

**ADRODDIAD PENNAETH  
CYNLLUNIO, CYFARWYDDIAETH YR  
AMGYLCHEDD**

**REPORT OF THE HEAD OF  
PLANNING, DIRECTORATE OF  
ENVIRONMENT**

**AR GYFER PWYLLGOR CYNLLUNIO  
CYNGOR SIR CAERFYRDDIN/**

**TO CARMARTHENSHIRE COUNTY  
COUNCIL'S PLANNING COMMITTEE**

**AR 9 MAWRTH 2017  
ON 9 MARCH 2017**

**I'W BENDERFYNU/  
FOR DECISION**

***Ardal  
Gorllewin/  
Area West***



**Cyngor Sir Gâr  
Carmarthenshire  
County Council**



**Mewn perthynas â cheisiadau y mae gan y Cyngor ddiddordeb ynddynt un ai fel ymgeisydd/asiant neu fel perchennog tir neu eiddo, atgoffir yr Aelodau fod yn rhaid iddynt anwybyddu'r agwedd hon, gan ystyried ceisiadau o'r fath a phenderfynu yn eu cylch ar sail rhinweddau'r ceisiadau cynllunio yn unig. Ni ddylid ystyried swyddogaeth y Cyngor fel perchennog tir, na materion cysylltiedig, wrth benderfynu ynghylch ceisiadau cynllunio o'r fath.**

**In relation to those applications which are identified as one in which the Council has an interest either as applicant/agent or in terms of land or property ownership, Members are reminded that they must set aside this aspect, and confine their consideration and determination of such applications exclusively to the merits of the planning issues arising. The Council's land owning function, or other interests in the matter, must not be taken into account when determining such planning applications.**

<b>COMMITTEE:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>9 MARCH 2017</b>
<b>REPORT OF:</b>	<b>HEAD OF PLANNING</b>

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**APPLICATIONS RECOMMENDED FOR APPROVAL**

<b>Application No</b>	<b>W/21986</b>
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<b>Application Type</b>	Mineral Application
<b>Proposal &amp; Location</b>	APPLICATION FOR THE DETERMINATION OF CONDITIONS ON AN INTERIM DEVELOPMENT ORDER PERMISSION AT MAESDULAIS QUARRY, PORTHYRHYD, CARMS

<b>Applicant(s)</b>	GOWER PLANT HIRE LTD, BRYN YSGALLOG, BURRY GREEN, GOWER, SWANSEA, SA31 1HR
<b>Agent</b>	BLANDFORD CONSULTING, THE ENTERPRISE CENTRE, MERTHYR INDUSTRIAL PARK, PENTREBACH, MERTHYR TYDFIL, SOUTH WALES, CF48 4DR,
<b>Case Officer</b>	Hugh Towns
<b>Ward</b>	Llanddarog
<b>Date of validation</b>	05/11/2009

## CONSULTATIONS

**Head of Transport** – No comments.

**Head of Public Protection** – Request condition in relation to noise limits. It is not considered that the development would have a significant adverse effect on air quality. No adverse comments in relation to contaminated land

**Planning Ecologist** – Natural Resources Wales (NRW) should be consulted in relation to impacts on the nearby SSSI. An outlier single badger sett has been identified which will need to be closed. This will require a licence from NRW but works must proceed in strict accordance with the Badger Survey and Mitigation Report. A mitigation strategy for dormice and a long term Habitat Management and Monitoring Scheme are necessary. Peregrine falcon may be breeding in the quarry and a mitigation scheme for peregrine falcon is required. UKBAP habitat is present – wet woodland, lowland mixed deciduous woodland and open mosaic habitat on previously developed land. The restoration strategy is considered beneficial in terms of ecology and includes provision for net habitat gain. The proposed conditions satisfactorily address the issues of dust control, protection of water resources, phasing, lighting, habitat protection of surrounding areas and breeding bird mitigation.

**Conservation Officer** – Maesdulais Lime Kilns are Grade II listed buildings but are also scheduled monuments. Scheduled Monument Consent may be required from Welsh Government.

**Llanddarog Community Council** – Object as the roadway is too narrow and not suitable for additional quarry traffic of any kind. The road is already suffering from traffic generated by Garn Bica Quarry and the safety of road users is being endangered. Highway maintenance and extensive improvement works need to be carried out if permission is granted.

**Local Member** – County Councillor W.J.W. Evans has not commented to date.

**Natural Resources Wales** – Request conditions in relation to European Protected Species, a Habitat Management and Monitoring Scheme, restricting quarrying below the water table and the management of dust so as not to adversely impact the SSSI.

**CADW** – Verbally requested a condition requiring the scheduled monument to be fenced off from the working area of the quarry. Written confirmation is awaited.

**Neighbours/Public** – Whilst there is no statutory requirement on the Local Planning Authority to publicise an application for a Determination of Conditions on an IDO permission, it is clear from the guidance in Mineral Planning Guidance 9 (MPG9) that Authorities should do so as if it were an application for planning permission. The application has been publicised by display of a site notice in December 2009 and in January 2017 as well as in the local press also in 2009 and 2017. Eleven letters of objection and one letter expressing no objections have been received as a result. The grounds of objection include:

- Additional heavy traffic resulting in danger to road users;
- Impact on public amenity - noise, dust, blasting and health impacts;
- Hours of operation;
- Structural damage to property;
- Impact on ecology and habitats;
- Impact on groundwater;
- Impact on tourism;
- Object in principle;
- Current planning conditions on Garn Bica are ignored.

## RELEVANT PLANNING HISTORY

### Maesdulais

C4/401/REG	Registration of IDO Permission R1/50/PL/25/48/7 Approved	21 May 1992
R1/50/PL/25/48/7	Re-opening of Quarry IDO Approved	3 October 1946

## **Garn Bica**

W/19140	Extend Quarrying Area within Existing Quarry Boundary Approved	16 April 2009
W/17359	Erection of Workshop and Product Storage Building Approved	29 May 2009
W/14482	Removal of Condition 20 attached to planning permission W/02506 (Restoration Slope Gradients) Approved	22 February 2007
W/02506	Determination of Conditions on Old Mining Permission Approved Appeal against Conditions 3, 5,8,9,11,18,20,21,40 and 56 Withdrawn	8 <sup>th</sup> June 2000  31 <sup>st</sup> July 2001
C4/124	New quarry access and weighbridge Approved (Not developed).	19 <sup>th</sup> December 1980
R1/322	Quarry Approved	15 <sup>th</sup> September 1949

## **APPRAISAL**

### **THE SITE**

Maesdulais Quarry is located in an area of open countryside on the limestone ridge approximately 650m north-west of the village of Drefach, 620m north east of Mynyddcerrig and 1km south of Porthyrhyd. The application site is approximately 2.33 hectares in extent and is located immediately to the south of the operational Garn Bica Quarry which is also in the ownership of the applicant. The sites are effectively worked as a single unit as the narrow wall of rock between the two sites has had to be removed for safety reasons. Ancillary operations to mineral extraction at Garn Bica have already become established within the Maesdulais quarry void but no extraction is being undertaken within Maesdulais.

The remaining reserve areas to the south of the quarry are wooded with the woodland having established on soil/overburden mounds probably dating back to the 1940's. The applicant has recently removed an area of woodland to facilitate the commencement of mineral extraction once this application is determined and to avoid removing woodland in the bird nesting season.

Surrounding land to the south and east is largely agricultural with land to the west of the application site being an area of unauthorised quarry workings dating back to the 1960's and early 1970's. Beyond that to the west is the C2066 county road and beyond that again the Coedydd y Garn SSSI. The site also lies within the Carmarthenshire Limestone Ridge Special Landscape Area.

The Maesdulais Lime Kilns Scheduled Monument is located in the south-east corner of the site adjacent to an area of woodland which contains the remaining stone reserves of approximately 200,000 tonnes. These reserves are overlain with approximately 16,500m<sup>3</sup> of soils/overburden stripped when the quarry was initially developed.

A number of properties are located within the quarry buffer zone identified in the Carmarthenshire Local Development Plan (LDP). Llawrcwrt is the closest property, located approximately 125m to the west on the opposite side of the county road. Maesdulais Farm is located approximately 250m to the east. Caerau Croft and Nant-y-gleisied are located approximately 160m and 225m to the south west respectively.

Access to the site is gained along a 600m stretch of the C2066 running west from the B4310 at Banc-y-Mansel although some vehicles do access the site from Mynyddcerrig to the south as quarry vehicles are not restricted to a specific route. The access is shared with Garn Bica Quarry.

## **THE PROPOSAL**

The Planning and Compensation Act 1991 introduced new procedures for dealing with permissions for the winning and working of minerals or the depositing of mineral waste, originally granted under Interim Development Orders between 21<sup>st</sup> July 1943 and 1<sup>st</sup> July 1948. Applications to register these 'old mining permissions', as they were called, had to be made to the Local Planning Authority by 25<sup>th</sup> March 1992 or they ceased to have effect. An application to register the 'old mining permission' at Maesdulais was duly made and registration was confirmed in May 1992.

