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**NEATH PORT TALBOT COUNTY BOROUGH COUNCIL
CYNGOR BWRDEISTREF SIROL CASTELL-NEDD PORT TALBOT**

**TOWN AND COUNTRY PLANNING ACT 1990
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT
PROCEDURE)(WALES) ORDER 2012**

APPROVAL OF FULL PLANNING PERMISSION

Name and address of the applicant

Mr Donald Wilkins
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DATE REGISTERED: 28 August 2019

APPLICATION NO: P2019/5299

LOCATION: Gilfach Quarry , Gilfach Road, Bryncoch, SA10 8AD

PROPOSAL: Eastern extension to existing quarry at Gilfach Quarry

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL as the Local Planning Authority in pursuance of its power under the above mentioned Act and Order hereby **GRANTS PLANNING PERMISSION** for the development as described above to be carried out in accordance with the application and the plans submitted therewith, subject to compliance with the following conditions:

Conditions:-

This decision notice is REVISION NUMBER ONE, issued on 21/07/2021

- 1 This permission shall ensure for a temporary period only and shall be subject to the following time limits:
 - a) The winning and working of minerals shall cease on or before 28 February 2033.
 - b) Restoration of the site shall be completed no later than 28 February 2035 in accordance with the restoration details as approved under this permission or any subsequent or substituting details as approved by the Local Planning Authority.
 - c) For a period of 5 years from the date of completion of the restoration the site shall be managed in accordance with the approved aftercare scheme.
The planning permission shall expire following the complete restoration and aftercare of the site in accordance with the approved restoration and aftercare schemes.

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Reason

In accordance with Schedule 5 para (1) of the Town and Country Planning Act and to provide sufficient time to complete the development.

- 2 The development shall be carried out in accordance with the following plans and documents unless amended by any conditions attached to this permission;

- a) The submitted application form
- b) Figure 2-1 Site Location Plan
- c) Figure 2-2 Site Plan – Gilfach Quarry, inc extension areas
- d) Figure 2-3 Site Plan – Application Site (Proposed Eastern Extension Area)
- e) Figure 2-4 Site Plan – Application Site (Approved Northern Extension P2010/0655)
- f) Figure 2-5 Site Plan – Application Site (Original Quarry Area P2010/0658)
- g) Figure 2-6 Site Survey (August 2018) (Drawing 1901-S201-GIL-D-200)
- h) Figure 2-7 Phase 2 Overburden Strip (Drawing 1901-S201-GIL-D-201)
- i) Figure 2-8 Phase 2 Sandstone Worked (Drawing 1901-S201-GIL-D-202)
- j) Figure 2-9 Phase 1b Overburden Strip (Drawing 1901-S201-GIL-D-203)
- k) Figure 2-10 Phase 1b Sandstone Worked (Drawing 1901-S201-GIL-D-204)
- l) Figure 2-11 Phase 3 Overburden Strip (Drawing 1901-S201-GIL-D-205)
- m) Figure 2-12 Phase 3 Sandstone Worked (Drawing 1901-S201-GIL-D-206)
- n) Figure 2-13 Phase 4 Overburden Strip (Drawing 1901-S201-GIL-D-207)
- o) Figure 2-14 Phase 4 Worked Out (Drawing 1901-S201-GIL-D-208)
- p) Figure 2-15 Proposed Final Restoration
- q) Figure 10.1 Monitoring and Prediction Locations
- r) 1911_GIL_FINALX SECTIONS.LSS
- s) 1901-S201-GIL-D-10
- t) Agricultural Restoration and Outline Five Year Aftercare
- u) Scheme - November 2011.
- v) Noise Action Plan
- w) Dust Action Plan
- x) Vibration Action Plan

Reason

For the avoidance of doubt and to ensure that the development is carried out in a satisfactory manner.

- 3 Any additional planting on site shall be carried out in accordance with the documents hereby approved, any trees or plants which, within a period of five years are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and the same species unless the Local Planning Authority agrees a variation in writing.

Reason

In the interest of the visual amenity of the area.

- 4 The crushing and screen plant and silt press plant shall be maintained in accordance with Drawing No SS759-CAW-D-211211-A-1 (December 2011)

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Reason

In the interest of clarity and amenity.

- 5 All existing buildings and offices, storage tanks and other ancillary structures and stocking areas shall remain in the location as detailed on Drawing 13_C026_GIL_001_B.

Reason

In the interest of clarity and amenity.

- 6 The external walls and roofs of buildings and the external surfaces of structures that are proposed and constructed at the site subsequent to the date of this permission shall be dark green in colour. The colour shall thereafter be maintained until the buildings and the structures are removed from the site.

Reason

To protect the character and appearance of the site and the surrounding area.

- 7 Prior to the commencement of the winning and working of minerals in any part of phase 4 as identified on Figure 2-14 of the 2019 Environmental Statement, a further period of noise monitoring shall be undertaken in accordance with a scheme to be submitted to the Local Planning Authority for its approval. The scheme shall be implemented as approved.

Reason

To ensure that the amenity and living conditions of the nearest noise sensitive properties are adequately protected and monitored.

