PENDERYN QUARRY

Twyn y Glog Ridge Reserves Swap

Planning Application Statement

April 2019

PLANNING APPLICATION STATEMENT

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CONTENTS

APPENDICES

1.0 INTRODUCTION

This Statement has been prepared in support of a planning application, submitted by Hanson UK to the Brecon Beacons National Park Authority (BBNP)

The application seeks planning permission for a new area of working at the south eastern corner of Penderyn Quarry, but with the scheme proposing the relinquishment of the rights to quarry permitted reserves in the south western area of the quarry along the Twyn-y-Glog ridgeline. In effect, the application represents a 'reserve swap'.

There would be no net increase in the available reserve as a consequence of the reserve swap: indeed, in practical terms, the consequence of quarrying within the application site compared to the currently permitted area proposed to be relinquished would be a net reduction in the available planned reserve at the overall quarry of some 7.4 million tonnes.

There would also be a net reduction in the surface area of the operational quarry, with the application site comprising an area of 1.77 hectares (ha), and the area to be relinquished comprising an area of 2.35 ha.

The objective of the scheme is to deliver a substantial landscape benefit via the retention of the prominent western half of the Twyn-y-Glog ridgeline which would otherwise be quarried and removed as part of the currently permitted quarry development scheme. The application site is also in a location which is more remote from residential properties and the village of Penderyn.

The Planning Application Statement (PAS) forms part of a comprehensive submission which is supported by an Environmental Statement (ES) (Volume 1); Technical Appendices to the Environmental Statement (Volume 2); and a Non-Technical Summary of the ES (Volume 3).

The purpose of the PAS is to describe the specific details of the development, which constitute the formal planning application. The PAS is therefore distinct from the ES which considers the environmental effects of the development. Those environmental effects are comprehensively addressed in the ES (Volume 1) and are therefore not repeated in this PAS.

The formal planning application forms are produced within Section 2.0 of this statement. The planning application plans are listed in Section 4.0 of this PAS, with a summary of the key features illustrated on the plans. The plans are produced at the rear of the PAS document.

The PAS also reviews the planning policies against which the application will be judged, notably those contained within the Brecon Beacons National Park Local Development Plan (LDP) adopted in December 2013, Planning Policy Wales Edition 10, December 2018, and Minerals Technical Advice Note 1: Aggregates, 2004.

The application has been the subject of pre-application consultation as required by the Development Management Procedure (Wales) (Amendment) Order 2016 (as further amended). This has involved:

- Local publicity of the application, including making the application documents available for inspection at Penderyn Community Hall (this PAS, application plans, Environmental Statement (ES), Environmental Statement Appendices, and Non- Technical Summary of the ES); and
- Undertaking consultations with defined community and specialist consultees, including the use of a web site to facilitate access to the application documents.

INTRODUCTION 1

This process is explained further in Chapter 7.0 of the PAS, with a Pre-Application Consultation Report produced as Appendix 1 to the PAS.

2.0 APPLICATION FORMS

APPLICATION FORMS 2

3.0 PLANNING CONTEXT

The **Application Site** is shown edged red on Plan TYG1a and lies within the boundary of a planning permission for quarrying granted in 1972 (ref 1/8523). However, condition 8 of the planning permission confirmed that "*no quarrying operations of any kind shall be carried out by virtue of this permission in the area hatched red on the attached plan [referred to in this PAS as* the *'red hatched area'].*

Plan TYG1b shows the boundaries of the existing planning permissions at the quarry, with the 1972 planning permission showed coloured in blue and the 'red hatched area' superimposed. It can be seen that the red hatched area encompasses the Application Site. The reason for imposing condition 8 is common to a number of other conditions set out on the decision notice, but the specific element of relevance to the 'red hatched area' appears to be '*to minimise the eventual loss of pasture'*.

In planning terms, whilst the current planning application seeks permission for a new area of working, that new area lies within the boundary of an existing mineral planning permission area. Moreover, whilst quarrying has not taken place within the defined area (by virtue Condition 8 of the 1972 permission) there have been ancillary operations associated with the construction of haulage roads for overburden placement etc. within the defined area. As a result, it does not represent undisturbed land.

In March 2011, an application was submitted to update the planning conditions imposed on the respective mineral planning permissions at Penderyn Quarry, including the 1972 permission (reference Environment Act 1995, Review of Old Mining Permissions, commonly referred to as a ROMP Review). The ROMP application provided an opportunity to review the development scheme as a context for proposing modern planning conditions to reflect a proposed updated development scheme. As part of that review, and the accompanying Environmental Impact Assessment (EIA), Hanson identified negative landscape and visual impact issues associated with the implementation of the approved quarry development scheme. This would have the effect of quarrying away the western half of the Twyn y Glog ridgeline, and which would thereby remove a prominent and distinctive landscape feature. They also concluded, based upon the EIA accompanying the ROMP application that quarrying within the currently excluded 'red hatched area' would be far less obtrusive in landscape and visual terms.

Hanson thus proposed an updated development scheme as part of the ROMP application which offered to relinquish the existing rights to extract reserves within a defined area of the Twyn y Glog ridgeline (covered by the 1958 Planning Permission – reference 1/2427) in return for permission to quarry reserves within the 'red hatched area' excluded by the above mentioned condition 8 of the 1972 planning permission. It was intended that this 'reserve swap' would be achieved via updated planning conditions which would remove the restrictions to quarrying within the 'red hatched area' whilst at the same time imposing new conditions to prevent any future quarrying within the area it is proposed to preserve. The proposed area where the existing planning permission is proposed to be relinquished (referred to in this PAS as the '**Preserved Area**') is shown hatched green on application plan ref TYG1a.

Within the ROMP EIA the currently approved quarry development scheme was referred to as 'Scenario A', with the proposed 'reserve swap' retention of the 'Preserved Area' referred to as 'Scenario B'. For consistency and ease of reference, these definitions have been carried forward into the ES accompanying the current application and are referred to in this PAS.

The ROMP Application has remained undetermined for over 8 years owing to concerns raised by NRW regarding the potential hydrogeological/ecological effects arising from the dewatering

of the quarry in relation to the nearby Cwm Cadlan Special Area of Conservation (SAC). The consequence of this delay is that there are now limited accessible reserves available at the quarry without either (a) deepening the quarry, as currently approved, or (b) quarrying within the western area of the Twyn y Glog ridgeline, also as approved. In the circumstances, Hanson has concluded that it would be prudent to submit a freestanding planning application to 'extend' the quarry workings into the excluded 'red hatched area' and promote the 'reserve swap' associated with the preservation of the western area of the Twyn y Glog ridgeline as part of the such an application. In effect, this would deliver the same objective of the 'reserve swap' promoted as part of the ROMP review application, but via a difference mechanism. This current planning application seeks to deliver that outcome.

Importantly, the quarrying of reserves within the discrete Application Site as defined would be confined to levels above the water table (above 265m AOD). As a result, the potential hydrogeological/ecological effects associated with the wider quarry development which have delayed the determination of the ROMP application could not arise from the specific development proposed within the Application Site. It follows that the determination of the application should not be delayed by any concerns associated with potential indirect hydrogeological/ecological effects. Hanson are thus hopeful that the application can be processed to an expedited positive decision which would provide access to reserves which are unconstrained in hydrogeological and ecological terms, which would then afford time to resolve the outstanding issues associated with the ROMP application.

In the event of a positive resolution to grant planning permission for the proposed development, then Hanson would be content to enter into Section 106 Legal Agreement would provide for the relinquishment of the right to quarry within the defined 'Preserved Area' of the Twyn y Glog ridgeline. The proposed 'reserved swap' would then be formalised via such a legal agreement.