As no working had been carried out at the site to any substantial extent between 1<sup>st</sup> May 1989 and 30<sup>th</sup> April 1991 the permission was classed as dormant. It is believed that the quarry was last worked substantively in 1972.

Where a permission is dormant, working may not lawfully re-commence until a scheme of operating and restoration conditions has been determined by the Local Planning Authority. This application is the applicant's submission of a scheme of operating and restoration conditions.

It is estimated that approximately 200,000 tonnes of reserve remain at the quarry which is anticipated to be worked at 50,000 tonnes per annum, as has been the case at the adjacent Garn Bica Quarry which is all but worked out. Therefore, the life of the site is estimated at approximately 4 years, even though the legislation requires permission to be granted until 21<sup>st</sup> February 2042. This output level equates to an average of 9 loaded vehicles per day (180 tonnes) over a 280 day working year. However, the maximum tonnage permitted from Garn Bica Quarry is 300 tonnes per day (150 tonnes on Saturday) and it is proposed to control the output of the two sites combined to the same tonnage per day, but with an absolute limit of 50,000 tonnes per year. Such a 'cap' does not currently exist.



The remaining reserve is to be worked in two phases of mineral working which are referred to in the submitted documents as Phase 3 and Phase 4. Phase 1 is the restoration of the Garn Bica Quarry to the north, Phase 2 is the restoration of the unauthorised quarry area to the west. The final phase of working will be the restoration of phases 3 and 4.

Hours of working are between 0730 hours and 1800 hours on Mondays to Fridays, and 0800 and 1200 hours on Saturdays which is the same as is currently the case for Garn Bica.

Restoration of the site is to a nature conservation after-use to enhance biodiversity. The nutrient poor materials with a higher pH will be used to establish calcareous grassland, with richer material used to establish distinct pockets of scrub/woodland. Advance woodland planting and translocation of existing vegetation to a receptor site is also proposed. An area of quarry face would also be retained to encourage nesting birds and peregrine falcon in particular. A series of ponds/wetlands will be provided. The applicant considers that this restoration would be in keeping with the characteristics of the wider landscape context.

Determination of Conditions applications cannot be refused. They can only be granted in accordance with the list of conditions required to be submitted by the applicant or granted subject to conditions different from those submitted by the applicant. Conditions which may be imposed on a dormant IDO permission may include any conditions which could be imposed on a grant of planning permission and full modern conditions will always be appropriate to dormant permissions.

Planning guidance also states that conditions imposed on any grant of planning permission should not be imposed which duplicate the effect of other controls as duplication of those controls would not meet the test of necessity.

Any conditions imposed do not take effect until the application has been finally determined i.e. all proceedings on the application, including appeals and High Court actions have been determined and the time period for any further appeal has expired.

## **PLANNING POLICY**

Whilst the principle of development has already been established the following policies of the LDP are considered relevant: Policy SP1 – Sustainable Places and Spaces; Policy SP10 – Sustainable Mineral Development; Policy SP14 Protection and Enhancement of the Natural Environment; Policy EQ1 – Protection of Buildings, Landscapes and Features of Historic Importance; Policy EQ4 – Biodiversity; Policy EQ5 – Corridors, Networks and Features of Distinctiveness; Policy EQ6 – Special Landscape Areas, Policy EP1 – Water Quality and Resources, Policy EP2 – Pollution, Policy MPP1 – Mineral Proposals; Policy MPP2 – Buffer Zones; Policy MPP6 - Restoration and Aftercare of Mineral Sites; Policy GP1 – Sustainability and High Quality Design.

## **APPRAISAL**

### **Noise**

Concerns have been expressed by objectors regarding the level of noise. A noise assessment has been undertaken by the applicant. Noise measurements have been taken at 4 locations surrounding the site – Llawrcwrt to the west, Porthyrhyd Farm to the north, Maesdulais Farm to the east and Caerau Croft to the south-west. Background noise levels were established ranging from 30.9 dB at Llawrcwrt to 35.8 dB at Maesdulais Farm.

MTAN1: Aggregates, requires the noise limits to be set at 55dB or the background level plus 10 dB for areas with background levels below 45dB. As all the background levels measured are below 45dB it is the background plus 10dB which should apply in this case. This would provide a range of noise limits between 41dBLAeq and 46dBLAeq during the daytime (7am to 7pm). MTAN1 advises that the noise limits outside this period should be established at 42 dBLAeq.

Given that a limit of 42 dBLAeq (1 hour) is considered acceptable for night-time working it would be inappropriate to establish levels lower than that during the daytime. Therefore, based on the background levels provided by the applicant, MTAN1 would indicate a working level of 42 dBLAeq (1 hour) to be applied at Llawrcwrt and Porthyrhyd Farm, 46dBLAeq (1 hour) at Maesdulais Farm and 44 dBLAeq (1 hour) at Caerau Croft. These are the levels proposed by the applicant even though the report indicates they cannot be achieved at two locations.

However, the current day time noise limit attributable to operations at the Garn Bica Quarry, measured at any noise sensitive properties used as dwellings shall not exceed 55 dBLAeq (5 min). As the two quarries are to be worked as a single unit, having different noise limits for Garn Bica and Maesdulais poses significant problems. However, if noise limits can be reduced then this would have a beneficial impact. As extraction operations at Garn Bica will be limited in future it would be beneficial to impose achievable noise limits at Maesdulais lower than the 55 dBLAeq at Garn Bica.

The Head of Public Protection has considered the proposals and has indicated that a limit should be applied across both Garn Bica and Maesdulais. Predicted noise levels in the extraction phases 3 and 4 are 47 dBLAeq (1 hour) at Llawrcwrt 39dBLAeq at Porthyrhyd Farm, 44dBLAeq (1 hour) at Maesdulais Farm and 47 dBLAeq (1 hour) at Caerau Croft.

An appropriate limit during these phases especially as Garn Bica will have been largely restored would be 47bBLAeq at Llawrcwrt and Caerau Croft, 46dbLAeq at Maesdulais Farm and 42 dBLAeq at Porthyrhyd Farm. The limits are lower than the current limit at Garn Bica.

The proposal results in a reduction in the noise limits applied to the working of the site and therefore it complies with Policies MPP1 (b) and EP2 of the LDP.

### ***Air Quality***

The resumption of operations within Maesdulais will involve, soil stripping and overburden removal, extraction by blasting, transfer of material within the site, processing and progressive restoration, all of which have the potential to give rise to dust. A number of objectors have referred to concerns regarding dust and health impacts.

In Mineral Technical Advice Note 1: Aggregates (MTAN1) the Welsh Government indicates that research has indicated that people living close to mineral workings consider dust to be the main impact of mineral extraction. MTAN1 seeks to reduce the impact of aggregates production and as part of that the concept of buffer zones of a minimum distance of 200m is recommended around hard rock quarries, unless there are clear and justifiable reasons for reducing the distance. A buffer zone has been set around Maesdulais and Garn Bica which includes four existing residential properties as indicated above.

Based on research carried out by the DETR in 1995 the vast majority of particles responsible for annoyance/nuisance are deposited within 100m of the source although this can be increased to 200m if dust becomes wind entrained.

The closest property is Llawrcwrt just over 100m to the west. Extraction operations will be further from Llawrcwrt than is currently the case within Garn Bica and in addition the prevailing winds blow away from Llawrcwrt. Winds from the east are generally less frequent (6% of the time) and lighter than winds from the west and south west. The only other property within 200m is Caerau Croft which is located approximately 160m to the south west. Again the frequency of winds blowing to the south west is between 3% and 5% and these winds are generally lighter. The applicant has also submitted a suggested condition containing dust management protocols to be observed at the site. On that basis it is not considered that any residential property within 200m of the site will be subjected to significant levels of nuisance dust from the site.

The potential impact of dust on the Coedydd y Garn SSSI has been considered and as the woodland is limestone based it is not considered that any additional limestone dust from quarrying operations would be detrimental to the SSSI. However, NRW has commented that dust deposition should be managed by a suitably worded condition.

Air Quality Regulations prescribe National Air Quality Strategy (NAQS) – objectives to be achieved for a range of pollutants. Pollutants such as PM<sub>10</sub> and PM<sub>2.5</sub> particulates are relevant and NO<sub>2</sub> is relevant for HGV emissions.

PM<sub>10</sub> data from DEFRA show that the 2015 average PM<sub>10</sub> concentrations in the area occupied by the site are 12ug/m<sup>3</sup>, 30% of the annual average NAQS objective of 40ug/m<sup>3</sup>. The NAQS daily mean objective is 50ug/m<sup>3</sup> which should not be exceeded more than 35 times per year. The threshold value has been set at a level at which the risk of adverse health effects to any individual would be very small. Surface related mining operations are associated with very small increases in mean concentration of PM<sub>10</sub> particles (2ug/m<sup>3</sup>) and on that basis the concentration would still be well below half the mean threshold at 35%.

The mapped level for PM<sub>2.5</sub> is 7.88ug/m<sup>3</sup> (2015 data), 31.5% of the NAQS average annual objective of 25ug/m<sup>3</sup>. NO<sub>2</sub> levels are 5.54ug/m<sup>3</sup>, 13.85% of the annual mean NAQS objective of 40ug/m<sup>3</sup> and 2.77% of the 1 hour mean of 200ug/m<sup>3</sup>, which should not be exceeded more than 18 times per year. Air Quality in the area is therefore good. The Head of Public Protection does not consider that the development would have a significant adverse effect on air quality.