- 8 Prior to the commencement of any works (including vegetation clearance) within the Proposed Eastern Extension Area a monitoring scheme for Peregrine Falcon shall be submitted to the Authority for approval. This will set out monitoring methods and schedule, as well as a mechanism to take remedial action if monitoring identifies any adverse impacts from any works or increased traffic along the track above the nest.
Reason: to ensure appropriate measures are in place to comply with Schedule 1 of the Wildlife and Countryside Act (as amended) 1981.

Details in respect of the above condition were approved by planning permission ref. P2021/0199 on 21/7/2021

- 9 Prior to the commencement of any works (including vegetation clearance) within the Proposed Eastern Extension Area hereby approved, a scheme shall be submitted to and approved in writing by the Local Planning Authority for a lighting scheme for the site that shall incorporate best practice guidance to ensure the retention of dark corridors for the movement of wildlife with no direct lighting of vegetation. The scheme as approved shall be carried out in accordance with the approved details and retained as such thereafter.

Reason: To ensure nocturnal wildlife are not adversely affected or disturbed by the lighting of the site and to ensure compliance with the Conservation of Habitats and Species Regulations 2010 and the Wildlife and Countryside Act 1981 (as amended).

Details in respect of the above condition were approved by planning permission ref. P2021/0199 on 21/7/2021

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- 10 Prior to the commencement of any works (including vegetation clearance) within the Proposed Eastern Extension Area hereby approved a scheme for the translocation of Bluebells (*Hyacinthoides non-scripta*) shall be submitted to the Authority for approval. This will set out methods of translocation and locations for donor and receptor sites, suitability of receptor sites, monitoring of success of translocation, as well as a mechanism to take remedial action if monitoring identifies failures.
Reason: To mitigate on impacts on a species listed on the NPT Biodiversity Action Plan, in accordance with EN 6 and 7.

Details in respect of the above condition were approved by planning permission ref. P2021/0199 on 21/7/2021

- 11 Prior to the commencement of any works (including vegetation clearance) within the Proposed Eastern Extension Area hereby approved a methodology for the control and eradication of Himalayan Balsam shall be submitted to the Planning Authority for approval, and be implemented as approved.
Reason: Himalayan Balsam is listed under Schedule 9 of the Wildlife and Countryside Act 1981

Details in respect of the above condition were approved by planning permission ref. P2021/0199 on 21/7/2021

- 12 Prior to the commencement of any works (including vegetation clearance) within the Proposed Eastern Extension Area hereby approved Ecological Management and Monitoring Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of all management of retained habitats, relocated, enhanced and created habitats, species monitoring for relocated and retained species and monitoring of success of all mitigation measures. This plan shall be fully implemented as approved.
Reason: In the interests of the long term management and monitoring of the ecological mitigation measures of the development of the site.

Details in respect of the above condition were approved by planning permission ref. P2021/0199 on 21/7/2021

- 13 No development shall take place within the eastern extension area until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted by the applicant and approved by the local planning authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.
Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.

Details in respect of the above condition have been partially discharged by planning permission ref. P2021/0199 on 21/7/2021 pending the submission of the final report on the mitigation works

- 14 The developer shall submit a revised working programme and phasing plans (including areas for progressive restoration envisaged within the next 5 years) for the

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approval of the Local Planning Authority every 5 years from the date of determination until completion of operations at the site

Reason

To aid with monitoring of the site, in particular, to help monitor on-going restoration

- 15 The operator shall undertake operations to ensure that the crossing point on Gilfach Road linking the existing quarry and the entrance to the ancillary land identified in green on Drawing No SS7599-CAW-D-041111-A is kept clean from deleterious material or deposits from any vehicle exiting the site.

Reason

In the interest of highway safety.

- 16 The give way road markings and signs at the crossing point over Gilfach Road between the main quarry workings and ancillary land, as detailed on Drawing GIL_PLA_CAW_250512 shall be maintained for the duration of operations at the quarry.

Reason

To provide adequate road markings and signage in the interest of highway safety.

- 17 The surfacing of the site access road shall be maintained for the duration of all site operations in a condition to prevent excessive noise or dust being generated to a level that would be deleterious to the amenity of the area. This shall include resurfacing, the filling of potholes with macadam and the cleaning of associated drainage.

Reason

In the interest of the amenity of the area

- 18 Within 3 months of the date of this permission a revised noise action plan for the entire quarry site (which shall reflect changes in relevant legislation) shall be submitted for the written approval of the Local Planning Authority. No work shall be undertaken within the Eastern extension hereby approved until such time as the revised Noise Action Plan has been approved in writing by the Local Planning Authority, and all operations shall be undertaken in full accordance with the revised Plan following its approval by the Local Planning Authority.

Reason:

In order to protect the amenity of nearby residential properties, and since the previously approved Noise Action Plan refers to legislation that has been superseded and does not cover the eastern extension area.

Details in respect of the above condition were approved by planning permission ref. P2021/0199 on 21/7/2021

- 19 Within three years of the date of this permission and every three years from the date when the first submission is received by the Local Planning Authority, a report shall be compiled and submitted to the Local Planning Authority indicating the groundwater level monitoring, maintenance of infrastructure and any contingency action carried out in accordance with the Supplementary Hydrogeological Assessment (March 2011). This shall include the additional monitoring as noted in Appendix 6 of the Pre-application Consultation Report (PAC), the results shall be submitted to the LPA and mitigation, if required, agreed, in consultation with NRW.