In addition, in the likely event that the current planning application is determined in advance of a final determination of the outstanding ROMP application, then it is proposed that the Section 106 Agreement would also include provision for the new planning permission for quarrying within the Application Site to become part of the 'mining site' to which the ROMP application applies, and where the new permitted area would be bound into the determination of the ROMP Application. This would ensure that upon determination of the ROMP application, a single schedule of planning conditions would apply to the full quarry area (mining site), including the currently proposed development within the Application Site, but excluding the proposed 'Preserved Area' which, via the Section 106 Agreement, would be excluded from the operational quarry area.

4.0 PLANNING APPLICATION PLANS

The following plans are submitted with and form part of the application:

1. **Planning Application Site Plan – ref TYG 1a**

   The plan shows the boundaries of the Application Site edged red and the proposed Preserved Area along the western side of the Twyn y Glog ridgeline edged green. Other land in Hanson's ownership is shown edged blue, which comprises the Penderyn Quarry operational area and small areas of peripheral land.

2. **Mineral Permissions – ref TYG 1b**

   The plan depicts the existing mineral planning permissions at Penderyn Quarry and shows the relationship of the Application Site to the 1972 planning permission area (coloured blue) and the area where mineral extraction is currently prevented (the 'red hatched area').

3. **Current Situation ref TYG 2**

   The plan shows the current situation within the quarry and the boundaries of the Application Site.

4. **5 Year Development Plan ref TYG 3**

   The plan shows the proposed initial development of the quarry into the Application Site with benches formed at levels of circa 328m OAD and 316m AOD within the discrete area of the Application Site. A quarry haul road is shown within the exiting quarry area running westwards to the processing plant site.

5. **15 Year Development Plan ref TYG 4**

   The plan shows the full quarry development within the Application Site area and the relationship to the quarry development within the remaining permitted area of mineral extraction at Penderyn Quarry.

6. **Final Quarry Layout ref TYG 5**

   The plan shows the final quarry layout based upon the scheme submitted as part of the ROMP application. However, the wider quarry development scheme does not form part of the current planning application, and plan TYG5 has been prepared simply to illustrate the way in which the development at the application site would relate to the overall future development scheme for the quarry.

7. **Cross Section ref TYG 6**

   The plan shows a cross section NNW – SSE through the quarry, highlighting the Application Site and the development of the quarry faces and benches within the Application Site above the current quarry floor and above the level of the pre-quarrying water table.

8. Interim Restoration Strategy ref TYG 7

The plan shows the interim restoration strategy taken from the final restoration strategy accompanying the ROMP Review application (plan ref PQ8), but with the restoration treatment of the Application Site area highlighted.

[ROMP Review plan PQ8 is included with the formal application plans for reference purposes, but it does not form part of the formal sequence of application plans which accompany the application].

9. View of 'Scenario A' ref TYG 8

This shows an aerial montage of the currently permitted quarry development scheme, looking in an easterly direction, which includes the removal of the western area of the Twyn y Glog ridgeline.

10. View of 'Scenario B' ref TYG 9

This shows an aerial montage of the proposed quarry development scheme with the development into the application site, and the retention of the proposed 'Preserved Area' along the western area of the Twyn y Glog ridgeline.

11. View of 'Scenario A' ref TYG 10 (application site and 'preserved area' superimposed)

This plan reproduces plan TYG 8 but with the Application Site and 'Preserved Area' defined for context.

12. View of 'Scenario B' ref TYG 11 (application site and 'preserved area' superimposed)

Similar to plan TYG 11, this plan reproduces plan TYG 9 but with the Application Site and 'Preserved Area' defined for context.

13. View of 'Scenario A' from A4059, Penderyn ref TYG 12

This plan produces an assessment photograph showing the existing view from the A4059 at Penderyn, with a photomontage showing the effects of the 'Scenario A' development from the same viewpoint.

14. View of 'Scenario B' from A4059, Penderyn ref TYG 13

For comparison with plan TYG 12 this plan shows the same existing view with a photomontage showing the effects of the 'Scenario B' development and the retention of the 'Preserved Area' from the same viewpoint.

15. View of 'Scenario A' from the south ref TYG 14

This plan produces an assessment photograph showing the existing view from a viewpoint to the south of the Twyn y Glog ridgeline and, via the accompanying photomontage, an illustration of the way in which the Scenario A development would remove a prominent section of the ridgeline.

16. View of ‘Scenario B’ from the south ref TYG 15

Again, for comparison, this plan shows the same existing view from the south with a photomontage showing the very limited impacts to the Twyn y Glog ridgeline associated with the ‘Scenario B’ development.

5.0 DEVELOPMENT SCHEME

5.1 Introduction

The application seeks permission for a new area of mineral working at the south eastern corner of the existing Penderyn Quarry (the Application Site) but with the scheme proposing the relinquishment of the rights to quarry permitted reserves in the south western area of the quarry along the Twyn-y-Glog ridgeline (the Preserved Area), with the application in effect representing a 'reserve swap'.

The objective of the scheme is to deliver a substantial landscape benefit via the retention of the prominent Twyn-y-Glog ridgeline which would otherwise be quarried and removed as part of the currently permitted quarry development scheme.

The Environmental Statement accompanying the ROMP application confirmed that permitted reserves at the quarry as at September 2010 were some 33.7m tonnes, based upon the permitted 'Scenario A development'. It further confirmed that the recoverable reserve associated with the proposed Scenario B 'land swap development would be some 26.3m tonnes, i.e. a reserve reduction of some 7.4m tonnes.

The reserve calculations have been updated to reflect the passage of time, and sales in the intervening period. As at 31st March 2019 there is a remaining reserve of some 29.6 m tonnes based upon Scenario A, and a reserve of some 22.2 m tonnes based upon Scenario B. The net reserve reduction which would be a consequence of the proposed development and 'reserve swap' thus remains at 7.4m tonnes.

There would also be a reduction in the surface area of the quarry operational area, with the Application Site area being 1.77 hectares, and the proposed 'Preserved Area' being 2.35 hectares.

The scheme would involve a straightforward development of the upper faces and benches along the existing south eastern edge of the quarry into the Application Site. With the confines of the Application Site development of the quarry benches would be restricted to levels at or above 268m AOD.

With the lowest level of working being not less than 268m AOD within the Application Site, the development would not extend below the water table, and there would thus be no groundwater impacts arising from the development within the Application Site. As a result, and as discussed in Chapter 7.0 of the ES accompanying this application, there would be no indirect hydrological or hydrogeological effects on any ecological designations in the locality (notably the Cwm Cadlan SAC).

5.2 Quarry Development Scheme

The phased quarry development scheme is illustrated on plan ref numbers TYG 3 – TYG5, developing from the current situation which is shown on plan ref TYG2. A cross section through the Application Site illustrating the proposed development is shown on plan ref TYG6.

The scheme would involve the development of the faces and benches in a generally easterly direction from the existing quarry into the defined Application Site. The anticipated configuration at the end of Year 5 is shown on plan ref TYG3 which shows benches at the 328m, 316m and 300m AOD levels, with a haul road running from the south western side of the Application Site into the existing quarry area and on to the processing plant site.

Plan ref TYG4 shows the anticipated progress of the development at the end of year 15, with all faces and benches worked back to their final positions, with a bench at the 268m AOD level representing the lowest level of working within the Application Site which would be integrated with the wider quarry development scheme for the remainder of the quarry.

Plan TYG5 shows the final quarry layout based upon the scheme submitted as part of the ROMP application. The wider quarry development scheme does not form part of the current planning application, but plan TYG5 has been prepared to illustrate the way in which the development at the application site would relate to the future development scheme for the existing quarry.

The quarry development scheme within the discrete boundaries of the Application Site would provide access to limestone reserves in substitution for those within the Preserved Area. However, overall, the scheme would not alter the general pattern of working within the quarry, the aggregate products supplied, or the rate of output. The scheme would simply provide an alternative source of limestone for extraction, having a significantly reduced landscape and visual impact.

5.3 Processing Plant

It follows from the above that the development at the Application Site would not be associated with any change to the existing processing arrangements at the quarry, or to the ancillary plant utilised at the existing plant site (asphalt plant and ready mixed concrete plant). These would continue to operate as at present, based upon existing planning and permitting controls.

