

**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

Hygrove Aggregates
1 Morris Drive
Pentrechwyth
Swansea
SA1 7EG

DATE REGISTERED: 13 December 2022

APPLICATION NO: P2022/1040

LOCATION: Cwm Nant Lleici Quarry, Gellifowy Road, Ynysmeudwy,
Pontardawe, Swansea, Neath Port Talbot, SA8 4QE

PROPOSAL: Variation of condition 1 (relating to the cessation date for
quarrying operations) attached to planning permission
P2006/0853 in order to extend the operational life of the quarry
to 2040 (excluding the time period required for restoration
operations)

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:-

Time Limit Conditions

- 1 The development hereby permitted is for a temporary period only and, with the
exception of restoration and aftercare requirements, shall cease not later than 1st Jul
2040

Reason

In accordance with Schedule 5 para (1) of the Town & Country Planning Act, to
provide a period which takes account of the needs of the operator as well as other
planning considerations including an appropriate 10 year landbank for the whole
period of the LDP

List of Approved Plans

- 2 The development shall be carried out in accordance with the following plans and documents and the Environmental Statement as submitted with the application.
 - a. Drawing No. 688/PLI
 - b. Drawing No. 688/PL3
 - c. Drawing No. 688/PL13D
 - d. Drawing No. 688/PL14C
 - e. Drawing No. 688/PL15F
 - f. Drawing No. 688/PL17

Reason

To identify the development hereby permitted. To accord with Policy SP14, SP15, SP16, SP17, SP20, EN2, EN7, EN8 & M4 of the Neath Port Talbot Development Plan

Action Conditions

- 3 Prior to the commencement of any phase of the extension area, the developer shall set out on site the area proposed for this surface activity and once the area so defined has been agreed with the local planning authority, it shall be enclosed with adequate stock proof fencing or other agreed means of identifying the boundary of the approved surface area and such provision shall be maintained in a good state of repair for each phase of the development. -

Reason

For the avoidance of ambiguity and confusion, to give a clear indication to site management and personnel of the approved boundaries of the surface area to avoid surface development straying beyond the approved limits. To accord with Policy M4

- 4 Within the first 3 months of each calendar year from the date of this permission a plan and written statement shall be submitted to the local planning authority to show the progress of extraction, soil stripping/storage, stockpiles tipping and restoration over the previous 12 months and anticipated progress over the next 12 months.

Reason

In the interest of site monitoring, to accord with Policy SP 17 & M4 of the Neath Port Talbot Development Plan

- 5 Measures shall be undertaken as far as is reasonably practicable so that operations carried out within the site do not give rise to nuisance to any nearby residential properties by reason of illumination.

Reason

In the interest of amenity, to accord with Policy SP16 & EN8 of the Neath Port Talbot Development Plan

- 6 Before entering onto the public highway the wheels, undersides and bodies of all vehicles travelling from the site shall be cleaned and in such a condition as to avoid the deposit of slurry, mud, quarried products, mineral waste or other material upon the public highway.

Reason

To ensure that such reasonable precautions are taken, and provision made as is necessary to prevent the exit of vehicles onto the public highway which would be likely to deposit material on the public highway to the detriment of highway safety and amenity. To accord with Policy SP20 of the Neath Port Talbot Development Plan

- 7 All vehicles employed in the transportation of stone, quarried products or mineral waste from the site shall be sheeted before entering onto the public highway.

Reason

In the interest of highway safety and amenity. To accord with Policy SP20 of the Neath Port Talbot Development Plan

- 8 The surface of the site access road shall be maintained in a good state of repair in order to prevent excessive noise and dust being emitted during any vehicle movements along its route.

Reason

In the interest of amenity of the area. To accord with Policy SP20 of the Neath Port Talbot Development Plan

- 9 A drainage system shall be installed and maintained to ensure that no slurry or water from the permitted area flows on to the public highway.

Reason

In the interest of highway safety and to prevent water getting on the highway. To accord with Policy SP20 of the Neath Port Talbot Development Plan

- 10 The stocking of aggregate products shall occur in the excavation area and such stockpiles shall not be placed on a ground level above 195 metres AOD and shall not exceed 6 metres in height. Within 6 months of the date of this permission a plan shall be submitted to the local planning authority indicating where such stockpiles are to be located.

Reason

In the interest of the amenity of the area. To accord with Policy SP17 & M4 of the Neath Port Talbot Development Plan

- 11 Notwithstanding the 'environmental scheme' approved under planning permission P2010/0304 the contents of this scheme as far as it relates to the "extension area" shall be reviewed and updated and submitted to the Local Planning Authority within 3 months of the date of this permission. There shall be no commencement of any winning and working of minerals within the "extension area" until the updated

scheme has been approved in writing. The scheme as approved shall be strictly adhered to throughout the working of the site.

