

**Cyngor Sir Caerfyrddin  
Carmarthenshire County Council**

**PWYLLGOR CYNLLUNIO  
PLANNING COMMITTEE**

**Adroddiad Pennaeth Lle a  
Chynaliadwyedd  
Adran Lle, Seilwaith a Datblygiad  
Ecomonaidd**

**Report of the Head of Place  
and Sustainability  
Place, Infrastructure & Economic  
Development Department**

**19/11/2024**

**I'W BENDERFYNU  
FOR DECISION**

**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 yna 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 SITE VISIT</b>
<b>DATE:</b>	<b>19/11/2024</b>
<b>REPORT OF:</b>	<b>HEAD OF PLACE AND SUSTAINABILITY</b>

<b>REF.</b>	<b>APPLICATION RECOMMENDED FOR APPROVAL</b>	<b>PAGE NOS.</b>
<b>PL/02167</b>	<b>Construction and operation of inert waste recycling facility, waste processing and associated works to include the construction of a screening bund at Cilyrychen Quarry, Llandybie, Ammanford, SA18 3JE</b>	<b>9 - 48</b>

<b>REF.</b>	<b>ADDITIONAL ITEM</b>	<b>PAGE NOS</b>
<b>PL/07862</b>	<b>Nutrient Store and associated works at Land west of Middle Newton, St Clears, Carmarthen, SA33 4HZ</b>	<b>50 -61</b>

**APPLICATIONS RECOMMENDED FOR APPROVAL**

<b>Application No</b>	<b>PL/02167</b>
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<b>Application Type</b>	Full planning permission
<b>Proposal</b>	Construction and operation of inert waste recycling facility, waste processing and associated works to include the construction of a screening bund
<b>Location</b>	Cilyrychen Quarry, Llandybie, Ammanford, SA18 3JE

<b>Applicant(s)</b>	Dolawen Cyf
<b>Agent</b>	Mr Richard Bowen - Asbri Planning Ltd.
<b>Officer</b>	Tom Boothroyd
<b>Ward</b>	Llandybie
<b>Date of validation</b>	01/07/2021

## Reason for Committee

This application is being reported to the Planning Committee

\* following the receipt of more than 7 objections from third parties

## Site

The quarry itself is located approx. 350 metres west of the main A483, between Llandeilo and Ammanford, situated 1.1km's to the north of Llandybie, the village of Pentre-Gwenlais is 280 metres south-west of the quarry. There are a number of other, smaller, disused quarry in the vicinity, including Glangwenlais (550 meters to the west of Cilyrychen Quarry) and Pwllymarch, 1.4 km's to the west, both of these quarries are part of the wider Cernydd Carmel SSSI/SAC. This has been designated as a SAC, SSSI and a National Nature Reserve, mainly due to the presence of the Turlough, a very rare ephemeral water feature occurring due to the underlying geology of the area. Within the quarry there are listed lime kilns (II\*) close to the entrance of the quarry, and approx. 100 meters to the north of the proposed site operations.

The proposed site operations would take place within the boundary of the former Cilyrychen quarry, there are five distinct elements to the site that are located in different parts of the quarry. These distinct elements are located as follows:

Firstly, the existing yard and storage will be utilised as an aggregate's storage area, this yard is to the south of the main quarry void and adjacent to the site of the concrete batching plant. This would be the element of the development that would be closest to any sensitive receptors. The existing yard area has a partially bunded boundary and it is proposed that this bund is enlarged in this part of the site, to aid with screening of the stocking yard and quarry site. The closest properties to this element of the site would be two residential homes, Pantyrodyn House and Cantref Croeso, which both cater for people with learning difficulties. These are located just off the main road, the A483, which lies directly to the east of the site, and are approximately 35 metres to the east of the existing bund.

Secondly, the aggregates processing area, this would be located closer to the quarry void, to the west of the stocking area, on the opposite site of the existing haul road that serves the site. This would be located in a depression and was previously the location of the former fixed processing plant. The closest properties to this part of the site would be those on Penpound Lane, being approximately 120m to the south-east of this part of the site (to the house – the gardens would be approx. 75m). As noted this area is lower than the immediate land and there is a thick scrub/wooded boundary between this part of the site and the properties on Penpound Lane.

The third part of the site would be further to the west of the processing area (although in close proximity) and would be for materials reception and sorting, prior to processing. The closest properties would again be on Penpound Lane to the east, from this part of the site these properties would be approx. 210 metres to the east. There are also residential properties to the south, again, approx. 210 metres from this area of the site

The fourth area of the site is the northern area identified for excavation, indicated as Area A on the plans submitted, this is located on the upper slopes of the northern face of the quarry void and is not in close proximity to any residential properties and/or sensitive receptors. The closest properties are the existing industrial building to the east of this area of the site (approx. 380m) with more industrial buildings on the Llandeilo Road industrial estate, approx. 560m to the north-east of this part of the site. The properties on Penpound Lane to the south-east are approx. 470m from this proposed area for working.

The final distinct element of the site is the second area identified for extraction, Area B, as shown on the plans submitted. This area is at the westernmost end of the site and located within the main void at a low level, above the existing water line. The closest properties to this part of the site are to the south-east (approx. 160 metres) and to the south on Pentregwenlais Road, approx. 330 metres to the south.

To the north of the overall quarry complex there is an open field dividing the quarry from the Cilyrychen Industrial Estate, the entrance of which is 210 metres distant, this is made up of a number of industrial units, some quite substantial. Further to the north the land is mainly rural/agricultural land, with small, isolated farmsteads, the nearest settlement being the hamlet of Derwydd, approximately 1400m from the site.

Access to the former quarry is gained via the minor road that leaves the A483 and provides access to Pantyllyn to the west, the quarry access leaves this minor road 200 metres from the junction with the A483 – the proposed site is accessed through the internal haul road network.

Boundary treatments at the quarry site consist mainly of bunding in the south and south-western sides of the site, with some trees and foliage, whereas to the north and north-west the site borders with the quarry land and mainly consists of trees/scrubland with some small rock faces from previous excavations. The proposed operations would take place close to and within the existing quarry void as well as along the existing bunding to the east, which has some tree and shrub cover but is mostly sparsely vegetated at this time.

## Proposal

This proposal is for the construction and operation of inert waste recycling facility, waste processing and associated works. The total area of the application site is some 18 hectares. The application boundary covers the whole of the quarry complex but only part of the site will be used, and the proposed development would not cover the entire 18 hectares. Proposed operating hours are as follows 07:00 – 18:00 Monday to Friday, 07:00 – 13:00 on Saturdays with no working on Sundays and bank holidays. Shorter working hours are proposed for the operation of the crushing and screening plant, these being 08:00 – 17:30 Monday to Friday.

The proposed development would consist of two main operational elements; the part of the site relating to the importation and processing of inert waste, and the parts of the site for the extraction of secondary aggregates.

Firstly, the importation and processing of inert waste at the site. Construction and demolition waste (hardcore, concrete, soils etc) would be imported to the site, from civil engineering jobs carried out by the applicant. These materials would be brought onto the site via the existing haul roads, where they would be deposited and sorted in the central part of the site, as hatched red on plan 9806-GRY-00-00-DR-C. Once sorted any materials that would be suitable for recycling would then be processed with a crusher/screen. The processing area would be located to the east of the sorting area, as shown by the black hatched area on plan 9806-GRY-00-00-DR-C. Any materials not suitable for recycling or re-use would be removed from site by licensed waste carriers. The recycled waste would be separated into different grades of material which would be stored in the area to the east of the site, the green hatched area on plan 9806-GRY-00-00-DR-C. A covered storage area is also proposed to store the processed materials.

Within this eastern area of the site, the existing bund which forms the boundary of the site will be re-enforced with additional soils materials and planting. It is proposed to increase the height of the bund from its current height (this varies between 3-4 metres) up to 7 metres. The bund would be approx. 12 metres wide in total, at the base, with a 4-metre maintenance track forming the top of the bund. The landscaping of the bund would consist of native species, including field maple, alder, hazel, oak, and others, and would cover an area approximately 0.41 hectares in size.

It is proposed that crushing and screening would likely be carried out on a 'campaign basis' using mobile plant that would be brought into site when required. The processed material would be utilised by the applicant/operator at the site in their civil engineering jobs for a number of uses, including hard standings, haul roads, sub-bases, paths etc. it is difficult to predict with any certainty the exact tonnages that will be imported into the site, due to the nature of these markets. There may be periods where very little material is available, followed by busy periods, taking this into account the applicant has suggested that an approximate figure of 50,000 tonnes per annum would cover these variations.

In addition to the importation of construction and demolition waste, the applicant has also proposed the extraction of materials deposited by previous quarrying operations that are considered recoverable. There are two proposed areas for extraction, which are located within the existing void, on the north and north-western faces of the site. Area A would be located on the northern face of the quarry, at a higher level than Area B which would be located to the north-west, at a low level within the existing void. It is proposed to work these areas by mechanical means only, no blasting or pecking would be required as the material has been deposited, and so would be loose, not virgin stone. The material was considered to be waste by the previous quarry operators and extraction of this material would be relatively straightforward. Some progressive planting/restoration of these areas will occur, but the bulk of the restoration will take place once the extraction operations have been completed.

This material would also be processed in the designated area, should further crushing/screening be required. There would be no winning or working of minerals from the site, all materials utilised from these areas have already been quarried and these materials would be considered secondary aggregates, secondary aggregates being by-products of other industrial, production or extractive process's, in this case the secondary aggregates are as a result of previous extraction processes.

There is also off-site ecological mitigation proposed as part of the proposals, this would be to the north of the site, within land under the ownership of the applicant. This mitigation would consist of the following;

- Woodland to be stock proofed and understorey left to regenerate naturally, approximately 0.77Ha
- Newly Planted Woodland, approximately 0.4Ha
- Hedgerow/Treelines to receive infill planting and stock proofing, approximately 815m

It is proposed to erect floodlighting to the site office/compound during the construction phase. The floodlights will be in use from the commencement of security on site. Prior to this all lighting will be switched off at nighttime. Any floodlights would be positioned pointing downwards to light the area below and would not shine directly on to the highway or towards neighbouring properties. Proposed plant and machinery would be fitted with standard lighting as recommended by the manufacturer and will be used in the morning and evening in the winter months when required.

## **Planning Site History**

PL/00147 - Proposed engineering works to create a noise attenuation bund with associated works – withdrawn

E/27297 - planning application for the retention of the ready mixed concrete plant and ancillary facilities - full granted 20/12/2012

C/25/97 – Determination of conditions on minerals permission, conditions issued on 25/6/1997



## Planning Policy

[Carmarthenshire Local Development Plan](#) (Adopted December 2014) ('the LDP')

Policy SP 1 – Sustainable Places and spaces,  
Policy SP 10- Sustainable Mineral Development,  
Policy SP 12 - Waste Management Policy,  
SP14 - Protection and Enhancement of the Natural Environment ,  
Policy GP1 Sustainability and High Quality Design,  
Policy GP2 Development Limits,  
Policy EQ4 Biodiversity,  
Policy EQ5 Corridors, Networks and Features of Distinctiveness,  
Policy TR3 Highways in Developments - Design Considerations,  
Policy EP1 Water Quality and Resources,  
Policy EP2 Pollution,  
MPP3 Mineral Safeguarding,  
MPP5 Aggregate Alternatives,  
Policy WPP2 – Waste Management Facilities Outside Development Limits,

National Planning Policy and Guidance is provided in [Future Wales: The National Plan 2040, Planning Policy Wales \(PPW\) Edition 11](#), February 2021 and associated [Technical Advice Notes](#) (TANs) published by Welsh Government.

Other relevant planning policy includes Minerals Technical Advice Note 1, TAN 21: Waste, the Regional Technical Statement (1<sup>st</sup> revision 2014), The Wellbeing of Future Generations Act (Wales) 2015, and the Environment (Wales) Act 2016.

### Planning Policies

#### **National Planning Policy:**

#### **PPW12**

This takes the seven Well-being Goals and the five Ways of Working as overarching themes and embodies a placemaking approach throughout, with the aim of delivering Active and Social Places, Productive and Enterprising Places and Distinctive and Natural Places. It also identifies the planning system as one of the main tools to create sustainable places, and that placemaking principles are a tool to achieving this through both plan making and the decision-making process.

The following guidance is of particular relevance in the assessment of this planning application:

At the National Level, PPW 12 highlights the importance of an adequate mineral supply for society. The Local Planning Authorities have a key role to play in this and should balance the need to ensure an adequate supply of these minerals, whilst also protecting the environment and amenity. It sets out 4 key objectives/principles that Local Planning Authorities must take into account in development control and when formulating unitary development plan policies. These principles are to:

- Provide positively for the safeguarding and working of mineral resources to meet society's needs now and in the future, encouraging the efficient and appropriate use of high-quality materials;
- Protect environmental and cultural characteristics of places, including those highly cherished for their intrinsic qualities, such as wildlife, landscapes, ancient woodlands and historic features, and to protect human health and safety and general well-being;
- Reduce the impact of mineral extraction and related operations during the period of working by ensuring that impacts on relevant environmental qualities caused by mineral extraction and transportation, for example air quality and soundscape, are within acceptable limits; and
- Achieving, without compromise, a high standard of restoration and aftercare so as to avoid dereliction and to bring discernible benefits to communities, heritage and/or wildlife, including beneficial after uses or opportunities for enhancement of biodiversity and the historic environment.

Para 5.12.6 of PPW identifies the importance of secondary aggregates and the important role they have to play in conserving primary resources. Reuse and recycling of locally available material is encouraged in line with the proximity principle.

Para 5.12.7 expands on this and identifies slate waste, along with other by products (such as slag from the steel making process, colliery shale and ash from power stations) as an important source of aggregate for use in construction, in place of primary minerals. This contribution can be as high as 10% of the overall aggregate supply and the use of these materials can make a contribution to furthering the overall supply of aggregates.

Para 5.14.24 recognises that, in South Wales, slate and slate waste is more restricted in distribution, in comparison to North Wales, and in general has not been worked on a significant scale for many years, although there have been some limited operations using slate waste for aggregate material.