Reason

To monitor and protect groundwater levels of the area.

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- 20 Within six months of the commencement of the soil stripping within the extension area and every six months thereafter until the site is fully restored the operator of the site shall provide a copy to the Local Planning Authority of the results of the proposed monitoring of the existing spring water supply at Cefn Faes Uchaf Farm as indicated in the Supplementary Hydrogeological Assessment Report (March 2011). In the event of any results indicating a derogation of the water supply the developer shall provide details of the action to be undertaken to recover or replace the water supply.
Reason
In order that the Local Planning Authority can consider the results of the monitoring of the spring supply at Cefn Faes Uchaf Farm and other sources of water upgradient of the quarry extension which rely on perched water table lying above the Mountain Coal Seam
- 21 All works that involve the removal of trees, shrubs, hedgerows, scrub and other vegetation including habitats used by ground nesting birds shall not be undertaken during the months of March to August inclusive unless the area has been first checked by a qualified ecologist and appropriate action being undertaken where necessary.
Reason
In the interest of local ecology and nature conservation.
- 22 All works that involve the removal of trees, shrubs, hedgerows, scrub and other vegetation including habitats used by ground nesting birds shall not be undertaken during the months of March to August inclusive unless the area has been first checked by a qualified ecologist and appropriate action being undertaken where necessary.
Reason
In the interest of local ecology and nature conservation.
- 23 From the date of this permission until final completion of the development the operator shall maintain and make stock proof the perimeter hedges, fences and walls and protect the same from damage. Where the site boundary of the quarry site does not coincide with an existing hedge, fence or wall the operator shall provide and maintain stock proof fencing until the completion of the development and where necessary the aftercare period.
Reason
To define and enclose the area of development.
- 24 The stripping, movement and re-spreading of topsoil and subsoils shall be restricted to occasions when material is dry and friable and ground is sufficiently dry to allow passage of heavy machinery and vehicles over it without damage to the soil.
Reason
To ensure adequate conservation and utilisation of soil resources in the interest of the restoration of the site
- 25 Other than those essential for site access, only those vehicles involved in loading soils shall be permitted on unstripped areas, and then restricted only to operations to recover the soils. Vehicles used in transporting soils shall only travel over areas of ground that have previously been stripped of topsoil and subsoil.
Reason

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To protect the character and appearance of the site and the surrounding area

- 26 Following the formation of any soil or subsoil storage mounds the location of each mound and the type and quantity of material in it shall be recorded and this information submitted to the Local Planning Authority within one month of its completion.
Reason
To assist in the restoration of the site.
- 27 The developer shall notify the Local Planning Authority in writing at least 48 hours prior to the stripping of soils, the formation of finished ground profiles and the resspreading of soils or soil forming material on any part of the site.
Reason
To assist in the restoration of the site.
- 28 Prior to the commencement of the winning and working of minerals of phase 3 of the proposed working site, a restoration and aftercare concept plan shall be submitted to the Local Planning Authority for its approval for the ancillary land identified in green on Drawing No SS759-CAW-D-041111-A dated November 2011. The approved details shall be implemented within 12 months of permanent cessation of quarrying or the removal of all stocks, whichever is the sooner or as otherwise agreed in writing by the Local Planning Authority.
Reason
In the interest of clarity and to aid the monitoring of site activities.
- 29 Prior to the commencement of any mineral extraction within 30 metres of the western boundary of phase 4 as identified on Figure 2-14 or any subsequent variations to that plan, a geotechnical assessment shall be submitted to the local planning authority to demonstrate that the remaining areas of land outside the extraction area on the western limits will not be affected in a detrimental manner by any mining operations. If any impacts are considered likely a scheme of working shall be agreed in writing with the local planning authority.
Reason
To ensure that important areas of remaining land can be adequately safeguarded and are retained in a safe and sustainable condition following the completion of mining operations.
- 30 All mineral products stocked at the site and ancillary land shall be removed within 12 months of the cessation of the winning and working of minerals at the quarry site
Reason
To identify a timescale for their removal
- 31 If mineral operations are suspended for a period of 6 months or more, then the operator shall give written notification to the Local Planning Authority of the date upon which mineral extraction was suspended. Written notification shall also be given to the Local Planning Authority prior to the resumption of mineral extraction following a temporary suspension
Reason
To ensure adequate control and monitoring is maintained by the Local Planning Authority.

