex. The site is on the hillside and the land falls away to the east and south. Land to the west and north is at a higher level. The surrounding land on all sides is primarily grassland. The excavation area lies to the east of the former farm complex and there are ancillary processing buildings and storage/parking areas within the former farm complex. The site operator also lives on site in the former farmhouse.

The maximum annual output of the quarry is currently under 10,000 tonnes per annum whereas the current planning permission was granted on the basis of a projected annual output of 20,000 tonnes per annum. The site can produce a maximum of 40 x 900kg bags of cropped stone per working day (36 tonnes per day or 180 tonnes per week based on a 5 day working week) and 100m² per week of dimensional stone (circa 12.5 tonnes per week). Therefore, maximum productive capacity of the site is currently less than 200 tonnes per week. The site does not currently work on a Saturday morning but it is permitted to do so under the planning permission. Production on a Saturday morning could add approximately 20 tonnes to the weekly production total. The site currently employs 16 skilled staff and the applicant claims that it contributes over £500,000 to the local economy per year.

The nearest residential properties are Graig y Betting approximately 275m to the north east and Craig y Pistyll approximately 215m to the south west. Access to the site is along a 260m access track which runs north westwards out of the quarry before joining the Gwrhyd Road. Vehicles are required to turn right at the access junction and travel northwards along Gwrhyd Road towards Cwmllynfell.

The route along Gwrhyd Road has a variable width of between 4 to 5 metres, and leads from the access point northwards towards Rhiwfawr, although not leading into the central part of the village. As it approaches Rhiwfawr the unclassified land descends down to Coedffaldau where it is relatively steep, and in parts winding, before meandering through Coedffaldau and onto Bryn Road in Cwmllynfell before accessing the A4068 opposite Cwmllynfell Library. The route passes the Cwmllynfell Primary School some 100 metres from this junction with the A4068. The route is around 4.25 km in length and has some 11 passing places along the way, of differing size and suitability. The road surface is in a poor condition in parts.

The site lies within the Mynydd y Garth Special Landscape Area but due to the surrounding topography the site is not particularly visible from the Gwrhyd Road or surrounding publicly accessible areas.

DESCRIPTION OF DEVELOPMENT

The current planning permission for the operation of the quarry (Reference: P2010/0026) was granted on 18th August 2011 subject to 59 conditions.

Condition 15 of the planning permission states:

Vehicles utilised for the haulage of quarried products from the site shall not exceed the following combination of carrying capacities and number of vehicular movements:

- a. *No more than 7 heavy goods vehicles with a carrying capacity not exceeding 15 tonnes shall depart from the site in any working day*
- b. *No more than 2 heavy goods vehicles with a carrying capacity not exceeding 21 tonnes shall depart the site in any 7 day period*
- c. *No more than 5 vehicles with a carrying capacity not exceeding 3 tonnes and carrying quarried products shall depart the site in any one day and up to a maximum of 15 in any 7 day period.*

The applicant (who is operating the quarry on a lease from the previous operator, Marshalls Mono Ltd) claims that the restrictions imposed by the condition do not allow him the flexibility to respond to the peaks and troughs of the trading cycle of the business and do not allow him to utilise cost effective transportation especially where dimensional stone and masonry products are travelling longer distances. Due to the

carrying capacity restrictions the operator claims that he has to use two vehicles to satisfy some contracts whereas he could use only one HGV if he was permitted to use larger vehicles. That would not only be cost effective for the business but would also reduce the number of HGV movements.

In addition, the amount of 'waste stone' produced during the production of dimensional stone and masonry products has been far higher than originally predicted. It was predicted in the most recent application (Ref: P2010/0026) that the site contained approximately 400,000 tonnes of stone. At a predicted 75:25 ratio that would produce, 300,000 tonnes of saleable dimension stone/masonry products and approximately 100,000 tonnes of 'waste stone'. The phasing plan and restoration plan were based on these volumes.

However, in practice the amount of 'waste stone' produced by the previous operator has amounted to between 75% and 80% of the total amount of stone excavated. The applicant has changed the working practices since he took control of the site operations and the quarry is now operating as it was intended with an 80% win of dimensional stone. However, due to the amount of 'waste stone' produced by the previous operator there is insufficient space within the site to retain the additional amount of 'waste stone' and site operation is severely constrained as a result. A significant quantity of 'waste stone' currently sits on top of good quality stone reserves.

The applicant wishes to remove some of the additional 'waste stone' to create sufficient space to access stone reserves, to enable the site to operate efficiently and to allow for proper restoration of the site in accordance with the current restoration strategy.

The applicant is therefore seeking to amend Condition 15 to allow for a combined tonnage of 750 tonnes per week of dimensional stone and/or masonry products, with a maximum of 2 HGV's with a carrying capacity of 24 tonnes (in general these would be 6 axle articulated vehicles) and 5 HGV's with a carrying capacity of 20 tonnes (in general these would be 4 axle articulated vehicles), leaving the site in any weekday. In addition to that the applicant is seeking the removal of up to 700 tonnes per week of aggregate material produced from the 'waste stone' for a period of 2 ½ years, with a maximum of 7 HGV's with a carrying capacity of 20 tonnes, leaving the site per weekday (in general these would be 4 axle rigid tippers).

The result of this s73 application would be a new standalone permission, and therefore it is also necessary to consider any other amendments necessary as a consequence of the proposed changes. Conditions relating to the phasing of operations, site layout, landscaping and restoration/aftercare will have to be amended in any new permission to require additional submission of details within prescribed periods.

These issues were raised in a pre-application submission but before the Authority could respond formally to that application the applicant submitted this application dealing with the amendment of Condition 15 in isolation. If the change of vehicle movements is considered to be acceptable then submission of details in relation to a method of working, phasing plan, site layout and landscaping details would be required within 3 months of determination. These details can be required by conditions attached to any grant of permission.

All plans / documents submitted in respect of this application can be viewed on the [Council's online register](#).

ENVIRONMENTAL IMPACT ASSESSMENT

The application has been screened in accordance with the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017. The Authority has concluded that the application is not EIA development and an Environmental Statement is not required to accompany this application.

NEGOTIATIONS:

Officers have been in negotiation with the applicant and highways colleagues in relation to the acceptable number of commercial vehicles from this site without having an adverse impact on the highway. In addition, officers have negotiated a Section 106 contribution of £30,000 towards the repair of the highway on certain sections of the county road between the site and Cwmllynfell and a £6,000 'Bond' to cover any damage caused by quarry lorries during the 30 months of higher lorry movements (see highways section below).

