



Llywodraeth Cymru
Welsh Government

From:

██████████
Planning Directorate

Cleared by:

██████████
Neil Hemington

Date:

5 October 2022

MINISTERIAL ADVICE

For decision by: Minister for Climate Change

Copied to: PS First Minister

PS Deputy Minister for Climate Change

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|-------------------------|--|
| Subject | Decision on recovered planning appeals at Craig yr Hesg quarry. |
| 100 word summary | The Minister is asked to make a decision on two recovered planning appeals at the existing Craig yr Hesg Quarry in Pontypridd. Appeal A seeks permission for a western extension to the quarry. Appeal B seeks to extend the time limit for operation of the existing quarry from December 2022 to December 2028. |
| Timing | A decision is requested by 14 October. The Minister should note the terms of the existing permissions at Craig yr Hesg Quarry require the extraction of minerals to cease by 31 December 2022. |
| Recommendation | The Minister is asked to agree: <ol style="list-style-type: none"> 1. To issue a decision letter, which would allow both planning appeals. 2. On the basis the recommendation is accepted, a draft letter for the Minister's approval and signature is provided at Doc 2 (please return signed, not dated) |
| Decision report | This decision requires a Decision Report, which may be published no earlier than the date the decision is issued. |

ADVICE

Background

1. Craig-yr-Hesg Quarry (“CHQ”) has been in existence since the late 1880s and has been operating in its current form for several decades. The Pennant Sandstone in the quarry produces one of the highest quality skid resistant surfacing aggregates in the UK. Under the main planning permission for CHQ, the winning and working of minerals or depositing mineral waste must come to an end on 31 December 2022, followed by a restoration and aftercare programme.
2. The Local Planning Authority (“LPA”), Rhondda Cynon Taff Council, has refused 2 planning applications for proposed development at CHQ. Following refusal of the applications, Hanson UK submitted planning appeals to PEDW. The appeals have been recovered for determination by the Welsh Ministers.
3. Appeal A seeks planning permission for a western extension to the existing CHQ and the consolidation of the existing planning permissions on the site into a single permission, which would cover the existing CHQ and the extension area. The description of development states the extension would facilitate the extraction of 10 million tonnes of sandstone and allow the extraction of the remaining reserves of 5.7 million tonnes of sandstone. The proposal includes landscaped screening on the eastern and northern boundaries of the extension area and an overall restoration scheme for the existing CHQ and extension area. Quarrying operations under Appeal A would continue until 31 December 2047, followed by restoration and aftercare.
4. Appeal B seeks planning permission to extend the time limit for quarrying works by 6 years, from 31 December 2022 to 31 December 2028. The appellant states, based on an assumed continuation of sales of 400,000 tonnes per annum, a 6 year time extension would allow the extraction of the remaining reserves within the boundary of the existing CHQ. The Appeal B proposal also makes provision for restoration and aftercare.
5. Site plans are at Doc 3. All the application documents are available should the Minister require further information. Notes on processing the planning appeal and propriety issues relating to planning decisions are provided at Docs 4 and 5.

Inspector’s report

6. A Planning Inspector, appointed by the Welsh Ministers, held an inquiry to consider both planning appeals. The Inspector considered both appeals on their individual merits. However, to avoid duplication the appeals were dealt with together at the inquiry.
7. The Inspector’s report (Doc 1) was received by officials in Planning Directorate on 19 August. The Inspector recommends both appeals are allowed and

planning permission granted for the proposed developments, subject to planning conditions.