5.4 Hours of Operation

Similarly, quarrying operations within the Application Site would be undertaken in accordance with the currently permitted hours of working and eventually, subject to the determination of the ROMP application, in accordance with any revised hours of working which will be applied to the existing quarry area as part of that application.

The 1995 planning permission (ref CV14033) imposes the following hours of working restrictions:

> *"Unless otherwise approved in writing by the National Park Committee, except in the case of emergency (*), quarrying operations shall take place only between the hours of 06:00 am and 8:00 pm Monday to Friday and 06:00 am to 6:00 pm on Saturdays and Sundays. No quarry operations shall take place on statutory public/ bank holidays, with the exception of Good Friday when quarrying operations will be permitted."*
>
> *NB For the purposes of this Condition quarrying operations shall be defined as the winning and working of stone from the quarry face, the haulage of stone from the face and the operation of the primary crusher or any replacement thereof.*
>
> *(*) "emergency" means any circumstances in which the Operator has a reasonable cause for apprehending injury to persons or serious damage to property". (Condition 6).*

There are additional restrictions relating to blasting operations, which are limited to 10.00 to 18.00 Mondays to Fridays, and 10.00 to 12:00 noon on Saturdays. No blasting is to take place on Sundays or statutory Bank Holidays (ref condition 17 a).

Whilst not directly relevant to the current application, there are no hours of working restrictions on:

- The operation of secondary or tertiary items of the crushing plant;

- Sales and vehicle movements into and out of the site;
- The operation of the asphalt plant;-or
- The operation of the ready-mixed concrete plant.

In practice, the Quarry operations, as defined, are generally undertaken within the hours of 07:00-19:00 Mondays to Fridays, and occasionally on Saturdays (07:00-17:00). The extended periods permitted by Condition 6 of 06:00-7:00 and 19:00-20:00 are only utilised very occasionally during particular surges in demand.

As part of the ROMP application, Hanson has proposed an updated hour of working condition which reflects existing practice, namely:

- Quarrying operations (as defined) Mondays to Fridays 07.00 – 19.00 (currently permitted 06.00 – 20.00);
- Quarrying operations Saturdays 07.00 – 13.00 (currently permitted 06.00 – 18.00);
- No quarrying operations on Sundays, apart from the removal of 'muck pockets' from the quarry faces, using a mechanical excavator, to be restricted to 08.00 – 13.00 (currently quarrying operations permitted between 06.00 – 18.00);
- No quarrying operations on Statutory / Bank Holidays (currently Good Friday working permitted);
- Operation of the crushing and screening plant (primary, secondary and tertiary crushers and screens) Mondays to Fridays 07.00 – 19.00; Saturdays 07.00 – 19.00, no operations on Statutory / Bank Holidays (secondary and tertiary crushing and screening plant currently unrestricted);
- Operations outside the normal 'daytime' hours of 07.00 – 19.00 to be restricted to the roadstone plant and ready mixed concrete plant only, together with pumping, plant maintenance, servicing and testing (which reflects the current permissions).

5.5 Output and Traffic Movements

Recent and historic output at Penderyn Quarry has averaged some 500,000 tonnes per annum. The payloads of lorries leaving the site varies but averaging not less than 18 tonnes. On this basis, and using a notional 275 day working year, this equates to an average of 101 loads per day, or 202 movements. The majority of traffic movements are to and from the south, via the A4059 to the A465.

There would be no change to this established pattern as a consequence of the proposed development within the application site. However, given that the indirect effect of the development would mean a reduction in overall reserves by some 7.4 m tonnes (as discussed above), then at output rates of 500,000tpa, this would shorten the overall duration mineral extraction from the permitted reserve at the quarry by some 15 years.

5.6 Restoration Strategy

The principles of a restoration strategy for the overall quarry area were submitted as part of the ROMP Review environmental statement. The quarry development scheme proposed as part of the ROMP review comprised the 'Scenario B' scheme and thus included the current Application Site as part of the quarry development (with the retention of the remaining central and western area of the Twyn y Glog ridge as the Preserved Area). The restoration strategy reflected this quarry development scheme, with the restoration proposals thus including provision for the restoration of the area which now forms the subject of the current planning application.

The Restoration Strategy Plan ref PQ8 is included in the PAS for reference purposes, but it does not form part of the formal sequence of application plans which accompany the application. Nevertheless, via cross reference to application plan ref TYG7 it shows the consistency of approach and the way in which the restoration of the Application Site would be integrated into the restoration of the wider quarry area.

It follows that no changes are proposed to this overall quarry restoration strategy, although for the purposes of the planning application and the accompanying ES, the key focus is on the restoration of the discrete area of the application site, but as a component of the wider restoration strategy. This is illustrated on the Restoration Strategy Plan TYG7 which shows the application site edged in red in the context of the restoration strategy for the overall Penderyn Quarry.

From the overall restoration design principles and objectives set for the wider quarry as part of the ROMP Review restoration strategy, the key design principles of relevance to the application site are:

(i) Quarry waste would form the basis of the soil forming material to be used for the restoration. Clay, silt and mud recovered from pockets within the limestone during quarrying will supplement the quarry waste by creating suitable growing conditions. Opportunities will be taken to salvage rootable fines and soil forming materials from existing quarry waste tips as working progresses.

(ii) Quarry benches and faces would be progressively restored during quarry phases, where consistent with operational requirements, with a variety of treatments to enhance the ecological and landscape value of the site.

In view of the recognised ecological potential of restored mineral workings, the main objectives of the restoration proposals are ecological enhancement and nature conservation.

5.7 Restoration Details

The restoration strategy has been based on the anticipated final form of the overall quarry upon completion of quarrying. Detailed specifications and proposals for the treatment of individual quarry faces and benches will be produced during the development of the quarry when the respective faces and benches are formed and available for restoration. This will allow the physical nature of the faces, benches and slopes to be assessed at a more detailed level. Detailed proposals for the individual faces and benches would therefore be determined, when the structure of the rock exposures become evident, but those finer details would be based upon the overall restoration strategy which includes the treatments set out below.

Outside the application site, the final water level within the quarry void following the cessation of dewatering will be at a maximum of 265 m AOD. All progressive and final restoration will occur above this level on upper quarry benches, on land adjacent to the quarry void and on the plant site. In terms of the Application Site, restoration will be carried out on the quarry faces and benches above the 265m OAD level.

5.7.1 Quarry Faces: Restoration Treatments

The upper faces along the southern side of the quarry void will offer opportunities to retain attractive rock outcrops as crags, and to retain naturally occurring crevices and pockets in which different types of vegetation can establish. Species rich limestone grassland will naturally colonise rocky outcrops, which has occurred on the thin soils along the Twyn-y-Glog ridgeline. Quarry faces would generally be left to regenerate naturally, which will in part be encouraged by low scree slopes and crushed rock placed at the toe of faces.

Where possible a suitably low fertility growing medium will be deposited into natural crevices and cracks on the lower sections of the upper face of the quarry to promote vegetation establishment. This material would be deposited during bench soiling operations when the lower sections of the quarry face are safely accessible and within the reach of a 360° excavator. The growing medium would consist of quarry waste and fine grained material derived from voids within the limestone bedrock. This material would be placed in suitable locations across the face, assisting natural regeneration of a diverse range of species. Similarly, localised small scree slopes and pockets of loose rock at the base of the quarry face would create different conditions with a variable and uneven surface texture creating suitable ground conditions to facilitate ecological succession. The resulting variety of vegetation types would avoid uniformity of restoration treatment, which would increase biodiversity, geodiversity and landscape interest.

5.7.2 Upper Quarry Benches: Restoration Treatments

Restoration work would commence on the upper benches within the application site, and more generally along the southern margin of the quarry void as soon as practicable. The quarry benches within the application site, which would all be above the final restoration water level, i.e. above 265m AOD would be restored principally through natural regeneration but supplemented by planting of locally native trees and shrubs where necessary. Habitat diversity would result from the range of conditions created by the bench treatments during restoration.