PPW is supported by a series of more detailed Technical Advice Notes (TANs), of which the following are of relevance:

### **MTAN 1 Aggregates**

MTAN 1 advises on delivery of aggregates extraction policies by Local Planning Authorities and by the aggregates industry, some of the key points are highlighted below,

Para 29 highlights the need to 'actively reduce the proportion of primary aggregates used in relation to secondary, recycled or waste materials'

Para 35 identifies that mineral waste, secondary and recycled materials are plentiful in supply in certain areas of Wales and their use as aggregates should be maximised.

Para 140 confirms that the Welsh Government wishes to promote the minimisation of waste and in combination with this, the use of industrial by-products, recycled materials and mineral wastes as aggregates, in order to reduce the demand for the production of primary resources.

Para 155 highlights the importance that the Welsh Government attach to secondary and recycled aggregates, and the desire to maximise the use of these in construction where

possible. This is crystalised in para 157 which sets a broad objective to increase the proposed proportion of aggregates production in Wales from secondary and recycled sources to at least 25% of total aggregates.

### **Technical Advice Note 21: Waste (TAN 21)**

Adopted in February 2014 this reinforces the vision of PPW for sustainable development and for sustainable waste management via land use planning. This can be achieved by driving the management of waste up the waste hierarchy and ensuring provision of an adequate network of facilities, whilst ensuring that the impacts of waste management facilities are minimised through appropriate location and type of facilities at the same time recognising the economic and social benefits that management of waste as a resource can have.

The TAN re-iterates the importance of applying the waste hierarchy to proposals for waste management in order to try and achieve a more sustainable form of waste management.

The TAN also expands upon the treatment of construction and demolition waste and even suggests that where 'there are longer term prospects for a sufficient and economic supply of demolition and construction waste from an appropriate catchment area' authorities should consider suitable locations for 'urban quarries'. These urban quarries could provide a long-term permanent facility for the processing and storage of Construction & Demolition Waste (C & D waste), where there is an economic supply of this material available.

### **Regional Technical Statement for Aggregates**

Minerals Technical Advice Note 1: Aggregates requires the preparation of Regional Technical Statements (RTS) for the areas covered by the North Wales and South Wales Aggregates Working Parties and for these to be reviewed every 5 years. The most recent iteration of the RTS being the 2nd review, September 2020.

The purpose of the RTS is to provide a strategy for the future supply of construction aggregates within each Region, taking account of the latest available information regarding the balance of supply and demand, and current notions of sustainability as enshrined in Planning Policy Wales. The overarching objective being to ensure supply is managed in a sustainable way so that the best balance between environmental, economic and social considerations is struck, while making sure that the environmental and amenity impacts of any necessary extraction are kept to a level that avoids causing demonstrable harm to interests of acknowledged importance, reflecting the aims of PPW 12.

It provides recommendations on the following:

- a) The quantity of aggregates which should be supplied by Authority areas, or sometimes by groups of Authorities; and
- b) The total tonnages required from existing production sites and new allocations made by Local Development Plans. This is to maintain minerals supplies throughout and at the end of the Plan period.

### **Data**

The most up to date information for Construction and Demolition waste is contained within Natural Resources Wales report '2019 Wales Construction & Demolition

Waste Arisings Survey.' The key findings of this report are as follows:

- The Recycling rate (comprised of Preparation for Reuse, Recycling, Composting and Backfilling) of Non-Hazardous Construction & Demolition waste excluding naturally occurring substances (EWC 17 05 04) generated in Wales was 93% in 2019. When extending the metric to include all C&D waste materials the performance was 90%
- The Recycling rate of C&D waste excluding hazardous waste and Soil & stones has increased from 87% in 2012 to 93% in 2019.
- The rate of C&D waste disposed of to Landfill has decreased from 19% in 2012 to 6% in 2019.
- The Welsh Government's C&D waste prevention and landfill targets were achieved by the C&D sector in Wales in 2019 when measured against the estimated tonnages.
- The C&D waste Recycling target was estimated to have been achieved in 2019 based on a 93% Recycling rate.

## Summary of Consultation Responses

**Built Heritage** – no objection in relation to a setting of listed buildings perspective but did suggest a number of conditions relating to the condition and on-going maintenance of the kilns.

**Conservation – Landscape** - concluded that the proposals would not result in landscape or visual effects which would present impacts of a significance to challenge policy objectives in relation to the Landscape Consultation policy remit, and has suggested conditions be attached

**Conservation – Trees** - confirmed the Arboricultural information is adequate.

**Conservation – Ecology** – HRA concluded that the proposed development would not have a significant impact on the Cernydd Carmel SAC, subject to the inclusion of conditions on any permission.

**Contaminated Land** – no objections to the development but have suggested conditions be attached to any permission, relating to a preliminary risk assessment, and any subsequent information should any contamination be found

**Highways** – raised no objection to the development, suggested conditions relating to the visibility splays at the access, turning arrangement at the site access road and wheel cleaning facilities

**Public Rights of Way** – no objections to the application, but note that footpaths 51/78, 51/81 cross, and 51/82 abut land within the curtilage of the quarry. If permission is granted the applicant/owner should be notified of these PRoW and they should not be obstructed and or encroached upon

**SAB** – notes that a small section of the site is at small risk to surface water flooding, also confirms that SAB approval will be required.

**Public Protection** - the dust pollution prevention statement should be conditioned and complied with, also suggested measures for insects and odour – however, given that the material to be imported will be inert, soils material this is not considered to be relevant to this application. No objections in relation to noise but have suggested a range of conditions relating to working hours, and noise levels and a scheme for the control of noise.

**Llandybie Community Council** – recommend refusal of the application, the impact of HGV movements will create an issue on the local road network, impacts on residential amenity, including noise and vibration from the crushers, also concerns regarding ecology, including the Carmel Nature Reserve.

**Llanfihangel Aberbythych Community Council** – the application is outside of their boundary but have concerns regarding impacts on wildlife and the SSSI, also sought assurance on the road usage of HGV's

**Cllr Anthony Davies**- objects to the development, has concerns about the number of HGV's and the associated safety and health issues this could cause, highlights the presence of primary schools along the roads that would be used. Also mentions concerns with relation to impacts from noise and dust and impacts on ecology.

**Cllr Dai Nicholas** – objects to the development on a number of grounds including,

- the disturbance related to the construction of the proposed bund, with mention relating to dust.
- Bowsers for dust control have not been used in the past.
- Partial draining of the water body could affect the Turlough.
- No benefit to the village.
- Lack of clarity and potential impacts of HGV movements,
- Potential impacts on listed lime kilns
- Ecological impacts

**CADW** – No response received to date

**Dwr Cymru** - no proposals to connect to a public sewer, and therefore no comments

**NRW** –agreed with the Authorities conclusions in the Habitats Regulation Assessment, (no significant effects, subject to conditions)

**Welsh Government Trunk Roads Agency** – confirmed that they are the Highways Authority for the A483 and no direction issued but did suggest a condition in relation to wheel washing facilities at the site exit.

A further email was sent to trunk roads agency relating to the methodology they used to assess the application, and they confirmed the following:

*I have reviewed our records and there were no further details supplied to ourselves, over and above those supplied as part of the formal application. The decision was made on the significant extant use of the former quarry operations and the Transport Statement demonstrating the proposals would be like for like and would not result in a significant increase*

All representations can be viewed in full on our [website](#).

## Summary of Public Representations

The application was the subject of publicity by way of letters to neighbouring properties, site notices and publication in the press

In total, 147 separate objections were received, and a petition with 2,073 signatures, 1075 being signed by hand and 998 electronic signatures.

The petition cites that there would be no benefit to the village, the threat to peace of the area and the environment due to increases in traffic, noise, dirt and dust and the impacts on local ecological and archaeological heritage.

The individual responses mostly cited the following reasons for their objections:

- Impacts on the ecology of the area, with particular reference to the nearby turlough and the Cernydd Carmel SAC/SSSI
- Impacts relating to amenity impacts from dust and noise pollution from the crushing and screening operations.
- Regeneration of the site since lack of use and the destruction of this regeneration
- The potential presence of peregrine falcons and impacts on them
- The impact on highways and the volume of traffic the proposal would generate – the potential impacts relating to the safety of highways users, the additional
- pollution along any traffic routes and the presence of schools along the likely routes and the potential danger to children, and additional congestion with parking cars etc.
- Visual impacts, operations at the higher levels would be visible from a large area
- Non-compliance with the aims and objectives of the Well-being of Future Generations (Wales) Act 2015
- Detrimental impacts to users of the nearby public rights of way

A local opposition group has also been established, the 'Save Cilyrychen Quarry Campaign, and they have also provided numerous, detailed responses, mostly in relation to ecology

### Objection letters

It is noted that further responses were received by the Save Cilyrychen Quarry Campaign, on the 6th August. One of these letters highlighted the strength of local objection, the impact of the heavy goods vehicles on the village, the impacts on the ecosystem and noise and dust impacts. A second letter, again, submitted on 6th August detailed specifically with ecological issues relating to the application. The letter concluded that due to incorrect timing of the surveys carried out, notably, surveys relating to bats and vegetation the information was insufficient to enable the application to be determined. It is noted that the application came under intense scrutiny from both NRW and the Ecologist for the council, with numerous requests for additional information. Following this, neither party raised any objection to the application. A test of likely significant effects, and a subsequent Appropriate Assessment have been carried out by the Councils ecologist, and concluded the following

The proposed development will not have a significant effect on the Cernydd Carmel Special Area of Conservation as the proposal is not likely to undermine the area's conservation objectives.

The conclusion of this assessment is that while potential adverse effects were identified (section 4.4) these can be mitigated for by adopting the measures detailed in Section 5.3 of this Appropriate Assessment Record.

NRW were consulted on the Appropriate Assessment and agreed with the Councils Ecologists findings. It is therefore considered that all relevant ecological consideration has been taken into account by the necessary specialist consultees, and no objections have been raised.

Following the last committee meeting the Ecologist for the Council had sent a response to the specific concerns raised by Save Cilyrychen Quarry Campaign's letter of the **10<sup>th</sup> September**. This response noted the concerns raised in the letter, but also noted that, in terms of the lagoon and surveys

*'The various ecological reports have highlighted protected species using the site and the effects of development on protected species has been detailed in these reports. These reports did not note extensive use of the lagoon by various fauna. The lagoon is a typical deep quarry pool with steep sides and not easily accessed by mammals. It is located distant from habitats which support high numbers of fauna.'*

In terms of concerns relating to whether or not the information provided is sufficient to allow an assessment of Net Benefit for Biodiversity, the ecologist for the council has highlighted all the surveys that were submitted, and concludes that:

*The various reports have provided sufficient information to determine Net Benefit for Biodiversity*

In terms of the presence of section 7 habitats on the site and the potential impacts on these the Ecologist for the council confirmed the following:

*The presence of priority section 7 habitats has been noted in the ecological reports and the majority of the development site itself (not the wider quarry) consists of recently developed ground over limestone and these are mostly disturbed and too recent in origin to support plant communities using the National Vegetation Classification as noted in the Wyndrush report and Hawkeswood additional surveys report.*

Queries were also raised regarding the lack of surveys on the existing quarry lake itself and this has been considered by the Ecologist for the council who notes that

*The lagoon is typical of a quarry pool with steep sides, and whilst it can support plant species, it would not be expected to function as a typical natural lake with the usual range of plant species, furthermore it is outside the scope of the application.*

The response of the Councils Ecologist was published online and sent to Save Cilyrychen Quarry Campaign. The group sent a further response, which is also available online, dated October 2024. The Councils ecologist has not responded to this latest correspondence and will address any queries at the committee meeting.

All representations can be viewed in full on our [website](#).



## Appraisal

After carefully reviewing the planning application, the policy background and from visiting the application site, it is considered that the principal issues are as follows:

### Highways impacts

Access to the site is gained via an unclassified highway extending from the A483. From this there is an access track into the site that travels past the existing lime kilns and then onto non-metalled internal haul roads. It is proposed that a one-way system would be utilised on site with vehicles entering the site via the existing lower haul route (past the stocking yard to the east). This track would then head west and up to the quarry void, towards the area designated for sorting and storage of materials. From here the track would then exit the site from behind the ex-concrete batching plant and re-join the tarmacked part of the entrance road, close to the kilns. By having a one ways system in place it is hoped that the requirement for reversing, and the nuisance caused by reversing warning signals, should be kept to a minimum.

Whilst it is difficult to predict with any accuracy, due to changes in supply and demand, for both the secondary aggregates and the recycled materials, the applicant has indicated that the maximum output per year would be 50,000 tonnes. This would be a maximum figure and tonnages could be well below this, again depending on the availability of materials for recycling, and on the demand for any product from the site. For the most part the vehicles that would be utilised would consist of 20 tonne quarry lorries and skip lorries.

The movement of vehicles and the intensification of vehicles on the local highway network has the potential to increase congestion and increase danger to existing highways users, including pedestrians that utilise any pavements. It is also noted that one of the potential routes for lorries leaving the site would pass close to Llandybie Primary School and could add to congestion issues during school run times, as well as potentially increasing the danger for pedestrians where pavements might be narrow with wide lorries using the road.

There is also potential for an increase in dust emissions from the site, particularly during dry periods, when dust may become entrained by the passing of HGV's along the internal haul roads. There is also potential for this dust to be carried onto the A483 which could cause issues on the trunk road. Conversely, during wet periods any vehicles leaving the site may carry mud and other detritus on the road, and this could also cause safety issues on the highway.