Reason

The scheme is over 10 years old and needs to be reviewed to reflect new best practice and/or legislation, where required, in order to ensure minimal impacts from future operation, in relation to the surrounding amenities To accord with Policy SP16 & EN 8 of the Neath Port Talbot Development Plan

- 12 No later than 12 months from the re-commencement of quarrying operations on site, in accordance with the 'water resources protection' scheme approved under planning ref P2009/0566 the scheme shall be reviewed, and the results submitted to the Local Planning Authority. Following this review the development shall be carried out in accordance with the reviewed scheme, and any subsequent reviews, at all times. For the sake of clarity, the approved scheme consists of the following
- a) Water resources protection scheme dated October 2013 (ref 1062752)
 - b) Letter and enclosures from Zenith International to Neath Port Talbot CBC dated 28th October 2013

Prior to the submission of the revised scheme, any water monitoring shall be carried out in accordance with the scheme as approved under plan ref P2009/0566

Reason

To protect the water environment. To accord with Policy SP16 & EN8 of the Neath Port Talbot Development Plan

- 13 No later than 6 months from the re-commencement of quarrying operations on site, the first Site Liaison Committee shall be held and meetings shall subsequently continue to be held in accordance with the scheme approved under planning permission P2014/0199, granted 17/4/2014, at all times, and throughout the remaining lifetime of the site (to include the restoration and aftercare periods)

Reason

To assist in the control of and assessment of monitoring of the environmental effects of the development. To accord with Policy SP1 & M4 of the Neath Port Talbot Development Plan

- 14 No later than 6 months from the re-commencement of quarrying operations on site, the first Technical Working Party meeting shall be held, and meetings shall subsequently continue to be held in accordance with the scheme approved under planning permission P2014/0208, granted 17/4/2014, at all times, and throughout the remaining lifetime of the site (to include the restoration and aftercare periods)

Reason

To assist in the control of and assessment of monitoring of the environmental effect of the development. To accord with Policy SP1 & M4 of the Neath Port Talbot Development Plan

- 15 At least two years prior to the date when quarrying operations are to be completed at the site or within 15 years of the date of this permission whichever is the sooner, or in the event of a cessation of winning and working of sandstone which in the opinion

of the local planning authority constitutes a permanent cessation, a detailed restoration scheme (in the form of written statements and plans) for the whole of the site shall be submitted to the local planning authority for its approval. The scheme shall include details of the following: -

- a) the nature or intended after use of the whole site.
- b) the removal of buildings, plant and machinery and the reinstatement of the site and access roads by clearing plant, buildings, machinery, road base, concrete or brickwork. The scheme shall also include details for the reclamation or retention of the access road or any part thereof.
- c) details of the re spreading of overburden, subsoil and top soil previously stripped from the site, specifying depths and placement.
- d) the ripping of any compacted layers of final cover to ensure adequate drainage and aeration, such ripping should normally take place before placing the topsoil.
- e) the machinery to be used in soil re spreading operations.
- f) the final proposed levels of the reclaimed land as a contour plan at 5 metres intervals and the gradient of the slopes which shall be graded to prevent ponding, erosion of surface water.
- g) the drainage of the reclaimed land including the formation of suitably graded contours to promote natural drainage and the installation of artificial drainage where necessary, and the position of main outflow ditches and watercourses.
- h) the position and erection of fencing, hedge on bank constructions, gates and cattle grids as necessary.
- i) the creation of any attenuation ponds or water features.
- j) provision of and position of any footpaths/bridleways to link with existing Public Rights of Way.
- k) The restoration of the site shall be carried out in accordance with the terms of such approval or as otherwise agreed in writing by the local planning authority.

Reason

To ensure adequate restoration of the site. To accord with Policy SP15, SP17, EN7 & M4 of the Neath Port Talbot Development Plan

- 16 At least 2 years prior to the date when quarrying are to be completed at the stie or within 15 years of the date of this permission whichever is the sooner, or in the event of a cessation of winning and working of sandstone which in the opinion of the local planning authority constitutes a permanent cessation, 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 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 and the period during which they are to be taken. The scheme shall include, inter alia, details of the following;
- a. the designated areas of the intended after uses of the whole site including the access road;
 - b. the timing and pattern of vegetation establishment including species to be planted, grass seeding mixtures and application rates, stock type and size, spacing, method and position of planting;
 - c. cultivation practices for the preparation of soils;

- d. hedgerow construction;
- e. fertiliser, lime application and weed control based on soil analysis as necessary including chemical analysis;
- f. drainage proposals including timing of installation work, maintenance works or temporary drainage measures including ponds or wetlands;
- g. grassland management including class of grazing stock, livestock, stocking density and mowing practices;
- h. farm woodland management practices;
- i. watering facilities and provision of supplies as necessary;
- j. the assessment of the introduction of areas to be restored to amenity/nature conservation and its application to local biodiversity objectives;
- k. the creation, management and maintenance of any paths tracks or roads;
- l. any other agricultural, silvicultural or conservation treatment particularly relevant to the site;
- m. fencing or otherwise;
- n. at least once a year the site operators shall arrange a formal review to consider the restoration and aftercare operations which have taken place on land during the previous year, and the programme of management for the following year. The parties invited to this review shall include the Mineral Operator, the owner(s) of the land, the occupier(s), the Mineral Planning Authority, the Countryside Council for Wales and the Environment Agency'
- o. at least four weeks before the date of each annual review the operator shall provide the Mineral Planning Authority with a record of the management and operations carried out on the land during the period covered by the review.

