

PREFACE ITEM

APPLICATION NO.	22/0175/NCC
APPLICANT(S) NAME	Bryn Aggregates Ltd
PROPOSAL	Vary condition 02 of planning consent 19/0276/NCC (Vary Condition 6 (Hours of operation) of planning consent 12/0570/FULL (Extend existing quarry operations including new drainage system and settlement ponds, landscape bunds and associated works) to extend the hours of operation for utility providers) to extend the period of extraction and restoration works at the site for a further two years (in each case) so that extraction of minerals shall now cease by 31 December 2024 and restoration shall be completed by 31 December 2032
LOCATION	Gelliargwellt Uchaf Farm Gelligaer Road Gelligaer Hengoed CF82 8FY.

1. This application was reported to Planning Committee on 8th February 2023 with a recommendation of approval. The previous report is attached as Appendix A. At this meeting a decision was deferred to allow officers to draft a reason for refusal based on the concerns expressed by Planning Committee regarding the impact upon the residential amenity of local communities.
2. As detailed in the attached Committee report, however, the available evidence and technical information does not support a reason for refusal on grounds of the impact of quarrying operations on the residential amenity of the local community.
3. The Council's Environmental Health Officer has provided data on continuous air quality monitoring which is attached at Appendix B. This data illustrates that since 17.08.21 there have not been any exceedances of PM10 in terms of daily mean or period mean limits. Minerals Technical Advice Note 1 advises that The Expert Panel on Air Quality Standards (EPAQS) measurement of PM10, which includes essentially all respirable particles, provides the most appropriate basis for an air quality standard in the United Kingdom.
4. In terms of overall air quality monitoring a period mean of 8 µg/m³ was recorded. These results are considerably lower than the annual mean objective of 40 µg/m³.
5. In the period 01.11.2018 to 14.08.2020 there were 8 occasions where the daily limit was exceeded (guidance allows for up to 35 exceedances per year), however, none of the exceedances coincided with blasting at the quarry and 5 out of the 8 occasions coincided with national high pollution episodes.

6. In respect of blasting the vibration limits imposed via planning condition on the operator are more stringent than those recommended in national planning guidance (Minerals Technical Advice Note 1: Aggregates). The national guidance recommends that the limits on ground vibration as a result of blasting operations 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.

7. The planning condition already controlling blasting operations at this site is proposed to be reimposed in the officer recommendation and is more stringent than that recommended by MTAN1, requiring blasting to be designed so that the ground vibration measured as peak particle velocity (PPV) in any one of three orthogonal planes shall not exceed 4mm per second in 95% of all blasts carried out over any six month period and no individual blast shall exceed a PPV of 8mm per second as measured at any sensitive receptor. The results from blast monitoring records, as indicated in the table below, demonstrate that the quarry is operating well within these more stringent restrictions.

Table 1 : Blast Monitoring Records 2019-2022

Date	PPV
04.08.22	3.30
06.07.22	2.23
04.05. 22	2.03
11.10. 21	1.68
08.09.21	2.03
30.07.21	0.603
13.07.21	1.68
18.06.21	1.08
24.03.21	2.1
03.08.20	0.79
01.07.20	1.77
28.05.20	1.14
17.03.20	1.27
11.02.20	1.29
13.11.19	1.29
10.10.19	1.01
18.09.19	1.17
10.09.19	1.25
28.09.19	1.72
23.07.19	1.33
26.06.19	0.82
01.05.19	0.86
11.04.19	1.97
27.03.19	1.46
19.02.19	1.02

21.01.19	1.75
10.01.19	0.794

8. The Council's Environmental Health Officer has, also, provided a breakdown of the number of complaints they have received in relation to the site in recent years:

Table 2 – Complaints received by Environmental Health 2019-2023

Date	Dust	Noise	Comments
2019	5	30	Noise complaints mainly relate to blasting.
2020	5	28	Small amount of complaints relate to other noise in the quarry.
2021	1	6	
2022	0	4	
2023	0	3	

9. In respect of complaints received in 2022 two of these related to lack of notice for quarry blasts, one for an explosion and one from noise from tipping boulders where diary sheets were sent to the complainant but have not been returned to date.
10. In respect to the three complaints received in 2023 all were received in the last month, two complaints relate to alleged noise from the quarry at night, however, Bryn quarry have advised they weren't working at night. The other complaint is in relation to noise from a pecker in the quarry.
11. On this basis Members are advised that a reason for refusal on grounds of impact upon residential amenity is unlikely to be sustained and would likely expose the Local Planning Authority to a risk of costs being awarded in the event of an appeal.

Recommendation: In view of the above it is recommended that planning permission be granted in accordance with the attached report at Appendix A. However, if members are minded to refuse planning permission, the following reason for refusal is suggested:

01. The proposal would result in a continuation of the quarrying operations at the site which would unacceptably extend the time period of mineral operations and the cumulative impacts of quarrying (especially in terms of noise, dust and air quality) on the local communities, including Gelligaer and Penybryn, to the detriment of the amenity and well-being of residents contrary to the well-being goal of a healthier Wales as set out in the Well-being of Future Generations (Wales) Act 2015 and it

has not been demonstrated that these impacts can be justified by the need for the mineral given current mineral landbanks. The proposal would therefore also be contrary to both Minerals Technical Advice Note (Wales) 1: Aggregates and policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.