

**BLAENGWYNLAIS QUARRY ROMP P/97/0981.**

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**A. Definition of Terms**

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

- (i) “Dormant Quarry Application” means the application submitted to City of Cardiff Council in accordance with the requirements of Section 22 of the Planning and Compensation Act 1991 (ref 97/1990N)
- (ii) “ROMP Applications” means the applications submitted to City of Cardiff Council and Caerphilly County Borough Council under the provisions of Schedule 13 of the Environment Act 1995 for a Review of the planning conditions regulating quarrying operations at Blaengwynlais Quarry (ref 97/1967N and P/97/0981/RA/CD).
- (iii) “Date of Determination” means the date upon which new conditions subsequent to the applications are finally determined, i.e. the date upon which all proceedings on the applications, including appeals to the Secretary of State and the High Court have been determined, and the time period for any further appeal has expired.
- (iv) “Emergency” means any circumstances in which the operator has a reasonable cause for apprehending injury to persons or serious damage to property.
- (v) “Mineral Planning Authority, (MPA)”, means City of Cardiff Council and Caerphilly County Borough Council, or any successor mineral planning authority.
- (vi) “Mining Site”, means all that land at Blaengwynlais Quarry which is currently within the permitted area of Blaengwynlais Quarry, comprising the Dormant Quarry Application area (97/1990N), and the Romp Application areas (97/1967N and P/97/0981/RA/CD).
- (vii) “Substantive recommencement of quarrying” means a resumption of quarrying involving an output of 50,000 tonnes within any 6 month period, to be verified by returns to be submitted to the MPA upon request.
- (viii) “Resumption of quarrying” means the commencement of any quarrying activities at the mining site.

**B. Recital**

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

**C. Time Limits**

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

**D. Quarry Development**

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

**E. Hours of Operation**

7. Except in the case of emergencies, or unless the MPA has previously agreed otherwise in writing, no operations other than those associated with the water pumping, servicing, environmental monitoring, maintenance and testing of plant or machinery or other similar work shall be carried out at the site on Sundays, Bank or National Holidays, or except between the following times on any other day:

0700 - 1900 Mondays to Friday

0700 - 1300 Saturday.

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

**F. Access, Traffic and Protection of Highway**

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

**G Off Site Highway Improvements**

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

**H. Environmental Protection**

**Noise**

12. Except for temporary operations, the free-field Equivalent Continuous Noise Level  $L_{Aeq1hr}$  due to operations at the site shall not exceed  $55dB_{L_{Aeq1hr}}$  measured at any existing noise sensitive property in the vicinity of the site.

13. The free-field Equivalent Continuous Noise Level  $L_{Aeq1hr}$  due to temporary operations such as site preparation and soil and overburden stripping shall not exceed 67  $dBL_{Aeq1hr}$  at any existing noise sensitive property in the vicinity of the site. The duration of such temporary operations shall not exceed a total of 8 weeks in any calendar year for work close to any individual noise sensitive property where the suggested noise limit for routine operations is likely to be exceeded.
14. Noise monitoring shall be undertaken at representative properties to be agreed with the MPA, annually for the first two years from a substantive recommencement of quarrying. Thereafter, the frequency of any further monitoring shall be agreed with the MPA. The results of monitoring shall be submitted to the MPA within two months of the first anniversary of the substantive recommencement of quarrying, and within a similar two month period from the second anniversary of the substantive recommencement of quarrying, and shall confirm any action which is to be taken to remedy any noise levels exceeding the limits set out in conditions 11 and 12 above. In the event of noise levels exceeding the specified limits, further noise monitoring shall be undertaken within three months of that event to assess the success of the remedial action.

### ***Blast Vibration***

15. Ground vibration as a result of blasting shall not exceed a peak particle velocity of  $6\text{mms}^{-1}$  in 95% of all blasts measured over any six month period, and no individual blast shall exceed a peak particle velocity of  $10\text{mms}^{-1}$  measured at any vibration sensitive location, which is defined as any residential property in the vicinity of the quarry existing at the Date of Determination. The measurements shall be the maximum of three perpendicular directions taken at the ground surface.
16. All individual blasts shall be designed, managed and implemented to minimise the extent of air overpressure resulting from blasts.
17. Each individual blast shall be monitored by the Operators, to include provision for recording the details and location of the monitoring station; the location of the blast holes within the Quarry Site; weather conditions; specification of the blast in terms of MIC; and total charge weight. Records of blast monitoring shall be made available to the MPA upon request. In the event that monitoring indicates that the vibration levels set out in condition 14 above have been exceeded, then the Operator shall inform the MPA within two working days, with written confirmation of the steps to be taken to ensure compliance with condition 14.
18. Blasting times shall be clearly advertised at the Quarry, and an audible warning shall be sounded prior to any blasting operations taking place, and shall be sounded again immediately after blasting has finished.
19. There shall be no secondary breakage of stone by the use of explosives.