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- 32 In the event of a cessation of winning and working of minerals prior to the achievement of the completion of the approved scheme as defined in this permission, and which in the opinion of the Local Planning Authority constitutes a permanent cessation within the terms of paragraph 3 of Schedule 9 of the Town and Country Planning Act 1990, the operator shall submit for the written approval of the planning authority, within 6 months of a written request from the planning authority, a revised scheme to include details of the restoration of the quarry site and aftercare for a 5 year period. The scheme shall include details for the restoration and aftercare of the quarry site including the ancillary land and access road and shall include. Unless otherwise approved, the approved revised scheme shall be fully implemented within 24 months of the written approval.
Reason
To enable the Local Planning Authority to control the development and to ensure that the land is restored to a condition capable of beneficial use
- 33 In the event that mineral operations are temporarily suspended for a period exceeding 2 years then within 36 months from the suspension of mineral extraction an interim restoration scheme for the site and timetable for its completion shall be submitted for approval to the Local Planning Authority. The interim restoration scheme shall then be implemented in its entirety.
Reason
To ensure adequate works are carried out for any interim period in the interest of restoration.
- 34 At least 2 years prior to the date when quarrying operations are to be completed at the quarry site or within 10 years of the date of this permission, whichever is the sooner, a detailed restoration scheme in the form of a written statement and plans for the whole of the quarry site shall be submitted to the Local Planning Authority for its approval. The restoration of the site shall be carried out in accordance with the approved details or as otherwise agreed in writing by the Local Planning Authority.
Reason
To ensure adequate restoration of the site.
- 35 At least 2 years prior to the date when quarrying operations are to be completed at the quarry site or within 10 years of the date of this permission, whichever is the sooner, an aftercare scheme shall be submitted to the Local Planning Authority for its approval setting out in detail the requirements as may be necessary to bring the land to the required use for agriculture and amenity, i.e. when it is reasonably fit for those uses. The submitted scheme shall specify the steps that are to be taken over a period of 5 years of aftercare. The details of the aftercare scheme shall be implemented as approved or as otherwise agreed in writing by the Local Planning Authority.
Reason
To ensure adequate aftercare of the site
- 36 A copy of this permission, the plans and documents referred to in condition 2 above and any other plans and documents subsequently approved in accordance with any condition of this permission, shall be kept available for reference and inspection at the site office until the site has been fully restored and the land put into aftercare.
Reason
To make available all necessary documents for monitoring and securing compliance to the planning permission.

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- 37 Notwithstanding the provisions of Classes A and B of Part 19 of Schedule 2 to the Town and Country Planning (General Permitting Development) Order 1995 or any order revoking and re-enacting that order or without modification, no fixed plant, machinery, buildings, structures and erections, other than those detailed in the application, shall be erected, extended, installed or replaced within the site without the prior written approval of the Local Planning Authority.
Reason
In the interest of the amenities of the area and to retain adequate control over the visual impact of the development
- 38 The quantity of mineral leaving the quarry site shall not exceed 500,000 tonnes per annum.
Reason
To allow production to a level estimated by the applicant as necessary to serve fluctuations in the market place and to limit the output in the interest of amenity and the highway network.
- 39 The operator shall maintain records of their monthly output and shall make them available to the Local Planning Authority at any time upon request. All records shall be kept for the duration of the operations at the site.
Reason
To allow the reasonable monitoring of site output
- 40 The total number of hgv vehicles departing the approved access point onto the A474 shall be no more than 90 as a daily average over any four week period Monday to Fridays and no more than 45 hgv vehicles shall depart the access point on Saturdays. Records of such movements shall be maintained on a daily basis and shall be made available to the Local Planning Authority within seven days of any such request being made. All records shall be kept for a minimum of twelve months.
Reason
In the interest of highway safety conditions and the local amenity.
- 41 Except in emergencies to maintain safe quarry working (which shall be notified to the Local Planning Authority as soon as practical):
- a) No mineral extraction operations at the site shall take place outside the hours of:
 - i. 0600 hours to 1800 hours Monday to Friday
 - ii. 0600 hours to 1200 hours on Saturday
 - b) Operations on the periphery of the site, or at high level, unscreened locations such as the formation, removal and alteration of spoil and topsoil tips, baffle mounds, screening and storage embankments, formation or maintenance of drainage works and the stripping and replacement of soils shall not be carried out except between the following times: 0800 hours to 1700 hours on Monday to Friday.
 - c) The servicing, maintenance and testing of static and mobile plant (in connection with the maintenance and servicing of said plan) shall only be carried out between the hours of:
 - i. 0600 hours to 2200 hours on Monday to Friday
 - ii. 0600 hours to 1700 hours on Saturday
 - d) No operations, other than environmental monitoring and the operation of the silt press shall be carried out on Sundays, Bank or public holidays.

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Reason

In the interest of the amenity of the area

- 42 Notwithstanding the terms of Condition 41 the operation of the stone crushing or processing plant shall not occur except between the following times:

- a) 0700 hours to 1800 hours Monday to Friday
- b) 0700 hours to 1200 hours Saturday

Reason

In the interest of the amenity of the area

- 43 Heavy goods vehicles employed in the utilisation of mineral and aggregate transportation shall not be utilised other than between 0600 and 1800 hours Monday to Friday and between 0800 and 1200 hours on Saturdays and not at all on Sundays, Bank or Public Holidays.

Reason

To protect the living conditions of nearby residents and in the interests of the highway network.

- 44 Notwithstanding the provision of condition 43, no more than 6 hgv vehicles employed in the utilisation of mineral and aggregate transportation shall depart from the site between 0600 and 0700 hours Monday to Friday.

Reason

To allow a limited amount of mineral transportation to take account of the need to export minerals for specific needs and distances.

- 45 Mineral extraction shall not occur within two metres vertical distance of the Mountain Coal Seam.

Reason

In the interest of clarity and the water environment.