PLANNING HISTORY

The application site has the following relevant planning history: -

- P1998/1352 Extraction of pennant sandstone, trimming and dressing of stone to provide quality paving, stone-slates, cladding and walling stone – Granted at Appeal
- P1999/1230 Extraction of pennant sandstone - landscaping scheme – Approved – 13th December 1999
- P2002/0256 To extend area of quarry project to accommodate temporary waste mound – Approved – 7th May 2002
- P2002/0318 Amend condition (D) of extant permission APP/76930/A/99/513254/T/P3 (P/98/1352) to amend phasing of the scheme and provide for a temporary waste mound – Approved – 7th May 2002
- P2005/1308 Amend condition (M) of planning permission APP/Y6930/A/99/513254/T/P3 as reaffirmed by condition 2 of planning permission P/2002/318 – Approved – 15th December 2005
- P2006/1445 To agree an increase of HGV movements to seven on any working day under condition 1 of planning application 2005/1308 – Approved – 12th December 2006
- P2009/0643 Request for a screening opinion under regulation 5 of the town and country planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 for restoration, lateral extension (with minor deepening) and erection of new saw shed – Screening Opinion Issued – 7th August 2009
- P2010/0026 Proposed restoration, quarry lateral extension and erection of new saw shed – Approved – 18th August 2011
- P2011/0861 Submission of details pursuant to condition 59 of planning permission P2010/0026 (approved on the 18/8/11) in respect of a scheme for artificial bird boxes – Approved – 22nd September 2011

- P2012/0270 Proposed schemes under condition 33 & 34 of P.A. ref P2010/0026 - pollution prevention measures & surface water arrangements – Approved – 17th July 2012
- P2013/0592 Details relating to conditions 55 (site liaison committee) & 56 (technical working party) of planning application P2010/0026 granted on 18 August 2011 - Approved – 8th August 2013

CONSULTATIONS

Head of Engineering and Transport – no objection to 5x20 tonne HGVs and 2x24 tonne HGVs per day (max 10x24 tonne HGV's in a working week) carrying dimensional stone and masonry products and 7x20 tonne HGV's carrying overburden materials for a period of 2.5 years, subject to a restriction on the use of trailers, a restriction on the use of vehicles less than 3 tonnes carrying capacity, a 10-monthly road condition survey and a HGV Delivery Plan. This is on the basis that the commitment to 7x20 HGV's for a four year period from the proposed Opencast Coal Site at Fforch Egel Farm has now been removed.

A contribution of £30k for road repairs identified by the highway authority, is also required under a Section 106 Agreement. Any highway condition issues raised by the 10-monthly road condition survey will have to be repaired at the applicants expense. A contribution of £6k (in addition to the £30k) will be required initially which will be held by the authority to pay for repairs attributable to lorry movements from the quarry. The amount shall be topped up to £6k each year (for a 2.5 year period) and at the end of the 2.5 year period any unspent money will be returned to the applicant.

Pontardawe Town Council – the Council has concerns about the possible increase in traffic movements and the effects on the community.

Cwmllynfell Community Council – as long as the conditions/restrictions laid down are adhered to and that the proposed £30,000 is spent on road safety improvements along the existing route, then there is no reason to object.

REPRESENTATIONS

Four site notices were displayed on 17th January 2017, at the site and along the traffic route to Cwmllynfell. Four site notices were displayed at the same locations on 12th June 2017 and 17th July 2017 following amendments to the application description. The period of the latest Site Notice expires on 7th August 2017 and any additional representations will be updated at the Committee.

In response, to date 6 no. representations have been received, with the issues raised summarised as follows: -

- Gwrhyd Road is totally unsuitable for frequent use of HGV's in terms of its condition, width and alignment
- Danger to pedestrians and other road users
- Damage to property
- Increased noise from heavy lorries
- Impact on quality of life
- Impact on Biodiversity
- The operator has consistently breached planning conditions

REPORT

Planning Policies

The Development Plan for the area comprises the Neath Port Talbot Local Development Plan which was adopted in January 2016, and within which the following policies are of relevance:

- **Policy SP4** Infrastructure
- **Policy SP16** Environmental Protection
- **Policy EN8** Pollution and Land Stability
- **Policy SP17** Minerals
- **Policy M4** Criteria for the Assessment of Mineral Development
- **Policy SP20** Transport Network
- **Policy TR2** Design and Access of New Development

Issues

Having regard to the above, the main issues to consider in this application relate to the impact of HGV's on the amenities of residents along Gwrhyd Road, the capacity of the road network and highway safety.

Impact on the Highway Network and Highway Safety

This is the main ground of objection put forward by Pontardawe Town Council and the respondents. They consider that the Gwrhyd Road is totally unsuitable for HGV traffic in terms of its condition, width and alignment. The respondents consider that the lorries travel over a single carriageway road and are a danger to other road users. Speed of lorries is also mentioned as a concern but that is an issue for the police rather than the Planning Authority.

In determining previous applications in this area, Officers have recognised that the route towards Cwmllynfell is limited in its capacity in terms of size and number of HGV's, the most restricted length of highway being concentrated in particular to an area known as "Tyle Roc", Coedffaldau, and the approach towards the western limits of the village of Rhiwfawr which are steep and winding. This is an approximate length of 500 metres although other lengths of the route are marginally constrained but with passing places.

Background Information – Fforch Egel Opencast Proposal

Having regard to previous appeal decisions (including at Parc Level Opencast Coal Site and Gwrhyd quarry itself), it is pertinent to this application that Members previously resolved (on 1st April 2014) to grant planning permission for the Fforch Egel Opencast Coal Site, which would have allowed a maximum of 7 x 20-tonne carrying capacity HGV (one-way) movements a day, Monday-Friday, equalling 35 movements (700 tonnes) for a period of 4 years.

Subsequently, however, Members of the Planning Committee resolved to refuse the planning application for the Fforch Egel Opencast Coal Site at its meeting on 7th March 2017 partly on the basis that the road system could not accommodate the proposed traffic without a contribution of £30,000 towards necessary highway repairs (the applicant having failed to sign the required legal agreement). However,

had the applicant in that case provided the £30,000 for road repairs the Authority had previously resolved to grant planning permission.

Having regard to the above, the vehicular traffic proposed in that case is considered to be a material consideration of significant weight, insofar as it would have represented an agreed commitment, provided a sum of £30,000 were made for road repairs.

Combination of Fforch Egel Commitments and Gwrhyd Quarry

Table 1 below summarises the number and carrying capacity of HGV's which are currently permitted from Gwrhyd Quarry and the number of HGV's considered acceptable at the proposed Fforch Egel Opencast Coal Site (subject to road repairs). In addition, it provides a summary of the movements/output proposed by this application (with commentary having regard to assessment below).