The scheme shall be implemented as approved.

Reason

To ensure satisfactory aftercare of the site. To accord with Policy SP15, SP17, EN7 & M4 of the Neath Port Talbot Development Plan

- 17 Restoration of the site shall be completed within 12 months of the cessation of mineral extraction or within 18 years of this consent whichever is the sooner, and all buildings and structures to which this permission relates shall be removed within the above timescale unless otherwise approved under the restoration scheme. If at any time mineral extraction ceases operation for more than a period of 24 months the site shall commence restoration and a restoration and aftercare scheme submitted to the local planning authority for its approval in accordance with the requirements of conditions 15 and 16 of this consent.

Reason

To identify the timescales granted for mineral development and to establish reasonable timescales for the completion of restoration at the site or following the cessation of mining operations, to accord with Policy SP15, SP16, SP 17, EN7 & M4 of the Neath Port Talbot Development Plan

Regulatory Conditions

- 18 For the purposes of this approval and any condition appertaining to the planning permission the "extension area" is defined as that land to the south and west of that area defined as the existing permitted area on Drawing No. 668/PL3 and within the site boundary edged in red on the same plan.

Reason

In the interest of clarity. To accord with Policy SP16, SP17, EN8 & M4 of the Neath Port Talbot Development Plan

- 19 Notwithstanding the provision of Condition 21 operations involving the formation or subsequent removal of baffle-mounds and soil mounds and the stripping and replacement of soils shall not be carried out except between the following times:
- a) 08.00 hours and 17.00 hours Mondays to Fridays
 - b) 08.00 hours and 12.00 hours Saturdays
 - c) No such operations shall occur on Sundays, Bank or Public Holidays

Reason

In the interest of amenity. To accord with Policy SP16 & EN 8 of the Neath Port Talbot Development Plan

- 20 Notwithstanding the approved hours of working specified under Condition 21 of this permission, quarrying operations and other ancillary crushing and treatment, excluding maintenance and servicing and general administration/supervision, carried out between the hours of 07.00 and 07.30 and 17.30 to 19.00 Mondays to Friday shall only occur within the approved extraction area.

Reason

In the interest of amenities of the area. To accord with Policy SP16 & EN 8 of the Neath Port Talbot Development Plan

- 21 Except in an emergency to maintain the safe working of the site, which shall be notified to the local planning authority as soon as practicable,
- a) Operations, other than water pumping, Servicing, environmental monitoring, or maintenance of plant shall not be carried out except between 07.00 hours and 19.00 hours Monday to Friday and 08.00 hours and 12.00 hours on Saturdays.
 - b) No servicing or maintenance and testing of plant shall be carried out between the hours of 21.00 and 07.00 hours on any day.
 - c) There shall be no working on Sundays, Bank or Public Holidays.

Reason

In the interest of amenities. To accord with Policy SP16 & EN 8 of the Neath Port Talbot Development Plan

- 22 The Landscaping Scheme approved under planning reference P2010/0305 on 20/12/2011 shall be implemented and maintained throughout the remaining lifetime of the site (to include the restoration and aftercare periods), as approved.

Reason

To minimise the visual impact of the development by ensuring that areas disturbed, including faces of excavations and slopes of fill, in the initial development of the site but which are then no longer required for continuing operational purposes are landscaped at the earliest opportunity and that areas not required for operational purposes are planted and landscaped in advance of future development. To accord with Policy EN 2, SP17 & M4 of the Neath Port Talbot Development Plan

- 23 No more than 2,200 tonnes of mineral products or waste shall be transported along the approved access road for mineral transportation under Drg. No. 688/PLI on any one day and no more than 8,000 tonnes shall be transported along the route in any seven working days.

Reason

To avoid unacceptable loss of amenity and to limit movements within a scale of development that is subject to consideration within this approval. To accord with Policy SP20 of the Neath Port Talbot Development Plan

- 24 Notwithstanding the provisions of Parts 19 and 21 of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order amending or re-enacting that Order);
- a) Except for the provisions approved under this consent and indicated on Drg. No. 8140/4, no fixed plant or machinery, buildings, structures and erections, or private ways shall be erected, extended, installed or replaced at the site complex without the prior approval of the local planning authority.
- b) Unless otherwise agreed in writing by the local planning authority, no waste materials shall be deposited on the site except that mineral waste produced at the quarry which shall be placed within the excavation void at the site complex.

Reason

In the interest of the amenities of the area and to retain adequate control over the visual impact of the development. To accord with Policy SP16 & EN8 of the Neath Port Talbot Development Plan

- 25 Quarrying operations involving the winning and working of sandstone, the crushing and treatment of the stone and other ancillary operations hereby approved shall be entirely contained within the boundary shown in red on Drawing No. 668/PL3.