For the reasons set out above the proposal is not considered to conflict with policies SP14 (h), EP2 (a) and MPP1(c) of the LDP.

### ***Blasting & Vibration***

Paragraph 83 of MTAN1 states that the maximum level of ground vibration at vibration sensitive locations as a result of blasting operations should not exceed a ppv of 6mm/sec in 95% of all blasts over any 6 month period, and no individual blast should exceed a ppv of 10 mm/sec. The applicant has therefore suggested a planning condition to that effect.

However, the existing blasting vibration limits at the adjacent Garn Bica Quarry are set at 4 mm/sec for 90% of blasts with no individual blast above 10 mm/sec. In order that a consistent threshold is set at both sites it is considered that the limits should be set the same as at

Garn Bica. Lower limits are also considered appropriate given the proximity of the Scheduled Monument to extraction areas in Phases 3 and 4.

Objectors have made reference to structural damage to their property as a result of operations at Garn Bica. However, the lowest threshold for cosmetic damage to a residential dwelling is 15mm/sec, minor damage is possible at more than twice that magnitude (30mm/sec) and major damage at four times that magnitude (60mm/sec). Blasting at Garn Bica has been nowhere near those levels.

Blasting also generates an air pressure wave (air overpressure) which is measured in decibels (dB). As air overpressure is transmitted through the atmosphere, climatic conditions will affect the intensity of the impact. In view of this unpredictability, planning conditions to control air overpressure are unlikely to be enforceable. However, it is considered appropriate to require the blasting regime to be redesigned if air overpressure exceeds a defined limit of 120dB.

In order to ensure that blasting limits are adhered to a blast monitoring regime will be required. As the control over blast vibration can be improved as a result of this proposal there is no conflict with Policy MPP1 (d) of the LDP.

### ***Ecology and Biodiversity***

The application is supported by an Ecological Impact Assessment. The study area is dominated by areas of bare ground within the quarry. The quarry void is almost entirely surrounded by semi-natural broadleaf woodland, although some areas are more secondary and are likely to have established on overburden/soils from previous quarrying activity. The woodland areas meet the broad characteristics of 'Broadleaved, mixed and yew woodland' which is a habitat of principal importance as well as being a priority habitat in the Carmarthenshire LBAP. Mitigation for the loss of approximately 0.44 hectares of woodland includes the early planting of new scrub/woodland areas and translocation of root balls and woodland soils amounting to a larger area of 1.22 hectares.

The presence of dormouse has been confirmed by survey work. The proposed operations would result in the removal of approximately 0.44 hectares of high value dormouse habitat. It is proposed to remove the dormouse habitat utilising two stages of vegetation clearance between May and September. The removed material would be utilised for habitat creation elsewhere. A dormouse mitigation strategy will therefore be required as well as a Habitat Management and Monitoring Scheme. A licence may also be required from NRW

Surveys did not identify the presence of bat roost sites although foraging and commuting routes were confirmed. The potential impacts to bats relate to loss of foraging grounds and the disruption to flight lines. Seeding and natural recolonization to create calcareous grassland together with the creation of ponds and ditches will improve habitat diversity and provide foraging resources for birds, bats, invertebrates, amphibians and small mammals.

Three priority species of birds were recorded as breeding or likely to be breeding on the site – song thrush, spotted flycatcher and bullfinch. The impact on breeding birds is more likely during vegetation removal which is usually carried out outside the bird nesting season. Restoration of the quarry faces to leave high ledges would be beneficial for nesting birds such as peregrine falcon which has been recorded in the area.

An outlier badger set was identified and will need to be closed under licence from NRW. However, the Council Ecologist has recommended a condition requiring the work to be done in accordance with the submitted Badger Survey and Mitigation Report.

Provided the proposed mitigation is provided and the proposed restoration strategy is achieved the proposal will be beneficial in terms of ecology and includes the provision of net habitat gain.. The proposal does not therefore conflict with policy SP1 (i), SP14, EQ4, EQ5, GP1, MPP1 (f) and MPP6.

### ***Hydrology and Hydrogeology***

The quarry is situated within a band of limestone of Lower Carboniferous age known as the Dowlais Limestone Formation or Llandyfan Limestone Beds. This series of rocks are classified as a 'Principal Aquifer' and defined as layers of rock that have high permeability, meaning that they usually provide high levels of water storage which may support water supply and/or river base flow on a strategic scale.

Borehole data from three boreholes indicate that groundwater fluctuates between 92.8m AOD and 105.7m AOD. Site observations seem to confirm that data as the existing quarry sump areas tend to hold water up to approximately 101m AOD and below. The current quarry floor is at approximately 104mAOD and is above the water table. There are no proposals to deepen the quarry floor below the current level and therefore the water table will not be intercepted. There will therefore be no impact on water resources.

There is no formal surface water drainage system as the site is worked dry. Rainfall collects on the quarry floor and within the lower areas before percolating through the bedrock. The restoration scheme will provide for wetland/pond areas to control surface water which will infiltrate into the ground naturally. Some water features may dry out during dry weather facilitating ephemeral vegetation types.

NRW have no adverse comments in relation to hydrology and hydrogeology provided a condition is imposed to prevent quarrying below the water table. It is proposed to limit the depth of working to the existing floor level of 104mAOD or the water table whichever is the higher.

Therefore there is no conflict with Policies SP14 (h), EP1, EP2 (b) and MPP1 (e) of the LDP

### ***Cultural Heritage***

Maesdulais Limekilns Scheduled Monument was designated in 1996 and lies within the south east corner of the site. These kilns are also Grade II listed buildings.

The monument consists of the remains of a pair of exceptionally tall 18m high triple buttressed limekilns build of dressed limestone and set into a bank of quarry spoil. A date stone of 1887 is built into the central buttress. Two drawing arches include brick drawing holes with steel beams and shutters. The features are embedded in an area of woodland that is to remain and therefore there will be no discernible change in the setting of the Monument.

Non-designated features include a track to the kilns, a spoil tip to the south and concrete piers for a crushing mill and a further limekiln which is no longer evident. The spoil tip lies on top of the remaining reserve and is therefore to be removed as part of the development.

The proposed excavation in Phases 3 and 4 do not encroach on the scheduled area although they do bring the excavations closer than have occurred in recent years at Garn Bica. Blasting has been undertaken at Garn Bica over a number of years but blasting limits at Garn Bica are set at a lower level than those suggested by Welsh Government Guidance contained in MTAN1. The same limits would be appropriate for Maesdulais and therefore there should be no significant impact on the scheduled monument from blast vibration. CADW recommends that the scheduled area is fenced off from the working site and that can be required by condition.

The applicant suggests a written scheme of investigation in the currently undisturbed areas as mitigation and to ensure no loss of archaeological features without prior recording. Such a condition is acceptable in this case.

On the basis of the above there is no conflict with policies EQ1 and MPP1 (f) of the LDP.

### ***Landscape Character and Visual Impact***

The site falls within the Gwendraeth Vales area as defined in the Landscape Character Map of Wales. The landscape is defined as varied owing to its complex underlying geology, with a prominent limestone ridge overlooking rolling hills and valleys. Evidence of past settlement and industrial uses is still visible in the landscape.

The development has also been assessed against the LANDMAP database maintained by NRW. The site also within LANDMAP aspect areas which are described and evaluated as follows:

#### ***Visual and Sensory – Evaluation: High***

A ridge of higher exposed land that provides contrast to the adjacent valleys. Though running through lowland, the ridge, with its undulating skyline, reaches a series of highpoints between 240 and 280mAOD and therefore is considered as upland. This is echoed in its character and exposure, although these qualities are less evident to the west where the ridge dips gently. It is a very varied area, with patches of unenclosed common land such as at Mynydd Llangynderine, characterised by bracken and heather and rock exposures. A common feature is the series of limestone quarries such as at Crwbin and Cilyrchen, which are detractors. There are areas of enclosed pasture where the fields are relatively small at lower altitudes around Meinciau. The area provides views over the adjacent valleys and in places beyond. It is crossed by several roads, the busiest being the A48 [T] but is tranquil in parts, and there are areas of scattered settlements and linear settlements often related to the quarries.

#### ***Landscape Habitats – Evaluation: Outstanding***

Narrow ridge of outcropping carboniferous limestone and quartzite supporting a mosaic of ash-dominated broad-leaved woodland, marshy grassland, neutral grassland and calcareous grassland as well as heath, Bracken and scrub. The ridge is at times fragmented and interspersed by improved grasslands. Parts of the area are of international interest, particularly Cernydd Carmel which hosts the only Welsh turlough.

#### ***Historic Landscape – Evaluation: Outstanding***

Includes unenclosed areas of limestone quarrying and processing, some now disused, with areas of medium sized irregular field enclosures and some woodland. Includes the nucleation of Crwbin and dispersed farmsteads and cottages. Most significant archaeological element(s): Bronze Age ritual sites - relict landscape, Lime quarrying and burning industry.