With regard to potential impacts relating to increased congestion on the roads, both the trunk roads agency and the highways department for the council have been consulted, and neither have raised any objections to the proposals, in terms of potential impacts on the highway. The highways officer has suggested three conditions, relating to visibility splays at the site entrance, HGV's to turn left in and right out only and relating to any vehicles leaving the site to be in a clean condition. The trunk roads agency also suggested a similar condition with regard to the provision of wheel washing facilities. A wheel wash facility on site would help to keep any potential debris being carried onto the main A483 and would help to keep dust entrainment to a minimum. The applicant has also submitted a 'pollution prevention method statement' which has highlighted numerous measures to help keep dust problems from HGV's (and other sources) to a minimum, these are highlighted below



*Dust observational monitoring will be carried out throughout the duration of the works and will be controlled as listed below:*

- *All hard surfaced roads will be wet swept in dry weather conditions.*
- *Water bowsers will be employed on all un-made road surfaces in periods of dry weather.*
- *A maximum speed limit of 10mph will be observed on the site access/ haul road. 10 mph signs will be posted at suitable location.*
- *The loading of road vehicles shall be in such a manner as to minimise the generation of fugitive dust and, when appropriate, these wagons shall be sheeted.*

Having due regard for the comments from the specialist consultees, and the proposed dust mitigation measures, as highlighted above, it is considered that the proposals would not have significant adverse impacts on the local highway network, by virtue of additional traffic, or from dust/debris. Since the last committee meeting confirmation has been sought from the Trunk Roads Agency in relation to the methodology, they used in order to inform their response, they commented as follows

*I have reviewed our records and there was no further details supplied to ourselves, over and above those supplied as part of the formal application. The decision was made on the significant extant use of the former quarry operations and the Transport Statement demonstrating the proposals would be like for like and would not result in a significant increase*

Having due regard to all of the above it is considered that the proposals would not be in conflict with Policy TR3 Highways in Developments - Design Considerations, or Policy EP2 Pollution.

### **Amenity impacts, including dust, noise, vibration and light pollution**

The proposed operations have the potential to generate noise, dust and vibration, all of which could have an impact on residential amenity in the area. The use of crushers/screens, the excavation of material and the formation of stockpiles, in particular, all have the potential to generate noise, dust and vibration. Fugitive dust from the site could be deposited on neighbouring properties, and the noisy operations being carried out could also have the potential to be a nuisance for any neighbours in the vicinity of the quarry.

#### Dust

There are a number of potential sensitive receptors that could be impacted upon by operations on the site, as the proposal has two main elements, the construction of the bund to the east of the site, and the recycling and secondary aggregate operations.

### **Construction of the bund**

The operations on the bund would be phased, over approximately 30 weeks, this would be affected by the weather, during periods of extreme wet, or extreme dry, operations may have to be postponed. This phasing is shown on the following drawings, 600/10, 600/11, Bund sequence sections 1 of 2 and Bund sequence sections 2 of 2 and there would be 12 phases in total to complete the construction of the bund. This area of the site is also proposed to be the stocking grounds for the final products from the site. The construction of the bund would be the closest any of the proposed operations would be to any nearby sensitive receptors.

The closest residential receptors to the bund itself would be those to the south, and another to the south-east, on Penpound Lane, and these would be approximately 30 metres from the centre of the existing bund to the property. To the east there are also 2 residential homes, Pantyrodyn House and Cantref Croeso, which both cater for people with learning difficulties. These are located just off the main road, the A483, which lies directly to the east of the site, and are approximately 35 metres to the east of the existing bund. Works on the bund, for the most part, would be on the inside flank (the quarry side) of the bund and the bund would not extend any further east, the construction taking place within the existing stocking yard to the west.

The construction of the bund has the potential to generate fugitive dust emissions from the site (via soils placement and movement, tracking across the bund to name a few) which could impact negatively on the nearby residential receptors. The application included a method statement for 'pollution prevention and control' and this included the following dust mitigation measures.

- All hard surfaced roads will be wet swept in dry weather conditions.
- Water bowsers will be employed on all un-made road surfaces in periods of dry weather.
- A maximum speed limit of 10mph will be observed on the site access/ haul road. 10 mph signs will be posted at suitable location.
- The loading of road vehicles shall be in such a manner as to minimise the generation of fugitive dust and, when appropriate, these wagons shall be sheeted.
- In periods of dry weather, stockpiles and dry surfaces will be dampened using mobile bowser units; and
- Non-continuous visual monitoring will be undertaken, with all monitoring recorded within the logbook

Public Protection Officers have confirmed that they were satisfied with the findings of the dust impact assessment and also advised that the applicant carries out baseline monitoring as indicated and recommended in the findings of the report, to determine a baseline level before operations commence.

### **Other operations**

In addition to the construction of the bund there are a number of other potential dust generating operations proposed on site, this includes:

- The movement and storage of aggregates in the stocking ground area, to the east of the site
- The movement of aggregates around the site on the internal haul roads
- The crushing and screening of materials
- The extraction of materials from the proposed extraction areas

As highlighted above the applicant has proposed a number of measures to mitigate impacts from dust emissions, in addition to the measures already mentioned the applicant has also proposed the following:

- The construction of covered storage bays in the stocking area, 50% of product would be stored within these bays
- stockpiles shall be suitably profiled and where possible positioned in sheltered areas of the site

- The bund itself, once constructed and planted would also act as dust mitigation
- Crushing and screening plant have the potential to be big emitters of dust, to reduce the potential for this, the crushing and screening plant has been sited further from the site boundary and at a lower level, so as to help minimise the potential for fugitive dust emissions
- Any crushers and screeners on site would also require an environmental permit part B – this would have its own requirements relating to emissions to air and other parameters
- The proposed areas for extraction are both some distance from any residential receptor, the closest receptor being approximately 170 metres from the site, so distance would be a key mitigating factor here, along with other measures previously identified

Public Protection has confirmed that the mitigation measures would be sufficient to ensure that the potential dust impacts would be kept to acceptable levels. Compliance with these measures would be enforced via condition. It has also been suggested that further monitoring of baseline air quality be conducted for a period of 3 months, prior to the commencement of development. The results of this additional monitoring would help to establish a more accurate baseline level before operations commence, and this would help identify when there are any issues with local air quality, and whether this is in relation to the site operations. Having regard to the proposed mitigation measures and the Public Protection response, it is considered that whilst there is potential for dust impacts, there are mitigation measures that can be employed to keep these risks to acceptable levels. The proposal, is therefore, not in conflict with the relevant LDP policies, namely, EP2 (particularly part A) and WPP2

## Noise

As with the section on dust, above, in relation to noise this section will look at the temporary noise impacts relating to the construction of the bund and the wider, longer-term impacts in relation to the other operations at the site.

### **Construction of the bund**

Noise generation from the construction of the bund has been considered within its own report, separate to another report considering noise from the wider site. This specific report has utilised the ABC Method of British Standard 5228 (2009) +A1 (2014) Code of practice for noise and vibration control on construction and open sites – Part 1: Noise. It was considered by the Public Protection Officer that the noise limits from MTAN 1 (which are being applied to the remainder of operations on the site) would not apply to the construction of the bund. Whilst the construction of the bund would be relatively short term, 30 weeks, the upper noise limits detailed in MTAN 1 only apply for operations that do not exceed 8 weeks within a 12 month period. Therefore, the BS 5228 was used as the method for assessing potential noise impacts in relation to the construction of the bund.

The report concludes that *‘The assessment identifies that the Proposed Development will give rise to predicted noise levels that comply with the requirements of the relevant guidance; being that contained within BS5228:2009+A1:2014.’*

Furthermore, the report considers that the *'installation of the bund will also add screening between existing and proposed operations within the quarry and the closest off-site receptors, such that their future amenity is protected and improved, and greater flexibility is engineered into the relationship between the established business of the quarry and its closest noise-sensitive neighbours.'*

The Public Protection Officer was consulted on this report and did not raise any objections. A number of conditions were suggested, relating mostly to the wider site and operations.

## **Other operations**

The remainder of the operations on site, i.e. the crushing/screening operations, movement of stock around site, excavation of material from the waste piles etc were considered in another noise impact assessment. Due to the nature of operations on site, being akin to that of quarrying, the noise levels were assessed against the criteria detailed in MTAN 1: Aggregates. This criteria of MTAN 1 as highlighted below

*Noise limits – noise limits should relate to the background noise levels, subject to a maximum daytime noise limit of 55 dB(A) where background noise levels exceed 45 dB(A). 55 dB(A) is the lower limit of the daytime noise levels where serious annoyance is caused. Where background noise is less than 45 dB(A), noise limits should be defined as background noise levels plus 10 dB(A).*

*Night-time working limits should not exceed 42 dB(A) at noise sensitive properties.*

*Daytime working is defined as 0700-1900 hours and night-time as 1900-0700 hours.*

*Noise limits should be set in terms of LAeq,T over a 1-hour measuring period. LAeq, is the noise index used to describe the "average" level of noise that varies with time (T) and should be measured "free-field" that is, at least 3.5 metres away from a façade to prevent reflection of noise by any façade that faces the noise source.*

*During temporary and short-term operations higher levels may be reasonable but should not exceed 67dB(A) for periods of up to 8 weeks in a year at specified noise sensitive properties*

The report identifies the following closest noise receptors to the proposed operations, 'the residential dwellings to the south, on Pentregwenlais Road (NSRs 1 & 2), the residential properties along Llandeilo Road (NSR3), the residential receptors on Penpound Lane to the south-east (NSR4 & 5) and the residential care home off Llandeilo Road (NSR6).'

The main sources of noise relating to the wider operations on the site are identified in the report as the extraction of the pre-won waste material deposits, the processing of this stone via mobile crushers/screeners and the loading of the mobile plant with backhoe excavators and loading shovels. It is proposed that the processing area and the plant – the floor of which will be lowered – will be operational between 08:00 – 17:30 – slightly reduced hours in comparison to the hours for the site as a whole.

The report identifies a worst-case scenario background noise level of 43db, this was obtained at a measurement point that was selected because of its distance and screening from the site, which was inaudible from this point. Therefore, the starting point for background noise levels was at the lowest level, when adding 10db to this level (as highlighted in MTAN 1) this gives a target noise level of 53db for the site when operational.

Noise modelling was carried out and this showed that the proposed operations would not exceed this level at any of the noise sensitive receptors identified in the report. Noise levels at the properties on Penpound Lane (NSR4) would be the closest to this level at 51.5db. the full results are highlighted below

NSR	Predicted Specific Noise Level - $L_{Aeq,1-hour}$ - dB	Adopted Noise Level Limit - $L_{Aeq,1-hour}$ - dB	Excess over Adopted Noise Level Limit - dB
1	47	53	-6
2	45	53	-8
3	39	53	-14
4	52	53	-1
5	48	53	-5
6	48	53	-5

This modelling did not include any mitigation measures and a separate modelling exercise was carried out, taking into account the construction of the bund, as detailed in this application. Should planning permission be granted for this development then it can be reasonably expected that this bund is constructed, being part of the wider application. With the bund in the model the sound levels were lower, as shown in the table below (taken from the noise impact assessment)

**TABLE 9: RESIDUAL MTANI NOISE ASSESSMENT AT RECEPTORS**

NSR	Predicted Specific Noise Level - $L_{Aeq,1-hour}$ - dB	Adopted Noise Level Limit - $L_{Aeq,1-hour}$ - dB	Excess over Adopted Noise Level Limit - dB
1	47	53	-6
2	45	53	-8
3	39	53	-14
4	49	53	-4
5	46	53	-7
6	42	53	-11

The two tables show that the proposed operations would not result in noise levels exceeding the maximum noise level (having been adopted in accordance with MTAN 1 requirements) even without mitigation the noise level at NSR 4 would not exceed 53db. With the mitigation in place predicted noise levels are lower and the noise level at NSR 4 is reduced by a further 3db compared to without the mitigation. A planning condition can be imposed to limit working in the stockyard area, until the bund is completed, and this would serve to further ensure that noise impacts would be kept to a minimum, due to the mitigation from the bund.

Taking all of the above into account, and with regard to the response from the environmental health officer, it is considered that, with the mitigation measures proposed, the noise levels could be kept at an acceptable level. The proposal, is therefore, not in conflict with the relevant LDP policies, namely, EP2 (particularly part A) and WPP2

## Vibration

No blasting has been proposed on site so the most likely source for any vibration of significance will not be an issue with the proposed operations. Heavy machinery being operated on site, particularly during construction of the bund will generate vibration. However, as already mentioned, the construction of the bund would be a temporary operation only, and once constructed, the levels, and frequency, of vibration would be reduced. The siting of the crusher and screeners, at a low level, and further away from residential properties, would help to keep vibration to a minimum. It is considered unlikely that vibration would result in any significant impacts on residential amenity and would not be in conflict with policy WPP2.

## Light Pollution

Lighting will be required for operations on site, particularly during winter in the morning and into the evening. The applicant has confirmed that flood lights will be used during the construction phase, these would be positioned pointing downwards to minimise light spill and would be switched off at night. Plant and machinery would also be fitted with the standard lighting as recommended by the manufacturer, again, lighting would be mostly required during winter working. All lights on plant and machinery would be switched off at the end of the day. With the correct lighting, being aimed into the site and considering the topography of the site (much of the plant and machinery would be operating at a lower level than the surrounding area) light pollution impacts will be kept to a minimum. A condition will be included requiring a lighting scheme, prior to the erection of any lighting on site (mobile and static). The proposal, is therefore, not in conflict with the relevant LDP policies, namely, EP2 (particularly part A) and WPP2

## Visual impacts

The applicant has submitted a Visual Impact Assessment with the application in order to assess any potential visual impacts arising from the proposed operations.

The assessment was requested by the landscape officer and has been written up with regard to the GLVIA 3rd edition, whilst this is not a prescriptive document, it is generally recognised as the industry standard for 'Landscape and Visual Impact Assessment' LVIA principles and assessment. The assessment utilised a mixture of desk-based study and fieldwork in order to:

- identify the visual context and baseline,
- assess the proposals, as sources of potential visual impacts
- to examine any mitigation measures
- to assess and categorise any visual impacts and the examine the overall visual impact

The visual context and baseline identifies that the area to the north of Llandybie is essentially a rural area, but there are pockets of industrial development close to the site, to the east and north-east. Therefore, existing views towards the site already include elements of these industrial developments, along with the existing quarry and its more historic elements (ie the limekilns). The potential receptors were identified as being residential properties, roads and public rights of way, mostly to the east and south-east of the site. The distance from the site of these receptors varies greatly with some being close and other being 1.1 kilometres

distant – the plans within the assessment identify the potential receptors (figure 1 – zone of visual influence and reference plan).