All future bench treatments will incorporate placed material to form rock trap profiles for geotechnical and health and safety reasons. This will consist of a permanent 1.5m high linear bund along the edge of each bench, which will assist in retaining any fine-grained material for restoration purposes placed on each bench. Bench treatments will be applied between this bund and the faces above.

Bench treatment within the Application Site would involve preparation to create a sufficient depth of growing medium for the establishment of woody vegetation. Quarry waste and soils derived from the on-site soil storage areas will be spread over the surface of some 60% of the benches along the southern boundary (including the application site above the 265 m AOD level). This depth would be made up of 750mm of overburden or quarry waste with a covering of 100mm of predominantly subsoil and fine-grained material derived from voids within the limestone bedrock during quarrying. Variations in the depth of this material will create hummocks and hollows, resulting in variable growing conditions.

A low maintenance grass seed mix would be sown across the soiled areas to achieve vegetative cover in the short term; this would act as a nurse sward allowing native tree and shrub species to colonise through natural regeneration.

As many upper benches are a significant distance away from nearest sources of tree seed, a selection of locally native trees and shrubs will be planted in suitable areas, sufficient to ensure future woodland/scrub cover and initiate subsequent regeneration.

5.8 Restoration Management

It is anticipated that the timing and location of restoration works will to a certain extent be flexible, subject to the requirement to place material on benches while there is still safe access for soil placement machinery and subsequent seeding/planting work. All restoration work will be governed by detailed method statements, which will be issued to site contractors, and closely supervised. These method statements will detail soil handling, storage and placement procedures, and the locations selected for each restoration treatment.

The restoration would be monitored throughout the quarry development phases to identify any further management and/or improvements required. The monitoring programme would be designed to draw upon experience which could be applied in devising cost effective restoration proposals for the remainder of the quarry including the success achieved by planting / colonisation/succession.

A wider quarry management plan will be prepared for the restored areas to include the application site, with proposals for the management and enhancement of restoration works outside the application site including existing established perimeter vegetation and previous grassland restoration, as well as new proposed restoration both during quarrying operations and in the longer term following final restoration of the site.

6.0 PLANNING POLICY CONSIDERATIONS

6.1 Introduction: Planning Policy and EIA

When undertaking EIA's and preparing an ES in support of a planning application, it is conventional practice to carry out a review of planning policy relevant to the development. This is not an express requirement of Schedule 4 to the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017, but it is helpful in allowing the principle of the development and its details to be assessed against a checklist of planning policy objectives and requirements. This in turn assists in identifying and isolating the key environmental issues associated with a particular development, and in arriving at a judgement as to the overall merits of the development balanced against its environmental effects and wider issues. The exercise of this wider balance is more appropriate to be undertaken within a PAS, which can appropriately include issues influencing the balance.

Planning Applications which are accompanied by an EIA must be considered in the context of 'Regulation 3' of the EIA Regulations which prohibits the grant of planning permission without considering the environment information set out in an ES (and any supporting details). More generally, the application must be considered in accordance with the contents of the development plan, unless material considerations indicate otherwise (ref Section 38 (6) of the Planning and Compulsory Purchase Act 2004).

In practice, the two requirements are complimentary in that policies in the development plan will conventionally seek to safeguard environmental interests, and will generally presume against developments which are likely to give rise to significant adverse environmental and amenity effects.

Section 38(6) of the 2004 Act introduces a presumption in favour of granting planning permissions for proposals which are in accordance with policies in the development plan. In the context of Section 38 (6) of the 2004 Act, the development plan in relation to the Application Site comprises the Brecon Beacons National Park Local Development Plan adopted in December 2013.

At a National / Welsh Government level, the key planning policy and technical guidance/advice documents comprise:

- Planning Policy Wales (PPW) Edition 10, December 2018; and
- Minerals Technical Advice Note 1: Aggregates (MTAN1), March 2004

The approach to decision taking is set out in Section 38 (6) of the Planning and Compulsory Purchase Act 2004. This requires that applications for planning permission should be determined in accordance with the development plan unless material considerations indicate otherwise. In considering whether a proposal is in accordance with the development plan (and Welsh Government Policy) it is not necessary for a proposal to accord with each and every policy in a development plan, since there will be instances where policies pull in different directions. This principle has been established in *R v Rochdale MBC ex parte Milne* (2000) where it was stated by Sullivan J that:

> *"It is not at all unusual for development plan policies to pull in different directions. A proposed development may be in accord with development plan policies which, for example, encourage development for employment purposes, and yet be contrary to*

policies which seek to protect open countryside. In such cases there may be no clear cut answer to the question: is this proposal in accordance with the plan?"

The local planning authority has to make a judgement bearing in mind such factors as the importance of the policies which are complied with or infringed, and the extent of compliance or breach".

In City of Edinburgh Council v Secretary of State for Scotland (1997), Lord Clyde stated in similar terms that:

"in the practical application of Section 18.8 (38[6]), it will obviously be necessary for the decision maker to consider the development plan, identify any provisions in it which are relevant to the question before him and make a proper interpretation of them..... there may be some points in the plan which support the proposal but then may be some considerations pointing in the opposite direction. He will require to assess all of these, (and) then decide whether in the light of whole plan the proposal does or does not accord with it."

Sullivan J in the Rochdale case, having referred to the City of Edinburgh Council case, concluded that:

"in the light of that decision I regard as untenable the proposition that if there is a breach of any one policy in a development plan a proposed development cannot be said to be 'in accordance with the plan'. Given the numerous conflicting interests that development plans seek to reconcile..... it would be difficult to find any project of any significance that was wholly in accord with every relevant policy in the development plan..... for the purposes of Section 54A (38[6]) it is enough that the proposal accords with the development plan considered as a whole. It does not have to accord with each and every policy therein"

Similar comments were made by Ouseley J in *R v London Borough of Camden*, where it was stated that:

"it may be necessary for a council in a case where policies pull in different directions to decide which is the dominant policy: whether one policy compared to another is directly as opposed to tangentially relevant, or should be seen as the one to which the greater weight is required to be given.....There is a real risk (in a) suggestion that each individual relevant policy had to be examined against the proposal, and the implication that a breach of one necessarily shows a proposal out of accord with a development plan would impose a legalistic straightjacket upon an appraisal which cannot sensibly be made in such a manner".

In this context, an approach which seeks to identify isolated policies which a development may not accord with is not the correct approach to decision making. A more general planning policy analysis is required which identifies the overall thrust of policy in the development plan, and which reaches a balanced view between potentially competing policies and the relative importance of the policies.

This planning policy chapter is structured to firstly consider national planning policy and guidance, followed by a review of the content of the development plan. It then draws conclusions as to whether the development complies with national planning policy and guidance, and is in accordance with the 'overall thrust' of the development plan.

6.2 National Planning Policy Context

The Well Being of Future Generations (Wales) Act 2015 (WBFGA) places a duty on public bodies that they must carry out sustainable development. The principle of sustainable development has been at the heart of planning policies since Planning Policy Wales (PPW) was first published in 2002. However, the concept has been expanded and reinforced under the WBFGA to require a process of improving the economic, social, environmental and cultural wellbeing of Wales (Section 2), by taking action in accordance with the sustainable development principle (defined in Section 5), aimed at achieving the well-being goals (listed in Section 4). The WBFGA (Section 3.0) also requires public bodies to set well-being objectives designed to maximise their contribution towards achieving each of the wellbeing goals.

The seven well-being goals seek to secure a prosperous Wales, a resilient Wales, a healthier Wales, a more equal Wales, a Wales of cohesive communities, a Wales of vibrant culture and thriving Welsh language, and a globally responsible Wales. The relevance of the goals will vary depending on the function being exercised by the public body, but they guide the overarching requirements for public bodies to exercise their functions in order to achieve sustainable development.