#### *Geological Landscape – Evaluation: High*

WSW-ENE crest to broad ridge, rising slightly above surrounding areas. Very distinctive with ground excavated by many quarries in Lower Carboniferous limestones, also rock outcrops, including of overlying Upper Carboniferous 'Millstone Grit' sandstones and surface scatter of rocks/blocks. Karstic features such as dolines ('sink' or 'swallow holes') probably also present.

#### *Cultural Landscape – Evaluation: High*

Multi-faceted appearance but largely homogenous cultural use in the form of farming. The county of Carmarthenshire is so large, and indeed so topographically, culturally and socially diverse as between its various components, that it is not possible within resources to characterise all its cultural features other than those which have a special resonance. However, on the basis that historically, and currently, the principal cultural activity is farming, and recognising that the landscape changes from coastal flats to rugged and inaccessible high points riven by mountain river and stream valleys with undulating landscapes of soothing attractiveness, this catch-all designation appears to be appropriate.

The site also falls within the Carmarthenshire Limestone Ridge Special Landscape Area defined in Policy EQ6 of the LDP.

In landscape terms the quarry site itself is of medium value with a low landscape susceptibility because it is an existing quarry. The mineral extraction area itself is well hidden in the landscape and will have a low impact on the visual and sensory character and how the landscape is perceived. In cultural and historic terms the site is unlikely to represent a change to the recognised cultural aspect. Restoration reflects the landscape habitats important to the aspect area within which it is located. The impact is therefore assessed as minor/moderate locally and negligible within the wider landscape.

The overall conclusions relative to visual impact are that the operation would have a very limited effect on views from the wider landscape. The greatest impact would be from the local road at Banc-y-Mansel (Viewpoint E) but the nature and scale of the change would not be significant.

The quarry is not prominent in the landscape and the restoration strategy seeks to integrate the site into the surrounding countryside. It is not therefore considered that the continuation of quarrying has a significant impact in landscape and visual terms and the proposal does not conflict with Policies SP1(d), SP14(e), MPP1(h) and EQ6 of the LDP

#### ***Highways and Transportation***

The majority of objectors claim that additional heavy traffic from the site will result in additional danger to road users. The Community Council has also objected to the proposal on highway grounds.

The existing planning permission for Garn Bica restricts the output from the quarry to a maximum of 300 tonnes per day Monday to Friday and 150 tonnes on Saturdays. This amounts to an annual output of 72,000 tonnes assuming a working year of 280 days.

The applicants have proposed a similar planning restriction at Maesdulais and Garn Bica combined and have also suggested an annual restriction of a maximum of 50,000 tonnes per annum. This restriction effectively reduces the potential output from the site by 22,000 tonnes per annum and consequently reduces the traffic movements potentially generated at the site.

That being the case there is no additional pressure on the existing highway network than is currently the case. There is therefore no conflict with Policy MPP1 (a).

### ***Other Matters***

One of the objectors claims that current planning conditions attached to the operations at Garn Bica are ignored and the same will be the case at Maesdulais. This claim is strongly refuted as all of the objectors complaints have been investigated in accordance with Enforcement Protocols and Guidance and whilst the objector may be disappointed with the outcome of investigations it is not correct to say that his concerns, or planning conditions, have been ignored.

Objectors refer to an adverse impact of tourism but do not provide any specific evidence to support that view. It is difficult to support such a view on a site where quarrying has been undertaken for a number of years without any claims from local tourist facilities that it has an adverse impact on their business.

### **CONCLUSION**

As stated above, this type of application cannot be refused. It can only be granted in accordance with the list of conditions required to be submitted by the applicant or granted subject to conditions different from those submitted by the applicant.

Consideration is therefore limited to minimising the impact of the development on amenity and the environment and maximising the opportunities for enhancement of the ecosystems and biodiversity of the area during site restoration.

In this case, for the reasons outlined above it is considered that the application cannot be granted subject to the conditions submitted by the applicant. Greater protection of amenity and the environment and additional benefits in terms of biodiversity can be achieved by imposing conditions different to those submitted by the applicant.

### **RECOMMENDATION – APPROVAL**



## **CONDITIONS**

### **Time Limits**

- 1 The winning and working of minerals at the site shall cease not later than 21st February 2042. The site shall be fully restored in accordance with the approved restoration strategy, including the removal of all quarry plant, machinery and temporary buildings and the removal of stone stockpiles no later than 21st February 2043 or 12 months from the permanent cessation of winning and working of minerals at the site whichever is the earlier.

### **Working Programme, Phasing and Direction of Working**

- 2 The development hereby permitted shall be carried out in accordance with the following documents and drawings received by the Local Planning Authority on 9th January 2014 unless amended by any of the following conditions:
  - Drawing MQ/01 – Site Location Plan
  - Drawing MQ/02 – Existing Layout
  - Drawing MQ/03 – Phase 1
  - Drawing MQ/04 – Phase 2
  - Drawing MQ/05 – Phase 3
  - Drawing MQ/06 – Phase 4
  - Drawing MQ/07 – Whole Site Restoration
  - Planning Statement dated June 2016
  - Environmental Statement dated June 2016
  - Letter from SLR dated 12th December 2016
- 3 No winning and working of minerals shall be undertaken in Phase 4 as defined on Drawing MQ/06 until such time as the restoration works indicated on Drawing Number MQ/03 (Phase 1) and MQ/04 (Phase 2) have been completed in accordance with detailed restoration schemes for those areas which have been submitted to and approved by the Local Planning Authority.
- 4 The advance tree planting area indicated on Drawing MQ/07 shall be planted in the first tree planting season following final determination of the application in accordance with a detailed scheme to be submitted for the written approval of the Local Planning Authority.
- 5 There shall be no winning and working of minerals within the Phase 2 area and no plant and machinery shall be located within the Phase 2 restoration area.
- 6 Until such time as operations at the quarry permanently cease, copies of this decision notice and any other documents referred to in it shall be kept available at the site office for inspection during permitted working hours. The existence and contents of these shall be made known to all operatives who are responsible for the matters referred to in the documents.

## **Restriction of Permitted Development Rights**

- 7 Notwithstanding the provisions of Parts 19 and 21 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, replacing or re-enacting that Order)
- (a) no fixed plant or machinery, buildings or structures, shall be erected, extended, installed, rearranged or altered at the site without the prior written approval of the Local Planning Authority.
  - (b) Any waste from the quarry shall be deposited inside the site so as to assist in the reclamation and re-vegetation of the quarry in accordance with the approved restoration details. The locations of such waste deposits shall be chosen so as not to conflict with the overall scheme of restoration referred to in this decision. There shall be no deposits on land adjoining the excavated areas except with prior written permission from the Local Planning Authority. No tips of quarry waste shall be created on skylines.

## **Production Limits**

- 8 The output of mineral via the combined Maesdulais/Garn Bica quarry unit access shall not exceed a level of 50,000 tonnes per calendar year. Output of mineral from the site shall also not exceed 300 tonnes per day Monday to Friday and 150 tonnes on Saturdays.
- 9 From the date of final determination of this permission, the quarry unit operators shall maintain records of their daily output/production and shall make them available to the Local Planning Authority within 14 days of a formal request. All records shall be retained for at least two years.

## **Hours of Working**

- 10 Except in emergencies to maintain safe quarry working (which shall be notified to the Local Planning Authority as soon as practicable), or with the prior written approval of the Local Planning Authority:-
- (a) no operations, other than servicing, environmental monitoring, repair and testing of plant or other similar work, shall be carried out except between 0730 hours and 1800 hours on Mondays to Fridays, and 0800 and 1200 hours on Saturdays
  - (b) no essential servicing or repair and testing of plant shall be carried out after 2100 and before 0800 hours on any normal weekday after 1800 hours and before 0800 hours on a Saturday or Public Holiday.
  - (c) no operations on the periphery of the site or at high levels, or in unscreened locations, such as the formation, removal or alteration of spoil tips, baffle mounds, screening and storage embankments, formation or maintenance of drainage works, and the stripping and replacement of soils shall be carried out except between 0800 hours and 1700 hours Monday to Friday and 0800 hours and 1200 hours on Saturdays

- (d) No operations other than environmental monitoring and water pumping at the site shall take place on Sundays and Public Holidays.

The term 'emergency' means any circumstances in which the operator has reasonable cause for apprehending injury to persons or serious damage to property or the environment.

- 11 During published school term times for local schools, no HGV's (more than 7.5 tonnes gross weight) shall enter or leave the site except between the following hours Monday to Friday:-

0730 and 0830 hours

0930 and 1500 hours

1600 and 1800 hours

### **Depth of Working**

- 12 No mineral extraction shall take place below 104m AOD or the depth of the water table whichever is the higher.