Assessment of Movements: Dimensional Stone and Masonry Products

As the table below shows, the existing Condition 15 (based on a 6 day operation) allows for the removal of up to a maximum of 717 tonnes of quarry products per working week, with a potential maximum of 14 HGV's (28 2-way movements) in any working day and 59 HGV's (118 2-way movements) in any working week.

This condition has been in place since August 2011. Respondents have claimed that the condition has been breached. The breach is an enforcement matter which has no bearing in itself on the consideration of the application, although it is worth noting that the Authority has served a Breach of Condition Notice in relation to Condition 15 which may have helped in prompting the submission of this application.

The applicant claims that the restrictions imposed by condition 15 do not allow him the flexibility to respond to the peaks and troughs of the trading cycle of the business and do not allow him to utilise cost effective transportation especially where stone is travelling longer distances. In some cases he is forced to use two HGV's when one of a larger size would suffice.

| HGV carrying capacity | 'Approved' Traffic Movements (subject to highway repairs) | | Proposed by this Planning Application | |
|-------------------------------------|--|--|--|---|
| | Gwrhyd Quarry (Condition 15) | Fforch Egel Opencast Coal Site (resolution) | Dimensional Stone and Masonry Products | 'Waste Stone' Aggregate (Mon- Fri only) |
| up to 3 Tonnes (2 axle vehicles) | 15 per week (maximum of 5 per day) (45 Tonnes) | n/a | n/a | n/a |
| 15T (3 axle vehicle) | 7 a day = 42 a week (630 Tonnes) | n/a | n/a | n/a |
| 20T (4 or 5 axle vehicle) | n/a | 7 a day = 35 a week (700 Tonnes) | 5 a day = 30 a week (600 Tonnes) | 7 a day = 35 a week (700 Tonnes) |
| 21T (5 or 6 axle vehicle) | 2 per week (42 Tonnes) | n/a | n/a | n/a |
| 24T (6 axle vehicle) | n/a | n/a | 2 a day = 12 a week (288 Tonnes) <i><u>NOTE:</u> Max 10 a week (Mon-Fri only) to be conditioned (240 Tonnes)</i> | n/a |
| One-way Movements | 59 per week | 35 per week | 42 per week <i><u>NOTE:</u> Would be limited to 40</i> | 35 per week |
| Total Tonnage | 717 Tonnes | 700 Tonnes (Temporary 4 year period) | 888 Tonnes (maximum) <i><u>NOTE:</u> Would be limited to max 750 Tonnes</i> | 700 Tonnes (requested for a 2.5 year period) |
| Combined Total | 94 One way Movements 1417 T | | 77 One way Movements 1588 T (<i><u>NOTE:</u> Would be limited to 1450T and 75 One way movements</i>) | |

Table 1: Number and carrying capacity of HGV's

The applicant is therefore proposing a slight increase in the maximum output of dimensional stone and masonry products from the quarry from 717 tonnes per week up to 750 tonnes per week and is seeking greater flexibility in terms of vehicle size and number permitted in any one day. He is requesting a maximum of 2 HGV's with a carrying capacity of 24 tonnes and 5 HGV's with a carrying capacity of 20 tonnes in any one weekday. Although these vehicle numbers equate to a potential maximum total of 888 tonnes (42 HGV's per week - 84 vehicle movements), a limit of 750 tonnes per week is proposed, such that the maximum level of traffic could not be achieved every day.

It is also worthy of note that whilst the applicant is requesting an output limit of 750 tonnes per week with a maximum of 2 HGV's with a carrying capacity of 24 tonnes and 5 HGV's with a carrying capacity of 20 tonnes per day, this greatly exceeds his current production capacity of approximately 200 tonnes per week. The site is not capable of supplying 750 tonnes of dimensional stone per week all year round. The request for a limit of 750 tonnes per week reflects the peaks and troughs of the trading cycle of a dimensional stone and masonry product business. The applicant has indicated that during the winter months sales are very low and the amount of traffic would therefore be very low but on other occasions a large contract may require the 750 tonnes per week to be removed from the site. Based on a production of 200 tonnes per week the average number of HGV's visiting the site would be between 9 and 10 per week (18 to 20 vehicle movements) depending on the vehicle size used – 2 per day (4 2-way movements).

Looking solely at the proposed output increase and changes to vehicle numbers for dimensional stone, the Head of Engineering and Transport has indicated that 2x24 tonne HGV's (at a max. of 10 per working week) and 5x20 tonne HGV's per working day would be acceptable. Whilst it is acknowledged that this would result in an increase in tonnage in terms of output and an increase in the size of HGV's it would nevertheless be a reduction in the maximum number of daily vehicle movements leaving the site carrying dimensional stone and masonry products from 59 per week (118 vehicle movements) to 40 HGV's (80 vehicle movements).

In addition to numbers of vehicles, concern has been expressed regarding the impact the additional size and weight of the larger (24 Tonne carrying capacity) HGV's could have on the highway and traffic safety. This relates both to the size of the vehicle itself on the narrow route and the weight of the vehicle in terms of potential damage to the road surface.

In terms of the size of vehicles, the Head of Engineering and Transport is satisfied that the proposed 5 and 6 axle vehicles with a carrying capacity of 24 tonnes and 20 tonnes can be accommodated without any significantly greater impact than existing vehicles. HGV's are generally about the same width and are limited to 2.55m (excluding mirrors) although the trailer units attached may differ in length depending on their carrying capacity. The Head of Engineering and Transport in coming to that conclusion considers that any planning permission granted should be subject to £30k of road repairs being undertaken, subject to vehicle movements being limited to weekdays (since weekends are to be expected to have a greater degree of activity from residents and visitors using the local highway, noting also that restrictions would remain for school times) and subject to a condition requiring a Heavy Goods Vehicles Delivery Plan to ensure that only one heavy goods vehicle carrying either building stone or overburden shall travel along Gwrhyd Road, Coedffaldau and Bryn Road at any one time during each working day, this being to avoid any conflict between oncoming heavy goods vehicles meeting each other along these roads, and to ensure that no convoying of vehicles occur, in the interest of highway safety.

In respect of weight of vehicles, in general terms a HGV with a carrying capacity of 15 tonnes would be a 6-wheeler flatbed with 3 axles, and a HGV with a carrying capacity of 21 tonnes would be an articulated vehicle with 5 or 6 axles (maximum axle weight of 11.5 tonnes). A HGV with a carrying capacity of 3 tonnes would be a 4 wheeler with two axles. Therefore, these are the type of vehicles anticipated under the current planning permission at Gwrhyd Quarry. The HGV's with a carrying capacity of 20 tonnes, which were proposed at Fforch Egel Opencast Coal Site, would have been rigid tippers with four axles.