The assessment goes on to identify the source of any potential visual impacts arising from the proposed development, these sources are identified as:

- Storage areas – this includes storages areas in the west of the site, within the quarry void, and those to the east, in the stocking yard area
- The processing area – located to the east of the quarry void, generally not visible
- The excavation areas, these comprise of area a and area b. Area a is in a more visually prominent area, at a higher elevation (compared to area b) and would be visible from a wider area. Area B is within the quarry void and at a low level and is generally less visible compared to area a.
- Transportation – access between the excavation area and other storage areas on site will be via existing internal haul roads – it is difficult to predict the intensity of this activity but on average it is likely to be relatively light. The upper track to area a would be visible to some areas to the east of the site.

Much of the proposed operation would not be visible from most of the receptor locations, due, for the most part, to the existing topography and vegetation (in particular the woodland along the southern edge of the quarry). This screening at the southern boundary would be enhanced due to the construction of the proposed bund and planting.

The assessment considers that the elements of the proposals that would be most visible from outside of the site would be the bund itself, the extraction operations in Area A and the movement of materials on the upper haul roads serving Area A. In order to mitigate for any potential impacts from these proposed operations the following measures have been proposed:

- With regard to the bund, whilst construction of the bund would be visible, this would be a temporary operation and would also serve to enhance screening of the site in the long term – operations would mainly be on top, or on the inner (quarry side) flank of the bund – operations on the inner side of the bund would not be as visible as those on top
- With regard to the movement of material on the internal haul roads it is considered that the existing vegetation, existing tipped materials and topographical features would serve as sufficient mitigation to ensure visual impacts would not be adverse.
- Finally, the removal of secondary aggregates from Area A. The assessment highlights that this area would be accessed from the west and that current vegetation within the tipped materials to the south, would help to screen operations in this area. There are few receptors to the north and the trees along the slope of the quarry here and on the field boundaries to the north would screen views from the north. It is proposed to work the site from the north-west to the south-east – in a circular motion, as operations progress planting can take place on the earlier phases, and this would help to screen operations when the more established vegetation on the face of the tip would be disturbed.

Following the consideration of the existing and proposed mitigation measures against all of the identified receptors the assessment concludes that *'elements of the proposal will result in some adverse visual effects, these will in general be of brief duration with the impact on most receptors being 'negligible' with some receptors seeing a 'beneficial' effect as mitigation measures such as the bund become established.'*

The Landscape officer for the council has been consulted on the application and has not raised any objections, noting that, the proposals 'would not result in landscape or visual effects which would present impacts of a significance to challenge policy objectives in relation to the Landscape Consultation policy remit.' A number of conditions have also been suggested to help ensure that the landscape impacts are kept to a minimum, and that any proposed planting is maintained to ensure its function in the landscape.

Having due regard to the landscape officer's response and the assessment submitted it is considered that any visual impacts associated with the development would be at an acceptable level, and would not be in conflict with policies SP1, MPP5, and WPP2.

### Impacts on ecology

There have been numerous reports and revisions to reports submitted for this application, which demonstrates the protracted negotiations that have taken place in relation to ecology during the determination period of this application.

The site itself is characterised by the presence of the quarry void, quarry faces and the tips (which form part of this application). The ecological surveys carried out as part of this application have revealed a number of habitats and species of varying importance. The predominant habitat on site is Open Mosaic Habitats on Previously Developed Land (OMHPDL) but also present is developing calcareous grassland, pond and inland rock outcrops and scree. Woodland is also present on site in the form of Lowland mixed deciduous woodland (a priority habitat) and semi natural ancient woodland both on and adjacent to the site. There are also a number of section 7 priority species present (or assumed present) including cinnabar moth, a number of bat species and bull finch. Assumed species include dormouse and common lizard.

Outside of the site boundary, to the west is Cernydd Carmel Site of Special Scientific Interest, Special Area of Conservation and National Nature Reserve. This Site supports a wide range of habitats, including woodland, heath raised bog and grassland, as well as a seasonal turlough at the eastern end of the site which is unique in mainland Britain.

The applicant has adopted a stepwise approach to addressing any potential impact upon ecological interests, as required by PPW 12 and the following steps have been taken to ensure that the potential for negative ecological impacts is minimised.

**Avoid** – the operations themselves will only be carried out in discreet parts of the overall site, as shown on the masterplans, due to the size of the site it has been possible to avoid much of the more important habitats present within the site boundary. Works adjacent to any woodland will incorporate root protection zones and physical barriers to identify these, in order to avoid any impacts on the woodland. Working buffers will also be established in working areas adjacent to the lagoon, to help avoid any potential impacts on water quality.

**Minimise** – where impacts cannot be completely avoided, the applicant has identified a number of measures to help minimise any impacts, this includes restricting works to within the defined localities on site so as not to impact on retained habitat. Dust control measures (as highlighted in the application documents) will help to minimise dust drift onto any potentially sensitive species/habitats. Additionally, operations will utilise the existing tracks reducing the need for further tracks and minimising impacts on retained habitats.



Mitigate – mitigation proposals include a long-term management plan focusing on scrub management, development of calcareous grassland and the provision of permanent pond offering opportunities for submerged and emergent vegetation. Where required scarce plant species will be relocated to suitable habitat, rock faces will also be cleared in places to try and encourage nesting peregrine falcons. It is hoped that these measures will lead to increased connectivity across the site and to the nearby external hedgerow network.

Compensation (on site) the extraction of secondary aggregates from Areas A and B will inevitably disturb the regenerating scrub habitat in these areas. In terms of compensation for this, the bund will provide an improved link across a currently degraded habitat. The creation of a new pond is designed to compensate for the loss of the ephemeral ponds, the pond will be designed to replicate the ephemeral nature of the ponds that will be lost. The applicant states that this would act as adequate compensation for the temporary losses linked to the extraction areas.

Off-site compensation – in addition to the compensation detailed above further compensation outside of the working area is proposed in the form of infilling of hedgerows, and further tree planting to compensate for scrub loss. It is anticipated that this will benefit dormice but also the foraging value of the wider site and the connectivity of the site to the wider environment.

All of these measures will be managed and monitored via a detailed management plan which will be reviewed on a regular basis and utilised as a living document.

Both NRW and the Planning Ecologist have confirmed that they have no objections to the proposals. A Habitats Regulations Assessment has been carried out by the Planning Ecologist, and this concluded that with conditions imposed there would be no likely significant effects to the Cernydd Carmel SAC features. This was forwarded onto NRW and they have confirmed that they agree with the conclusions of the assessment. A number of conditions have been suggested and these are detailed in the report. The more recent responses from Save Cilyrychen Quarry Campaign relating to ecology, and the council's response, have been detailed in an earlier section of the report. Taking the above into account, it is considered that the proposal does not conflict with policies SP14 - Protection and Enhancement of the Natural Environment, Policy EQ4 Biodiversity, and Policy EQ5 Corridors, Networks and Features of Distinctiveness.

#### Impacts on the water environment, including surface and groundwater

Dewatering is not proposed as part of this application, whilst an application to de-water the site was submitted during the consideration of this application, this was subsequently withdrawn, and de-watering does not form part of any of these proposals.

A revised 'Method statement: Pollution prevention and control' was submitted to the Authority. This document includes a number of measures to help keep any potential pollution issues to a minimum, for example

- Firstly, site selection, all excavations will be above the water table, so this in itself will help to reduce the likelihood of contamination of groundwater
- All refuelling and storage of fuel will be carried out in accordance with best practice (ie bowsers will be bunded and have 110% capacity storage, spill kits will be present on site, drip trays will be used on smaller vehicles etc)

- Hardstanding will be provided for a waste storage area (for when there are wastes that cannot be recycled) A sealed Control of Substances Hazardous to Health (COSHH) bin will also be provided for any COSHH waste.

The revised issue of the CEMP included further measures to address NRW concerns and detailed the following additional measures:

- An amended surface water drainage system (see plan 9806-GRY-00-00-DR-C P5) including drainage channels and a settlement pond
- The provision of a settlement pond to deal with suspended solids in surface water, both from the construction phase and this can also be retained during the lifetime of the operations
- A sediment forebay incorporated near the inlet of the pond to minimise turbulence of water during storm inflow
- Periodic de-sludging of the settlement ponds – an appropriate frequency to be established once the performance of the system has been established.

NRW were consulted on these amendments and did not raise any further concerns, with specific reference to ground/surface water considerations. The councils own drainage department did not object to the proposals and noted that a SAB application would be required.

Having due regard to the responses received from the specialist consultees, it is considered that the proposals, subject to appropriately worded conditions, would not be in conflict with the following policies, Policy SP12 Waste Management, Policy EP1 Water Quality and Resources, Policy EP2 Pollution and Policy EQ4 Biodiversity.

#### Impact on listed buildings and their setting

There are numerous listed buildings adjacent to the site, all of which are Grade II except the Lime Kilns. and these have been identified below

Cadw ID 22212 Cil-yr-ychen Farmhouse included on the statutory list on 28/08/1999  
 Cadw ID 22213 Cil-yr-ychen Barn Range included on the statutory list on 28/08/1999  
 Cadw ID 10916 Cil-yr-ychen Lime Kilns grade II\* included on the statutory list on 28/08/1999  
 Cadw ID 11123 Felin Wen, Llandybie included on the statutory list on 20/10/1972  
 Cadw ID 22227 Blaenantgwinne Cottages included on the statutory list on 28/08/1999  
 Cadw ID 11172 Bank of Lime Kilns at Pentre Gwenlais Stone Quarry, inc on the list on 28/08/1999  
 Cadw ID 22196 Pant-y-llyn Limekilns included on the statutory list on 28/08/1999  
 Cadw IS 22195 Lletty-mawr Limekiln included on the statutory list on 28/08/1999

An initial response from the Built Heritage team concluded that the proposals would not cause harm to the setting of the listed buildings, as identified above. However, conditions relating to the condition of the structures, and to monitoring and management plans were recommended. These conditions are pre-commencement so that any potential impacts and/or requirements for the monitoring and management of the kilns can be identified before any further damage to the kilns takes place due to the proposed operations.

During the consideration of this application the presence of another, non-listed kiln was also discovered, this is located approximately 50 metres to the south-east of the proposed upper extraction area (area a). In order to help preserve this historical feature, although noting that

there is no designation, the operator would establish a buffer zone to ensure that the proposed operations would not have any adverse impacts on this feature.

Having due consideration to the above, it is considered that, whilst the proposals would have the potential to impact on the condition of the kilns (due in most part to the vibration from HGV's) the conditions suggested by the built heritage officer, would ensure that the condition of the kilns would be monitored and managed for the medium to long term future and this would be beneficial to ensuring their longer term future. Therefore, the proposals would not be in conflict with policy EQ1 Protection of Buildings, Landscapes and Features of Historic Importance.

#### Impacts on public rights of way

There are a number of public rights of way in close proximity to the site (both footpaths and byways open to all traffic) including

- the 51/78 which runs along the western boundary of the site
- the 51/80 to the north of the site, and,
- the 51/81 & 51/82, both to the south of the site

The proposal would not obstruct these rights of way and operations would be confined to within the wider quarry site and the quarry void. There are some potential areas along these rights of way where the site would be visible, and the enjoyment of the footpath could be impacted. However, direct views into the site would be relatively limited for the most part, due to a combination of topography, vegetation and distance, particularly for the footpath to the north of the site. In addition, there would not be a large number of buildings or other structures which would be incongruous with the setting, there would be excavators, along with the aggregate's storage area and crusher/screeners (although these would not be on site all times – only when required). Therefore, despite potential views into the site from footpaths, the impact relating to these views would be relatively limited given the nature of any plant on site and the 'industrial' context of the wider site.

The Public Rights of Way Officer has been consulted on this application and did not raise any objections to the proposals. In light of these comments, it is considered that there would be no adverse impacts on PRow in the area and there would be no conflict with the aims and objectives of countryside access unit.

#### The need for the site in terms a providing a suitable network

The recycling and re-use of suitable materials is encouraged by a wide range of policy documents and, where possible (taking into account a number of other considerations) the re-use and recycling of aggregates should be encouraged. Primary aggregates are a finite resource and where possible society needs to be recycling or re-using suitable materials to ensure that the primary aggregates, we have last for as long as possible. Where possible society should be using secondary and/or recycled aggregates for lower specification jobs (such as general fill or for lower specification foot/cycle paths) instead of utilising higher specification, primary aggregates. It is important that there is a 'bank' of such materials, that can be readily available for use in the lower specification jobs, having these materials readily available, and in quantity, helps to provide a feasible alternative to primary aggregates for construction companies. There is, therefore, clearly a need for such materials for use in

construction and other industries. This is also borne out in numerous planning policy documents, and data held, as below;

At a national level Minerals Technical Advice Note: 1 Aggregates (MTAN 1), TAN 21 (Waste), Planning Policy Wales (12th edition) and Towards Zero Waste (2010) set out requirements for waste management and provide the guidance criteria for informing planning decisions relating to waste sites.