### **Access, Traffic and Protection of the Public Highway**

- 13 No waste materials or minerals shall be brought into the site for disposal, treatment, processing or re-distribution.
- 14 The site access road shall be hardsurfaced for a minimum distance of 15 metres from the C2066 County Road. The hardsurfacing shall be maintained and repaired as necessary to ensure full hardsurface coverage during the life of the site.
- 15 A visibility splay of 2.4m x 33m shall be retained for the duration of the permission, either side of the centre line of the access road in relation to the nearer edge of carriageway. No growth and/or any other form of development exceeding a height of 0.9 m above the level of the crown of the adjoining public road shall be permitted within the visibility splay.
- 16 Efficient means of cleaning shall be provided and be utilised for the cleansing of wheels and chassis of all vehicles leaving the site so as to prevent the deposition of extraneous material on the public highway. Any wheelwash or wheel bath shall be a "closed" system with no discharge of contaminated waters.
- 17 All surface water from within the site shall be trapped and disposed of so that it does not flow on to the public highway.
- 18 All vehicles leaving the site loaded with crushed aggregates shall be securely sheeted. This shall not apply to single sized graded material which is above 75 mm.

### **Dust**

- 19 Measures shall be taken to minimise dust emissions from operations at the site in accordance with the following protocol:

- (a) water bowsers fitted with control sprayers or other mobile or fixed water sprayers shall be available on site and utilised as often as is necessary to suppress dust. At such times as the prevention of dust nuisance by these means is not possible, operations shall cease until such time as the weather conditions are satisfactory for those operations to be undertaken without dust nuisance;
- (b) soils and overburden shall not be handled during extreme dry weather conditions unless the working areas and any mounds created can be dampened down sufficiently to prevent dust nuisance. At such times as the prevention of dust nuisance by these means is not possible, operations shall cease until such time as the weather conditions are satisfactory for those purposes;
- (c) all drilling rigs used on site shall have efficient filter bag units or other efficient arrestment system fitted correctly and used when drilling in order to minimise the emission of dust to atmosphere, except for collaring and horizontal drilling;
- (d) the site access 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;
- (e) a speed limit of 10 mph shall apply to all vehicles on internal haul roads;
- (f) no vehicle used for the movement of materials within the site shall be equipped with downward pointing exhausts;
- (g) loading of vehicles shall be carried out so as to minimise the generation of airborne dust. Where crushed material is loaded into lorries at a load out area then dust emissions shall be minimised by water suppression;
- (h) any crushing or screening plant operated at the site shall include measures to control the emission of dust to atmosphere. The operators shall ensure that all visible dust emissions from materials handling be kept to a minimum and that in particular stock piles of pre-crushed materials shall be kept moist in order to reduce emissions to atmosphere of dust;
- (i) internal road transport of processed materials likely to generate dust shall be carried out in closed tankers or sheeted vehicles, or the materials adequately conditioned with water;
- (j) all water based dust suppression systems for processing plant must have a suitable and sufficient supply of water and shall have adequate freeze protection to ensure consistent operations;
- (k) the loading to and from stockpiles, and construction and management of stockpiles shall be carried out in such a manner as to minimise wind borne dust;
- (l) drop heights of stone shall be minimised. Stone shall normally be conditioned with water or proprietary conditioning agents and this shall take place at or before the point of discharge from any conveyor. Loading shall take place at

sheltered points around the stockpile. When constructing and managing stock piles, regard shall be had to the need to prevent dust becoming wind entrained. Stock piles shall be suitably profiled and shall be situated in sheltered areas of the site. Other appropriate measures shall include periodic conditioning with water or proprietary conditioning agents, according to weather conditions and the fitting of dust covers to all external conveyors;

- (m) any complaints received regarding dust nuisance shall be investigated and reported to the Local Planning Authority within 7 days of receipt together with the action considered appropriate to resolve any issue highlighted by the investigation (including provision for monitoring) and any amendments required to the protocol. Any revised protocol approved by the Local Planning Authority shall be implemented from the date of approval.

### **Blasting and Vibration**

- 20 No blasting shall take place at the site except between 9.30 and 15:30 hours on Mondays to Fridays inclusive. There shall be no blasting or drilling operations on Saturdays, Sundays, Public Holidays or National Holidays.
- 21 Blasting shall be undertaken in such a manner to ensure that ground vibration for 95% of blasts over any continuous six month period are at or below a measured peak particle velocity (ppv) of 4 mm per second. No single blast shall exceed a ppv of 10 mm per second. The measurement is to be the maximum of three mutually perpendicular directions taken at the ground surface as measured at or near the foundations of any vibration sensitive building.
- 22 No secondary blasting shall be carried out on site.
- 23 All individual blasts shall be designed, managed and implemented to minimise the extent of air overpressure resulting from blasts. If air overpressure exceeds 120dB at any nearby residential property the Local Planning Authority shall be informed within 7 days and the design, management and implementation of the blasts must be reviewed and revised in accordance with the findings of such review prior to any further blasting being undertaken at the site.
- 24 Blast monitoring measures shall be implemented in accordance with a scheme to be submitted for the written approval of the Local Planning Authority within 1 month of the date of this permission. The scheme shall include
  - a) Blast monitoring locations and frequency of monitoring.
  - b) The monitoring equipment to be used to record ground vibration and air overpressure.
  - c) Presentation of results.
  - d) Procedures to be adopted if vibration levels are exceeded.

## **Noise**

- 25 Between the hours of 07:30 and 18:00 hours on Mondays to Fridays, and 08:00 and 12:00 noon on Saturdays the noise level attributable to operations at the site, measured at noise sensitive properties identified below shall not exceed the following levels measured as dBLAeq. (1 hour) (free field):

Llawrcwrt -	47
Porthyrhyd Farm	42
Maesdlais Farm	46
Caerau Croft	47

Outside these hours the noise level attributable to operations at the site shall not exceed 42 dB LAeq (1 hour) (freefield).

- 26 Silencers and means of silencing or covers shall be fitted to, used and maintained on all vehicles, plant, and machinery used on site, including power hammers and percussive equipment. Save for the purpose of maintenance, no machinery shall be operated with the covers open or removed.
- 27 The best practical means shall be used to minimise noise from reversing warning devices which are fitted to mobile plant and vehicles on site. This may include the fitting of "smart" alarms to vehicles.
- 28 Prior to the commencement of mineral extraction within Phase 3 a scheme for monitoring noise levels arising from the working of the site shall be submitted for the written approval of the Local Planning Authority. The scheme shall provide for:
- (i) Noise monitoring locations and frequency of monitoring;
  - (ii) Details of equipment proposed to be used for monitoring;
  - (iii) Recording the details of plant and machinery working at the time of monitoring;
  - (iv) Logging of all weather conditions and wind direction;
  - (v) Presentation of results;
  - (vi) The procedures to be adopted in the event of noise levels being exceeded.

Such scheme shall be implemented as approved and complied with at all times.

## **Protection of the Water Environment**

- 29 Within 3 months of the date of determination, a Pollution Prevention Method Statement detailing all pollution prevention measures to be adopted at the site and potential contingency plans if an incident does occur, shall be submitted for the written approval of the Local Planning Authority. The Method Statement shall identify as a minimum:
- (a) storage facilities for all fuels, oils and chemicals;

- (b) construction compounds, car parks and offices;
- (c) details of surface water drainage arrangements to be installed to intercept and treat contaminated surface water run-off and the maintenance regime for such installations;
- (d) details of measures to ensure no polluting discharge from haul roads and disturbed areas;
- (e) details of emergency contacts.

### **Floodlighting**

- 30 Any artificial lighting units installed on the site shall be so sited so that the lamp is below the level of the quarry face towards which it is facing and shall be shielded so as to be unobtrusive to any residential or agricultural property outside the site.

### **Historic Environment**

- 31 No works/operations, the parking of vehicles/plant or the removal of vegetation shall take place within the Scheduled Monument Area. The boundary of the Scheduled Monument shall be securely fenced prior to any mineral extraction being undertaken within Phase 3 and the fence shall be maintained in a stockproof condition for the duration of operations at the site.
- 32 No soil stripping or soil moving operations shall take place within Phase 3 or Phase 4 of the site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and been approved by the Local Planning Authority.

### **Ecology**

- 33 Throughout the working life of the quarry the site shall be managed for species and habitat conservation. The management shall include the following:-
- (i) Areas where no quarrying activity (excavation, soil stripping, waste tipping, soil storage, siting of plant, equipment and offices) is to take place shall remain undisturbed to enable the natural colonisation of bare surfaces;
  - (ii) Once excavations have reached the finished contours in any part of the site no further disturbance shall take place without the prior written approval of the Local Planning Authority;
  - (iii) Artificial features such as good ledges, large cavities, holes and cracks shall be created in quarry faces once excavations have reached the finished contours, for use by birds and bats;
  - (iv) Leaving some exposed soft, crumbly faces where safe to do so;
  - (v) Minerals and mineral waste arising from the operations at the site may be left on the floor of the quarry;

(vi) Leaving exposed at the surface such geological profiles as may have been exposed and may be safely left.