This is an important consideration because the Department of Transport advice is that the wear to roads and bridges caused by a vehicle depends upon how its gross weight is spread via the axles to the road surface. It is the weight on each axle, rather than the gross weight of the vehicle, that determines road surface wear.

A HGV with a 24 tonne carrying capacity proposed by the applicant would generally have 6 axles with a maximum drive axle weight of 10.5 tonnes. The UK Government has calculated that a vehicle of such size and maximum axle weight, with road friendly suspension, would cause no more road wear than a HGV with a carrying capacity of 20 tonnes

and would cause significantly less road wear than a 5 axle HGV with a carrying capacity of 21 tonnes and a drive axle weight of 11.5 tonnes. The 11.5 tonne axle weight produces approximately 45% more wear than the heavier vehicle with a 10.5 tonne maximum axle weight.

On that basis, it is considered that there is very little difference in terms of road wear between a HGV with a carrying capacity of 20 tonnes and one with a carrying capacity of 24 tonnes and these vehicles are potentially much less damaging than the 21 tonne carrying capacity vehicles currently permitted (albeit there are only 2 per week permitted).

Due to the narrow width of the highway and potential for damage caused by these vehicles, the Highway Authority has stated that a survey of the condition of the surface of the highway shall be carried out every 10 months from the date of the granting of any permission, with any damage to the highway associated with vehicles from the quarry to be repaired by the Highway Authority and paid for by the operator of the Gwrhyd Specialist Stone Quarry. To ensure that adequate controls are in place to fund any such essential repairs, an additional 'bond' of £6000 per annum would be required (under s106 agreement) to be paid by the applicant for use in connection any on-going repairs identified by the 10 month survey. Any monies not spent 6 months after the 2½ year overburden removal has been completed shall be returned to the quarry operator.

Having regard to the above it is concluded that the increase in size and carrying capacity of vehicles carrying stone products would have no greater impact on road wear than the permitted vehicles, such that there is no objection to the increased flexibility proposed by the applicant, subject to the restrictions referred to above which are reproduced within the new conditions attached to this consent.

Additional Outputs – Waste Aggregate

In addition to dimensional stone/masonry output, the applicant is also proposing to remove up to 700 tonnes of 'waste stone' per working week over a 2½ year period at a rate of up to 7x20 tonne vehicles per day (therefore a max. 140 tonnes a day). This would amount to 35 HGV's (70 2-way vehicle movements) per week (Monday – Friday).

As stated above, this has become necessary due to the waste element of the production of dimensional stone and masonry products being much higher than anticipated when the site was worked by the previous

operator. As a result, the site has become constrained by the additional waste that has had to be accommodated and this is making effective phasing very difficult to achieve.

It is worth noting that this material is not additional reserve, it is a part of the 300,000 tonnes of product previously approved which would have been removed as dimensional stone or masonry product had the original estimates of overburden/waste been correct. In that respect it is not an addition to the amount of excavated material but it is an addition to the amount of traffic over a 2½ year period. It would be a significant benefit to operations at the site to remove the excess waste material as an aggregate product. It would also amount to a sustainable use of a potential aggregate resource in accordance with Policy SP17 of the Local Development Plan.

As referred to earlier, the vehicular traffic proposed in the Fforch Egel proposal is considered to be a material consideration of significant weight, insofar as it would have represented an agreed commitment of 35 HGVs (70 2-way movements) along the same route over a temporary 4 year period, provided a sum of £30,000 were made for road repairs.

The additional waste aggregate would be removed from the site in identical quantities and vehicle numbers (albeit over 2 ½ years) to the Fforch Egel proposal. The Head of Engineering and Transport has therefore confirmed that the traffic movements of 7x20 tonnes for a period of 2 ½ years is acceptable provided the applicant makes the same £30,000 contribution to highway repairs as was required for the Fforch Egel development, such payments/ works being necessary to ensure the highway is able to accommodate the increased capacity of lorries/ output using the highway. A Section 106 Agreement would be required to secure the funding.

The areas that need repair have been identified by the Highway Authority (plans 1 and 2 Patch Repairs) and will be referred to in the legal agreement. In addition, the access that joins onto Gwrhyd Road (identified point 7 on the plans) also needs supporting work due to the level difference of the land adjacent to the public highway which is causing the carriageway to break up along its edge, and a requirement for a passing bay has been identified on plan A.

The impacts of the overall / combined output are addressed below

Impacts of Combined Stone and Waste Output on Highway safety

While the overall level of material leaving the site is proposed to increase from a maximum of 717 tonnes per week to a maximum of 1450 tonnes (750 tonnes of dimensional stone plus 700 tonnes of waste stone) per week, the critical issue concerns how this proposed increase could be accommodated on the local highway network which, as indicated by the local respondents, is constrained by its width, and topography / alignment.

The individual outputs have been addressed above, and as indicated in the Table above, the proposal would result in a total maximum number of 75 HGV's per week (150 2-way movements) or 14 HGV's (28 2-way movements) per working day.

This compared with the current planning permission which allows for 59 HGV's per week (118 movements) and also allows for a potential maximum of 14 HGV's (28 movements) in a working day.

While the proposal results in a significant increase in overall output from the site, in terms of HGV movements (when coupled with stone output in larger HGVs), the total amount of HGVs (one-way) would still equate to a maximum of 14 HGVs per day.

The Head of Engineering and Transport has also sought to restrict other movements associated with quarry output, with a condition adding the following restrictions: -

- No other heavy goods vehicles (than those stated above) with a carrying capacity exceeding 3 tonnes shall be permitted to enter or depart from the site.
- No trailers shall be permitted with any heavy goods vehicles to transport material to and from the site.
- No vehicles with a carrying capacity not exceeding 3 tonnes shall depart from the site in any one day.

It is also strictly necessary, in the interest of certainty, to include a new condition restricting the output of the quarry as follows: -

- A) a maximum of 750 tonnes per working week of dimensional blockstone and/or masonry products; and
- B) a maximum of 700 tonnes per working week of aggregate produced from waste stone resulting from the production of dimensional stone and masonry products for a period of no greater than 30 months from the date of this consent.

Had the Fforch Egel planning application been approved and implemented a total of 94 HGV's (188 movements) per week (max) would have been permitted along Gwrhyd Road over a 4 year period. In comparison, this proposal would result in 75 HGV's (150 movements) per week, which is significantly below those levels and for a shorter period of time – 2 ½ years.