Reason

To avoid any ambiguity or confusion as to the extent of the working areas and the method of working hereby permitted. To accord with Policy SP16, SP17, EN8 & M4 of the Neath Port Talbot Development Plan

- 26 Extraction of stone shall not exceed those limits shown on Drawing No. 669/PL13D and Drawing No. 668/PL15F as they apply to the initial phase, (Interim working Phase) during that phase, and shall also not exceed those extraction limits shown on Drawing No. 668/PL17 for final working and to those limits shown on drawing No. 668/PL15F as they relate to Drawing No. 668/PL17

Reason

To limit the extraction area in accordance with any recognised need. To accord with Policy SP16, SP17, EN8 & M4 of the Neath Port Talbot Development Plan

- 27 Extraction of stone for the purposes of the winning and working of the mineral shall not exceed the limits shown for the initial phase on Drawing No. 668/PL130 and Drawing No. 668/PL15F until such time as the farmhouse and residence known as Pantgwyn Farm has become unoccupied and is in the control of the developer.

Reason

To ensure that the extraction of stone does not encroach within Pantgwyn Farm until such time as that property becomes unoccupied or within the control of the developer. To accord with Policy SP16, SP17, EN8 & M4 of the Neath Port Talbot Development Plan

- 28 The extraction areas so defined for this consent shall relate to that area approved previously under P96/1407 approved on 10th October 1996 and to those areas identified under Condition 2 of this consent.

Reason

In the interest of clarity. To accord with Policy SP16, SP17, EN8 & M4 of the Neath Port Talbot Development Plan

- 29 Until such time that operations commence mineral extraction shall only take place in accordance with the revised Drawing No. 488/PL6B as approved on 10th October 1996 and in accordance with the accompanying information received on 14th August 1996.

Reason

In the interest of clarity. To accord with Policy SP16, SP17, EN8 & M4 of the Neath Port Talbot Development Plan

- 30 From the commencement of development to its completion, a copy of this permission including all documents hereby approved and any other documents subsequently approved in accordance with this permission shall be permanently maintained and available for inspection at the site office.

Reason

To ensure that the operators of the site and any appropriate officer of the local planning authority has access to such approvals on site. To accord with Policy M4

- 31 The external walls and roofs of buildings shall be maintained coloured dark green for the duration of operations at the site.

Reason

In the interest of amenity, to accord with Policy SP17, EN 2 & M4 of the Neath Port Talbot Development Plan

- 32 The permission hereby granted relates only to the use of the following access roads and access points by vehicles gaining access to or from the site and to the terms set out below. Under no circumstances shall any other access points be utilised.

a) All heavy goods vehicles employed in the transportation of any mineral products, mineral waste or service vehicles shall only utilise the existing access road as identified on Drg. No. 668/PLI emerging onto the A4067 at Ystalyfera.

b) In respect of any other movements by cars, vans and non HGV service vehicles, such movements may utilise the access point and the unclassified road known as Gellifowy Road that leads from the A4067 at Ynysmeudwy to Cwm Nant Lleici Farm or the designated access road identified under (a) above.

Reason

To identify the access routes that are considered acceptable for the transportation of minerals or by other vehicles and to prohibit the use of any other access points or access routes considered unacceptable for such use. To accord with Policy SP20 of the Neath Port Talbot Development Plan

- 33 Unless modified by other conditions of this consent, the restoration of the site shall accord with the principles set out on Drawing No. 668/PL14C (Illustrative Restoration Plan) (Revised 25th July 2007) and the Environmental Statement submitted with the planning application. In any event no part of the site shall have any restored levels exceeding 236 metres AOD.

Reason

In the interest of clarity and to ensure progressive restoration. To accord with Policy SP15, SP17, EN7 & M4 of the Neath Port Talbot Development Plan

- 34 There shall be no use of secondary breaking equipment such as 'peckers' between 07.00 and 08.00 hours and 17.30 to 19.00 hours on any working day.

Reason

In the interest of the amenities of the area. To accord with Policy SP16 & EN 8 of the Neath Port Talbot Development Plan

- 35 Vehicles employed in the transportation of minerals or mineral waste from the site shall not utilise the access road as identified in red on Drg. No. 668/PL1 except during the following times:

- a) 07.30 to 18.30 hours Mondays to Fridays
- b) 08.00 to 14.00 hours on Saturdays
- c) No such movements shall occur on Sundays or Bank or Public Holidays.

Reason

In the interest of the amenity of the area. To accord with Policy SP16 & EN 8 of the Neath Port Talbot Development Plan

- 36 Dust monitoring shall be carried out in accordance with the scheme approved under planning reference P2010/0304 granted on 20/10/2011, throughout the remaining lifetime of the site (to include the restoration and aftercare periods).