- 34 No removal of trees, bushes or hedgerows within the working area shall take place between 1st March and 31st August (inclusive) in any year unless.
- 35 No mineral extraction operations shall be undertaken on the Maesdulais Quarry site until a detailed long-term Habitat Management and Monitoring Scheme has been submitted to and approved by the Local Planning Authority. The scheme shall be fully implemented as approved.
- 36 Works for the closure of the identified badger sett must proceed in strict accordance with Section 9 of the submitted Badger Survey and Mitigation Report.
- 37 No extraction works shall take place at the site until a detailed mitigation strategy for dormice has been submitted for the written approval of the Local Planning Authority. The scheme shall be implemented as approved.
- 38 No works to suitable dormouse habitats shall be commenced until the Local Planning Authority has been provided with a licence that has been issued by NRW pursuant to Regulation 53 of the Conservation of Habitats and Species Regulations 2010 authorising the specified activity/development to go ahead, or NRW has informed the applicant in writing that such a licence is not required.

### **Landscaping**

- 39 The existing trees, bushes and hedgerows within the site (except those within the area of excavation) or on land within the applicants control, shall be retained and shall not be felled, lopped, topped or removed without the prior written approval of the Local Planning Authority. Any such vegetation removed without such approval, dying, being severely damaged or becoming seriously diseased as a result of operations at the site shall be replaced with trees or bushes of such size and species, as may be specified by the Local Planning Authority, in the planting season immediately following any such occurrences

### **Site Maintenance**

- 40 The external cladding, colour and finish of all buildings, structures or fixed plant shall be maintained in a good state of repair and appearance throughout the life of this development.
- 41 From the date of the final determination of this permission until final completion of the development, the operator shall maintain and make stock proof the perimeter hedges, fences and walls and protect the same from damage. Where a site boundary does not coincide with an existing stockproof hedge or fence, a stockproof fence shall be provided and maintained until completion of operations.
- 42 The topsoil and subsoil mounds shall be kept free of weeds and all necessary steps shall be taken to destroy weeds at an early stage of growth to prevent seeding.

### **Soil Stripping, Handling and Storage**



- 43 All available topsoil and subsoil, shall be stripped from any part of the site before that part is excavated or is traversed by heavy vehicles or machinery, or roads, buildings, plant yards or stores are constructed on it.
- 44 The operator shall notify the Local Planning Authority at least 72 hours prior to the stripping of soils and/or the re-spreading of soils on any part of the site.
- 45 In each calendar year, soil stripping shall not commence until any standing crop of vegetation has been cut and removed.
- 46 All stripped topsoil's, subsoil's and other growing media shall be stored separately within the site for the progressive restoration of the quarry in a place where they will not be disturbed until such time as they are required for restoration purposes. No topsoil, subsoil, or peat shall be sold or otherwise removed from the site.
- 47 Not later than three months from the final date of determination of this application the developer shall provide the Local Planning Authority with plans, drawings and written details to define the location, quantity and quality of topsoil and subsoil stores.
- 48 The surfaces of all topsoil and subsoil storage mounds shall be graded and sloped at suitable gradients to encourage surface water drainage and prevent ponding and erosion, and shall be seeded, planted, and maintained to have sufficient moisture content or other treatment to minimise fugitive dust emissions.
- 49 The stripping, movement and re-spreading of soils and peat shall be restricted to occasions when material is friable and the ground is sufficiently dry to allow the passage of heavy vehicles and machinery over it without damage to the soils and peat.

### **Restoration and Aftercare**

- 50 Not later than three years from the date of this decision the owner or developer of the quarry shall submit for the written approval of the Local Planning Authority detailed schemes for the final restoration and aftercare of the site. The schemes shall reflect the principles of the Concept Restoration Plan MQ/07. The site shall be reclaimed in accordance with the terms of approval of the schemes.
- 51 Without prejudice to the totality of the restoration scheme, it shall include details of the removal of all plant, machinery, buildings, stockpiles, drainage ditches and lagoons, unless these are to be retained as wetlands, the re-grading of the site, and the spreading of soils or other growing media.
- 52 In the event of a cessation of winning and working of minerals prior to the achievement of the completion of the approved scheme and which in the opinion of the Local Planning Authority constitutes a permanent cessation as defined in Paragraph 3 of Schedule 9 of the Town & Country Planning Act 1990, a revised scheme, to include all details of restoration and aftercare, shall be submitted in writing to the Local Planning Authority within 6 months of the permanent cessation of mineral working. The approved revised scheme shall be fully implemented within 12 months of the written approval unless otherwise agreed in writing by the Local Planning Authority.

- 53 Without prejudice to the totality of the scheme of aftercare, it shall include details of:-
- (a) Planting and landscaping.
  - (b) Cultivations, seeding and management of woodland, shrubs, and grassland, in accordance with the rules of good husbandry.
  - (c) The duration of the aftercare period.
  - (d) Grazing management, where appropriate.
  - (e) Any other agricultural, silvicultural or conservation treatment particularly relevant to the site.
  - (f) The creation, management and maintenance of any paths, tracks, and roads.
  - (g) Maintenance and management of drainage features, ponds and wetlands.
  - (h) At least once a year the site operators shall arrange a formal review to consider the restoration and aftercare operations which have taken place on the land during the previous year, and the programme of management for the following year. The parties invited to this review shall include the Mineral Operator, the owner(s) of the land, the occupier(s), the Mineral Planning Authority, the Countryside Council for Wales and the Environment Agency.
  - (i) At least four weeks before the date of each annual review the operator shall provide the Mineral Planning Authority with a record of the management and operations carried out on the land during the period covered by the review.

## **REASONS**

- 1 As required by the Planning and Compensation Act 1991.
- 2 To define the development hereby approved.
- 3 To ensure that the progressive restoration of the entire site is achieved at the earliest opportunity.
- 4 To mitigate for the loss of woodland at the earliest opportunity.
- 5 To maintain control over the extent of the operational area.
- 6 To ensure the development is carried out in accordance with the approved documents.
- 7 To control site operations and in the interests of the amenities of residents of the area.
- 8,9,11 In the interest of highway safety.
- 10 In the interests of the amenity of residents of nearby residential properties.

- 12 To protect groundwater resources.
- 13-18 In the Interests of highway safety.
- 19-28 In the interests of the amenity of residents of nearby residential properties.
- 29 To protect the water environment.
- 30 In the interests of the amenity of residents of nearby residential properties.
- 31,32 In the interests of the protection of the historic environment.
- 33-39 In the interests of biodiversity and nature conservation.
- 40 In the interests of visual amenity.
- 41 To prevent access to the site by livestock.
- 42 To prevent a build-up of harmful weeds in soils that are being or will be used for restoration.
- 43-49 To ensure the restoration of the site is not put at risk by poor soil handling techniques.
- 50-53 To ensure the proper restoration of the site.

## **NOTES**

- 1 All British Bat species and dormice are European Protected Species by virtue of their listing under Annex IV of EC Directive 92/43/EEC ('The Habitats Directive'). This Directive has been transposed into British Law under the Conservation (Natural Habitats &c.) Regulations (1994).

Under Regulation 39 of the Regulations, it is an offence to deliberately to capture or kill a wild animal of a European protected species; deliberately to disturb any such animal; or to damage or destroy a breeding site or resting place of such an animal. For bats this includes roosts that are not currently being used.

If Bats or dormice are found within the quarry area work will have to stop and the Countryside Council for Wales informed - a licence may need to be applied for from the Welsh Government. Licences are not automatically granted by virtue of a valid planning consent and it may be possible that a licence application is refused.

- 2 In addition the applicant should be aware that peregrine falcons are known to nest in Maesdulais Quarry. Under the provisions of Schedule 1 of the Wildlife and Countryside Act (1981) (as amended) it is an offence to kill, injure or disturb any wild bird or damage or destroy the nest of any wild bird whilst that nest is being built or is in use. The breeding bird season is generally taken to be mid-March to mid-August. As such no work should be carried out during the breeding season, unless it can be demonstrated that nesting birds are absent.

<b>Application No</b>	<b>W/35024</b>
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<b>Application Type</b>	Full Planning
<b>Proposal &amp; Location</b>	PROPOSED PREP ROOM AND STORAGE AREAS WITH EXTENSIONS TO A COMMERCIAL KITCHEN AND DINING ROOM AT THE OLD BOARD SCHOOL GUEST HOUSE, HIGH STREET, ST CLEARS, SA33 4DY

<b>Applicant(s)</b>	MR PHILLIP HUGHES, THE OLD BOARD SCHOOL GUEST HOUSE, HIGH STREET, ST CLEARS, SA33 4DY
<b>Agent</b>	CAD SERVICES - TIM STICKLAND, GOITRE FAWR, CWMBACH, WHITLAND, CARMS, SA34 0DN
<b>Case Officer</b>	Stuart Willis
<b>Ward</b>	St Clears
<b>Date of validation</b>	25/01/2017

## CONSULTATIONS

**St Clears Town Council** – Has not responded to date.

**Local Member** - County Councillor P Hughes is the applicant and has made no prior comment.

**Neighbours/ Public** - The application has been publicised by the posting of 2 site notices and no responses have been received to date.