Accordingly, while it is acknowledged above that some of the HGV's are of larger carrying capacity, nevertheless the proposal does not result in significantly greater tonnages or vehicle movements over and above that which has already been found to be acceptable. The danger to road users would therefore not be significantly increased, such that it is concluded that subject to the financial contributions and amended conditions, there can be no justification for refusal of this application on highway safety grounds.

Indeed, the development would generate £30,000 towards the repair of the carriageway which, while essential to mitigate the impacts of this development, would nevertheless also be to the benefit of all road users.

Having regard to the above, the proposal does not therefore conflict with Policies SP4, M4(4), SP20 or TR2 of the Local Development Plan.

Impact on Residential Amenity

The concerns expressed by respondents in relation to the impact on residential amenity and their quality of life relates primarily to the impact of additional lorry movements along the Gwrhyd Road. As indicated above, the number of vehicle movements will decrease as a result of the development, although the size of the vehicles will increase. On that basis it is not anticipated that there would be an unacceptable impact on residential amenity or quality of life of residents resulting from the proposal.

The wider operations at the site are also already controlled by conditions attached to the planning permission, and there are no proposals to amend these controls within the new s73 consent.

For these reasons, the proposal is not considered to conflict with Policies SP16, EN8 and M4 of the Local Development Plan.

Other Matters - Conditions

When determining an application under section 73 for variation of conditions, a new standalone planning permission is issued. It is therefore also necessary to ensure that the wording and intent of the original conditions attached to the new consent remains appropriate. In this regard, while there are some minor changes to wording of conditions, attention is drawn to the following conditions: -

- Condition 4 requiring a revised working programme and phasing plan within 3 months
- Condition 7 setting out production limits
- Condition 14 restricting HGV travelling times during school term times only
- Condition 17 requiring a scheme to prevent deleterious material being brought out onto the road to be submitted within 3 months
- Condition 31 requiring a revised landscaping plan to be submitted within 3 months
- Condition 34 requiring a revised plan to be submitted indicating stocking areas within 3 months
- Condition 44 requiring a revised Restoration Strategy within 3 months
- Condition 45 requiring a detailed restoration scheme within 3 years (one year earlier than previously as the removal of the 'waste stone' within 2 ½ years will allow for progressive restoration)
- Condition 46 requiring a detailed aftercare scheme within 3 years (one year earlier than previously as the removal of the 'waste stone' within 2 ½ years will allow for progressive restoration)

Other Matters - Representations

As identified earlier in this report, representations were received in response following the publicity exercise. In response to the issues raised which have not been addressed elsewhere in this report, the following comments are made:

Reference has been made to breaches of planning conditions. Particular reference is made to breach of the restrictions of vehicle movements past the school at certain times of the day. This condition will remain in place and will be subject to monitoring. The alleged

breach is not a material consideration in the consideration of the application.

Reference has been made to the impact on biodiversity. However, the proposal is not considered to have a significant impact on biodiversity as the operational area of the site is unchanged.

Damage to property has been mentioned but this is a civil matter.

CONCLUSION

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Neath Port Talbot Local Development Plan (2011–2026) adopted January 2016.

It is considered that the proposal represents an appropriate form of development that would have no unacceptable impact on the amenities of neighbouring residents or highway and pedestrian safety. Accordingly, the proposed development is in accordance with Policies SP4 9 (Infrastructure), Policy SP16 (Environmental Protection), Policy EN8(Pollution and Land Stability), Policy SP17 (Minerals), Policy M4 (Criteria for the Assessment of Mineral Development), Policy SP20 (Transport Network) and Policy TR2 (Design and Access of New Development) of the Neath Port Talbot Local Development Plan.

RECOMMENDATION

- A. The application is APPROVED subject to conditions and subject to the applicant entering into a Section 106 Agreement with the following Heads of Terms: -
- i. A £30,000 contribution to highway repairs; and
 - ii. Payment of a £6,000 'Bond' (to be topped up per annum) to be used for any ongoing repairs to the highway attributable to vehicles travelling to/from the quarry for a period of 30 months.

B. That if within 3 months of the date of this resolution, the S106 agreement is not signed, the application shall be refused for the following reason:

- (1) In the absence of a legal agreement providing for a financial contribution for the maintenance of the highway and improvements to passing places on the unclassified road leading northwards from the site access road to the village of Cwmllynfell, the nature and scale of the HGV traffic generated by the development would have an unacceptable impact on highway safety. The proposal therefore conflicts with Policies SP4, M4, SP20 and TR2 of the LDP.

CONDITIONS

Time Limit

(1) The extraction of minerals shall cease not later than 30th September 2025 and restoration shall be completed in accordance with the approved restoration scheme by 30th September 2026.

For a period of 5 years from the date of completion of restoration the site shall be managed in accordance with the approved aftercare scheme.

The planning permission shall expire following the complete restoration and aftercare of the site in accordance with the approved restoration and aftercare schemes.

Reason

To minimise the duration of disturbance from the development hereby permitted and to ensure restoration of the site to a beneficial after-use

Working Programme and Phasing

(2) The development hereby permitted shall be carried out in accordance with the following documents and plans or as otherwise modified by any revisions or by other conditions, schemes or approvals by the Local Planning Authority:

Planning Application dated 17th December 2009

Environmental Statement (December 2009) (as amended)

Supplementary Information (May 2010)

Drg. No. A1.2 (Revised) April 2010 Planning Application Area
Drg. No. A3.1 April 2010 Topographical Plan
Drg. No. A2.4 (Revised) May 2010 Proposed Quarry Development Phase 1
Drg. No. A2.5 (Revised) May 2010 Proposed Quarry Development Phase 2
Drg. No. A2.6 (Revised) April 2010 Proposed Quarry Development Phase 3
Drg. No. 2.7 (Revised) April 2010 Proposed Restoration Context
Drg. No. 2.8A (April 2010) Cross Section through Quarry Phases
Drg. No. CA10180/03 September 2009 Planting Plan
Drg. No. 2.7A (May 2010) Schematic Sections through Restored Quarry Face
Drg. No. A16067 - Layout of Proposed Saw Shed
Drg. No. A16068 - Planning Drawing Showing Proposed Saw Shed
Reason

To identify the development hereby permitted and to identify the approved documents, plans and drawings that relate to the approval

(3) A copy of this permission, including all documents hereby approved or cited in the conditions of this consent, and any other document subsequently approved in accordance with any condition of this permission shall be kept available for inspection at the site offices during all periods when operations are being undertaken at the site.

Reason

To ensure the monitoring of site operations can be monitored.