Reason

To provide for the suppression, control and monitoring of emissions of dust from the development where it is anticipated that preventative measures are likely to be required in the interest of the amenity of the surrounding area. To accord with Policy SP16 & EN 8 of the Neath Port Talbot Development Plan

- 37 The monitoring of noise shall be carried out in accordance with the scheme approved under planning reference P2010/0304 granted on 20/10/2011, throughout the remaining lifetime of the site (to include the restoration and aftercare periods).

Reason

To provide for the suppression, control and monitoring of noise from the development where it is anticipated that preventative measures are likely to be

required in the interest of the amenity of the surrounding area. To accord with Policy SP16 & EN 8 of the Neath Port Talbot Development Plan

- 38 The best practical measures shall be used to minimize noise from reversing warning devices fitted to mobile plant and vehicles on site. This may include the fitting of 'smart' alarms or broadband units.

Reason

In the interest of the amenity of the area. To accord with Policy SP16 & EN 8 of the Neath Port Talbot Development Plan

- 39 The best practical means shall be used to minimise noise from all plant and in particular secondary breaking equipment.

Reason

In the interest of the amenities of the area. To accord with Policy SP16 & EN 8 of the Neath Port Talbot Development Plan

- 40 All vehicles, plant and machinery operated on the site shall be maintained in accordance with the manufacturer's specification at all times, and shall be fitted with and use effective silencers and be so operated to minimise noise emissions. Save for the purposes of maintenance no machinery shall be operated with the covers open or removed.

Reason

To ensure minimum disturbance from operations and avoidance of nuisance to the local community. To accord with Policy SP16 & EN 8 of the Neath Port Talbot Development Plan

- 41 A written record shall be maintained at the site office of all movements out of the site by heavy goods vehicles, as defined in this permission; such records shall contain the vehicles' weight, registration number and the time and date of the movement and shall be made available for inspection by a representative of the local planning authority on demand at any time.

Reason

To facilitate in the monitoring of movements into and out of the site. To accord with Policy SP 20 & EN 8 of the Neath Port Talbot Development Plan

- 42 Only in exceptional circumstances to maintain safe quarry working as required by quarry legislation and in an emergency shall blasting take place in the extraction area except between the times stated below:-
Mondays to Fridays between 11.00 hours and 15.00 hours and at no time on Saturdays, Sundays or Bank or Public Holidays.

Reason

In the interest of the amenity to local residents. To accord with Policy SP16 & EN 8 of the Neath Port Talbot Development Plan

- 43 Any emergency blasting needed to be carried out outside the specified hours in accordance with Condition 42 shall be notified to the local planning authority in writing within 72 hours of the occurrence. A detailed justification shall accompany the notification.

Reason

To ensure a reasoned explanation is provided for any blasting outside specified hours. To accord with Policy SP16 & EN 8 of the Neath Port Talbot Development Plan

- 44 Blasting shall be designed so that the ground vibration measured as peak particle velocity in any one of three orthogonal planes shall not exceed 10 mm per second at any residential or similar vibration sensitive property. However, within this design limit, every effort shall be made to ensure that the ground vibration for at least 95% of all blasts in any 6 month period shall not exceed a ppv of 6 mm per second.

Reason

To protect the amenities of local residents and the structure of buildings. To accord with Policy SP16 & EN 8 of the Neath Port Talbot Development Plan

- 45 Blast Monitoring shall be carried out in accordance with the scheme approved under planning reference P2010/0304 granted on 20/10/2011, throughout the remaining lifetime of the site (to include the restoration and aftercare periods).

Reason

To enable the effects of the development to be adequately monitored during the course of operations. To accord with Policy SP16 & EN 8 of the Neath Port Talbot Development Plan

- 46 The scheme for audible and visual warnings for blasting operations as approved under P.A. Ref. R88/0579/2 dated 1st March 1995 shall be carried out for the duration of operations of the site.

Reason

To ensure adequate warning of blasting at the site. To accord with Policy SP16 & EN 8 of the Neath Port Talbot Development Plan

- 47 There shall be no secondary blasting carried out on the site

Reason

To protect the amenities of the local environment. To accord with Policy SP16 & EN 8 of the Neath Port Talbot Development Plan

- 48 The operator shall make every effort to reduce the effects of air blast over-pressure arising from blasting. Every blast shall be designed to minimise noise or air over pressure by the use of the latest available techniques such that over pressure should not exceed 120dB peak linear as measured externally at any residential property under normal atmospheric conditions.

Reason

To protect the amenities of the local environment. To accord with Policy SP16 & EN 8 of the Neath Port Talbot Development Plan

- 49 All works shall be carried out in accordance with the Archaeological Written Scheme of Investigation approved under planning ref P2014/0016, on 4/2/2014. Any reports carried out under this approved scheme shall be submitted to the Local Planning Authority for its records, such submissions to occur within one month of the completion of such reports

Reason

To identify and record any features of archaeological interest discovered during the works in order to mitigate the impacts of the work on the archaeological resource. To accord with Policy M4 of the Neath Port Talbot Development Plan

- 50 All footpaths that cross the quarry and access road shall be signposted, secured and maintained at all times until the completion of the restoration and aftercare of the site.