## RELEVANT PLANNING HISTORY

The following planning application has previously been submitted on the application site:-

W/32906	Change of Use with single storey rear extension to form a small companion animal veterinary centre Full planning permission	4 February 2016
W/20265	Proposed new medical centre and veterinary clinic with new access road and associated car parking Withdrawn	18 August 2011

W/18063	New residential care home (45 bed spaces) Withdrawn.	18 July 2008
W/17224	Retrospective application for conservatory Full planning permission	16 October 2007
W/09170	Ground floor extensions to dining room and kitchen including new entrance lobby, storerooms and garage Full planning permission	18 March 2005
D4/24586	Conversion into guest house 1 Full planning permission	28 April 1994
D4/22889	Change of Use of old school building to residential Full planning permission	4 February 1993
D4/22054	Electricity supply Full planning permission	6 February 1992

## **APPRAISAL**

**The application is presented to the Planning Committee as the applicant is the Local Member Cllr P Hughes.**

## **THE SITE**

The application site comprises a detached 2 storey building known as Old Board School. The site is located near the corner of High Street and Penyffordd. The site is accessed off Penyffordd. The building is set back from the road in the north eastern corner of the site with a parking/turning area to the front and western side. The site is elevated from High Street and also, but less so, from Penyffordd. Penyffordd is a no through cul-de-sac road of residential properties. The site is located on the southern edge of upper St Clears, positioned close to the A40 Junction. The site is located within the development limits of St Clears. There are residential properties to the west along Penyffordd and along High Street. To the north of the site is a field located outside of the development limits. Opposite the site to the east are the existing premises of Market Hall Vets located on High Street. There have been previous applications for extensions to the building and also one for change of use to a veterinary surgery approved at Planning Committee in 2016.

## **THE PROPOSAL**

The application seeks planning permission for extensions to the existing premises.

There would be an extension at the north western corner of the property running along the northern boundary of the site. This would be single storey and accommodate a commercial kitchen, prep room and associated storage. This would be built on to the existing stone boundary wall. A further single storey extension is proposed on the north eastern side of the building where there is currently a courtyard area. This would be for a large dining room area. The extensions would have natural stone and render walls and slate roofs. The design and form of the extensions are similar to the existing property.

## **PLANNING POLICY**

In the context of the current development control policy framework the site is located outside the defined development limits as contained in the adopted Carmarthenshire Local Development Plan Adopted December 2014.

Policy GP1 of the Local Development Plan (LDP) sets out the general requirements of the Local Planning Authority to ensure sustainability and high quality design through new development. In particular, that “it conforms with and enhances the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing, elevation treatment, and detailing”, “it would not have a significant impact on the amenity of adjacent land uses, properties, residents or the community” and “an appropriate access exists or can be provided which does not give rise to any parking or highway safety concerns on the site or within the locality” and “incorporates existing landscape or other features, takes account of site contours and changes in levels and prominent skylines or ridges”.

## **THIRD PARTY REPRESENTATIONS**

There have been no adverse representation received to date and the application is only presented to the Planning Committee as the applicant is the Local Member.

The scale of the extensions are considered appropriate and are single storey therefore subordinate to the main building. The design and materials also compliment and match the existing property. There have previously been approvals for similar extensions at the property. Due to the orientation of the nearby properties and the single storey nature of the extensions it is not felt that there would be any significant impacts on the amenity of other properties. The extensions are for improved ancillary facilities and it is not felt that there would be any significant impacts on traffic. The existing parking spaces are also not affected.

A bat scoping survey was carried out and found no evidence of bats and no requirement for further survey work.

## **CONCLUSION**

After careful consideration of the site and its surrounding environs in the context of this application, together with the representations received to date it is considered that on balance the proposal is acceptable.

As such the application is put forward with a recommendation of approval subject to the following conditions.

## **RECOMMENDATION – APPROVAL**

### **CONDITIONS**

- 1 The development hereby permitted shall be commenced before the expiration of five years from the date of this permission.
- 2 The development shall be carried out strictly in accordance with the following approved plans and documents, unless otherwise stipulated by conditions:-

- 1:1250 scale Location Plan
- 1:100 scale Proposed Roof Plan (191/PRP-9)
- 1:100 scale Proposed East Elevation and Section A-A (191/PEES-8)
- 1:100 scale Proposed North Elevation (191/PNE-7)
- 1:100 scale Proposed South and West Elevation (191/PSWE-6)
- 1:100 scale Proposed Ground Floor Plan (191/PGFP-5)

received on 28<sup>th</sup> December 2016

- Bat Scoping Survey

received on 24<sup>th</sup> January 2017

## **REASONS**

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2 In the interest of clarity as to the extent of the permission.

## **REASONS FOR GRANTING PLANNING PERMISSION**

The decision to grant planning permission has been taken in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise.

- The proposed development complies with Policy GP1 of the Carmarthenshire Local Development Plan, 2014 (LDP) in that in an extensions are in keeping with the design of the existing building, do not give rise to any significant concerns in relation to access, parking or traffic generation. There would be limited impacts on the amenity of nearby properties and the proposal would not be detrimental to protected species.

## **NOTES**

- 1 Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

In addition, any Conditions which the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers') responsibility to ensure that the terms of all Conditions are met in full at the appropriate time (as outlined in the specific condition).

The commencement of development without firstly meeting in full the terms of any Conditions which require the submission of details prior to the commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised development and may render you liable to formal enforcement action.

Failure on the part of the developer to observe the requirements of any other Conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.



<b>Application No</b>	<b>W/35078</b>
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<b>Application Type</b>	Full Planning
<b>Proposal &amp; Location</b>	CHANGE OF USE OF EXISTING GROUND FLOOR FRONT ROOM TO BEAUTY TREATMENT ROOM (RETROSPECTIVE) AT 43 HEOL RUDD, CARMARTHEN, SA31 1ST

<b>Applicant(s)</b>	MRS FAYE TYLER-WINNEY, 43 HEOL RUDD, CARMARTHEN, SA31 1ST
<b>Agent</b>	HAROLD METCALFE PARTNERSHIP - MR CERI EVANS, 32 SPILMAN STREET, CARMARTHEN, SA31 1LQ
<b>Case Officer</b>	Stuart Willis
<b>Ward</b>	Carmarthen North
<b>Date of validation</b>	08/02/2017

## CONSULTATIONS

**Carmarthen Town Council** – Has stated they have no objection.

**Local Member** - County Councillor P Hughes Griffiths and G O Jones have requested that the application be presented to the Planning Committee for the following reasons:

- Concerns regarding parking at the site and also a possible increase in traffic within a very confined area (G O Jones).
- Concerns regarding the suitability of such a development mainly regarding parking issues and the development of businesses within a tight residential area (P Hughes Griffiths).

**Neighbours/ Public** - The application has been publicised by the posting of a site notices and one response has been received to date raising the following issues:

- Application gives incorrect opening hours – business is open on some weekends and some Saturdays;
- On road parking is particularly an issue at weekends and evenings;
- Noise from clients coming and going from the premises and their cars impacting on amenity of surrounding properties;
- Proposed additional parking is not sufficient and not address issues;
- Highway safety - increase in traffic;

- Narrowness of the road restricts movement;
- People park on the pavement;
- Damage to vehicles;
- Site is on a bend in the road;
- No off road turning area;
- Safety risk for pedestrians;
- Area not suitable for business activity, no other businesses in the area;
- Precedent for further businesses;
- Impact on businesses in the town.

## **RELEVANT PLANNING HISTORY**

W/32451	Construction of one dwelling Withdrawn	24 February 2016
W/17323	Kitchen extension Full planning permission	11 October 2007

## **APPRAISAL**

**The application is as a result of investigations by the Planning Enforcement Team.**

### **THE SITE**

The application site is a semi-detached 2 storey dwelling located off the southern flank of Heol Rudd. The site is located at the northern end of Carmarthen. The dwelling is at a higher level than the road. There are currently 2 existing off road parking spaces for the dwelling. Many of the dwellings in the street do not have off road parking. There is unrestricted parking on the street and the road width is approximately 6m with a pavements either side. The application is retrospective with the business already in operation.

### **THE PROPOSAL**

The application seeks retrospective planning permission for change of use of the existing ground floor front room to a beauty treatment room. The proposal would also include the creation of an additional off street parking space.

The application form indicates that the business has been operating from the premises since 2007. The application has been submitted following an enforcement complaint last year regarding the business. The area changed is approximately 11sqm of floor space.

Further information has been provided by the applicant regarding the business. The applicant has clarified the opening hours stating these are:

Monday 9.30am – 4.30pm  
 Tuesday 9.30am – 7pm  
 Wednesday 11.30am – 7pm  
 Thursday 9.30am – 7pm  
 Friday 9.30 – 4.30pm  
 Saturdays 10am – 2pm occasionally (1 week in 6)

The business is for mobile and home based beauty therapy. The applicant carries out beauty treatments on clients at their home or the beauty room subject to this application which is a dedicated room in the family home and has not been modified or changed structurally. Treatments includes nails, spray tans, body massages and facials. In relation to opening hours these are hours the applicant is available to work with clients booking a convenient time within that period. They have indicated that approximately 15-20 hours per week of appointments are made. All appointments are pre-booked with the applicant in order to manage their times and to rule out disruption to their family and neighbours.

## **PLANNING POLICY**

In the context of the current development control policy framework the site is located inside the defined development limits as contained in the adopted Carmarthenshire Local Development Plan Adopted December 2014.