Section 2 of the WBFGA defines sustainable development as the process of improving the economic, social, environmental and cultural well-being of Wales by taking action in accordance with the sustainable development principle aimed at achieving the well-being goals. Section 5 of the WBFGA defines the sustainable development principle as acting in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. In order to act in that manner, account must be taken of

(i) the importance of balancing short-term needs, with the need to safeguard the ability to meet long term needs;

(ii) the need to take an integrated approach by considering how the wellbeing objectives of the public body may impact on each of the wellbeing goals;

(iii) the importance of involving other persons with an interest in achieving the wellbeing goals;

(iv) the need to act in collaboration to meet wellbeing objectives; and

(v) deploying resources to prevent problems occurring or getting worse.

These are referred to as the 'five ways of working' with elaboration in Planning Policy Wales Edition 10 (PPW10) highlighting the need for policy and development plans to consider the long-term, the integration of policy issues to ensure balanced decisions; collaboration with public bodies and interested parties to secure availability of evidence and assessments; involvement of the public and stakeholders through the planning system; and limiting environmental impacts in the wider public interest.

The Planning (Wales) Act 2015 introduced a statutory requirement for any statutory body carrying out a planning function to exercise those functions as part of carrying out sustainable development in accordance with the WBFG for the purpose of ensuring that the development and use of land contribute to improving the economic, social, environmental and cultural well-being of Wales. The planning system is therefore necessary and central to achieving sustainable development in Wales.

The Environment (Wales) Act 2016 introduces the concept of 'Sustainable Management of Natural Resources' (SMNR) and sets out a framework to achieve this as part of decision making. Natural Resources as defined, includes animals, plants and other organisms, minerals and geological features (reference Part 1 Section 2). Sustainable management of natural resources is defined as using natural resources in a way and at a rate that promotes the achievement of sustainable objectives to meet the needs of current generations without compromising the ability of future generations to meet their needs, and to contribute to the achievement of the wellbeing goals in Section 4 of the WBFG Act.

As noted above, the Planning and Compulsory Purchase Act 2004 (Section 38 (6), sets a now well-established requirement that planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. In that respect, it is relevant to note that the sustainable development requirements are re-enforced by Section 39(2) of the Planning and Compulsory Purchase Act which places a duty on plan makers to exercise their function with the objective of contributing to sustainable development. The adopted Brecon Beacons National Park LDP was thus prepared in accordance with that duty.

6.3 Planning Policy Wales (PPW) Edition 10: 2018

PPW 10 issued on 5th December 2018 has been redrafted from the previous version 9 to ensure that it is fully aligned with the sustainable development requirements of the Planning (Wales) Act 2015 and the well-being goals defined in the WBFG which underpin sustainable development. It seeks to build upon the five ways of working set out in the WBFG, noting that the planning system is one of the key policy decision making and delivery mechanisms, and it should seek to maximise the delivery of outcomes against all aspects of well-being/sustainable development, thus seeking the maximise the contribution towards the goals of the WBFG Act.

It sets 5 key principles for planning of:

(i) Growing our economy in a sustainable manner;
(ii) Making the best use of resources
(iii) Facilitating accessible and healthy environments
(iv) Creating and sustaining communities
(v) Maximising environmental protection and limiting environmental impact (ref PPW10 Figure 3).

PPW 10 indicates that these principles enable the goals and ways of working set out in the WBFG Act and Environment Act to be realised through planning, and they provide a context and catalyst for the positive delivery of the planning system across Wales (para 2.14).

PPW 10 is structured around the themes of sustainable 'place making', with four elements of 'strategic and spatial choices', 'active and social places', 'productive and enterprising places', and 'distinctive and natural places'. It emphasises that in responding to the key principles for the planning system, development proposals must seek to deliver development that addresses the national sustainable placemaking outcomes, albeit recognising that "not every development will be able to demonstrate they can meet all of these outcomes" (ref para 2.20).

The approach of PPW10 is to firstly to assess proposals against the 'strategic and spatial choices' issues and the national sustainable placemaking outcomes; then to consider the detailed impact and contribution to active and social places, productive and enterprising places, and distinctive and natural places, noting that the consideration within each of these themes will vary on a case by case basis depending on the proposal concerned. Finally, the process should result in a proposal which contributes to the creation or sustaining of

sustainable places and which delivers on the national sustainable placemaking outcomes (ref PPW10 Figure 6).

It also confirms that in assessing the sustainable benefits of development, "social, economic environmental and cultural benefits" should be considered in the decision-making process to ensure a balanced assessment in carried out and to implement the WBFG and sustainable development principles. There may be occasions when one type of benefit of a development proposal outweighs others.

PPW 10 confirms that in assessing benefits, key factors include;

Social considerations

- Identifying the interested and affected people and communities
- Who will benefit from any impact from the proposal?
- What are the short term and long-term consequences of the proposal?

Economic considerations

- Whether the development will support regeneration opportunities;
- Whether the development will upgrade the environment
- The contribution to achieving wider strategies, for example growth
- Support for the achievement of a more prosperous, resource efficient Wales.

Cultural considerations

- Whether the development protects areas and assets of cultural and historic significance.

Environmental considerations

- Will important features of natural environment be protected and enhanced?
- Are the environmental impacts of development limited to acceptable levels and is the resilience of eco systems improved?
- Is environmental protection for people and natural resources maximised and are environmental risks prevented or appropriately managed?
- Will high standards of restoration, remediation decommissioning and beneficial after use be achieved?
- Will the depletion of non-renewable resources be minimised, or waste prevented, and the efficient and most appropriate use of materials made and reuse and recycling promoted?

These issues are considered further in the planning policy conclusion at the end of this section. Before doing so, the sections below discuss the topic-based planning policies relating to minerals and landscape and examine the extent to which the proposed development meets the requirement of these policies, the sustainable objectives of PPW10 and hence the contribution to the well-being goals and objectives of the WBFG Act.

6.3.1 Minerals (PPW10 Section 5.14)

Determination Context

Paragraph 1.30 of PPW confirms that development proposals are generally best determined locally by LPAs which know their area, its needs and sensitivities. However, certain categories of applications must be notified to the Welsh Ministers in circumstances where the LPA do not propose to refuse permission. These categories include development involving the extraction of aggregates in National Parks on new sites, or as extensions to existing sites. (ref para 1.34 [v]). The Welsh Ministers then have an opportunity to call in such applications for their own determination, but this is generally only considered appropriate in the case of proposals which:

- are in conflict with national planning policies;
- could have wide effects beyond their immediate locality;
- may give rise to substantial controversy beyond the immediate locality;
- are likely significantly to affect sites of scientific, nature conservation or historic interest or areas of landscape importance;
- raise issues of national security; or
- raise novel planning issues.

In response to these issues, for reasons discussed below, it is considered that the proposed development would not be in conflict with national policy; the development itself would not give rise to effects beyond the immediate locality; but there would be beneficial wider effects associated with the retention of the proposed 'preserved area'; the pre application consultation has not suggested that the scheme will give rise to substantial controversy; the ES concludes that there will be no significant adverse effects to designated sites, but there would be beneficial landscape effects (preserved area); and the scheme does not raise any issues of national security or novel planning issues. It is thus respectfully suggested that the application can appropriately be determined by the LPA (BBNP).

Mineral Developments in National Parks

PPW10 re-states the long-established policy that:

> *Minerals development should not take place in National Parks and AONB except in very exceptional circumstances. All mineral applications must therefore be subject to the most rigorous examination and all major mineral developments demonstrated to be in the public interest before being allowed to proceed. Consideration will include an assessment of:*
>
> - *the need for the development in terms of UK considerations of mineral supply;*
> - *the impact on the local economy of permitting the development or refusing it;*
> - *whether alternative supplies can be made available at reasonable cost, and the scope for meeting the need in some other way;*
> - *the detrimental effect of the proposals on the natural and historic environment and local community and landscape and the extent to which that can be moderated,*

and / or the detrimental effect of the proposals on the nature conservation interest of the site in terms of habitat, protected species and biodiversity; and

- *in the case of extensions to existing quarries and other mineral extraction sites, the extent to which the proposal would achieve an enhancement to the local landscape and provide for nature conservation and biodiversity. (*ref para 5.14.35*).*

This policy requirement for mineral extraction continues the more general theme set out in paragraph 6.3.10 of PPW relating to 'major developments' in National Parks and the issues requiring assessment as part of the required 'rigorous examination'.