MTAN 1 sets out the detailed advice on the mechanisms for delivering the policy for aggregates extraction by mineral planning authorities and the industry. It was previously read in conjunction with Minerals Planning Policy Wales – which was subsequently integrated into Planning Policy Wales. MTAN 1 (para 7) states the following:

*The overarching objective in planning for aggregates provision therefore is to ensure supply is managed in a sustainable way so that the best balance between environmental, economic and social considerations is struck, while making sure that the environmental and amenity impacts of any necessary extraction are kept to a level that avoids causing demonstrable harm to interests of acknowledged importance*

One of the key principles in achieving this aim is as highlighted below:

*To provide aggregate resources in a sustainable way to meet society's needs for construction materials in line with the following objectives:*

- *maximising the use of secondary and recycled materials and mineral waste where practicable.*

TAN 21 seeks to encourage the recycling and/or re-use of inert materials where possible, with disposal being the least favourite option. Technical Advice Note 21 provides guidance on factors to be taken into account when locating sites such as these. Disused quarries/minerals sites are highlighted as a possible location for these sites. Section 3.27 of the TAN states that waste sites might be located, if appropriate, within or adjacent to;

- Industrial areas, especially those containing heavy or specialised industrial uses;
- Active or worked out quarries - landfill is commonly used in quarry restoration but there may be opportunities for other types of waste management facilities at some quarried sites. It should be noted that quarry depth and the nature of the local water table will affect the feasibility of using such sites;
- Degraded, contaminated or derelict land - well-located, planned, designed and operated waste management facilities may provide good opportunities for remediating and enhancing sites which are damaged or otherwise of poor quality, or bringing derelict or degraded land back into productive use;

Planning Policy Wales - 12th Edition (February 2024) builds upon previous iterations of the document and one of the key planning principles of this policy is 'making best use of resources'. This states the following;

*The efficient use of resources, including land, underpins sustainable development. The planning system has a vital role to play in making development resilient to climate change, decarbonising society and developing a circular economy for the benefit of both the built and natural environments and to contribute to the achievement of the well-being goals. The proximity principle must be applied to ensure problems are solved locally rather than passing them on to other places or future generations. This will ensure the use of land and other resources is sustainable in the long term.*

The circular economy aims to 'keep materials, products and components in use for as long as possible' and represents a shift from the linear economy model of make, use, dispose, towards a more circular approach whereby waste materials that occur during developments are re-used, repaired and recycled. PPW goes on to say:

*The planning system facilitates materials recycling through advocating the use of secondary aggregates in construction, but circular economy principles should underpin all developments.*

PPW also encourages the on-site recycling of materials at minerals sites along with the use of 'urban quarries' and the recycling of construction and demolition waste. Section 5.12.8 of PPW states:

*Planning authorities should encourage innovative approaches to recycling, particularly those which bring multiple benefits such as reducing energy costs and associated emissions. This may include encouraging the practice of on-site recycling on minerals sites, taking proper account of all likely costs and benefits, support for 'urban quarries' and the recycling of construction and demolition waste in conjunction with other suitable uses, such as within builder's merchant yards.*

Towards Zero Waste has set challenging goals for waste reduction in Wales, in order to inform and to help achieve the goals outlined various 'topic papers' have been produced by the Welsh Government, this includes a topic paper for Construction and Demolition waste, adopted in November 2012. One of the aims of this document is to increase the preparation for re-use and recycling of C&D waste by the sector and other stakeholders throughout the life cycle of a construction project. Another aim is to increase the number of other recovery options for the recovery of waste arising from the C&D sector – it is hoped that by achieving this, the amount of C&D waste going to landfill can be reduced along with future arising of hazardous and legacy wastes.

The most up to date information for Construction and Demolition waste is contained within Natural Resources Wales report '2019 Wales Construction & Demolition Waste Arisings Survey.' The preparation for re-use, recycling and other material recovery rate for the C&D waste generated in the SW Wales region was 93% in 2019, when excluding naturally occurring substances (EWC 17 05 04 - soils & stones - 90% with the extended metric) and is therefore in line with the Welsh Government targets (in Towards Zero Waste) to increase preparation for re-use, recycling and other material recovery to a minimum of 90% by 2019/20. The rate of C&D waste disposed of to Landfill has decreased from 19% in 2012 to 6% in 2019.

Importantly this document also reports that Soils was the largest contributing material to Landfill, which at c.150 kt represented over 70% of landfilled C&D waste in 2019. Following on from this, The Mid and Southwest Wales region sent the highest percentage of construction and demolition waste to landfill (7%) compared to South East Wales (5%), North Wales (6%) and higher than the all Wales average (6%).

Therefore, whilst the 90% target has been met for the SW Wales region this target is a minimum and the region should be seeking to get as close to 100% as possible, materials in this waste stream are generally more able to be recycled or re-used (depending on whether or not there is contamination present) and the region should be looking to continue their achievements in this sector. In particular, there are areas for improvement in diverting

soils away from landfill and this proposal would offer an opportunity to divert some soils arising from being landfilled and being re-used in suitable projects.

In addition to the statistical need for such sites, there have been changes to planning policy and water abstraction regulations that are making it more difficult for new quarry permissions, or for extension. Recent amendments to PPW 12 have strengthened policy regarding ecology and the environment, and the change to the water abstraction regulations is also starting to have effect, particularly for limestone quarries, or quarries that need to de-water. The culmination of this is that it is effectively a lot harder to get a planning permission for quarrying, and decision times are also being affected. Therefore, where there is potential for secondary aggregates and/or aggregate recycling, these opportunities should be maximised, where at all possible (and having due regard to other planning matters). Given the increasing uncertainty relating to quarries and the potential for extensions etc, secondary and recycled aggregates need to be utilised to meet the demand for quarry products.

As highlighted in this section there is a clear need for developments such as these and positive measures need to be taken within this area to increase the amount of this material (in particular, soils) that is recycled. This proposal would be an opportunity to help increase the amount of inert and construction waste recycled within the county, and within the South West Wales region as a whole (which is the area covered by the waste annual monitoring reports).

## Planning Obligations

The applicant will need to apply for a deed of variation on the existing section 106 that is linked to the site. There is a current Section 106 Agreement, which prohibits the winning and/or working of minerals from the site.

There is no statutory definition of 'The winning and working of minerals', but it is widely recognised that the judgements given in the cases of *English Clays Lovering Pochin and Co Ltd v Plymouth Corporation (1974)* and *South Glamorgan County Council v Hobbs (Quarries) (1980)* give the most common 'definition'.

This indicates that 'winning and working' consists of the preparation of the ground and the extraction of minerals. The preparation of the ground would normally involve stripping of soils to expose the target mineral, and to enable blasting. The proposals would not include winning any mineral, but it is considered that the extraction of the 'waste' materials would consist of working, and the section 106 would therefore need to be varied to allow for this material to be worked. **The planning permission will not be issued until a deed of variation for the section 106 has been agreed.**

### Section 106 requirements

There is currently a section 106 that relates to the quarry site, and a previous planning permission relating to quarrying, as mentioned on page 33 of the reports pack. Following consultation with the legal department, should the application be recommended for approval then the following text would need to be added as an additional condition:

No planning permission will be issued until any requirement by the Local Planning Authority for a variation of the existing s106 agreement or a new s106 agreement has been resolved and completed to the satisfaction of the Local Planning Authority.

Any such variation of the existing s106 agreement or a new s106 agreement is to be completed and signed within 12 months from the date of the Planning Committee resolution.

In the event that any such variation of the existing s106 agreement or new s106 agreement is not completed and signed within 12 months from the date of the Planning Committee resolution to approve subject to the same, delegated authority is given to the Head of Place & Sustainability to refuse the application

## Well-being of Future Generations (Wales) Act 2015

The decision considers the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act). The decision takes into account the ways of working set out at section 5 of the WBFG Act and it is considered that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.

- **A prosperous Wales** - The development would make a positive contribution to this element of the Act as it would help to use resources more efficiently and help to increase recycling rates.
- **A resilient Wales** - The development would also make a contribution to a resilient Wales by improving economic resilience in the area by ensuring the economic and sustainable use of natural resources
- **A healthier Wales** - The development has the potential to have negative impacts on the physical and mental wellbeing of people in the area, but it is considered that given the partly isolated location combined with mitigation measures (and taking into account the consultee replies) these impacts would be negligible.
- **A more equal Wales** - This element of the Act is not applicable to this particular planning application
- **A Wales of cohesive communities** - The development would potentially have a negative impact on the attractiveness, viability, security or connectedness of communities. However, the proposal has detailed numerous mitigation measures, including landscaping measures (e.g. the bund) to help screen the development and minimise any visual impacts, which may have affected the attractiveness of the community
- **A Wales of vibrant culture and thriving Welsh language** - This element of the Act would not be applicable to this particular planning application
- **A globally responsible Wales** - The proposal would make a positive contribution to this as it would help to increase the work that Wales is doing to meet recycling targets, and ultimately contribute (however small) to reducing the impact that the country as a whole has on the environment.

Whilst some elements of the Act are not applicable, the development would make a positive contribution to most of the other elements of the Act, the only potential negative being the section relating to 'a healthier Wales'. However, as discussed, there are mitigation measures that can be carried out to help with dust suppression and limit impacts on the health of the surrounding community to acceptable levels. On the whole the development would make a positive contribution to towards the relevant elements of the Act, as detailed above, and would not be in conflict with the aims of the Act.

## Conclusion

In reaching a planning decision a balance needs to be struck between any potential benefits of the development, along with any potential harm the proposal may cause. This report has detailed the material considerations relating to the proposal and the decision needs to decide what weight should be afforded to each of those issues, and seeing where the overall balance lies.

There are a number of potential impacts relating to the proposal that have the potential to cause harm, on both the residents in the vicinity and on the ecology of the area, as discussed, in the report. Significant weight should be applied to these material considerations, and, having due regard to the built-in mitigation measures detailed in the application, and the responses of the statutory consultees, it is considered that any potential impacts would be reduced to acceptable levels. This is evidenced in the responses received from statutory consultees, whilst there were numerous queries for extra information, during the course of the determination, there have been no objections received. The numerous conditions applied to the recommendation are considered appropriate to address any potential impacts from the development. The wording of the conditions would ensure that they would be robust and enforceable and would enable the Authority to take any action necessary to reduce the likelihood of any significant amenity impacts.

The main benefit of the proposal relates to the supply of secondary aggregates, and the continued use of the site for the recycling of construction and demolition waste, and the use of these for aggregates, in place of primary aggregates. As detailed in this report, there is currently a need for sites such as these, and this is shown in the data from the NRW report, which, in particular, highlights the need for sites to deal with soils. The proposals would provide capacity for soils to be recycled and used again by the site owner (who owns a civil engineering company operating across south and west Wales.) in place of primary aggregates. Significant weight also needs to be applied to this, and there is strong support for such developments in planning policy, as highlighted.

Whilst a number of potential negative impacts have been identified, the applicant has identified a number of mitigation measures, along with various conditions, which would contribute to significantly reducing the likelihood of any significant impacts occurring. In addition, should there be any negative impacts, the mitigation measures and conditions suggested would help to reduce these impacts to acceptable levels. The site would provide an important source of secondary aggregates, and in the longer term, for the recycling of construction and demolition waste. There is a clear demand for such sites, as identified by the NRW report and the proposed site would have the potential to fill some of this need. The location of the site would be in accordance with the advice of national policy (in particular TAN 21 and PPW 12) and would make a positive contribution towards the circular economy.



In light of the above it is considered that the potential benefits of the proposal, would outweigh the potential for harm, particularly when taking into account the proposed mitigation measures and conditions. The application is therefore recommended for conditional approval.

### **Article 18 letter**

An article 18 letter was received by the Council on the 13th August 2024. This letter enables the Welsh Ministers to give directions restricting the grant of permission by a Local Planning Authority. The Local Planning Authority are allowed to consider the application and can recommend approval of this application, but no decision can be issued without the prior authorisation of the Welsh Ministers.

## **RECOMMENDATION - Approval**

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### **Conditions & Reasons**

#### **Commencement**

1. The development to which this permission relates shall be begun not later than the expiration of 5 years beginning with the date of this permission. Written notification of the date of commencement shall be sent to the Local Planning Authority a minimum of 14 days prior to commencement.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 and Section 24B of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012

2. No planning permission will be issued until any requirement by the Local Planning Authority for a variation of the existing S106 agreement or a new S106 agreement has been resolved and completed to the satisfaction of the Local Planning Authority.

Any such variation of the existing s106 agreement or a new s106 agreement is to be completed and signed within 12 months from the date of the Planning Committee resolution. In the event that **any such variation of the existing S106 agreement or new S106 agreement** is not completed and signed within 12 months from the date of the Planning Committee resolution to approve subject to the same, delegated authority is given to the Head of Place & Sustainability to refuse the application

Reason: to ensure that any development would not be in conflict with the existing section 106 agreement

#### **Plans**

3. The development hereby permitted shall be carried out strictly in accordance with the following plans and documents unless amended by any of the following conditions

- Site Location Plan - 9806-GRY-00-00-DR-105 P3
- Planning Layout (Quarry Proposals) - 9806-GRY-00-00-DR-C-104 P7
- Proposed Master Plan - 9806-GRY-00-00-DR-C-110 P10

- Replanting Phasing - 600/12
- Storage Bay Detail - 9806-GRY-01-00-DR-S-001 Rev 1
- Bund Planting - 600/10
- Bund Planting Schedule - 600/11
- Bund Long Sections - 9806-GRY-00-00-DR-103 P2
- Bund Sequence Section (1 of 2) - 9806-GRY-00-00-DR-107 P1
- Bund Sequence Section (2 of 2) - 9806-GRY-00-00-DR-108 P1
- Waste Planning Assessment (June 2021) - Asbri Planning
- Planning Statement (June 2021) - Asbri Planning
- PAC Report (March 2021) - Asbri Planning
- Operational Method Statement (June 2021) - Asbri Planning & Dolawen Cyf
- Noise Assessment Report (November 2020) In:acoustic
- Tree Report (May 2021) - ArbTS
- Transport Statement (May 2021) - Acstro
- Visual Planning Assessment (April 2021) - Haire Landscape Consultants
- Bat Survey Report (January 2022) - Bay Ecology
- Dormouse Conservation Plan (January 2022) - Bay Ecology
- Peregrine Falcon Survey Report (January 2022) - Bay Ecology
- Pollution Prevention Plan Rev C (January 2022) - Asbri Planning
- Dust Prevention Method Statement Rev C (December 2021) - Asbri Planning
- Abstraction Licence Report (December 2021) - JBA
- Phase 1 Ecology Survey (March 2022) - Bay Ecology
- Structural Survey (April 2022) - Grays
- Asbri Letter 11th April 2022 - Asbri Planning
- Dust Impact Assessment (August 2022) - Air Quality Consultants
- Vegetation Survey (October 2022) - Wyndrush Ecology
- Ecological Impact Assessment (March 2023) - Bay Ecology
- Biodiversity Enhancement Plan (March 2023) - Bay Ecology
- Additional Surveys And Planned Net Benefit For Biodiversity Gain (December 2023 ref. HE/09/2023) - Hawkeswood Ecology
- Green Infrastructure Statement (February 2024 ref. mh/600) - Haire Landscape Consultants

Reason: To ensure the satisfactory development of the site in the interests of conserving the amenity of the area and local residents in particular

### **Working programme, phasing, and direction of working**

4. The extraction operations in areas A and B (as shown on 'Proposed Master Plan, 9806-GRY-00-00-DR-C-110 P10') shall be carried out in accordance with 'Area A - Phasing and Restoration 600/12'

Reason: to ensure the satisfactory phasing and restoration of the site

### **Production limits**

5. The output of secondary and recycled aggregates shall not exceed a combined total of 50,000 tonnes per calendar year.

Reason – for the protection of the local amenity

6. From the date of this permission the operator shall maintain records of their monthly import and output and shall make them available to the Local Planning Authority within 14 days of any written request.