**Dust**

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

***Drainage and Water Pollution***

23. Any facilities for storage of oils, fuels or chemicals on the site shall be sited in impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, or the combined capacity of inter-connective tanks, plus 10%. All filling points, vents, gauges and site glasses shall be located within the bund. The drainage system of the bund shall be sealed with no discharge to any water course, land or underground strata. Associated pipe-work shall be located above ground and protected from accidental damage. Details and layout of these installations to be submitted and approved by the MPA prior to construction.
24. Measures shall be taken to minimise the risk of groundwater pollution from quarrying operations, in accordance with the following protocol:
- (i) All fuel and chemicals should be stored in bunded areas in accordance with current Natural Resources Wales (formerly the Environment Agency) guidelines.
  - (ii) All mobile plant using fuel should be located on hard standing when not in use.
  - (iii) All immobile plant using fuel should be located on hard standing. Drip trays should also be appropriately placed under all relevant plant.
  - (iv) All refuelling activities should be undertaken on areas of hard standing, using appropriate care and attention and in accordance with the correct procedures. Hard standing areas used by any plant to be positively drained with flows being passed through an approved oil separator before final discharge. Details of incident reporting and waste management procedures to be available to the MPA on request.
  - (v) An incident reporting procedure should be maintained for reporting all site incidents, including pollution events. Suitable emergency responses should also be in place in the event of an incident and shall be available to the MPA on request.
  - (vi) Appropriate spill kits or other means of controlling accidental spills should be made available on site. Adequate training in the use of such equipment should also be provided.
  - (vii) A maintenance and inspection programme should be followed in order to check the condition of site equipment and provide early warning of any potential leaks or spills.
  - (viii) Suitable waste management procedures should be followed to prevent surface pollution resulting from any waste products, fuel containers, chemical drums etc.

- (ix) During site restoration all hazardous plant and equipment should be removed from the quarry.
  - (x) The use of herbicides and other related chemicals should be restricted both during quarry working and post restoration. Chemical applications should be made at appropriate times, in suitable quantities, so to avoid sub surface contamination.
25. Settlement ponds at the site shall be regularly emptied and maintained so as to keep them in good and effective order, and the discharge of waste, oil or other pollutant to any settlement pond, ditch, stream, watercourse or other culvert is not permitted. A record of any maintenance work or emptying of settlement ponds to be kept and shall be made available to the MPA on request.

***Ground and Surface Water***

26. Monthly Flow monitoring in the Nant Cwmnofydd and Nant y Fforest streams shall continue at the flow gauging stations illustrated on figure 8.3 within the ES (or such other locations as may be agreed with the MPA), and the results shall be made available to the MPA upon request.
27. Prior to the commencement of dewatering in phase 2 of the quarry development programme, a monitoring scheme shall be submitted for the approval of the MPA. This Scheme shall be reviewed annually and a report submitted for approval of the MPA by 1st June each year. Each review shall demonstrate, that;
- (i) The quarry operations are not having or are likely to have a significant adverse impact on the special interest of Fforestganol a Chwm Nofydd SSSI and Blaengwynlais Grasslands SINC;
  - (ii) The Monitoring Scheme remains fit-for-purpose in detecting any potential significant adverse impacts on the special interest of the Fforestganol a Chwm Nofydd SSSI.
  - (iii) The Monitoring Scheme continues to describe a fit-for-purpose mitigating action to be undertaken should a significant adverse impact be detected on the special interests of the SSSI.
28. The Monitoring Scheme as defined in Condition 27 above shall include, inter alia, details of:
- (i) The location and construction of all monitoring locations within the monitoring network, including stream, spring, borehole and ecological monitoring locations, and the nature of monitoring at those locations;
  - (ii) The dewatering pumping arrangements and the means of recording pumped volumes, together with the methodology for assessing the groundwater component of the pumped water;