Reason

In the interest of the rights of way of the area. To accord with Policy EN7 & M4 of the Neath Port Talbot Development Plan

- 51 Any facilities for the storage of oils, fuels or chemicals shall be sited 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 compound should 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 should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

Reason

To prevent pollution of the water environment. To accord with Policy SP16 & EN8 of the Neath Port Talbot Development Plan

- 52 Where necessary cut off ditches shall be provided below the working area to intercept contaminated surface water and divert it to suitable lagoons for treatment prior to its discharge to a watercourse.

Reason

To prevent the pollution of watercourses. To accord with Policy SP16 & EN8 of the Neath Port Talbot Development Plan

- 53 Adequate provision shall be made to ensure that no polluting discharge from haul roads and disturbed areas enter any watercourses.

Reason

To protect the water environment. To accord with Policy SP16 & EN8 of the Neath Port Talbot Development Plan

- 54 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 throughout the operational, restoration and after-care period. To accord with Policy SP16 & EN8 of the Neath Port Talbot Development Plan

- 55 The development shall be carried out in accordance with the scheme relating to 'the interception of contaminated surface water run-off from the site' approved under planning permission P2014/0187, granted 7/5/2014, at all times, and throughout the remaining lifetime of the site (to include the restoration and aftercare periods)

Reason

To protect the water environment. To accord with Policy SP16 & EN8 of the Neath Port Talbot Development Plan

- 56 There shall be no discharge of foul water or contaminated drainage from the site into either groundwater or any surface water whether direct or via soakaways.

Reason

To protect the water environment. To accord with Policy SP16 & EN8 of the Neath Port Talbot Development Plan

- 57 No mineral shall be imported into the site

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. To accord with Policy SP16 & EN8 of the Neath Port Talbot Development Plan.

- 58 With the exception of those activities set out in condition 59 of this consent, noise levels arising from the development shall not exceed 50 dB(LAeq) 1 hour free field (measured in accordance with BS4142 (1997)) at any noise sensitive property during the hours of 07.00 and 19.00 hours Mondays to Fridays and 08.00 and 12.00 hours on Saturday. At all other times noise levels arising from the development shall not exceed 42dB (LAeq) 1 hours free field. These limits shall not apply to Pantgwyn Farm if that property becomes unoccupied and in the control of the developer.

Reason

In the interest of the amenity of the area. To accord with Policy SP16 & EN8 of the Neath Port Talbot Development Plan

- 59 Notwithstanding the provisions set out under condition 58 of this consent, temporary operations associated with the construction or removal of baffle or screen mounds or soil mounds or the removal and re spreading of soils, shall not cause noise levels to exceed 67 dB(LAeq) 1 hour free field measured (in accordance with BS4142 (1997)) for periods of up to 8 weeks in any one year at any noise sensitive property. These

limits shall not apply to Pantgwyn Farm if that property becomes unoccupied and in the control of the developer.

Reason

In the interest of the amenity of the area. To accord with Policy SP16 & EN8 of the Neath Port Talbot Development Plan

- 60 Any ditches, watercourses or culvert's passing through the permission area shall be protected, supported or satisfactorily diverted and shall not impair the flow or render less effective drainage onto and from adjoining land.

Reason

In the interest of agriculture. To accord with Policy SP16 & EN8 of the Neath Port Talbot Development Plan

- 61 Any flow of water used for agricultural purposes shall not be adversely affected. If any surface flows are affected adequate measures shall be undertaken to reinstate the flows or alternative water resources provided as soon as practicable.

Reason

In the interest of agriculture. To accord with Policy SP16 & EN8 of the Neath Port Talbot Development Plan

- 62 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. To accord with Policy SP16, EN7 & EN8 of the Neath Port Talbot Development Plan

- 63 The boundary of the quarry site shall be made stock proof for the duration of the development and throughout the aftercare period.

Reason

In the interest of agriculture and site control. To accord with Policy EN7 & M4 of the Neath Port Talbot Development Plan

- 64 Any agricultural land and facilities within the site that are not disturbed during the quarrying operations or not required for landscaping shall be maintained in a good agricultural condition.

Reason

In the interest of agricultural management. To accord with Policy EN7 & M4 of the Neath Port Talbot Development Plan

- 65 All topsoil and subsoil material stripped from the working area and any other areas of the site (including areas affected by excavations, overburden, waste and subsoil storage mounds, buildings, hard standings and other constructions including temporary access roads and vehicle trafficking routes) shall be stored separately in

mounds until required for restoration or utilised immediately in the progressive restoration of site. No topsoil shall be sold or otherwise removed from the site.

Reason

To ensure adequate restoration of the site. To accord with Policy SP17 & M4 of the Neath Port Talbot Development Plan

- 66 Soil stripping shall only be carried out when soil is in dry and friable condition, during dry weather, and between the months of April and September, the local planning authority shall be notified in writing 48 hours prior to any intention to strip soils or replace and re spread any soils on any part of the site.