Reason: In order that the Local Planning Authority can monitor the output of the site.

### **Hours of working**

7. Except in an emergency or when otherwise approved in writing by the Local Planning Authority, operations, other than water pumping, servicing, environmental monitoring or maintenance of plant shall not be carried out at the site except between the following times:

- a) 07:30 hours to 18:00 hours Mondays to Fridays; and
- b) 08:00 hours to 14:00 hours on Saturdays

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.

No operations in pursuance of this permission shall take place at the site on Sundays, Bank or Public Holidays

Reason: To protect the amenities of local residents.

8. Crushing/screening operations on the site shall be restricted to the following hours.

- a) 8.00 to 17.00 Monday to Friday
- b) No crushing operations shall take place on Saturdays, Sundays or Bank or Public Holidays

Reason: To protect the amenities of local residents.

### **Safeguarding adjacent land**

9. Prior to the removal of any stone from the areas hatched red and black, on plan ‘Planning Layout (Quarry Proposals) 9806-GRY-00-00-DR-C-104 P7’ a scheme shall be submitted detailing measures for the safe removal of this stone without causing land instability. The scheme shall be approved in writing by the Local Authority and shall be implemented as approved.

Reason: to protect the amenities of local residents

10. Prior to the commencement of any excavation the operator shall demarcate the boundaries of excavation Areas A and B, (as shown on ‘Proposed Master Plan, 9806-GRY-00-00-DR-C-110 P10’) in agreement with the Local Planning Authority. The demarcation of the excavation areas shall be maintained throughout the life of the permission.

Reason: In order to clearly identify the excavation elements of the site hereby granted permission and to aid with the ongoing monitoring of the site

11. No materials, other than those for use in the acoustic bund, shall be stored in ‘the storage area’ highlighted green on plan ‘Planning Layout (Quarry Proposals) 9806-GRY-00-00-DR-C-104 P7’ until the operator has received the written approval of the Local Planning Authority for the finished form of the acoustic bund

Reason: to protect the amenities of local residents

## **Contaminated Land**

12. No development shall take place on the application site until the applicant has:

Prepared a desktop study (Preliminary Risk Assessment) which shall include the identification of previous land uses, potential contaminants that might reasonably be expected given those uses and other relevant information, such as pathways and exposure to potential receptors. This information shall also be presented in tabular or diagrammatical form (Conceptual Site Model) for the site and all potential contaminant sources, pathways and receptors shall be included. In order to complete the conceptual site model, it may be necessary at this stage to undertake limited exploratory sampling. The Preliminary Risk Assessment shall be submitted to and be approved by the Local Planning Authority.

Prepare a detailed scheme for the investigation and recording of contamination for the site (where necessary). The detailed site investigation report (Quantitative Risk Assessment) shall be submitted to and approved by the Local Planning Authority. The report shall be prepared in accordance with recognised current best practice, legislation, relevant guidance, documentation and British Standards. Submitted detailed proposals for site remediation and verification (Remediation Strategy) which may involve the removal, containment or otherwise rendering harmless such contamination. The proposals shall be prepared in accordance with recognised current best practice, legislation, relevant guidance, documentation and British Standards and shall be submitted to and have received in writing the approval of the Local Planning Authority prior to commencing the works.

If, during development, any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the 'Remediation Strategy' then a revised 'Remediation Strategy' shall be submitted to the Local Planning Authority.

If, during development, site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed 'Remediation Strategy'.

Any soil imported must be suitable for use and any soil arising from elsewhere on the development site must be subject to same requirements as imported materials.

The following aspects of imported materials require validation:

A copy of the certificate of analysis, details of the source of the topsoil and an interpretation of the analytical results by a suitably qualified individual [topsoil must be approved in writing by the Local Authority prior to importation].

Reason: to help minimise the risk to the environment through contamination/pollution

## **Importation of waste materials**

13. The material to be imported for processing on site shall be inert material or material that does not contain any contaminants which would pollute controlled waters. The definition of inert materials is as follows:

Topsoil, subsoil, brickwork, stone set concrete, clay and silica (excluding finely powdered waste), glass, solid and granular dry materials free from any noxious, poisonous or polluting substance which does not decompose or for any which the environmental impact of decomposition is less than or comparable with that of topsoil and is virtually insoluble in water

Reason: to minimise the potential for pollution/contamination, both on and off site

### **Access and routeing**

14. Prior to any use of the access by vehicular traffic, visibility splays of 2.4 metres x 45 metres to the north-west side and 2.4 metres x 120 metres to the east side shall be formed and thereafter retained in perpetuity, either side of the centre line of the access in relation to the nearer edge of carriageway. In particular there shall at no time be any obstruction above 0.9 metres within this splay area.

Reason: In the interest of highway safety.

15. Prior to any use of the access by HGV traffic the developer shall submit for the approval of the Local Planning Authority a scheme indicating the facilities and/or methods to be put in place to ensure deleterious material is not carried onto any part of the public highway and remedial measures to be put in place to clear the highway of any such material. The scheme shall be implemented as approved and utilised during the period of operation of the quarry.

Reason: In the interest of highway safety and to minimise fugitive dust

16. Should the wheel wash be ineffective at any time, resulting in deleterious material being carried onto the public highway, during the operational life time of the site, a revised scheme shall be submitted for the written approval of the Local Authority, along with any remedial measures to be put in place to clear the highway of any such material. Any revised scheme shall be implemented as approved and utilised during the period of operation of the site.

Reason: In the interest of highway safety and to minimise fugitive dust

17. HGVs associated with the development shall be related to a left turn in, right turn out only arrangement at the site access junction with the U4401 county road.

Reason: In the interest of highway safety.

### **Dust**

18. No loaded vehicles shall leave the site un-sheeted except those only carrying stone in excess of 75mm.

Reason: to minimise fugitive dust emissions

19. Processed stone shall be conditioned with water or proprietary conditioning agents and this shall take place at or before the point of discharge from any conveyor. Drop heights of stone shall be minimised. Loading shall take place at sheltered points around any 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.

Reason: to minimise fugitive dust emissions

20. Prior to the commencement of development on the site further baseline monitoring for air quality shall be carried out for a period of 3 months, in accordance with section 6.22 Dust Impact Assessment (August 2022) Air Quality Consultants' The scope of this monitoring shall be agreed with the Local Authority and the results of this monitoring shall be submitted for the written approval of the Local Planning Authority.

Reason: in the interests of air quality

### **Blasting and vibration**

21. No blasting shall be carried out on site.

Reason: To protect the amenities of local residents.

### **Noise**

22. Noise levels at the nearest Noise Sensitive Property will not at any time exceed LAeq (daytime) 53dBA as detailed with in the submitted document 'Noise Assessment for Planning Application' dated 25th November 2020

Reason: To protect the amenities of local residents

23. Within 28 days from the receipt of written request from the Local Planning Authority, the operator of the development shall, at its own expense, employ an independent consultant approved by the Local Planning Authority to undertake a noise assessment in accordance with **MINERALS TECHNICAL ADVICE NOTE 1**. The assessment shall be undertaken under the supervision of the Local Authority.

Reason: To protect the amenities of local residents

24. In the event that the noise limit in Condition 21 is exceeded then the submitted survey shall also include mitigation measures to ensure compliance with the noise level specified in condition 21. The development shall then be undertaken in accordance with the approved details.

Reason: To protect the amenities of local residents

25. The use of hydraulic peckers at the site is permitted between till 10am – 4pm only. There will be no continuous use for longer than 1 hour.

Reason: To protect the amenities of local residents

## **Water protection and pollution prevention**

26. All surface water from the development herewith approved shall be trapped and disposed of so as to ensure that it does not flow on to any part of the public highway.

Reason: To protect groundwater resources and water supplies, in order to prevent the pollution of the water environment and to protect the environment

27. No surface water from the development herewith approved shall be disposed of, or connected into, existing highway surface water drains.

Reason: To protect groundwater resources and water supplies, in order to prevent the pollution of the water environment and to protect the environment

28. Any facilities for the storage of oils, fuels or chemicals on the application site shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund.

Reason: To protect groundwater resources and water supplies, in order to prevent the pollution of the water environment and to protect the environment

29. All ditches and/or drainage channels on the site shall be retained, protected and maintained in working order and should they become blocked or cease to work effectively they shall be cleaned out to allow for effective functioning and subsequently maintained in working order

Reason: To protect groundwater resources and water supplies, in order to prevent the pollution of the water environment and to protect the environment

## **Flood lighting**

30. Prior to the erection or use of any lighting on site, (fixed or mobile) the details of such lighting shall be provided for the written approval of the Local Planning Authority. Any lighting on site shall then be used in accordance with the approved details for the lifetime of the site.

Reason: for the protection of biodiversity interests and to minimise light pollution

## **Archaeology/built heritage**

31. Prior to commencement of the development, a Conservation Management Plan for Cilyrychen Lime Kilns prepared by a conservation accredited professional (architect, building surveyor, or structural engineer) which explains the significance of the Grade II\* Cilyrychen Lime Kilns, how its management, maintenance, and repair will be carried out to retain that significance shall be submitted to the Local Planning Authority for approval.

Management, maintenance, or repair shall be carried out in accordance with the Conservation Management Plan so approved.

Reasons: to ensure that the significance of the Cilyrychen Lime Kilns is understood, and how that significance will be retained in their management, maintenance, and repair.

32. Prior to commencement of the development, a detailed analysis of the Grade II \* Cilyrychen Lime Kilns shall be undertaken by a conservation accredited professional (architect, building surveyor, or structural engineer) consisting of

- A measured survey of the listed structure shall be undertaken to produce accurate elevation, plan, section drawings illustrating existing construction, materials, and finishes.
- A detailed condition and structural survey with photographs of the structure and fabric shall be undertaken to identify the structural condition and identify works that are required to remedy any issues identified.

shall be submitted to the Local Planning Authority for approval to be used as the baseline for monitoring the condition of Cilyrychen Lime Kilns during operations on site and inform the Conservation Management Plan.

Reason – to ensure that Cilyrychen Lime Kilns design, construction, material, finishes and their condition is fully understood to inform the Conservation Management Plan.

33. Prior to the commencement of the development a Monitoring Plan for regular Inspections (Period to be agreed) of the Grade II \* Cilyrychen Lime Kilns by a conservation accredited professional (architect, building surveyor or structural engineer) to Undertake a detailed condition and structural survey with photographs of the Cilyrychen Lime Kilns to identify their structural condition and identify works that are required to remedy any issues identified. To make a comparison with the baseline survey shall be submitted to the Local Planning Authority for approval to be used as the baseline for the monitoring of Cilyrychen Lime Kilns during operations on site and inform the Conservation Management Plan.

Reason – to ensure that Cilyrychen Lime Kilns design, construction, material, finishes and their condition is fully understood and make a comparison with the baseline survey and inform the Conservation Management Plan.

## **Ecology**

34. No operations shall take place until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority. The LEMP shall include the following:

- I. clearly mapped definition of all areas to be maintained and managed under the LEMP, including a GIS shape file of LEMP boundaries to enable monitoring of ongoing Net Benefit for Biodiversity planning policy objectives
- II. a report detailing the management objectives to deliver the design functions of all landscape and ecological elements and areas retained or translocated; and new elements installed, constructed, planted or seeded as part of the approved development.
  - The report shall provide clearly defined proposals and sufficient information to assure effective delivery of the identified objectives, and include, specifically: -



- maintenance and management proposals for the establishment phase (years 1-3 after implementation); and long term (years 4-30 after implementation).
- plans, specifications, schedules, and timescales.
- proposals for monitoring the effectiveness of the delivery of all landscape and ecological objectives (years 1-30 after implementation)
- timescales for monitoring reviews and reactive identification of any remedial operations, rectification of defects, or required changes to maintenance and management operations.

III. details of the management agent (body or organisation) responsible for implementation of the LEMP; and the legal and funding mechanism(s) by which delivery of the LEMP will be secured.

The LEMP shall be fully implemented as approved.

Reason: To ensure the future management and monitoring of the landscaping and ecological proposals provided as part of the development and the delivery of a Net Benefit for Biodiversity.

35. Prior to the commencement of any works associated with the development hereby approved, a Construction Exclusion Zone (CEZ) shall be established to protect all existing landscape and ecological elements which are not identified for specific removal to implement the development. No construction operations, or storage of materials, equipment, or materials arising from demolition or excavation, shall be undertaken within the CEZ.

The CEZ shall be defined by a barrier of a specification appropriate to exclude the degree and proximity of all construction phase operations. The barrier shall form a continuous length, aligned as follows:

- I. To the perimeter of root protection areas, defined in accordance with BS5837 of any trees, groups of trees or woodland located within, on, or with a canopy spread which overhangs the site boundary.
- II. To 1.5m from the edge extent of above ground growth of any shrub masses, hedges and hedgerows located within or on the site boundary.
- III. To 7m from any river or ordinary watercourse.

The CEZ shall be enforced throughout the duration of all development works and until all equipment, machinery and surplus materials have been removed from the site.