(4) Notwithstanding Condition 2 above, within 3 months of the date of this permission the developer shall submit a revised working programme and phasing plans for the written approval of the Local Planning Authority. The Working Programme and Phasing shall be implemented in accordance with the approval.

Reason

To enable the Local Planning Authority to monitor the development and to ensure phasing maximises opportunities for progressive restoration of the site

(5) Every 5 years from the date of this permission, a land survey shall be undertaken of the site to determine the volume of material extracted, the overburden, topsoils, subsoils or any soil forming materials conserved on the site and an assessment and calculation made of the soils and materials available to achieve restoration. The results of such surveys and calculations shall be submitted to the Local Planning Authority for its information.

Reason

To ensure that the development is monitored adequately and that adequate conservation of materials is maintained on the site for restoration.

Restriction of Permitted Development Rights

(6) Notwithstanding the provisions of Part 19 of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order amending or re-enacting that Order) no fixed plant or machinery, buildings, structures and erections shall be erected, extended, installed or replaced at the site complex without the prior approval of the Local Planning Authority.

Reason

In the interest of the amenities of the area and to retain adequate control over the visual impact of the development.

Production Limits

(7) The total amount of mineral leaving the site shall not exceed

a) a combined total of 750 tonnes of dimensional blockstone and/or masonry products per working week for the duration of the planning permission; and

b) a maximum of 700 tonnes per working week of aggregate produced from waste stone resulting from the dimensional stone and masonry production process for a limited period of 30 months from the date of this permission

Reason

In the interests of highway safety

(8) Vehicles utilised for the haulage of quarried products from the site shall all be fitted with road friendly suspension on their drive axles, and shall not exceed the following combination of carrying capacities and number of vehicular movements:-

- a. No more than 2 heavy goods vehicles with a carrying capacity exceeding 20 Tonnes but no greater than 24Tonnes shall depart from the site in any working day and no more than 10 per working week, carrying dimensional stone and masonry products
- b. No more than 5 heavy goods vehicles with a carrying capacity exceeding 3 Tonnes but no greater than 20 tonnes shall depart from the site in any working day carrying dimensional stone and masonry products
- c. For a limited period of 30 months from the date of this decision, no more than 7 heavy goods vehicles with a carrying capacity exceeding 3 Tonnes but no greater than 20 tonnes shall depart from the site in any working day carrying waste stone arising from the production of the dimensional stone and masonry products
- d. No trailers shall be permitted with any vehicles used to transport stone from the site.
- e. No other vehicles other than those stated in a, b and c above shall depart the site carrying stone on any day.

Reason

In the interest of highway safety and amenity.

(9) For the duration of the planning permission the site operator shall maintain records of the daily, weekly and monthly output and shall make them available to the Local Planning Authority at any reasonable time upon request. These records shall be kept for the duration of operations at the site and identify the size, weight and number of vehicular movements utilised in the transportation of quarried products from the site.

Reason

To allow the Local Planning Authority to monitor quarried product exportation from the site.

(10) The only mineral to be prepared, treated and stocked/stored at the site shall be sandstone extracted from the site and no other mineral shall be imported into the site for any such preparation, treatment or stocking/storage.

Reason

To prevent development on a scale not envisaged when planning permission was granted, in the interests of highway safety

Hours of Working

(11) Except in an emergency (which shall be notified to the Local Planning Authority as soon as practicable) no development, which includes the starting up of plant and machinery, as approved under this permission (other than water pumping, servicing, environmental monitoring or maintenance and testing of plant) shall be carried out on the site except between the following times:-

07.30 to 18.00 hours Mondays to Fridays

07.00 to 13.00 hours Saturdays

There shall be no development or other activities other than those in relation to water pumping and environmental monitoring undertaken on Sundays, Bank or Public Holidays.

Reason

To protect the living conditions of nearby residents.

(12) Notwithstanding the hours of working approved under condition 11 of this consent or as otherwise approved in writing by the Local Planning Authority the operation of rock breaking plant shall not be undertaken other than between 08.00 to 16.00 hours Mondays to Fridays.

Reason

In the interests of the amenity of the area.

(13) Notwithstanding the hours of working approved under condition 11, no soils shall be stripped or replaced, no topsoil or subsoil mounds shall be formed or removed and no water treatment areas shall be constructed or removed except between the following times:

08.00 to 16.00 hours Mondays to Fridays

08.00 to 12.00 hours on Saturdays

Reason: To protect the living conditions of nearby residents

(14) During published school term times, all vehicles carrying quarried products or any other bulk materials shall only leave the site during the following hours:

07.30 and 7.50 hours Mondays to Fridays

09.15 and 14.45 hours Mondays to Fridays

16.15 and 18.00 hours Mondays to Fridays

No such movements shall occur on Saturdays, Sundays and Public Holidays.

During published school holidays all vehicles carrying quarried products or any other bulk materials shall only leave the site during the following hours:

07.30 and 18.00 hours Monday to Friday

No such movements shall occur on Saturdays, Sundays and Public Holidays.

Reason: In the interest of highway safety, amenity and to prevent such movements when school children are likely to be travelling or walking to and from school.

Transportation and Access

(15) The planning permission hereby granted relates to the use of the access road marked as 'TRACK' on Drg. No A 1.2 (Revised) and vehicles gaining access to or from the site shall utilise no other access points.

Reason

In the interest of highway safety.

(16) All vehicles that depart from the quarry access transporting quarried stone products shall turn right as they exit the access point with the public highway, and within one month of the date of this permission the developer shall submit a Heavy Goods Vehicles Delivery Plan for the written approval of the Local Planning Authority which as a minimum shall include for: the provision of a sign at a location adjacent to the cattle grid entrance to the site - with dimensions as to be clearly visible to drivers of HGV vehicles leaving the site - advising drivers of this requirement ; and details of how appropriate controls will be put in place to ensure that only one heavy goods vehicle carrying either building stone or overburden shall travel along Gwrhyd Road, Coedffaldau and Bryn Road at any one time during each working day. The signage and other controls shall be implemented within three months of the date of this decision and the site operated thereafter in accordance with the agreed scheme/plan.

Reason

To ensure heavy goods vehicle movements are directed along recognised highway routes, and in order to minimise any conflict between oncoming heavy goods vehicles meeting each other along these roads, and to ensure that no convoying of vehicles occur, in the interest of highway safety.

(17) Within 3 months of the date of this permission the developer shall submit a scheme indicating the facilities and/or methods to be put in place to ensure deleterious material is not carried onto any part of the public highway. The scheme shall include provision for all vehicles carrying loose material to be sheeted and shall be implemented as approved.