- 46 Access into and out of the site shall only be via the existing quarry exit point and via the existing private access road that joins the A474 Neath to Pontardawe Road. All existing signs on the public highway prohibiting the use of Gilfach Road by quarry vehicles shall be inspected periodically and maintained in good order for the duration of operations at the site.

Reason

In the interest of highway safety and amenity of local residents.

- 47 No vehicles carrying minerals from the quarry site or the ancillary land identified in green on Drawing No 887599-CAW-D-041111-A shall enter onto the A474 Neath to Pontardawe Road unless their loads are sheeted.

Reason

In the interest of highway safety

- 48 No vehicles employed in the transportation of minerals shall exit the approved access point on the A474 without first passing through an operable and efficient wheel wash system to ensure that no deleterious material is deposited on the public highway.

Reason

In the interest of highway safety

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- 49 The mitigation and monitoring procedures set out in the submitted Dust Action Plan shall be fully implemented to ensure that the best practicable means are used to control the emission of dust from the site and to ensure as far as is reasonably practicable that dust emissions from the operations carried out within the site are minimised.
Reason
To protect the amenity and living conditions of local residents
- 50 No blasting shall take place except between 1000 hours and 1600 hours Monday to Friday and there shall be no blasting on Saturdays, Sundays, Public or Bank Holidays unless in an emergency.
Reason
To protect the amenity and living conditions of local residents
- 51 Notwithstanding the times referred to in condition 50, any charges which misfire or any blasts which cannot be detonated within the prescribed period may be detonated for safety or emergency reasons as soon as possible after the specified period if, in the opinion of the site operator, this is necessary for safety or emergency purposes. Any such occurrences shall be notified to the Local Planning Authority within 24 hours after the event.
Reason
To protect the living conditions of nearby residents.
- 52 Ground vibration as a result of blasting operations should not exceed a peak particle velocity of 6 mms in 95% of all blasts measured over any 6 month period, and no individual blast should exceed a peak particle velocity of 8 mms.
Reason
To protect the amenities of local residents and the structure of buildings.
- 53 There shall be no secondary blasting carried out on the site except in an emergency.
Reason
To protect the amenity of the area.
- 54 There shall be no use of secondary breaking equipment such as "peckers" between 06.00 and 08.00 hours on any working day
Reason
In the interest of the amenities of the area.
- 55 The operator shall make every effort to reduce the effects of air blast over pressuring arising from blasting. Every blast shall be designed to minimise noise or air over pressure by the use of the latest available techniques.
Reason
To protect the amenities of the local environment.
- 56 Blasting at the quarry site shall be carried out in accordance with the measures outlined in section 11 of volume 1 of the Environmental Statement. Monitoring of blasting shall be carried out in accordance with the Vibration Action Plan, approved on 28th February 2012.
Reason
To protect the amenities of the local environment.

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- 57 Measures shall be taken to ensure that the operations carried out on the site do not give rise to noise nuisance or disturbance in the locality. Such measures shall include:
- a) the effective silencing and maintenance of all engines, exhausts, machinery, plant and equipment, whether fixed or mobile, and where relevant in accordance with the manufacturer's recommendations. Save for the purposes of maintenance, no machinery shall be operated with the acoustic covers open or removed.
 - b) the location and organisation of on-site operations so as to minimise any noise impact on nearby properties.
 - c) the minimising, so far as is practicably and legally possible, of the level and penetration of noise emissions from reversing warnings fitted to vehicles and such warning devices shall be fitted with ambient related, broadband or low tone reversing equipment.

Reason

To minimise the adverse impact of noise generated by the operations on the community and environment.

- 58 Except for temporary operations, operational noise from the site shall not exceed the specified sound pressure levels, measured as an LAeq 1 hour (free field) under the measurement criteria of BS4142, at the specified noise sensitive properties listed below, such levels not to be exceeded between 07.00 and 19.00 hours Monday to Fridays and between 07.00 and 12.00 hours on Saturdays.

- a) Measurement Location & Daytime Limit (0700 to 1900 hours at dB LAeq (1 hour)

- i. Gilfach House 50
- ii. Gilfach Farm 47
- iii. Blaenhonddan Farm 45
- iv. Cefnfaes Farm 45
- v. Cefnfaes Uchaf Farm 48

- b) The sound pressure level for operational noise from the site measured at any other noise sensitive property shall not exceed 55dB(A) LAeq 1 hour free field under the measurement criteria of BS4142 between 07 .00 and 19 .00 hours Monday to Fridays and between 07 .00 and 12 . 00 hours on Saturdays.

- c) At all other times outside those specified above the sound pressure level for operational noise from the site measured at any noise sensitive property shall not exceed 42dB(A) LAeq 1 hour free field under the measurement criteria of BS4142.

Reason

To protect the amenity and living conditions of local residents

- 59 Noise levels arising from temporary operations at the quarry site shall be minimised as far as is reasonably practicable and shall not in any event exceed 67dB (A) LAeq 1 hour free field under the measurement criteria of BS4142. Temporary operations which shall be limited to soil stripping, the construction and removal of soil and subsoil mounds and where necessary the formation and construction of drainage or lagoons systems, and subject to this noise limit shall only be carried out between the hours of 0800 and 1700 hours Monday to Friday and shall be limited to a total of 8

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weeks in any 12 month period. At least 48 hours advance notice in writing of the commencement of such temporary operations shall be given to the Local Planning Authority

Reason

To protect the amenity and living conditions of local residents

- 60 All pumps used in connection with the development shall be powered by electricity or otherwise acoustically insulated.