Reason - to ensure any existing trees/shrubs are not affected by the development

### **Lighting plan**

36. Prior to its installation, full details of lighting shall be submitted to and agreed in writing by the Local Planning Authority. The Lighting Plan should include:

- Details of the siting and type of external lighting to be used, including any measures to reduce light spill, their method of action and where these will be deployed.
- Drawings setting out light spillage in key sensitive areas (e.g. new and retained green infrastructure).
- An Environmental Lighting Impact Assessment against conservation requirements for protected species and habitats (dormice, bats, woodland, etc).

- Details of lighting to be used both during construction and operation.
- Measures to monitor light spillage once development is operational.

The lighting shall be installed and retained as approved during construction and operation.  
Reason: A lighting plan should be submitted to ensure lighting details are agreed prior to installation and to reduce the impacts of lighting in the interest of protected species and habitats.

## **Landscaping**

37. Prior to the completion of phase 1 (as shown on Area A - Phasing Sections 600/12) of the extraction operations in area A, the applicant shall submit a Landscape and Ecological Design Scheme (LEDS) to the written approval of the local planning authority. The scheme shall define landscape and ecological proposals, and a phasing plan which fully integrates the design objectives of Phasing Sections Plan [600/12] and clearly defines the location and extents of the following, as appropriate:

- I. all existing landscape and ecological elements and areas which are to be retained; those to be fully or partially removed; and the donor locations of those to be translocated.
- II. all new landscape and ecological elements and areas which are to be planted, seeded, installed, and constructed; and the receptor locations of those to be translocated.
- III. The scheme shall provide sufficient specification information to demonstrate the potential for effective delivery of the design objectives in relation to each phase of the proposals.

Reason: to ensure satisfactory screening is in place and to help ensure a satisfactory restoration of the excavation areas.

38. The approved Landscape and Ecological Design Scheme (LEDS) as submitted to discharge condition 36 shall be fully implemented as the approved phasing plan. Any new landscape elements constructed, planted or seeded; or existing landscape elements retained; in accordance with the approved LEDS which within the lifetime of the approved development are removed; die; become diseased; damaged or otherwise defective, to such extent that, in the opinion of the local planning authority, the function of the element in relation to this planning approval is no longer delivered, shall be replaced within six months of written notification by the local planning authority, or within in the next available planting or seeding season thereafter, with replacement elements of similar size and specification and in such positions as may be agreed with the local planning authority, and thereafter likewise conditioned for the lifetime of the approved development.

Reason: to ensure satisfactory screening is in place and to help ensure a satisfactory restoration of the excavation areas

## **Site maintenance**

39. The best practical means shall be used to minimise noise from reversing devices which are fitted to mobile plant and vehicles on site. This shall include the fitting of 'smart' alarms to vehicles.

Reason: to minimise disturbance to nearby receptors

40. All plant, equipment and other machinery used in connection with the operation and maintenance of the development shall be equipped with effective silencing equipment or sound proofing equipment to the standard of design set out in the manufacturer's specification and shall be maintained in good condition in accordance with that specification at all times throughout the development.

Reason: to minimise disturbance to nearby receptors

41. The existing trees, bushes and hedgerows within the site shall be retained and shall not be felled, lopped, topped or removed (unless identified for such works in the application documents) without the prior written consent of the Local Planning Authority. Any such vegetation removed without consent, dying, being severely damaged or becoming seriously diseased 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 (31 October in any one year and 31 March in the following year).

Reason: to maintain effective screening at the site and to preserve existing ecological interests

### **Soil handling and storage**

42. The top surfaces of all tips, soil mounds and storage mounds shall be sloped at a suitable gradient to encourage surface water drainage and prevent ponding and erosion. The maximum height of all storage mounds shall not exceed 3m above adjacent existing ground level for topsoil and 4m in any other case.

Reason: to minimise wind erosion and prevent impacts from fugitive dust

### **Aftercare**

43. The operator/landowner shall inform the Local Authority when excavation operations in areas a and b have ceased. Following the written approval of the final restoration contours an aftercare scheme for the ecological afteruse of these areas shall be submitted for the approval of the Local Planning Authority within 6 months of this agreement. Any aftercare operations shall be carried out in accordance with the approved details.

Reason: To ensure the restoration promotes a habitat conducive to nature conservation and biodiversity

44. At least once a year, for the duration of the aftercare period 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.

Reason: to enable discussion regarding the ongoing aftercare of the site

45. At least four weeks before the date of each annual review the operator shall provide the Local Planning Authority with a record of the management and operations carried out on the land during the period covered by the review.

Reason: To ensure that the site is restored in an orderly manner to a beneficial after-use in the interests of the environment and the amenity of local residents.

## Notes / Informatives

The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

Condition 13 above requires the removal/lowering/translocation of the adjacent boundary hedgerows/trees vegetation beyond the agreed visibility splay. Therefore, it is advised that the authority's Ecology Department is consulted upon for their views on the required works.

It is the responsibility of the developer to contact the Streetworks Manager of the Local Highway Authority to apply for a Streetworks Licence before undertaking any works on an existing Public Highway.

Without prior consent from the Sustainable Drainage Approval Body (SAB) no surface water from the development herewith approved shall be disposed of, or connected into, existing highway surface water drains/systems.

Works relating to the requirements of condition 13 shall be carried out in accordance with the advice within the best practice guidance provided by the Authority '*Translocation of hedgerows, a best practice guide*' dated Feb 2001.

It is recommended that the applicant (or their agent) contacts officers in the Land & Air Team of Public Health Services to discuss the proposals in detail.

It is also advised that the applicant has regard to the information contained within the attached document "Land Contamination: A guide for Developers" which was produced by the Welsh Local Government Association / Environment Agency Wales working group.

These comments do not prejudice any Environmental Health enforcement action required as a result of the proposals, therefore it is important that any development does comply with all Environmental Health legislation, particularly that of statutory nuisance under the Environmental Protection Act 1990.

**ADDITIONAL ITEM**

<b>Application No</b>	<b>PL/07862</b>
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<b>Application Type</b>	Full planning permission
<b>Proposal</b>	Nutrient Store and associated works
<b>Location</b>	Land west of Middle Newton, St Clears, Carmarthen, SA33 4HZ

<b>Applicant(s)</b>	Mr Phillips
<b>Agent</b>	Harries Planning Design Management- Wyn Harries
<b>Officer</b>	Charlotte Greves
<b>Ward</b>	Laugharne Township
<b>Date of validation</b>	12/07/2024

## Reason for Committee

This application is being reported to the Planning Committee following the receipt of following the receipt of three or more objections from third parties.

## Site

The application site comprises part of an irregular parcel of agricultural land located approximately 2.3km to the south east of the settlement of Llanddowror. The development site is concentrated in the south western corner of the larger field and is to the west of properties known as Upper and Middle Newton and to the east of Newton Wood. Ground levels at the site are relatively level and the boundaries comprise a combination of trees and hedgerows. Access to the site is via an existing track and network of public rights of way which also serve existing properties and farmsteads leading to the C3226 county road to the north west or the C3228 county road to the south. The surrounding area is distinctly rural in appearance being characterised by areas of agricultural land bounded by hedgerows, trees and established woodland areas.

## Proposal

The application seeks full planning permission for the creation of a new satellite earth bank nutrient store that will provide additional slurry storage to serve the wider farm holding.

The new store will cover an area measuring 51 metres by 40 metres and have a capacity to store 7360m<sup>3</sup>. The existing ground levels of the site are to be reduced in depth across the site and a new embankment formed around the perimeter of the lagoon on top of which will be a new chain link fence.

Beyond the chain link fence to the north, west and southwest there are further re-grading works proposed along with the creation of ramps and a turning area. A further outer boundary is to be formed by post and wire stock proof fencing.

Access to the new lagoon will be via a new gated field entrance to the southwest of the proposed store and new turning area which will provide direct access onto an existing access track and public right of way (21/34) which leads to the C3226 county road to the northwest or the C3228 to the south.

It is important to note that the proposed satellite store and associated works are located on land forming part of a wider 155-acre block of rented land surrounding the site. The land is rented by the wider dairy farming enterprise of Parc Yr Abbot farm which is located approximately 3.2km to the east of the settlement of St Clears, and approximately 6.5km (as the crow flies) to the northeast of the application site. The relevance of this will be discussed in more detail in the remainder of this report.

## Planning Site History

There is no relevant planning history on this parcel of land. Overhead line approval was granted in 2015 which involved the upgrading and replacement of various poles and overhead lines in the vicinity of the site.

## Planning Policy

Carmarthenshire Local Development Plan (Adopted December 2014) ('the LDP')

- SP1 Sustainable Places and Spaces
- GP1 Sustainability and High Quality Design
- EMP3 Employment – Extensions and Intensification
- TR3 Highways in Developments – Design Considerations
- EQ4 Biodiversity
- EP2 Pollution

### National Planning Policy

National Planning Policy and Guidance is provided in [Future Wales: The National Plan 2040, Planning Policy Wales \(PPW\) Edition 11](#), February 2024 and associated [Technical Advice Notes](#) (TANs) published by Welsh Government.

## Summary of Consultation Responses

**Llanddowror Llanmiloe Community Council** – The Council has concerns about the size of the proposed nutrient store and its location relative to the main farm complex and cattle. Measures should be introduced to reduce any damage caused to the local road network from unnecessary slurry tanker traffic. Consideration should be given to possible flooding and pollution of local watercourses.

**Head of Highways and Transport** – No objection.

**Local Member** – County Councillor for the Laugharne Electoral Division, Councillor Jane Tremlett, has made no prior comment.

**Natural Resources Wales** – No objection following the receipt of additional information.

**Head of Public Protection** – No objection from Air Quality, Contaminated Land, Noise and Public Health perspective.

**Public Rights of Way** – No objection.

All representations can be viewed in full on our [website](#).

## Summary of Public Representations

The application was publicised with the posting of a site notice. In response, 6 letters of representation have been received from third parties. The respondents raise the following concerns:

- Location of the planning application site notice
- Local residents not directly informed of proposed development
- The term “nutrient store” is misleading
- Highway safety impacts
- Congestion on unsuitable rural roads
- Proximity of slurry store from main farm complex
- Need for another slurry store to serve the farm
- The slurry store will not lead to a reduction in vehicle movements on local roads
- The development would result in damage to local roads
- The development would result in damage to hedgerows
- Displacement of local wildlife
- Noise and daily disturbance to local residents
- Gases released from slurry will cause environmental and health risks
- Ammonia impacts
- Proximity to a stream and potential water pollution impacts
- Impact from odours
- Impact on access to local property
- Decrease to local property values

All representations can be viewed in full on our [website](#).



# Appraisal

## Principle of Development

Policy EMP3 of the LDP provides the principal policy context for the application in that it relates to proposals for the extension and intensification of existing employment enterprises. The policy supports such proposals subject to compliance with a number of criteria which include the requirement that they do not cause environmental harm and extend or intensify a use or activity that might result in adverse amenity issues or may not be compatible with neighbouring uses. Proposals must also be of an appropriate scale and form compatible with their location and the policy makes specific reference to supporting existing rural enterprises subject to them complying with the policies of the Plan.

The proposed development seeks to provide an additional satellite slurry store to serve the existing dairy enterprise of Parc Yr Abbot. The main farm complex at Parc Yr Abbot has a 1010 animal herd size with all housed in cubicle housing in existing portal framed buildings on the main farm complex with the existing two small nutrient stores located to the eastern edge of the complex.

Other land managed by the farm is separated into distinct blocks with the enterprise also owning a smaller block of land around Llandeilo-Abercowin where planning permission has been granted for another smaller satellite store which has not yet been constructed. This together with the 155-acre block surrounding the application site and a further large parcel of land (150 acres) 3km east of the application, to the north of Laugharne. The land managed by the farm including the locations of the main farm complex at Parc Yr Abbot, land owned and rented, and the location of existing and consent slurry stores are detailed on the map included in the Committee presentation.

It is stated in the applicant's supporting documents that the proposed nutrient store would serve the land that is managed in the locations closest to the proposed store.

The Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021 will bring an obligation to increase the available slurry storage capacity on the farm from 120 days of slurry production to 150 days slurry storage capacity. The proposal is submitted on behalf of the owner of Parc Yr Abbot to bring the farm into compliance with the Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021 within the schedule of the transition period. The increase in slurry storage capacity will enable the farm business to comply with this new regulatory requirement as slurry can be stored over the 5-month winter period until it can be applied to land.

The justification for the slurry store is therefore accepted in principle on the basis that sufficient information has been provided to demonstrate that an additional slurry store is required to serve the holding and to meet recently introduced Welsh Government Regulations.

A number of third-party representations have been received to the application objecting to the proposed development suggesting that it will result in a wide range of harmful impacts upon the surrounding area which are discussed further below.

## **Pollution Impacts**

Concerns have been raised by third parties regarding the potential pollution impacts arising from the development, in particular, pollution of local water supplies with slurry.

As mentioned above, the proposal is to improve the existing slurry management system on the farm to conform with the requirements of The Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021, the storage requirements for which came into force on August 1st, 2024. The information provided confirms that the proposed slurry lagoon is not required to accommodate any increase in stock numbers on the holding.

Natural Resources Wales (NRW) has been consulted on the application and has commented that in relation to pollution of controlled waters that provided the structure is designed and built by a suitably qualified engineer to meet the standards as set out in the above Regulations then it would have no objection to the proposal. The proposed plans detail that the proposed store is to be constructed in accordance with the requirements of SSAFO Regulations and the BS 5502 (Building and Structures for Agriculture Code of Practice for Design, Construction and Loading). The store would accommodate 7360m<sup>3</sup> of slurry including an allowance for 750 mm freeboard and an additional volume to accommodate periods of heavy rainfall. Clarification was initially sought by NRW that the proposed store would not lead to an over provision of slurry storage capacity for the enterprise which the applicant has since provided further information to demonstrate that it would not.