In this case, Penderyn Quarry is a long-established quarry in the National Park which plays an important role in the supply of aggregates in the market area and which fulfils an important function to the local economy in terms of the long term direct and indirect employment it provides and its' wider contribution to the local economy via business rates etc. The issue of alternative supply is not directly relevant to a quarry with an extant planning permission and substantial remaining reserves which are relied upon via the Regional Technical Statement (discussed below) as making an ongoing contribution to aggregate supply.

In the context of the assessment of environmental effects undertaken as part of the EIA and reported in the ES, the key issues for the required 'rigorous examination' and the consideration of the 'public interest' are the effect of the proposed development on the landscape, and related to this via the changed quarry development scheme, the extent to which the proposal would achieve an enhancement to the local landscape.

These issues have provided the underlying context to the proposed development which is based upon the protection of a prominent landscape feature (the western area of the Twyn y Glog ridgeline) which would secure an enhancement to the local landscape by protecting the feature via the proposed relinquishment of the rights to remove the feature as part of the currently permitted quarry development scheme.

Based upon the findings of the Landscape and Visual Impact Assessment included as part of the ES, the key conclusion reached in response to the above policy requirement is that:

- the proposed development would avoid 'detrimental effects on the landscape';
- it would secure an 'enhancement to the local landscape'; and
- it would be 'in the public interest' for the development to proceed, as proposed.

PPW10: General Mineral Policy

There are three main elements of policy of relevance to the proposed development at the Application Site:

(i) Key principles

PPW10 confirms that the key principles are to:

- *Provide positively for the safeguarding and working of mineral resources to meet society's needs now and in the future, encouraging the efficient and appropriate use of high-quality materials.*

The proposed scheme is a 'positive' approach to the working of minerals via the sensitive scheme for the relinquishment of the rights to quarry stone from within a prominent area of landscape in return for the release of reserves in a relatively unobtrusive location.

- *Protect environmental and cultural characteristics of places, including those highly cherished for their intrinsic qualities such as wildlife, landscape, ancient woodland and historic features, and protect human health and safety and general wellbeing.*

In a similar way, the underlying objective of the scheme is to 'protect' the 'intrinsic quality' of the Twyn y Glog ridgeline, via the retention of the Preserved Area.

- *Reduce the impact of mineral extraction and related operations during the period of working by ensuring that impacts on relevant environmental qualities caused by mineral extraction and transportation, e.g. air quality and soundscape are within acceptable limits.*

The proposed operations within the application site would represent development within a small discrete area of the overall Penderyn Quarry site. Operations within the Application Site would be capable of being regulated by planning conditions, consistent with the operational controls in force in the existing quarry site. These ensure that the environmental effects are maintained within 'acceptable limits' and an opportunity is available via the ROMP review to update and modernise the controls exercised by planning conditions to ensure that this remains the case. It is also noteworthy that the Application Site lies in a location which is more remote from residential properties and the village of Penderyn compared to the Preserved Area.

- *Achieving, without compromise, a high standard of restoration and aftercare so as to avoid dereliction and to bring discernible benefits to communities, heritage and /or wildlife including beneficial after uses or opportunities for enhancement of biodiversity and the historic environment.*

A full restoration concept for Penderyn Quarry has been proposed as part of the ROMP application, and upon determination of the ROMP application, this will form the context for the delivery of a detailed final restoration and aftercare scheme which will bring discernible landscape and biodiversity benefits. The restoration of the Application Site would form a small component of that overall restoration scheme, but it has been catered for as part of this submission.

(ii) Ensuring supply

PPW 10 reiterates a series of well-established principles. These are set out below with brief comments on their applicability to the proposed development:

- *Each MPA should ensure that it makes an appropriate contribution to meeting local, regional and UK needs for primary minerals, (para 5.4.10)*

Penderyn Quarry is an established part of the landbank of aggregate supply in Brecon Beacons National Park Authority area and the adjoining authority of Merthyr Tydfil County Borough Council (ref. Regional Technical Statement 2014, Appendix B), and accordingly makes a contribution to meeting local, regional and national needs.

- *An examination of landbanks for aggregates should be undertaken to highlight any shortfalls and to ensure productive capacity is maintained…… Planning authorities should include policies in their development plans for the maintenance throughout the plan period of land-banks for non-energy minerals which are currently in demand. (However)…. There is no requirement for a landbank to be maintained within National Parks and AONBs. (ref para 5.14.15).*

Whilst there is no requirement to maintain a landbank of permitted reserves in a National Park, this can be interpreted as relating to the consideration of future allocations in development plans, or to the absence of a need to release additional reserves simply to maintain a landbank, as opposed to a recognition of the presence of existing reserves in quarries in National Parks which already form part of a current landbank. It is also noteworthy that as part of this development, the effect of the retention of the 'preserved area' would be a net reduction in the landbank of permitted reserves available for future extraction in the National Park.

(iii) Reducing the impacts of mineral extraction and related operations

The key requirement is that:

- *Mineral workings should not cause unacceptable adverse environmental or amenity impact. Where this is not possible, working needs to be carefully controlled and monitored so that any adverse effects on local communities and the environment are fully mitigated to acceptable limits. Any effects on local communities and the environment must be minimised and thereafter ameliorated to an acceptable standard (ref para 5.14.42).*

The ES has concluded that the proposed development at the Application Site would not give rise to 'unacceptable adverse environmental or amenity impact'. The concept of the development scheme and the 'preserved area' has at its heart an objective to minimise environmental and landscape effects, and the proposed operations can be regulated by planning conditions to ensure that other impacts of quarrying are minimised to an 'acceptable standard'.

6.4 Minerals Technical Advice Note 1: Aggregates March 2004 (MTAN1)

6.4.1 Mineral Developments in National Parks

MTAN 1 provides the same general advice as PPW relating to mineral extraction in National Parks, to the effect that in view of the extent of potential aggregate resources available geologically in Wales there is no need to permit proposals for the extraction of general aggregates from National Parks "*save in exceptional circumstances*". It continues by noting that "*To justify…the approval of proposals for new sites, or extensions to existing sites, for the extraction of aggregates in…National Parks….it must be demonstrated that:- alternative resources, that would be environmentally acceptable for extraction are not available; the scope for meeting the need some other way has been assessed and rejected; and that the detrimental effects of the proposal can be mitigated or compensated for"* (ref para 52).

Properly interpreted, this policy requirement relates to proposals which would involve the release of additional reserves for extraction in a National Park, where the need for such a release would need to be justified as an 'exceptional circumstance'. In this case, the proposal

is not seeking permission to extract additional reserves, quite the contrary with the net reduction in reserves which would be a consequence of the proposal. It is thus suggested that the requirements to consider alternative resources and for meeting the need in some other way is not directly relevant save that it would be less 'environmentally acceptable' to extract the reserves from the Twyn y Glog Ridgeline 'preserved area' (as currently permitted), and the 'scope for meeting the need' from this resource within the currently approved scheme has been 'assessed and rejected' by the Applicants if permission can be obtained for the 'reserve swap'. More specifically, the 'detrimental effects' of quarrying the 'preserved area' on the Twyn y Glog ridgeline would be 'mitigated' by the proposed reserve swap and extraction with the Application Site.

6.4.2 Landbanks and Reserves

As noted above, PPW does not require the maintenance of a landbank of permitted reserves in National Parks.