Reason

To protect the amenity and living conditions of local residents

- 61 Repair, maintenance and refuelling of plant and machinery shall, where practical, only take place on an impervious surface drained to an interceptor.

Reason

To minimise the risk of pollution of water courses and aquifers.

- 62 Any facilities for the storage of oils, fuels or chemicals shall be on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, 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 should be located above ground and protected from accidental damage. All filling points and tank overflow pipes should be detailed to discharge downwards into the bund.

Reason

To prevent pollution of watercourses.

- 63 The existing drainage and lagoon system shall be maintained in order to intercept and treat any contaminated surface water run-off from the site.

Reason

To protect the water environment.

- 64 Drainage ditches, settling ponds and lagoons shall be regularly desilted and maintained in such condition that they are able to perform effectively and efficiently the purpose for which they have been provided.

Reason

To ensure that these facilities continue to function effectively and efficiently the purpose for which they have been provided

- 65 Baffle embankments, topsoils or overburden mounds shall be placed so as not to damage or impede any watercourse unless otherwise approved under this permission and, without prejudice to the generality of the foregoing, there shall be not less than 5 metres from the top of the bank of any such watercourse to the toe of any baffle embankments, soil or overburden mounds.

Reason

To prevent pollution of watercourses.

- 66 All peat resources that are encountered in the development of the site and associated operations shall be recovered and conserved in accordance with the Peat Management Scheme dated September 2011 or as may be otherwise agreed in writing by the Local Planning Authority.

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Reason

To ensure adequate conservation and control of peat extraction in the interest of carbon capture and climate change

- 67 The ecological interests of the site including the safeguarding of protected species and notable fauna and flora shall be undertaken in accordance with the surveys, mitigation and recommendations set out in the Environmental Statement and associated appendices, dated May 2019, submitted with the application as they relate to bats, badger setts, general nesting birds, Schedule 1 birds (Peregrine Falcon), reptiles, rabbits and brown hare. Within 14 days of the commencement of any phase of soil stripping at the quarry site the operator shall submit to the Local Planning Authority a report of the action undertaken in accordance with the procedures set out in the above report and the nature of the results and findings.

Reason

In the interest of nature conservation

- 68 Throughout the working life of the quarry, the site shall be managed for species and habitat conservation and enhancement and areas where no mining activity (excavation, soil stripping, waste tipping, soil storage, plant, equipment and offices) is to take place the area shall remain undisturbed to enable the natural colonisation of bare surfaces.

Reason

In the interest of nature conservation.

- 69 All vegetation clearance shall be undertaken in accordance with the measures set out in Gilfach Quarry - Eastern Extension Environmental Statement Chapter 7: Ecology in relation to nesting birds and reptiles.

Reason: To ensure measures are taken to protect nesting birds and works are undertaken in compliance with the Wildlife and Countryside Act 1981 (as amended).

- 70 No site clearance of the Proposed Eastern Extension Area will be undertaken within the breeding season of the Peregrine Falcon to ensure disturbance is avoided.

Reason: To comply with Schedule 1 of the Wildlife and Countryside Act (as amended) 1981

- 71 The only minerals to be prepared, treated and stocked or disposed of at the site shall be that extracted from within the approved Gilfach Quarry extraction area (Phases 1, 1b, 2, 3, & 4 as illustrated on Figures 2-6 to 2-14) and no other minerals shall be imported into the site for any such preparation, treatment, stocking or disposal.

Reason

To avoid any ambiguity or confusion as to the development hereby permitted and in particular to prevent development on a scale or of a nature not envisaged at the time the application to which this permission relates was considered unless the Local Planning Authority has given its prior approval.

- 72 Soil stripping, handling and storage shall be undertaken in accordance with Report Ref: 11-085-R-SLH-001 Working Scheme Supplementary Report January 2012 and the Working Scheme contained within Figures 2-6 and 2-15 of the Environmental Statement unless amended by any other condition of this permission.

Reason

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To ensure adequate conservation and utilisation of soil resources in the interest of the restoration of the site

- 73 No topsoil or subsoil shall be sold or otherwise removed from the quarry complex known as Giltfach Quarry.

Reason

To ensure adequate conservation and utilisation of soil resources in the interest of the restoration of the site

- 74 Topsoil, subsoil and soil forming material storage bunds shall be placed in the approved locations and constructed as shown on the Phased Development Plan Drawings (Figures 2-16 to 2-14 of the Environmental Statement) to ensure secure storage without damage, loss or contamination and then seeded to grass and maintained in accordance with the provisions set out in Report Ref 11-085-R-SLH-001 Working Scheme Supplementary Report January 2012 . Grass seeding shall be undertaken at the earliest opportunity.

Reason

To ensure soil resources are adequately conserved and protected from erosion and infestation by weeds.

- 75 All the site including topsoil and subsoil mounds shall be kept free from all injurious weeds as defined by the Weeds Act 1959 and all necessary steps shall be taken to destroy weeds at an early stage of growth to prevent seeding

Reason

In the interest of agriculture and amenity.