The proposed store is intended to allow a greater control of the application of slurry to maximise the effect on the land of the stored nutrients which in turn would significantly reduce the pollution risk of runoff during wet weather periods. Furthermore, the Regulations and relevant CIRIA guidance C759 'Livestock manure and silage storage infrastructure for agriculture Part 2 Design and Construction' provides the necessary soil characteristics and tests for constructing an earth bank slurry store. The developer will be required to liaise with NRW during the construction to ensure that the required standards of design and construction are met and that the chosen site is suitable.

In terms of slurry spreading practices, again this is controlled by Welsh Government Regulations, and specifically the slurry must be applied to the land in accordance with a suitable manure management plan (MMP) based on an underlying nutrient management plan (NMP). The increase in slurry storage capacity will enable the farm business to comply with this new regulatory requirement as slurry can be stored over the 5-month winter period until it can be applied to land outside the "closed period" of the new regulations. The Code of Good Agricultural Practice (COGAP) has standard formats for the MMP and associated NMP and this would again be overseen by NRW with the developer required to ensure that they secure all other permits/consents/licences relevant to their development.

As such, based on the information provided, it is not considered that the proposal would give rise to unacceptable pollution impacts on the surrounding environment and is therefore considered to accord with Policy EP 2 of the Carmarthenshire Local Development Plan adopted 2014.

## **Ammonia Impacts**

Concern is expressed by third parties regarding the impact of ammonia emissions from the development.

The application is accompanied by an ammonia screening assessment for the farm enterprise using the SCAIL model. The report concludes there will be a significant reduction in stirring/agitating of the slurry stored on the holding thereby reducing current ammonia emission caused by the constant need to empty the existing storage facility. The slurry will form a crust when not agitated over the winter period, thus reducing ammonia emissions. Currently the slurry must be mixed and spread on a regular basis, throughout the winter period, each time releasing ammonia emissions into the atmosphere. The earth banked slurry store will only be emptied at the end of the winter closed period, at a time of optimum growth and nutrient uptake. The submitted report has been the subject of consultation with Natural Resources Wales who raise no objection to the proposals, commenting that the proposed increase in the available slurry storage and improvements to the slurry management on site would result in a slight reduction in the process contribution for ammonia on the farm and they would therefore have no concerns regarding ammonia emissions based on the information provided.

## **Biodiversity and Landscape Impacts**

Concerns are raised regarding the impacts of the development upon wildlife and existing landscape features. The application is accompanied by an ecological walkover survey which concludes that there was no evidence of protected species on site. Furthermore, the application site is not an identified priority habitat and consists of mixed agricultural land separated by well-maintained species poor hedgerows with a patch of woodland to the west. Conditions are included to ensure that remaining trees and hedgerows are not impacted by the development and that the further tree planting as detailed on the submitted plans is provided as part of the development to enhance biodiversity and ecological connectivity thus delivering the objectives of Carmarthenshire LDP policies SP1, GP1 and EQ 4 of the LDP and pursuant to The Environment (Wales) Act 2016, and Planning Policy Wales.

## **Highway Safety Impact**

Concerns are raised by third parties that the proposal will result in additional large vehicle movements, cause mud, slurry spillage and damage on local road networks and utilise an existing access road which is unsuitable having regard to highway safety.

Information provided by the applicant explains that satellite (remote) nutrient stores are common practice in farming. It allows the slurry fertiliser to be stored close to the land block it is to be used on. This will allow the farm to transport slurry from the cattle to the store during the closed period, making the long journeys during the least productive time of year. It will then allow the farm to easily spread the slurry onto the surrounding land, via piping and with short journeys often made through owned land, taking the tankers off the main roads and increasing spreading efficiency.

The location of the proposed store has been chosen as the best location for the farm as it is central to two land blocks owned/rented by the farm, is easily accessed from the farm (all roads surrounding the land blocks are small lanes but this track has been used by the tankers to access surrounding fields for some time and will therefore mean minimal

disturbance to what already occurs), is located suitable distances away from dwellings and watercourses (in line with NRW guidance) and allows the best access to other fields without relying on the public road system.

The proposed nutrient store has a capacity of 1,341,812 gallons (6100m<sup>3</sup>). As per the best practice guidelines the land blocks total 305 acres and would require 1,372,500 gallons of slurry per year (as an upper limit). The farm does not currently spread to the maximum upper limit and therefore, the proposed nutrient store has been specifically designed to hold the exact volume of nutrients required to spread on the nearest land blocks per year. Traffic movements associated with the store will be concentrated in the winter (during the closed period), when the farm fills the store. It will then be left until the open period, when the slurry is then spread.

Additionally, as the site is accessible via a road and a proposed turning area is also included as part of the development, it will allow the farm to transport the slurry in larger tankers (which are unsuitable for spreading on land due to their weight). The farm will, therefore, require approximately 223 return tanker journeys to fill the store. Finally, by having a remote store, it allows the slurry to be spread to surrounding fields via pipes. This eliminates the need for tankers to spread the slurry on a large proportion of the land blocks, significantly reducing travel movements. Whilst traffic will be generated to spread on fields not close enough to be piped, this would no longer involve journeys all the way back to Parc Yr Abbot on main roads to fill up. Instead, the farm can use tractors stored in the farmyard north of Laugharne to transport this slurry, reducing milage and travel emissions.

The applicant has summarised the existing and proposed travel movements as follows:

Existing:

- Approximately 300 tankers needed to fertilise the 305 acres surrounding the site per year, which equates to 6 tankers per week (including in the summer).
- Tankers are required to drive between Parc Yr Abbot and fields each time, which is a 12km trip each way.
- Can only use small (4500 gallon) tankers due to the weight and having to drive on the fields.

Proposed:

- Tankers mainly on roads during the quiet, less productive winter months to fill the store.
- Larger tankers are able to be used to fill the store due to hard standings proposed. These means that only 223 tankers are required to completely fill the store.
- Reduced reliance on tankers to then spread the slurry as neighbouring, close by fields can be piped and pumped.
- Some tankers will be required to spread on some fields, but these tankers can come from a closer farmyard currently under ownership (5.6km trip each way), halving the travel distance.
- Net benefit to the farm with increased efficiency and reduced costs (fuel and labour time).
- Net benefit to surrounding area with reduced phosphate emissions, reduced farm traffic in busy summer months and reduced overall carbon emissions.

The Head of Highways and Transport has been consulted on the above information and has raised no objection to the proposed development and access arrangements having regard to highway safety. Furthermore, it should be noted that the site of the store would be closely served by a network of existing public rights of way which lead to surrounding C class main roads. Colleagues in the public rights of way team have been consulted on the proposed development and have raised no objection. A note will be included in any planning permission advising the developer of their legal obligations and requirements in respect of the public rights of way nearest the site. The proposal is therefore considered to accord with Policy GP 1 and TR 3 of the Carmarthenshire Local Development Plan (2014).

### **Residential amenity**

As mentioned, the application site has been selected specifically to be central to the silage and arable land on which slurry will be applied. The store is proposed to be sited in a location which would be approximately 450m from the nearest residential properties.

Concerns have been raised by third parties regarding harmful impacts upon the residential amenity enjoyed by the nearest occupiers arising from issues such as odours and also the potential health impacts of the proposal arising from poisonous gases released from the slurry.

The Council's Environmental Health team has been consulted and raised no objections to the proposal. Furthermore, whilst it is acknowledged that there would inevitably be an increase in smells during the spreading period it is not considered that this would be over and above that which is currently experienced given the site's countryside location and existing agricultural practices being carried out on the land. As previously stated, slurry storage and spreading practices are subject to Welsh Government regulations which the applicant will be required to adhere to and are outside of the planning remit.

In light of the above, and in consideration of the proximity of the nearest residential properties it is not considered that the proposal would give rise to a significant adverse impact upon residential amenity and is therefore deemed to accord with Policy GP 1 of the Carmarthenshire Local Development Plan (2014).

### **Impact on the character and appearance of the area**

The application site is located on agricultural land that is relatively flat in nature and screened from view by surrounding topography, trees and hedgerows. Whilst not located within the main farm complex, an assessment of the site and surroundings has concluded that the proposed store is located in an area which is not within or adjacent to a highly sensitive landscape and the proposal is not considered to result in any significant adverse landscape or visual impacts in accordance with Policy GP 1 of the Carmarthenshire Local Development Plan (2014).

### **Other matters**

Other matters raised by third parties include the impact of the development upon property values in the area which is not a material planning consideration. Concerns were also raised regarding the placement of the original site notice; in response the notice was re-sited and as a consequence the publication of the application has been undertaken in compliance with planning legislation.

## Planning Obligations

None applicable

## Well-being of Future Generations (Wales) Act 2015

The decision considers the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act). The decision takes into account the ways of working set out at section 5 of the WBFG Act and it is considered that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.

## Conclusion

After careful consideration of the scheme as submitted it is concluded on balance that the proposed development complies with Policy EMP3 of the LDP in that it is appropriate in terms of scale and form, will be compatible with its location and not cause any unacceptable environmental or amenity impacts. Moreover, the proposal will serve the needs of the existing farm enterprise by providing an additional slurry storage facility on land managed by the wider holding. The proposal complies with Policies SP14 and EQ4 of the LDP in that it will have no unacceptable impact on priority species, habitats and features of recognised principal importance to the conservation of biodiversity and nature conservation. The proposal complies with Policy TR3 of the LDP in that it will have no unacceptable impact upon the surrounding highway network. In addition, the proposal complies with Policies EP2 of the LDP in that it will have no unacceptable pollution impacts upon the surrounding environment.

## RECOMMENDATION - Approval

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## Conditions & Reasons

### Condition 1

The works hereby granted consent shall be commenced before the expiration of five years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

### Condition 2

The development shall be carried out in accordance with the following approved plans and documents:

Applicant response to letters of objection  
Land Ownership Map (04)  
Received 27<sup>th</sup> September 2024

Existing Block and Location Plans and Section (02A)  
Proposed Floor Plans, Sections and Site and Block Plans (03A)  
Received 26<sup>th</sup> July 2024

Ecology Report  
Ammonia Screening Assessment using the Scail Model  
Cattle Nutrient Production Calculations  
Received 7<sup>th</sup> June 2024

Reason: For the avoidance of doubt as to the extent of the permission hereby granted and to secure an acceptable development in accordance with Policy GP1 of the Carmarthenshire Local Development Plan 2014.

### **Condition 3**

Prior to the commencement of any works associated with the development hereby approved, a Construction Exclusion Zone (CEZ) shall be established to protect all existing landscape and ecological elements which are not identified for specific removal to implement the development. No construction operations, or storage of materials, equipment, or materials arising from demolition or excavation, shall be undertaken within the CEZ.

The CEZ shall be defined by a barrier of a specification appropriate to exclude the degree and proximity of all construction phase operations. The barrier shall form a continuous length, aligned as follows:

- i. To the perimeter of root protection areas, defined in accordance with BS5837 of all trees, groups of trees or woodland located within, on, or with a canopy spread which overhangs the site boundary.
- ii. To 1.5m from the edge extent of above ground growth of all shrub masses, hedges and hedgerows located within or on the site boundary.
- iii. To 7m from a river or ordinary watercourse.

The CEZ shall be enforced throughout the duration of all development works and until all equipment, machinery and surplus materials have been removed from the site.

Reason: To ensure that the development retains, incorporates and does not adversely affect existing landscape or other features which contribute to local qualities and distinctiveness: thus delivering the objectives of CLDP policies: - SP1 d) and i); SP14 e); GP1 b) and f); and EQ5; ; and pursuant to: - Section 197 (a) of the Town and Country Planning Act 1990; The Environment (Wales) Act 2016, and Planning Policy Wales.

### **Condition 4**

The Landscape and Ecological Design Scheme (LEDS), as defined in the following submitted documents: - Proposed Floor Plans, Sections and Site and Block Plan (03) received 7<sup>th</sup> June 2024 shall be fully implemented in the first planting season following commencement of the use of the development hereby approved.

Any existing elements retained or translocated; or new elements installed, constructed, planted or seeded in accordance with the approved scheme which, within a period of five years after the implementation of the development are removed; die; become diseased;

damaged or otherwise defective, to such extent that, in the opinion of the local planning authority, the function of the element in relation to this planning approval is no longer delivered, shall be replaced, within six months of written notification by the local planning authority, or within in the next available planting or seeding season thereafter, with replacement elements of similar size and specification.

Reason: To ensure that the development enhances the character and appearance of the site and embraces opportunities to enhance biodiversity and ecological connectivity: thus delivering the objectives of Carmarthenshire LDP policies: - SP1 d), e) and i); SP14 e); GP1 a), f) and i); and where appropriate EQ6; and pursuant to: - Section 197 (a) of the Town and Country Planning Act 1990; The Environment (Wales) Act 2016, and Planning Policy Wales.

## Notes / Informatives

### Note 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.

### Note 2

Comments and guidance received from consultees relating to this application, including any other permissions or consents required, is available on the Authority's website ([www.carmarthenshire.gov.uk](http://www.carmarthenshire.gov.uk)).

### Note 3

Registered Public Footpaths 21/33 and 31/34 both abut the proposed development area. The route of the said Public Rights of Way are shown on the attached Public Rights of Way Plan. If the application is approved, the Applicant/Developer must be aware of the existence of the said Public Rights of Way and to the legal requirement not to obstruct or encroach upon them either during development/construction, or at any time thereafter. During any development period, care must be taken to ensure the safety of any user of the said Public Rights of Way. This Department would appreciate a timescale for development works to be



undertaken which would affect the said Public Rights of Way together with any possible road or path closures that may become necessary.

The following points should also be taken into consideration:

- No disturbance of, or change to, the surface of the path or part thereof should be carried out without our written consent.
- There must be no diminution in the width of the right of way available for use by the public.
- Building materials must not be stored on the right of way.
- Vehicle movements and parking to be arranged so as not to unreasonably interfere with the public's use of the right of way.
- No additional barriers are to be placed across the right of way. No stile, gate, fence or other structure should be created on, or across, a public right of way without the written consent of the Highway Authority.

The Applicant/Developer are invited to contact the Countryside Access Team to discuss any queries they may have in this regard.