Reason

To prevent deposit of materials on the highway and in the interest of highway safety.

Dust

(18) The control, suppression and monitoring of dust shall be undertaken in accordance with the provisions set out within the Dust Action Plan (June 2010) and implemented for the duration of operations at the site.

Reason: To protect the living conditions of nearby residents.

Blasting

(19) There shall be no blasting carried out at the site .

Reason

In the interest of amenity as blasting has not been proposed and the amenity implications appropriately assessed.

Noise

(20) Operational noise from the site shall not exceed the specified sound pressure levels, measured as an LAeq (15 mins) freefield under the measurement criteria of BS4142, at the specified noise sensitive properties listed below, such levels not to be exceeded between 07.00 and 18.00 hours Mondays to Fridays and between 07.00 and 13.00 hours on Saturdays.

Craig y Pistyll - 46 LAeq (15 mins) dB

Graig y Betting - 47 LAeq (15 mins) dB

Capel y Gwrhyd - 47 LAeq (15 mins) dB

Gwrhyd Isaf Farm - 46 LAeq (15 mins) dB

Noise arising from the development shall not exceed the background noise levels by 10dB LAeq 15 minutes (freefield) for any other noise sensitive properties within 400 metres of the site boundary during the same hours of working.

Reason

To protect the living conditions of nearby residents

(21) Notwithstanding the noise level limits set out in Condition 20 the sound pressure level for operations for the stripping of topsoils and the construction and removal of soil mounds, baffle mounds and water treatment areas, measured at any noise sensitive property, shall not exceed 67dB LAeq 1hour (freefield) for up to 8 weeks in any calendar year.

Reason

To protect the living conditions of nearby residents.

(22) At all other times, outside those identified in Condition 20 above, the sound pressure level for operational noise from the site, measured at any noise sensitive property, shall not exceed 42dB LAeq 5 mins (freefield) under the measurement criteria of BS4142.

Reason

To protect the living conditions of nearby residents.

(23) Noise control measures and proposed noise monitoring identified within the Noise Action Plan (June 2010) shall be carried out for the duration of the operations at the site.

Reason

To protect the living conditions of the nearest residents.

(24) All pumps used in connection with the development shall be powered by electricity or shall otherwise be accoustically insulated.

Reason

To protect the living conditions of nearby residents.

(25) All vehicles, plant and machinery operated within the site shall, at all times, be fitted with and use silencers and accoustic covers in accordance with the manufacturer's recommendations. Save for the purposes of maintenance, no machinery shall be operated with the accoustic covers open or removed.

Reason

To protect the living conditions of nearby residents.

(26) Mobile plant and vehicles shall be fitted with ambient related, broadband or low-tone reversing warning devices.

Reason

To protect the living conditions of nearby residents.

Water Environment

(27) The pollution prevention measures during the operational and post operational phase of the development shall be implemented at all times in accordance with the details approved under Application Reference P2012/0270 on 17th July 2012

Reason

To protect the water environment.

(28) The comprehensive water management scheme shall accord at all times with the details approved under Application Reference P2012/0270 on 17th July 2012. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements embodied within the scheme, or any details as may subsequently be approved, in writing, with the Local Planning Authority.

Reason

To prevent the pollution of controlled waters.

(29) In the event that any dewatering of the working area is required the developer shall inform the Local Planning Authority in writing within seven days of such an occurrence. Within 2 months of such notification a Hydrogeological Impact Appraisal shall be undertaken and submitted to the Local Planning Authority for its approval and the recommended mitigation or works set out in the appraisal implemented on the approval of such details.

Reason

To protect the water environment and water resources.

(30) Drainage ditches, settling ponds and lagoons shall be regularly desilted and maintained in such condition that they are able to perform effectively and efficiently the purpose for which they have been provided.

Reason

To ensure that these facilities continue to function effectively and efficiently throughout the operational, restoration and after-care period.

Landscaping

(31) Notwithstanding Condition 2 above, within 3 months of the date of this permission the developer shall submit a revised landscaping plan for the entire site for written approval of the Local Planning Authority

Reason: In the interest of the visual amenity of the area.

Site Maintenance

(32) Throughout the period of working, restoration and aftercare the operator shall:

(i) protect and support any ditch, watercourse or culvert passing through the permission area, or satisfactorily divert it, and shall not impair the flow or render less effective drainage onto and from adjoining land

(ii) provide for the collection, treatment and disposal of all water entering or arising on the site, including any increased flow from the land, to ensure that there is no pollution of watercourses by the approved operations.

Reason: To protect adjacent agricultural land

(33) The operational site shall be enclosed with a stock proof fence or, where present, existing hedgerows maintained for the duration of operations at the site and the aftercare period. In addition, the cattle grid shall be maintained at the entrance gate to the site for the duration of operations.

Reason: To ensure that grazing stock that may use the adjacent common area is prevented from entering the operating site.

(34) Notwithstanding Condition 2 above, within 3 months of the date of this permission the developer shall submit a plan for the written approval of the Local Planning Authority setting out the areas to be used for the stocking of quarry products. Quarried stone products shall only be stocked in the areas approved by the Local Planning Authority. Stock shall not exceed a height greater than 3 metres above the ground level on which it is sat, and if covered in sheeting or in bags such sheeting or bags shall be dark green in colour.

Reason

To protect the visual amenity and living conditions of the area.

Soils and Soil Storage

(35) At least seven days' notice, but not more than 21 days, shall be given in writing to the Local Planning Authority before any soil stripping operations commence. No overburden or mineral extraction shall take place on these stripped areas until all available soils have been recovered from the area concerned.

Reason

To ensure that all available soils are conserved for use in the restoration of the site.

(36) All topsoil and subsoils shall be stripped stored and conserved in accordance with the proposals set out in the Environmental Statement or as modified in the Supplementary Information submitted (May 2010).

Reason

To ensure adequate management and conservation of soils resources at the site.

(37) Soils shall not be stripped or moved except when the material is in a dry and friable condition and it would not be damaged by heavy vehicles and machinery passing over it.

Reason

To ensure that the soils are not damaged during the process of their stripping and handling.

(38) All turf and topsoil, subsoil and soil forming material shall remain on site for use in the restoration of the site and when stripped shall be stored in separate mounds which do not overlap. Within three months of the date of this permission the developer shall provide a plan of such soil mounds the Local Planning Authority indicating the exact position and dimensions of the soil storage mounds and the quantities of soil in each mound.

Reason

To ensure satisfactory preservation, conservation and restoration of soils.

(39)No turf, topsoil, subsoil and or soil forming material shall be removed or sold from the site.