MTAN 1 requires the Regional Aggregates Working Parties for North and South Wales[1] to produce Regional Technical Statements which review aggregate sales and reserves, and which make recommendations for the additional reserves which need to be released to ensure adequate future supplies. The most recent Regional Technical Statement (RTS) for South Wales was issued in August 2014 as a First Review of the original RTS issued in October 2008.

For reasons of commercial confidentiality (reflecting the limited number of quarries in the Brecon Beacons National Park and adjoining Authorities to the south), the RTS combines Brecon Beacons National Park with Merthyr Tydfil County Brough Council to assess sales and reserves and to consider the need for any future allocations in development plans / release of additional reserves. The RTS concludes that with reserves of 94m tonnes of crushed rock in the two combined Authority areas (as at December 2010), and a projected requirement (demand) for 20.5m tonnes for the 25-year RTS period, there is no need for either Authority to make further allocations for the release of additional reserves of crushed rock.

MTAN 1 further notes that where landbanks already provide for more than 20 years of aggregates extraction (since revised in a Ministerial Statement[2] to 25 years), further extensions to existing sites or new extraction sites "*should not be permitted save in rare and exceptional circumstances. This may be justified, for example….where operators are prepared to unilaterally surrender consents relating to existing permitted reserves through planning agreements….*" (ref para 49).

Drawing these issues together, the circumstances with the proposed development is that it does not seek permission to extract additional reserves in excess of the quantum of reserves already permitted for extraction, and there would thus be no increase in the existing landbank. On the contrary, as explained, the relinquishment of the rights to extract stone from the 'preserved area' would result in a reduction in reserves 7.4m tonnes at the quarry, and the overall landbank in Brecon Beacons / Merthyr Tydfil CBC. There are 'rare' and beneficial 'exceptional circumstances' associated with the 'reserve swap' which is proposed, and the opportunity is available to secure these (and the net reduction in the landbank) via a Section

[1] Technical groups made up of Mineral Planning Authorities, representatives of the minerals industry, Welsh Government, NRW and other interested parties to, inter alia, monitor sales and reserves of aggregate in the defined areas.

[2] Statement issued to the Chief Planning Officers of LPAs in Wales by the Welsh Minister for Housing and Regeneration (25th July 2014), as part of the formal endorsement of the Regional Technical Statement 1st Review.

106 Agreement, as proposed by the Applicants. It is thus concluded that the proposal meets the requirements and tests of MTAN 1 in terms of extraction in a National Park.

6.4.3 Reducing the impacts of mineral extraction

MTAN1 sets out detailed advice on the mechanisms for delivering the policies of the then extant Minerals Planning Policy Wales (MMPW) March 2000. MPPW was cancelled by PPW 9 which embraced the content of the former MPPW as Chapter 14 within PPW9. The key elements of national mineral policy have been incorporated into PPW10 Section 5.14, with a consistency of approach. MTAN1 remains part of Welsh Government policy and advice, and the technical content of the document continues to provide practical guidance on, inter alia, measures available to reduce the impact of aggregates production. This is reflected in 'Section C' of MTAN 1 which outlines a number of measures to fulfil that principle, including the control of dust, blast vibration, noise and visual impact.

These issues have been considered as part of the EIA and are reported in the ES, which concludes that the mitigation measures available would allow operations to proceed in a way which minimises impacts, and in terms of PPW, minimises impacts to within 'acceptable limits' (PPW para 5.14.42).

Blast Vibration

MTAN1 reviews the effects of blasting in terms of ground vibration and air over pressure, and highlights conventional controls designed to minimise effects. It suggest that planning conditions should provide for acceptable days for blasting operations (normally Mondays to Fridays at regular times); acceptable times for blasting operations (currently permitted between 10.00 and 18.00 but normally carried out between 10.00 and 16.00); maximum levels of ground vibration at vibration sensitive properties which should not exceed a peak particle velocity of 6 mms^{1}ppv in 95% of all blasts measured over any 6 month period, and no individual blast should exceed a peak particle velocity of 10 mms^{1}ppv; approval of a scheme to minimise air overpressure; and approval of a scheme for vibration monitoring to ensure adherence to the set limits.

The defined operations within the Application Site could be undertaken in accordance with the existing blast vibration limits in place at the site (ref condition 17 of permission CV14033) or within the revised limit which has been suggested as part of the ROMP application. There should thus be no blast vibration constraints to the development proceeding.

Noise

MTAN1 emphasises that the effects of noise should be fully considered in formulating future proposals for aggregates extraction and noise impact must be minimised to acceptable levels (ref para 85).

These requirements have been addressed within the noise study reported in Chapter 8.2 of the ES (Volume 1), and for the reasons set out, the conclusion reached is that there are no noise constraints which would prevent the development from proceeding within the Application Site.

It is noted that there are no noise limits imposed on the existing quarry, and prior to the determination of the ROMP application, the Applicants suggest that it would not be appropriated to impose a noise condition relating to the discrete Application Site which is the subject of this ES. It is thus suggested that the issue of noise limits for the Application Site be deferred for consideration as part of the ROMP review when noise limits can be set for the

overall quarry. It is proposed that a Section 106 Agreement would provide for the ROMP conditions to also apply to the Application Site.

Visual Impact

MTAN1 highlights the fact that hard rock quarries physically alter the ground surface through the development of faces and benches, and these landscape changes are often irreversible. It therefore advises that proposals for new aggregates extraction or extensions to existing sites should be assessed carefully to determine the potential impact on the character of the landscape. The assessment should also facilitate a comprehensive understanding of the visual impact of a development from various locations which will assist in devising an appropriate layout and phasing, and the most appropriate restoration strategy (ref para 90).

A careful assessment of the landscape and visual effects of the permitted quarrying operation (Scenario A') and the proposed development at the Application Site and retained 'Preserved Area' (Scenario B) has been a central feature of the project design and consideration as part of the EIA. It reaches firm conclusions regarding the landscape and visual benefits of the development as proposed compared to the permitted quarry development scheme, as discussed in the ES and summarised elsewhere in this PAS.

6.5 Brecon Beacons National Park Local Development Plan.

The Brecon Beacons National Park Local Development Plan was adopted by the Brecon Beacons National Park Authority on 17th December 2013.

Amongst a comprehensive list of LDP objectives, the LDP seeks to "*protect the National Park against new mineral workings and extensions to existing mineral workings* " (objective SQ12), whilst recognising that "*statutory designation does not necessarily prohibit development, but proposals for development must be carefully assessed for their effect on those natural heritage interests which the designation is intended to protect*" (ref para 3.3.1).

It continues by noting that in National Parks "special considerations apply to major development proposals". '*Major Proposals* 'are defined in in the LDP glossary (Appendix 9) as including development requiring Environmental Impact Assessment (EIA). Hanson is voluntarily submitting an ES and no EIA screening opinion has been obtained for the proposed development at Penderyn Quarry though it is likely that EIA would be required if a such an opinion were obtained. In that case the proposed development at Penderyn Quarry would be regarded as 'major development' for the purposes of LDP policy. The LDP further notes that "*it is the potentially serious impact that a development may have on the qualities of the Park that qualifies it for the title 'Major Development'*.

The LDP also cross references Planning Policy Wales regarding the national tests of 'exceptional circumstances' and 'rigorous examination' which need to be undertaken, with LDP policy SP2 (and LDP Section 10.1: minerals) restating these requirements, which have been discussed in section 6.3.1 and 6.4.1 above.

6.6 Brecon Beacons National Park Management Plan 2015 – 2020

The above themes are embraced by the National Park Management Plan which sets a series of management themes and mechanisms by which the Management Plan objectives can be realised. This includes strategic objectives to '*prevent degradation of the Park's landscape'* (objective 3), and to '*reduce the damage done to the Park by mineral working whilst fulfilling the National Park Authority's obligation as a Mineral Planning Authority*' (objective 17 (of 40)).