- (iii) The discharge arrangements for the water pumped from the Mining Site;
  - (iv) All monitoring devices, techniques and frequencies of data acquisition. Frequencies of monitoring will include as a minimum; annual ecological monitoring; monthly stream and spring flow monitoring; re-active quarry face monitoring, and; monthly borehole monitoring;
  - (v) Quality assurance procedures including protocols for identifying anomalous data and how this data will be addressed within datasets and analyses;
  - (vi) The nature and timetable for the annual reporting to the MPA;
  - (vii) The method of data analysis and interpretation to be employed, including the means by which it will be demonstrated at any time that quarrying and/ or dewatering is not having significant adverse affect on the special interests of Fforestganol a Chwm Nofydd SSSI;
  - (viii) The template for reports to be submitted to the MPA, including the provision of raw data, and the graphical representation of data;
  - (ix) The protocol and timescales to be followed in the event that a monitoring device in the monitoring network becomes inoperable. This should include inter alia the timescale for both reporting failures and implementing agreed remedial actions to ensure the integrity of the monitoring network;
  - (x) The means by which the requirement for mitigating action is triggered, and the nature of such action required to mitigate any significant adverse affects on the special interests of Fforestganol a Chwm Nofydd SSSI. This should include, inter alia; the timescales in which such a trigger is reported to the MPA; the timescales for the implementation of agreed further investigation and mitigating action;
  - (xi) The details of mitigating actions to be taken in the event of a trigger as defined in x above, including an assessment of their efficacy and ongoing monitoring of their effectiveness.
29. No dewatering of the quarry shall be undertaken until at least two consecutive years of baseline monitoring has been submitted to the MPA, in accordance with the Monitoring Scheme as set out in Conditions 27 and 28.
30. The Monitoring Scheme shall operate, as outlined in Conditions 27 and 28, for as long as quarry dewatering continues. Once quarrying, and therefore dewatering, has permanently ceased, the Monitoring Scheme shall continue to operate, as outlined in Conditions 27 and 28 until such time as the MPA agrees that groundwater levels have returned to their natural level, and for a further five years thereafter.



**Ecology**

31. 12 months prior to the commencement of dewatering in phase 2, a repeat botanical survey (higher and lower plants) shall be undertaken of the Fforestganol a Chwm Nofydd SSSI, with particular reference to the flush and spring features. The results of the survey shall be used to inform an interpretive report, to be submitted for the approval of the MPA, which shall set out:
  - (i) Following the hydrological monitoring undertaken as a requirement of conditions above, the identification of trigger levels to monitor changes in the ecological conditions associated with the wet woodland springs and seepages
  - (ii) Proposals for mitigation measures to be implemented in the event of any derogation in the ecological conditions associated with the wet woodland springs and seepages.
32. During the period of dewatering, an ecological survey shall be carried out 1, 3 and 5 years after the commencement of dewatering within the Fforestganol a Chwm Nofydd SSSI, to compliment the spring flow observations, and inform any mitigation measures which may be required. The results of a monitoring and interpretation report shall be submitted to the MPA annually on dates to be agreed prior to the commencement of dewatering.
33. Within 3 months of the Date of Determination, a scheme shall be submitted for the approval of the MPA setting out the details of the proposed Ecological Mitigation Area (EMA) to be created within 1.99 hectares of land shown on plan 1 and figure 1 within Appendix 7.9 accompanying the Environmental Statement (ES). The scheme shall include the principles of target habitat establishment set out in section 2.1 of Appendix 7.9, and shall provide details of the management to be undertaken to foster the biodiversity value of the defined area, drawing upon the principles set out in Appendix 7.9 to the ES. The scheme shall be implemented as agreed.
34. Within 3 months of the Date of Determination, a scheme shall be submitted for the approval of the MPA setting out the details of the proposed enhancement of the plantation woodland situated between the EMA and the eastern boundary of the quarry, as illustrated on drawing 1 and figure 2 within Appendix 7.9 accompanying the Environmental Statement (ES). The scheme shall be implemented as agreed.
35. The scheme of bat mitigation at the cave submitted on 30<sup>th</sup> April 2014 setting out proposals for the provision of a grill at the entrance to a cave within the quarry area, monitoring of activity by bats, and mitigation measures, if required, shall be implemented in full and in accordance with the timescale for implementation set out in the submitted scheme.
36. Prior to the felling of any trees within the mining site, a repeat bat survey shall be carried out to verify that the baseline study has not changed. In the event of bat roosts being identified, then mitigation measures shall be submitted for the approval of the MPA and implemented as approved.