- 76 The stocking of all mineral products shall only occur within the extraction area of the approved quarry site or at the existing stocking areas set out on the ancillary land identified in green on Drawing No SS7599-CAW-D-041111- A. Such stocks shall not exceed 10 metres above ground level within the extraction area or 4 metres above ground level on any identified areas of the ancillary land.

Reason

In the interest of clarity and the amenity of the area.

- 77 On no account shall any type of waste be imported into the quarry site for any purpose, processing, treatment, stocking or disposal.

Reason

To avoid any ambiguity or confusion as to the development hereby permitted and in particular to prevent development on a scale or of a nature not envisaged at the time the application to which this permission relates was considered unless the Local Planning Authority has given its prior approval.

- 78 Unless otherwise approved under the provisions of the schemes under conditions 32, 33, 34 and 35 of this permission the restoration and aftercare of the site shall accord with the principles set out on Figure 2-15 and the Agricultural Restoration and Outline Five Year Aftercare scheme submitted with the application.

Reason

In the interest of clarity and to ensure reclamation is carried out within the principles set out in the application documents.

Superseded

- 79 Meetings of the site liaison committee shall be carried out in accordance with the scheme approved by planning permission P2014/0092 for the duration of operations at the site
Reason
To aid the monitoring of site activities.
- 80 Meetings of the Technical Working Party shall be carried out in accordance with the scheme approved by planning permission P2014/0093 for the duration of operations at the site
Reason
To aid the monitoring of site activities.

Informatives:

1 SAB approval will be required prior to any work commencing. To commence work is a breach of SAB approval required under Paragraph 7 (1) Schedule 3 of the Flood and Water Management Act 2010 whereby legal action will be taken by the Authority under The Sustainable Drainage (Enforcement) (Wales) Order 2018. Guidance and applications can be found on <https://www.npt.gov.uk/17534>

2 The archaeological work must be undertaken to the appropriate Standard and Guidance set by Chartered Institute for Archaeologists (CIfA), (www.archaeologists.net/codes/cifa) and it is our Policy to recommend that it is carried out either by a CIfA Registered Organisation (<https://www.archaeologists.net/civicism-contact-distance-search>) or a MCIfA level accredited Member.

3 The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

4 Trees, scrub and grassland are likely to contain nesting birds between 1st March and 31st August inclusive. Trees, scrub and grassland are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

Concluding remarks

The proposal will provide an opportunity to maximise the utilisation of a high specification primary aggregate, which is of high importance to both the road and other construction industries, the quality of the stone is considered scarce at a UK level. If quarrying at the site were to continue as approved thousands of tonnes of overburden material would be placed against the eastern face, as the site progressed into the northern extension area. This would be followed by restoration planting which would effectively render the known

Superseded

reserves to be sterilised. Whilst there is no arithmetic need for this mineral in terms of Neath Port Talbot's landbank the importance of the mineral, being HSA, carries a lot of weight in the planning balance and is a resource of UK wide importance. Taking this into account, it is clear that the extension would provide for an important existing demand and potentially sterilising 1.5 million tonnes of premium aggregate would not be in accord with minerals planning policy, in PPW and MTAN.

In addition to the above, the applicant has carried out comprehensive assessments in relation to numerous impacts, as detailed in the body of the report. These assessments have concluded that none of the impacts related to the extension would be significantly adverse. This is mostly due to a combination of factors, including the topography of the site itself, and the surrounding land, the existing and the deliberately planted vegetation and a number of long standing, best practice measures that are already practiced at the site, and some new measures proposed specific for this application. Following consultation with a number of specialist consultees no objections have been received, a number of conditions have been suggested to help ensure that any impacts are kept to a minimum, and these can be carried forward should permission be granted.

Having due regard to both local and national policy it is evident that, on balance, the positives of granting this proposal would outweigh any potential negative impacts (as detailed in the report) and the application is recommended for approval, subject to conditions.

Recommendation: APPROVE subject to conditions

Signed: 

Ceri Morris – Head of Planning & Public Protection

Date: 12 August 2020

Superseded

IMPORTANT:

(1) Please note that for all decisions issued after 16th March 2016 for outline or full planning permission, a revised decision notice will be issued whenever a subsequent consent is given, for example providing details of any Reserved Matters approvals (outline applications only) and/or approval of conditions (including on Reserved Matters). This will ensure that the current status of the conditions applied to a consent is clear. Accordingly you are advised to visit www.npt.gov.uk/planning to view the application documentation to see if this is the current version, or whether it has been superseded by a more up-to-date revision of this Decision Notice. For Reserved Matters approvals the revised Decision Notice will only be shown under the Outline approval.

(2) 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.

(3) In addition, any conditions that 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). Please note that any works carried out without compliance with the conditions attached to this approval will be entirely at the risk of the persons involved and may result in formal action being taken by the Local Planning Authority.

(4) The developer should have regard to Sections 4, 7, 8 and 8A of the Chronically Sick and Disabled Persons Act 1970 and to the British Standards Institution's Code of Practice for "Design of buildings and their approaches to meet the needs of disabled people" (BS 8300:2009+A1:2010).