8. The draft decision letter at Doc 2 provides an analysis of the Inspector's report.
9. In summary, the Inspector notes CHQ provides one of the highest quality sources of skid resistant surface aggregate not only in South Wales, but the UK. The evidence presented indicates there is a national need for this mineral, which should be given significant weight in favour of allowing the appeal.
10. In terms of need, the Inspector notes the requirement in the Rhondda Cynon Taf Local Development Plan to maintain a minimum 10 year landbank of rock aggregate reserves. PPW contains a similar requirement. Also, the Regional Technical Statements for the North Wales and South Wales Regional Aggregate Working Parties 2nd Review, September 2020 (RTS2), which was updated following a Chief Planning Officer clarification letter, requires the LPA to make a minimum allocation of 9.295 million tonnes of new crushed rock reserves in a review of the LDP.
11. The Inspector recognises there is considerable local opposition to the proposed development. However, each application has to be determined on its planning merits. The Inspector finds there would be some limited harm to local amenity in terms of operational noise and air quality during the construction of the landscaping bund, however, the Inspector is satisfied proposed conditions would adequately limit any amenity impacts to an acceptable standard.
12. The Inspector notes it is common ground there would be no material harm in respect of the landscape character and appearance of the area and no significant harm in terms of road safety or blasting and vibration. The proposed developments would provide an overall benefit for biodiversity and would result in increased access to the countryside and the provision of Public Rights of Way.
13. Overall, the Inspector considers the proposals accord with the development plan, the Well-being of Future Generations (Wales) Act 2015, Planning Policy Wales and Minerals Technical Advice Note 1 (Wales) 1: Aggregates. The Inspector concludes the appeals should be allowed.

Recommendation

14. Officials agree with the Inspector's conclusions and recommendations for both appeals. Officials recommend you agree to issue the letter at Doc 2, which will result in allowing the appeals and granting planning permission for both applications.

Legal Advice

15. No legal advice was sought for this submission.

Financial Issues

16. There will be no additional financial implications for the Welsh Government with the administrative costs related to this Ministerial Advice being met from within the existing Planning Directorate budget.

Programme for Government

17. The subject of this advice is not a specific Programme for Government requirement, nor is it explicitly noted in the Co-operation Agreement. However, the recommended decision to allow the planning appeals would accord with the commitments in the Programme for Government to, “Build an economy based on the principles of fair work, sustainability and the industries and services of the future” and “Make our cities, towns and villages even better places in which to live and work”.

Well-being of Future Generations (Wales) Act 2015

18. In determining these planning appeals officials note the duty to carry out sustainable development under the Well-being of Future Generations (Wales) Act 2015. A full assessment is provided in the draft decision letter, which concludes the decision is a reasonable step towards meeting the Welsh Government’s well-being objectives.

Communication and media handling

19. There is likely to be press interest in this submission and we will work with the press office to provide appropriate lines if required.

Annex 1: ASSURANCE AND COPY RECIPIENTS**CLEARANCE TRACKING**

| Aspect | Tracking | Yes | No | N/A | Clearance no. |
|-------------------|---|--------------------------|-------------------------------------|--------------------------|---------------|
| Finance | Financial implications over £50,000? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| | Cleared by Group Finance? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| | Cleared by Budget & Government Business Division? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| | Cleared by Local Government Finance? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| Legal | Legal issues? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| | Cleared by relevant lawyers? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| Governance | Novel and contentious issues? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| | Cleared by Corporate Governance Centre of Excellence? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |

DEPUTY DIRECTOR, STATEMENT OF ASSURANCE

In clearing this MA, I confirm that I, Neil Hemington, have quality assured this advice, ensuring it is provided on the basis of evidence, accurately presents the options and facts and I am accountable for the recommendations made

I am satisfied that the recommended decision or action, if agreed, would be lawful, affordable and comply with all relevant statutory obligations. Welsh Government policy priorities and cross portfolio implications have been fully considered in line with delivery of the government objectives.

I have fully considered the statement of assurance contained in the MA guidance to ensure all relevant considerations have been taken into account, appropriate impact assessments have been undertaken and that the actions and decisions take account of regularity, propriety and value for money.

COPY LIST

This submission relates to a planning decision; all copies of it are for information only and not for comment.

- All mandatory copy recipients (Mandatory CC-MA)
- Mandatory copy recipients for the Minister (Mandatory CC – MA - Min CC/DM CC)

Additional copy recipients specifically interested in this advice:

- PS Deputy Minister for Climate Change
- [REDACTED]
- [REDACTED]
- [REDACTED]
- Planning HoB
- [REDACTED]
- LS Planning Mailbox
- Climate Change and Rural Affairs Finance Mailbox
- Information Rights Unit
- [REDACTED]