Reason

To ensure that are stripped in reasonable weather conditions and to ensure the Authority can monitor stripping operations if and when required. To accord with Policy SP17 & M4 of the Neath Port Talbot Development Plan

- 67 Topsoil and subsoil storage bunds shall be placed in approved locations and constructed to ensure secure storage without damage, loss of contamination. Topsoil shall be stored in bunds not exceeding 4m height and shall be constructed and shaped by excavator and low ground pressure bulldozer only and dump trucks shall not traffic across the bunds at any time. Bunds shall be seeded to grass at the earliest opportunity and shall not be allowed to over-winter without grass cover.

Reason

To ensure conservation of soils. To accord with Policy SP17 & M4 of the Neath Port Talbot Development Plan

- 68 Following the formation of any topsoil and subsoils storage mounds the location of each mound and the type and quantity of the materials in the mounds shall be recorded and the information supplied to the local planning authority within 2 months of their completion.

Reason

to ensure adequate recording of soil resources conserved. To accord with Policy SP17 & M4 of the Neath Port Talbot Development Plan

- 69 The development shall be carried out in accordance with the scheme approved under planning permission P2013/0988, granted 7/5/2014, where it applies in relation to birds, at all times, and throughout the remaining lifetime of the site (to include the restoration and aftercare periods)

Reason

In the interest of nature conservation. To accord with Policy SP15 & EN7 of the Neath Port Talbot Development Plan

- 70 The development shall be carried out in accordance with the scheme approved under planning permission P2013/0988, granted 7/5/2014, where it applies in relation to bats, at all times, and throughout the remaining lifetime of the site (to include the restoration and aftercare periods).

Should any works be required that might result in disturbance to trees on site, a bat inspection must first be undertaken by a qualified bat surveyor.

If bats are found within the site boundary or any hedgerow, tree, building, or structure immediately adjacent to the boundary of the site the developer shall provide to the local planning authority a copy of any licence that might be required. Such a licence shall be provided to the local planning authority, if required, prior to the commencement of any operations within any phase in the extension area.

Reason

In the interest of nature conservation. To accord with Policy SP15 & EN7 of the Neath Port Talbot Development Plan

- 71 The development shall be carried out in accordance with the scheme approved under planning permission P2013/0988, granted 7/5/2014, where it applies in relation to Badgers, at all times, and throughout the remaining lifetime of the site (to include the restoration and aftercare periods)

Reason

In the interest of nature conservation. To accord with Policy SP15 & EN7 of the Neath Port Talbot Development Plan

- 72 The development shall be carried out in accordance with the scheme approved under planning permission P2013/0988, granted 7/5/2014, where it applies in relation to Water Voles, at all times, and throughout the remaining lifetime of the site (to include the restoration and aftercare periods)

Reason

In the interest of nature conservation. To accord with Policy SP15 & EN7 of the Neath Port Talbot Development Plan

- 73 Stone extraction shall only occur within the extraction area and shall not occur within 5 metres of the Hughes coal seam that lies below the sandstone and no stone extraction shall take place in any part of the extraction area below 166 metres AOD.

Reason

To ensure that extraction does not intercept flooded workings and In the interest of water resources. To accord with Policy SP16 & EN8 of the Neath Port Talbot Development Plan

- 74 Hauliers employed in the transportation of any mineral products from the quarry shall be instructed both verbally and by a notice posted at the weighbridge of the site that h.g.v. movements shall not be exercised in convoys along the access road and the public highway such notices shall be maintained for the duration of operations at the site.

Reason

In the interest of the amenity of the area and the safety of any person utilising the public rights of way of the area. To accord with Policy SP20 & M4 of the Neath Port Talbot Development Plan

- 75 The maximum speed for any form of vehicle that utilises the approved access road in either direction for the purposes of mineral and waste transportation shall be 25mph. Notices shall be posted at the weighbridge and within 200 metres of the access point with the A4067 indicating this limit and such notices shall be maintained for the duration of operations at the site.

Reason

In the interest of the amenity of the area and members of the public that may utilise the public rights of way of the area. To accord with Policy SP20 & M4 of the Neath Port Talbot Development Plan

- 76 The access road utilised for the transportation of minerals and mineral waste from the site shall be maintained by filling in pot holes and maintaining associated drainage to prevent the deterioration of the road to the extent that noise, dust and pollution would have a material effect on the amenity of the area. Such maintenance shall be carried out with 14 days of any deterioration being identified.

Reason

In the interest of the amenity of the surrounding environment. To accord with Policy SP20 & M4 of the Neath Port Talbot Development Plan

- 77 The development shall be carried out in accordance with the scheme approved under planning permission P20/0188, granted 7/5/2014, at all times, and throughout the remaining lifetime of the site (to include the restoration and aftercare periods). Notwithstanding the approved details, Soils from woodland areas shall be kept separate to soils from agricultural areas throughout the lifetime of the development. Details of the quantities of top and subsoils recovered and conserved on site shall be recorded and submitted to the Local Planning Authority on an annual basis.