In response to these objectives, it is contended that the scheme as proposed would prevent degradation of the Park's landscape by actively conserving a prominent landscape feature (Twyn y Glog ridgeline), which would similarly serve to 'reduce damage done to the Park' by replacing a currently permitted quarry development scheme with a more sensitive landscape conservation approach to the future development of Penderyn Quarry.

6.7 Planning Policy Conclusions

National and local planning policy confirms that mineral developments should not take place in National Parks except in 'very special circumstances', and that following a 'rigorous examination' all major mineral developments need to be demonstrated to be in the public interest before being allowed to proceed.

In this case, the key elements for the required 'rigorous examination' are:

(i) The effect of the proposed development on the landscape and the extent to which the proposal would achieve an enhancement to the local landscape;

(ii) The effect of the development on the landbank of permitted reserves, noting that where landbanks already provide for more than 25 years supply, extensions to existing sites should not be permitted save in rare and exceptional circumstances, for example, where operators are prepared to unilaterally surrender consents relating to existing mineral reserves;

(iii) More generally, to consider whether the effects of the proposals on the natural environment and local community and landscape would be detrimental, and whether they can be 'moderated' to within 'acceptable limits'; and

(iv) Whether the development represents sustainable development in the context of the requirements of PPW and the WBFGA Act.

The underlying context to the proposed development is the objective to secure the preservation of the prominent western section of the Twyn y Glog ridgeline. The retention of the ridgeline via the proposed 'reserve swap' would avoid a 'detrimental effect on the landscape' and secure an 'enhancement to the local landscape' by protecting an important landscape feature which would otherwise be removed as part of the permitted quarry development scheme.

The proposed' reserve swap' is not a like-for-like replacement of reserves since the effect of retaining the Preserved Area and developing the quarry into the Application Site would be a net reduction in available reserves of 7.4m tonnes. The landscape benefits of the development constitute the 'rare and exceptional circumstances' referred to in policy,-and this is re-enforced by the consequential 'unilateral surrender of reserves' which would address the objective to avoid further increases in a substantial existing landbank.

For these reasons, and in the context of the underlying theme of the 'rigorous assessment' the development is considered to be in the 'public interest' and should be allowed to proceed.

The ES has concluded that the proposed development at the Application Site would not give rise to 'unacceptable adverse environmental or amenity impact', noting, the unobtrusive nature of the Application Site in landscape terms, and the fact the development the Application Site would move quarrying further away from the village of Penderyn compared to the permitted scheme for quarrying operations within the 'preserved area'. As discussed above, the concept of the development scheme and the 'preserved area' has at its heart an objective to minimise

environmental and landscape effects. More generally, the proposed operations can be regulated by planning conditions to ensure that other impacts of quarrying are minimised to an 'acceptable standard' (ref PPW para 5.14.42).

In response to the 'social, economic environmental and cultural benefits' which form part of an assessment of sustainable benefits, the development would provide:

- social benefits from a reduction of the impact of quarrying and the short term and long term landscape benefits which the scheme would deliver;
- economic benefits via the improvements to the landscape and visual environment arising from the reserve swap whilst allowing the quarry to continue to maintain supplies of aggregate to the construction industry which are required to sustain growth;
- cultural benefits via the retention of the Twyn y Glog ridgeline and the LANDMAP objective to "*ensure that no significant features of geomorphological significance are lost to development* " (ref ES Volume 1, Chapter 5.0); and
- environmental benefits, both landscape and ecology (and to a limited extent hydrological), again via the retention of the Twyn y Glog ridgeline.

The development proposal which is the subject of this application is thus considered to constitute 'sustainable development' which is consistent with the well-being goals of the WBFGA which underpin sustainable development, and which would limit environmental impacts in a way which would be in the wider public interest.

COMMUNITY ENGAGEMENT 7

7.0 COMMUNITY ENGAGEMENT

TO BE COMPLETED FOLLOWING PRE-APPLICATION CONSULTATION, WITH A SUMMARY OF THE CONSULTATION EXERCISE AND WITH A PRE-APPLICATION CONSULTATION REPORT TO BE PRODUCED AS APPENDIX 1.

8.0 SUMMARY AND CONCLUSIONS

This PAS has been prepared in support of a planning application, submitted by Hanson UK to the Brecon Beacons National Park Authority (BBNPA)

The application seeks planning permission for a new area of working at the south eastern corner of Penderyn Quarry, but with the scheme proposing the relinquishment of the rights to quarry permitted reserves in the south western area of the quarry along the Twyn-y-Glog ridgeline. In effect, the application represents a 'reserve swap', albeit in reality the consequence of quarrying within the Application Site compared to the proposed 'Preserved Area' would be a net reduction in the overall planned reserve at the quarry of some 7.4 million tonnes.

There would also be a net reduction in the surface area of the operational quarry, with the Application Site comprising an area of 1.77 hectares (ha), and the 'preserved area' comprising 2.35 ha.

The objective of the scheme is to deliver a substantial landscape benefit via the retention of the prominent western half of the Twyn-y-Glog ridgeline which would otherwise be quarried and removed as part of the currently permitted quarry development scheme. The application site is also in a location which is more remote from residential properties and the village of Penderyn.

The PAS incorporates the formal planning application forms and introduces the application plans which are produced at the rear of the Statement. It also describes the working and restoration scheme which constitutes the planning application development.

The ES (Volume 1) has reached the underlying conclusion that the development could proceed without giving rise to adverse impacts in terms of the environmental and amenity issues which have been assessed. Most notably, in focusing on the key issue of the landscape and visual effects of the development in the Application Site and the effects of retaining the 'Preserved Area', the LVIA within the ES concludes that there would be significant landscape and visual benefits associated with the protection of the prominent Twyn y Glog ridgeline, replacing a 'major adverse effect' associated with the permitted scheme, with a 'minor adverse / negligible effect' associated with the proposed scheme and the retention of the 'Preserved Area'.

In those terms, the scheme would deliver on a key objective of the LANDMAP study for the area of the application site to '*ensure that no significant features of geological or geomorphological significance are lost due to development / inappropriate restoration'.*

All other potential environmental and amenity effects have been considered, and the ES concludes that no significant adverse effects would arise from the proposed development. Where relevant, the technical chapters make recommendations for measures to mitigate the environmental and amenity effects of the development which draw upon existing, well established and effective controls at the quarry.

In the light of the above considerations, it is concluded that the proposed development could proceed in an environmentally acceptable way, with significant landscape and visual benefits associated with the retention of the 'Preserved Area'.

The PAS has undertaken a detailed analysis of national and local planning policy in the context that mineral developments should not take place in National Parks except in 'very special

circumstances', and that following a 'rigorous examination' all major mineral developments need to be demonstrated to be in the public interest before being allowed to proceed.

The results of the required 'rigorous examination' concludes that the development would deliver an 'enhancement to the local landscape' by protecting an important landscape feature which would otherwise be removed as part of the permitted quarry development scheme, and that the positive elements of the scheme constitute the 'very special circumstances' envisaged by planning policy which would allow permission to be granted. The development is thus considered to represent sustainable development, and it would be in the public interest to allow the development to proceed.

It follows that the development is considered to be in accordance with national planning policy and policy in the local development plan and should therefore be subject to a presumption in favour of planning permission being granted.

APPLICATION PLANS

- TYG 1a - Planning Application Area
- TYG 1b - Mineral Permissions
- TYG2 - Current Position.
- TYG3 - 5 Year Development Plan
- TYG4 - 15 Year Development Plan
- TYG5 - Final Quarry Development
- TYG6 - Cross Section
- TYG7 – Interim Restoration Strategy
- TYG8 - Oblique View of Scenario A
- TYG9 - Oblique View of Scenario B
- TYG10 - Oblique View of Scenario A (with annotation)
- TYG11 - Oblique View of Scenario B (with annotation)
- TYG12 – 15 Photomontages

[Plan ref PQ8 Penderyn Quarry Final Restoration Strategy, taken from the ROMP Review application, included for reference purposes]

APPLICATION PLANS

APPENDICES

1. Pre Application Consultation Report

APPENDICES