37. Within 12 months of the Date\_of Determination or prior to a resumption of quarrying, whichever is the later, a Hazel Dormouse Mitigation Strategy shall be submitted for approval by the MPA setting out proposals for appropriate mitigation, as outlined in Appendix 7.9 accompanying the Environmental Statement (ES). The strategy shall be implemented as agreed.
38. Within 12 months of the Date of Determination or prior to a resumption of quarrying, whichever is the later, a Reptile Mitigation Strategy shall be submitted for approval by the MPA setting out proposals for the capture and transfer of any reptiles from the operational area to the EMA as outlined in Appendix 7.9 accompanying the Environmental Statement (ES). The scheme shall be implemented as agreed.
39. Prior to operations taking place within the undisturbed area of phase 1, shown on plans B111/11 and /12, a survey for badgers will be undertaken to verify that the baseline study has not changed in respect of setts. In the event of setts being identified, then mitigation measures shall be implemented in accordance with a scheme to be agreed by the MPA.
40. Within 12 months of the Date of Determination or prior to a resumption of quarrying, whichever is the later, an Invasive Plant Species Survey shall be undertaken to verify that the baseline study has not changed in respect the distribution of Schedule 9 plant species. The findings of the survey shall be used to ensure that any vegetation removal associated with quarry development is compliant with the provision of the Wildlife and Countryside Act 1981 (as amended in April 2010).
41. Any clearance of trees and scrub shall only take place outside the main bird nesting season of February to August or whilst under the supervision of a suitably qualified ecologist, to minimise the risk of accidental destruction or disturbance of nests, eggs, and nestlings.
42. During operational periods of quarry development that take place within the bird breeding season, a cliff nesting bird survey shall be conducted to determine the status and location of cliff nesting birds, in particular peregrine falcon. Where nest site(s) are identified, a 100m buffer area shall be implemented until such a time that an ecologist confirms nesting has ended and any young have fully fledged.
43. Prior to the installation of lighting at the quarry, a 'lighting plan shall be submitted for the approval of the MPA. The plan shall include measures to monitor lux levels as part of a need to minimise light pollution and minimise ecological impacts, particularly on bats. The scheme shall be implemented as agreed.
44. No materials, waste, arisings or plant shall be stored or operated within the Blaengwynlais Quarry Fields SINC, or allowed to fall, be washed or blown into it.

***Landscaping***

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

***Cultural Heritage***

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

**H. Restoration**

47. Not later than 21.02 2040, or the expiry of six months following the permanent cessation of the winning and working of minerals, whichever is the sooner, the Operator shall submit for the written approval of the MPA, a detailed final restoration scheme, including drawings to illustrate the proposals for the final restoration of the quarry. The final restoration scheme shall be based upon the concept restoration plan ref B111/15, and provide for the Mining Site to be restored as a nature conservation bias, with restoration treatment of the benches and faces, and subject to ground conditions, the provision of ponds / ephemeral areas at the base of the restored quarry. The remainder of the Quarry Site shall be cleared of all plant, machinery, buildings and apparatus in accordance with the requirements of Condition 3. The restoration scheme shall include details of the final re-profiling works for the Quarry Site, the soil /soil forming material profiles to be established; tree and shrub planting schedules; seeding, fencing and drainage; and a programme and timetable for the implementation of the works.

**I. Aftercare Management**

48. Within 3 months of the Date of Determination, a scheme shall be submitted for the approval of the MPA setting out the details of management within the proposed Ecological Mitigation Area (EMA). The scheme shall include provision for management to be undertaken over a minimum period of 10 years, and shall include the management principles set out in section 6.0 within Appendix 7.9 accompanying the Environmental Statement (ES).

49. An aftercare scheme for the mining site, covering a period of 10 years, specifying such steps as may be necessary to bring the mining site to a condition fit for the proposed after use shall be submitted for the approval of the MPA not less than 6 months prior to the date at which it is expected that the restoration works will be completed.

## REASONS

1. To ensure that the development is completed in accordance with the plans approved by the Council.
- 2-4 To allow the re-assessment of the impact of the quarry once the development hereby permitted has been substantially completed, and to avoid doubt as to the extent and period of the development hereby permitted.
- 5-6 To facilitate future landscaping and restoration works, to control the height and form of quarry faces in the interests of public safety and amenity, and to protect the safety and amenity of nearby residential areas
- 7-8 To protect the amenity of nearby residential areas.
- 9-10 To reduce the risk of dust nuisance in the vicinity of the quarry and to thereby lessen the environmental impact of the operation.
- 11 In the interests of safe access and highway safety
- 12-14 To reduce the risk of noise nuisance in the vicinity of the quarry and to thereby lessen the environmental impact of the operation.
- 15-19 To limit blasting operations so as to protect the amenities of local residents and users of nearby land or premises from the impact of excessive ground vibration, air blast, dust and flying debris, to give reasonable warning of blasting operations in the interests of public safety and amenity, to ensure the satisfactory planning of the surrounding area, and to ensure the assimilation of quarrying into the area at minimum social and environmental cost.
- 20-22 To reduce the risk of dust nuisance in the vicinity of the quarry and to thereby lessen the environmental impact of the operation.

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