(5) From 1st October 2012 it has been an offence to install a public sewer or lateral drain without having an adoption agreement in place. From the 1st October 2012 the vast majority of all existing private sewers and lateral drains which link with the public sewer network were transferred to Welsh Water. For further details on how this will affect your development please contact: Welsh Water Developer Services, PO Box 3146, Cardiff, CF30 0EH. Telephone No. 0800 9172652 or email: developer.services@dwrcymru.com.

Superseded

IMPORTANT INFORMATION: TOWN AND COUNTRY PLANNING ACT 1990

The applicant's attention is drawn to the notes below.

- (1) If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Welsh Government under Section 78 of the Town and Country Planning Act 1990 (as amended).
- (2) You can also appeal to the Welsh Government against a decision to refuse permission or grant subject to conditions in respect of applications made for :- Listed Building or Conservation Area Consent; Consent under a Tree Preservation Order; Advertisement Consent.
- (3) You can also appeal If your application for a Certificate of Lawful Existing Use or Lawful Proposed Use is partly or wholly refused or is granted differently from what you asked for (under Section 195/196) of the Town and Country Planning Act 1990 (as amended).
- (4) If you are aggrieved of the LPAs decision, the following deadlines apply for appeals to be submitted to the Welsh Government (from the date of the Council's decision):-
 - (1) Planning Permission (with the exception of Minor Commercial and Householder applications – see below) Within 6 Months
 - (2) Householder Appeal see endnote i Within 12 weeks
 - (3) Minor Commercial Appeal see endnote i Within 12 weeks
 - (4) Listed Building or Conservation Area Consent appeals Within 6 months
 - (5) Tree Preservation Order (TPO) Consent Within 28 days
 - (6) Advertisement Consent Within 8 weeks
 - (7) Certificate of Lawfulness of Existing (Section 191) or Proposed (Section 192) Use or Development Within 6 months
 - (8) Hazardous Substances Consent Within 6 months
- (5) Appeals must be made on a form which is obtainable from the Planning Inspectorate, Crown Buildings, Cathays Park, Cardiff, CF10 3NQ – Tel 0303 444 5940, or online at www.planningportal.gov.uk/pcs .
- (6) The Welsh Government has power to allow a longer period for the giving of notice of appeal but they will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- (7) The Welsh Government is not required to entertain an appeal if it appears to them that permission for the proposed development could not have been granted having regard to the statutory requirements to the provisions of the development order, and to any directions given under the Order. They do not in practice refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by them.
- (8) If permission to develop land is refused or granted subject to conditions, whether by the Local Planning Authority or by the Welsh Government, and the owner of the land claims that the land has become incapable of reasonable beneficial use in its existing state and cannot be rendered capable of reasonable beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the County Borough Council, in which the land is situated, as the case may be, a **purchase notice** requiring that Council purchase his interest in the land

Superseded

in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Making an Appeal

- (9) Please note that for all applications received by the LPA after 5th May 2017, it is now a requirement that any appeal made to the Planning Inspectorate (other than Householder and Minor Commercial Appeals, and appeals against refusal to grant advertisement consent) must be accompanied by all the information and evidence you intend to rely upon (a **“full statement of case”**). You must also send a copy of the notice of appeal and full statement of case to the LPA.
- (10) In addition, for ‘planning appeals’ an amendment to an application following notice of appeal may only be made to correct an error.
- (11) Additional details and information on making an appeal to the Welsh Government is available from the Planning Inspectorate at the above address and website. The relevant documents are entitled “making your planning appeal” and “planning appeals Public Local Inquiries”.
- (12) Further correspondence regarding this application should bear the reference number quoted on the top of the decision notice.

THIS NOTICE RELATES ONLY TO A PLANNING DECISION AND DOES NOT RELATE TO OTHER LEGISLATION INCLUDING ANY LEGISLATION UNDER:

- BUILDING REGULATIONS – Please contact buildingcontrol@npt.gov.uk or 01639 686949 to discuss all aspects of the service that is offered by Building Control
- HIGHWAY LEGISLATION

IF PLANNING CONSENT HAS BEEN GRANTED IT IS ADVISABLE TO ESTABLISH WHETHER ANY OTHER FORM OF CONSENT IS REQUIRED AND TO OBTAIN SUCH CONSENT BEFORE COMMENCING DEVELOPMENT

ⁱ Please see the [Town and Country Planning \(Referred Applications and Appeals Procedure\) \(Wales\) Regulations 2017](#) for appeal procedures and for full definitions of:

- *“householder application”* (essentially an application for the enlargement, improvement or other alteration of a dwellinghouse, or development within the curtilage of such a dwellinghouse, or change of use to enlarge the curtilage of a dwelling house)
- *“householder appeal”* means an appeal in relation to a householder application, but excludes an appeal against conditions on the grant of planning permission; or an appeal which is accompanied by an enforcement or listed building consent appeal.
- *“minor commercial application”* (essentially relates to existing buildings of no more than 250 square metres gross external floor space at ground floor level, currently in use for any of the purposes set out in Schedule 1A to The Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2015 which is an application for change of use from Class A1 to A2 or A3; or Class A2 to A3); or the carrying out of building or other operations to a shop front.
- *“minor commercial appeal”* means an appeal in relation to a minor commercial application but excludes an appeal against conditions on the grant of planning permission; or an appeal which is accompanied by an enforcement or listed building consent appeal.