Reason

To protect the character and appearance of the site and the surrounding area.

(40)All storage mounds of topsoils, subsoils and soil forming material, and their margins shall be seeded to grass within the first growing season, and in any event within 6 months of their construction, maintained to encourage a dense grass sward to develop and shall not be allowed to over winter without grass cover. All vegetation growing on soil storage bunds and their margins within the site shall be maintained by cutting at least once during the growing season. All noxious weed growth shall be controlled by cutting or herbicide spraying to prevent weed seed contamination of the soil resource on site or on surrounding land.

Reason

To protect the character and appearance of the site and the surrounding area.

(41)Other than those essential for site access, only those vehicles involved in loading soils shall be permitted on unstripped areas, and then restricted only to operations to recover the soils. Vehicles used in transporting soils shall only travel over areas of ground that have previously been stripped of topsoil and subsoil.

Reason: To protect the character and appearance of the site and the surrounding area.

Restoration and Aftercare

(42) Within 6 months of the permanent cessation of stone extraction or 31st March 2026 whichever is the sooner, all stocks of dimensional stone and masonry products shall be removed from the site.

Reason

To ensure that restoration is not impaired or affected by remaining stock at the site.

(43) In the event of sandstone extraction ceasing at the site, the Local Planning Authority shall be notified of the date of cessation in writing within one month of the date of cessation. In the event of sandstone extraction ceasing for a period of 12 months, a revised scheme for the restoration of the site shall be submitted to the Local Planning Authority within 14 months of the cessation of sandstone extraction for written approval. The revised scheme shall be implemented within 12 months of its approval.

Reason

To protect the character and appearance of the site and the surrounding area and the living conditions of nearby residents.

(44) Within 3 months of the date of this permission the developer shall submit a revised restoration strategy for the approval of the Local Planning Authority. The Restoration Strategy shall identify opportunities for progressive restoration of the site and shall be implemented as approved.

Reason

To ensure adequate reclamation of the site and biodiversity objectives

(45) Within 3 years of the date of this permission, or in the event of the cessation of winning and working of sandstone which in the opinion of the Local Planning Authority constitutes a permanent cessation within the terms of Schedule 9 of the Town and Country Planning Act 1990, a detailed restoration scheme (in the form of written statements and plans) for the whole of the site shall be submitted to the Local Planning Authority for its approval. The scheme shall include, inter alia, details of the following unless modified by other conditions of this consent.

(a) the nature or intended after use of the whole site;

(b) the removal of buildings, plant and machinery and the reinstatement of the site and access roads by clearing plant, buildings, machinery, road base, concrete or brickwork and any temporary river crossings;

(c) details of the re-spreading of overburden, subsoil and topsoil previously stripped from the site, including depths and placement;

(d) the ripping of any compacted layers of final cover to ensure adequate drainage and aeration, such ripping to take place before placing the topsoil;

(e) the machinery to be used in soil re-spreading operations and the method of soil replacement;

(f) the final proposed levels of the reclaimed land, as a contour plan at 2 metre intervals, and the gradient of the slopes which shall be graded to prevent ponding of, or erosion by, surface water and to conform with the surrounding land;

(g) the drainage of the reclaimed land (including the formation of suitably graded contours to promote natural drainage), the installation of artificial drainage where necessary, and the position and design (including longitudinal and transverse sections) of main outflow ditches and watercourses where all such features shall be designed to achieve maximum ecological diversification;

(h) the position and erection of fencing, hedge on bank constructions, gates, walls, cattle ditches and water supplies in order to show field layouts and sections;

(i) the creation of attenuation ponds, water features or wetlands;

(j) the distribution of woodlands and nature conservation features;

(k) provision of and position of any footpaths and bridleways to be reinstated or linked with existing Public Rights of Way

Restoration shall be carried out in accordance with the approved details.

Reason

To secure adequate reclamation of the site.

(46) Within 3 years of the date of this permission, or in the event of a cessation of winning and working of sandstone (which in the opinion of the Local Planning Authority constitutes a permanent cessation, within the terms of Paragraph 3 of Schedule 9 of the Town and Country Planning Act), details of an aftercare scheme, to bring the site to the required uses for agriculture, amenity and nature conservation, shall be submitted to the Local Planning Authority for its approval. The details shall include the steps that are to be undertaken and the period during which they are to be taken, together with the following:

(a) the designated areas of the intended after uses for the whole site;

- (b) the timing and pattern of vegetation establishment (including species to be planted, grass seeding mixtures and application rates, stock types and sizes, spacing, method and position of planting);
- (c) cultivation practices for the preparation of soils;
- (d) hedgerow construction;
- (e) fertiliser and lime application and weed control based on soil and chemical analysis and identification and justification of any areas that would be the subject of treatment by biogran or biosolids;
- (f) drainage proposals including the timing of installation, maintenance and temporary drainage measures including any ponds and wetlands;
- (g) grassland management, including class of grazing stock, livestock, stocking density and mowing practices;
- (h) the provisions for the seeding of woodland ground flora;
- (i) watering facilities and the provision of supplies;
- (j) the full assessment of the introduction of areas to be restored to nature conservation and their application to local biodiversity objectives;
- (k) the creation, management and maintenance of any paths, tracks or roads;
- (l) any other agricultural, silvicultural or conservation treatment relevant to the site; and
- (m) fencing

The development shall be carried out in accordance with the approved details.

Reason: To ensure adequate aftercare of the site.

(47) Once a year during the aftercare period, the site operator shall arrange a formal review to consider the aftercare operations which have taken place on the site during the previous year, and also the programme of management for the following year. The parties invited to this review shall include the site operator, the owners of the land, any other occupiers, the Local Planning Authority, Natural Resources Wales and a representative of Welsh Government Department for Environment and Rural Affairs. At least four weeks before the date of each annual review, the site operator shall provide the Local Planning Authority with a record of the management and operations carried out on the site during the period covered by the review.

Reason: To ensure adequate restoration and aftercare.

Saw Shed

(48) The external walls and roof of the new saw shed and ancillary structures shall be dark green in colour. The colour of the building shall thereafter be maintained until the building and structures are removed from the site.

Reason

To protect the character and appearance of the site and the surrounding area.

Community Liaison

(49) The scheme for the setting up, operating and regular convening of a Site Liaison Committee shall be implemented in accordance with the details approved under Application Reference P2013/0592 on 8th August 2013

Reason

To aid the monitoring of site activities.

(50) The scheme for the setting up, operating and regular convening of a Technical Working Party shall be implemented in accordance with the details approved under Application Reference P2013/0592 on 8th August 2013

Reason: To aid the monitoring of site activities.