Policy GP1 of the Local Development Plan (LDP) sets out the general requirements of the Local Planning Authority to ensure sustainability and high quality design through new development. In particular, that “it conforms with and enhances the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing, elevation treatment, and detailing”, “it would not have a significant impact on the amenity of adjacent land uses, properties, residents or the community” and “an appropriate access exists or can be provided which does not give rise to any parking or highway safety concerns on the site or within the locality” and “incorporates existing landscape or other features, takes account of site contours and changes in levels and prominent skylines or ridges”.

Policy TR3 Highways in Developments - Design Considerations states that the design and layout of all development proposals will, where appropriate, be required to include an integrated network of convenient and safe pedestrian and cycle routes (within and from the site) which promotes the interests of pedestrians, cyclists and public transport; suitable provision for access by public transport; appropriate parking and where applicable, servicing space in accordance with required standards; infrastructure and spaces allowing safe and easy access for those with mobility difficulties; required access standards reflective of the relevant Class of road and speed restrictions including visibility splays and design features and calming measures necessary to ensure highway safety and the ease of movement is maintained, and where required enhanced and provision for Sustainable Urban Drainage Systems to allow for the disposal of surface water run-off from the highway.

Proposals which do not generate unacceptable levels of traffic on the surrounding road network and would not be detrimental to highway safety or cause significant harm to the amenity of residents will be permitted.

Proposals which will not result in offsite congestion in terms of parking or service provision or where the capacity of the network is sufficient to serve the development will be permitted. Developers may be required to facilitate appropriate works as part of the granting of any permission.

Policy H10 Home Working states proposals for home working (where planning permission is required) will be permitted where it can be demonstrated that the proposal would be compatible with adjacent land uses and that it would not result in any adverse impacts on local amenity and/or the character of the area. The notes of the policy expand on the policy and saying it relates to small businesses operating from home providing for considerations

resulting from the increasing trend for home working (for now and the future). It comments that such businesses can play an important role in developing and supporting a diverse economy across the Plan area. It is recognised that many small businesses are started by individuals working from their own homes, and that such instances are likely to increase as technological innovations increase. In considering home working within the context of planning, it is recognised that it does not necessarily require planning permission. For instance, planning permission will not normally be required where the use for business purposes proposed for part of the house does not result in a change to the overall character of the property and its use as a dwelling. Generally the requirement for planning permission results where the business activity ceases to be ancillary to its use as a dwelling or where the residential character of the property is altered. Where such businesses are of a scale and intensity where planning permission will be required, the Council will have regard to the implications of the proposal on surrounding properties and on the likely access and parking arrangements emanating from the nature of the proposal

### **THIRD PARTY REPRESENTATIONS**

There has been one adverse representation received to date from members of the public. The application is before the Planning Committee at the request of the 2 local members.

#### **Highways**

Many of the issues raised relate to highways considerations. These include on road parking issues, increase in traffic and the existing parking issues, particularly at certain times along with the road conditions. The objections also feel that the proposal would not overcome the highways concerns, there is a lack turning facilities and risk for pedestrians.

The application site is one of those properties in the street which has off street parking. The road does bend however the width is approximately 6m. There is existing unrestricted on street parking and this is the only parking for many properties. The application is for the use of a single room within the dwelling covering approximately 11sqm of floor space. There is only 1 member of staff who resides at the premises. As such there is only 1 client at a time using the site. There will be an increase in traffic generation at the site however it is not considered to be significant and will be limited in terms of the capacity of the site. The proposal includes the creation of 1 additional space parking space. This would mean that there would be 3 off street parking spaces. Comment has been made that the additional parking would reduce on street parking. The application increases off street parking which was a concern of the objector. Due to the class of the road there is no need for turning space within the property.

Parking on the pavement and risk to pedestrians were raised. This application can only look at the implications of this development. The proposal is for a small scale home working enterprise. One additional parking space is provided which would cater for the client. The proposal is to also tarmac the drive area. The access is located on a bend in the road however this is an existing access which is being widened rather than a new access. Overall it is felt that with the proposed alterations to the parking it is felt that the proposal would address the additional impacts of the development subject to this application. Conditions are recommended in relation to the timely provision and retention of the parking spaces.

#### **Amenity**

Concerns over the impacts of the proposal on amenity were also raised. This was in part from the comings and goings of clients and also disturbance from additional traffic. Concerns over the opening hours were also raised. The site is located in a residential area. The change of use relates to one room within the property. No objections have referred to noise from the operations within the building itself. In terms of the vehicles as discussed above there would be a limited number of clients using the business at any one time. There will be some noise from clients coming and going however this would be no more than with residents or visitors using the dwellings in the street. There may be more frequent coming and goings however it is not felt this would be to an extent to cause any significant harm to amenity.

The opening hours have been queried by objectors. The applicant has commented that the opening hours are those times they are available and also includes times when they visit clients homes as well as times people visit the site. The business is a combination of mobile services as well as services from the application site. Due to the level of use being restricted by it being only one room it is not felt that it is necessary for restrict the hours of opening. The disturbance is not said to come from the services provided within the building but the movements associated with the clients.

### **Working from Home**

Objections have referred to the suitability or not of a business activity in a residential area and that there are no other business in the area. The impact on the town has also been raised as well as the proposal setting a precedent for future applications.

Each application is assessed on its own merits and approval of this proposal would not set any precedent for future developments. Each would be assessed based on the relevant planning policies and other material considerations.

The proposal is a small scale business operating from a single room within the dwelling. The majority of the property would remain as a dwelling. The floor space that has been altered is approximately 11sqm only. The business operations within the dwelling have not generated any objections in terms noise or disturbance. The beauty services offered are not ones that would be considered to generate significant noise or disturbance in the future.

The site is located outside of the defined town centre of Carmarthen however at this scale it is not felt that the proposal would have any significant impact on the town centre. The LDP recognises that working from home is something that will be likely to become increasingly common. It also acknowledges that many instances would not require planning permission. The LDP comments that such small businesses can play an important role in developing and supporting a diverse economy. It acknowledges that many small businesses are started by individuals working from their own homes. For instance, planning permission will not normally be required where the use for business purposes proposed for part of the house does not result in a change to the overall character of the property and its use as a dwelling. Generally the requirement for planning permission results where the business activity ceases to be ancillary to its use as a dwelling or where the residential character of the property is altered. In terms of alterations to the building there have been no structural changes. Were it not for the parking implications with the proposal then it is unlikely that planning permission would have been required in this instance. Additional parking is provided to address this matter.

Working from home and small businesses at residential properties is clearly something that has been considered as part of the LDP. Many instances do not require planning permission.

In this case due to the individual circumstances of the parking in the area and at the site it was felt that planning permission was needed. An additional parking space has been created to cater for clients and it is felt this overcomes the impacts from the development in question.

### **Other issues**

Other matters were raised such as damage to vehicles when parked in the street. This would not be a material consideration.

### **CONCLUSION**

After careful consideration of the site and its surrounding environs in the context of this application, together with the representations received to date it is considered that on balance the proposal is acceptable.

As such the application is put forward with a recommendation of approval subject to the following conditions.

### **RECOMMENDATION – APPROVAL**

#### **CONDITIONS**

- 1 Notwithstanding the time limit given to implement planning permissions as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended) this permission, being a retrospective permission as prescribed by Section 73A of the Act, shall have been deemed to have been implemented on 31<sup>st</sup> January 2017.
- 2 The development shall be carried out strictly in accordance with the following approved plans and documents, unless otherwise stipulated by conditions:-
  - 1:1250 scale Location Plan and Block Plan (C/4481/3)
  - 1:100 scale Site Plan and Section (C/4481/2)received on 6<sup>th</sup> February 2017
  - 1:50 scale Floor Plan (C/4481/1)received on 1<sup>st</sup> February 2017
- 3 Within 2 months of the date of this permission the additional parking space shall be provided in accordance with the 1:100 scale Site Plan and Section (C/4481/2) received on 6<sup>th</sup> February 2017. The parking spaces shall thereafter be retained, unobstructed, for the purposes of parking only. In particular, no part of the parking or turning facilities is to be obstructed by non-motorised vehicles.
- 4 The commercial beauty use at the site shall be restricted to the area identified as “Beauty Treatment Room” on the 1:50 scale Floor Plan (C/4481/1) received on 1st February 2017 only.

#### **REASONS**

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2 In the interest of clarity as to the extent of the permission.
- 3 In the interest of highway safety.
- 4 To prevent intensification and/or expansion of the business without permission.

## **REASONS FOR GRANTING PLANNING PERMISSION**

The decision to grant planning permission has been taken in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise.

The development complies with Policy GP1, TR3 and H10 of the Carmarthenshire Local Development Plan, 2014 (LDP) in it is not considered that the proposal would give rise to any significant concerns in relation to impacts on amenity of nearby residents. Additional parking is proposed to add to the existing off street parking and it is not felt that there are significant impacts from in terms of highway safety from the development. the proposal relates to a small scale business at home and would not have significant impact on the viability or vitality of the town centre. It is considered that the use is compatible with the character of the area.

## **NOTES**

- 1 Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

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Failure on the part of the developer to observe the requirements of any other Conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.