Reason

To ensure that adequate control and monitoring is exercised in the conservation and optimum use of top soils, soils and any soil forming material found on the site. To accord with Policy SP17 & M4 of the Neath Port Talbot Development Plan

- 78 Restoration of those areas of the site to agriculture use shall conform to the following requirements:
- a) All plants, machinery, buildings, fixed equipment, roads and areas of hard standing including site compounds shall be removed unless any feature forms part of the approved restoration plan.
 - b) When they cease to be required for pollution control purposes, settlement ponds shall be emptied of contents, floor and sides broken up and the void filled with suitable material to agreed levels prior to the spreading of soils.
 - c) Following the satisfactory construction of the final landform by approved methods and to approved contours, the resultant base material shall be comprehensively ripped to a minimum depth of 0.3m to break up surface compaction before any soil material is spread. All large stones and boulders, and other foreign material arising shall be removed. Special attention shall be given to areas of excessive compaction such as haul roads, where deeper ripping may be required.

d) Original ground beneath soil and other material bunds shall be comprehensively loosened to minimum depth of 0.3m to break up surface compaction prior to the spreading of soils.

e) The soil material (topsoil, subsoil and soil forming material) set aside for use in the agricultural restoration shall be spread uniformly and in correct sequence in accordance with the requirements of the approved detailed restoration plan, in a manner that minimise compaction within the soil layers and ripped base material. Any soil compaction caused by soil placement operation shall be removed by appropriate loosening or cultivation method.

f) A minimum soil depth of 0.7m (200mm topsoil over 500mm subsoil) shall be provided throughout the area restored to agriculture, unless otherwise agreed with the Planning Authority.

Reason

To ensure adequate restoration to agricultural use. To accord with Policy SP15, SP17, EN7 & M4 of the Neath Port Talbot Development Plan

- 79 The site shall be the subject to aftercare for a period of 5 years in accordance with the provisions of an aftercare scheme as approved by the local planning authority.

Reason

To ensure adequate treatment and aftercare of the land. To accord with Policy SP15, SP17, EN7 & M4 of the Neath Port Talbot Development Plan

- 80 In the event of derogation of the water supplies being detected in accordance with the provisions of the Water Resources Protection Plan as approved under Condition 12 of this consent, an alternative water supply shall be provided to each affected property within 6 months of the confirmation of such derogation by the local planning authority. The alternative water supply shall be of the same quality, quantity and shall be made available at the same financial cost to the recipient as the replaced supply. In the event of a complete loss of water supply being recorded by the local planning authority a temporary water supply shall be restored within three days and maintained until such time as an alternative supply is provided in accordance with this condition. Such a supply shall be confirmed as suitable for human consumption.

Reason

To protect the water supplies of the area. To accord with Policy SP16 & EN8 of the Neath Port Talbot Development Plan

Informatives:

1 In this permission the term "emergency" means any circumstances in which the operator has a reasonable cause for apprehending injury to persons or serious damage to property. Warning: An European protected species (EPS) Licence is required for this development. This planning permission does not provide consent to undertake works that require an EPS licence. It is an offence to deliberately capture, kill or disturb EPS or to recklessly damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine. To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 The operator shall note that

the provision set out in conditions XYZ requires intermittent reviews and additional information within the timescales identified under those same conditions

Reason for granting planning permission.

The proposal represents an appropriate form of development that would have no unacceptable impact on neighbouring amenity or ecology and would ensure the Authorities compliance with PPW 11. Accordingly, the proposed development is in accordance with Policies Strategic Policies Policy SP 14 The Countryside and the Undeveloped Coast, Policy SP15 Biodiversity and Geodiversity, Policy SP 16 Environmental Protection, Policy SP 17 Minerals Policy, SP 20 Transport Network, Policy EN 2 Special Landscape Areas (in particular sub section 1, Mynydd Y Garth), Policy EN7 Important Natural Features, Policy EN 8 Pollution and Land Stability, Policy M4 Criteria for the assessment of mineral development, of the Neath Port Talbot Local Development Plan.

Signed: 

Ceri Morris – Head of Planning & Public Protection

Date: 2 August 2023

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: .

(6) Welsh Water Dwr Cymru advise that the planning permission hereby granted does not extend any rights to carry out any works to the public sewerage or water supply systems without first having obtained the necessary permissions required by the Water Industry Act 1991.

Please note, in accordance with Construction and Design Management (CDM) Regulations, it is the applicant's responsibility to ensure that any proposed works within their curtilage do not conflict with any underground services and is recommended they review their land registry title deeds for any legal covenants. For Sewers or Watermains that may be present and affected by your proposals, you are advised to contact Dwr Cymru Welsh Water who will be able to explain whether your proposed works will be acceptable as well as any consent required. Prior to commencing works, it is also recommend the applicant review the information and guidance on Building Over Sewers

available on Welsh Water's website at

The applicant is also advised that some public sewers and lateral drains may not be recorded on Welsh Water maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

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/pes .
- (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 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 686820 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.