

5th Floor
Capital Quarter
Tyndall Street
Cardiff
CF10 4BQ

By email only to:

planning@npt.gov.uk
c.j.davies@npt.gov.uk
TRBoothroyd@carmarthenshire.gov.uk
swplanning@cyfoethnaturiolcymru.gov.uk

Your ref: CAS-259559-X8H3
Our ref: P2023/0861

27th August 2024

Dear Mr Davies

RESPONSE TO CONSULTEE COMMENTS

On behalf of Marshalls Mono Limited (Marshalls) I write in response to the letter dated 15th August (reference: CAS-259559-X8H3) from Natural Resources Wales in relation to the planning application P2023/0861.

The letter states:

*“The only outstanding matter is the uncontrolled discharge of water from the site, during periods of rainfall via a groundwater feature referenced W21. We are grateful for the additional note which details the progress made with the investigation into the origin and nature of this drainage feature, however, we do not consider that the note sufficiently addresses what we had previously requested, which was a :– **“Method statement detailing how this work will be undertaken and what pollution prevention controls will be deployed during this period to safeguard the water environment”** The steps proposed appear to be reactive as opposed to preventative and are reliant on expert advice being provided by NRW in response to an imminent water pollution risk or pollution incident.*

Furthermore, the mitigation required in response to such a problem would be to deploy proprietary pollution control products which, are not widely or commonly available and would, a best, have to be sourced from suppliers on an overnight courier delivery service.

We would ask that the applicants view this task from a pollution linkage perspective: source – pathway – receptor and consider what controls or interventions can be deployed in order to prevent silt pollution and a further water discharge being made via (W21). For clarity, the source would be viewed as the ground and surface water from in and around the quarry, the pathway being the pipe and excavated pipe route and the receptor being the geological feature (W21).

In addition to the above, please could the applicant confirm the following:

- *Is the operator confident that water can no longer discharge from their operations via W21?*
- *Do they consider the pathway to have been fully removed?*
- *What are the alternative means of dealing with the water which previously used to discharge via this route?*
- *In view of their findings, does the operator need to augment or review any of the existing water management controls (Condition 34) and/or plans for the site? It would have been useful if W21*

could have been plotted on the survey plan provided of the drainage pipe route, provided in the Marshalls document.

In response to the above sole outstanding matter, an inspection of the quarry took place on 22nd August 2024 to consider the “source – pathway – receptor” pollution linkage perspective requested.

As detailed in the method statement dated 2nd July 2024, the proportion of the pipe exposed during the approved phased removal of the former quarry tip has now been removed and phased operations of the quarry have progressed in order to clear this area of the site down to bedrock in order to extract approved reserves beneath the former tip, which is in accordance with the approved and submitted phasing plans.

It should be reiterated that during our previous inspection there was no evidence that the discovered pipe was a pathway between the quarry and W21 as there was no visible flow of water from the pipe at that time. However, for completeness, the following information is provided in response to NRW’s request for additional information on the source – pathway – receptor position at the quarry.

While the exposed section of the pipe and its former pathway has been removed (as evidenced in the photographs below), a section of the pipe remains buried under the tip and this cannot be uncovered / removed until the existing stockpiles within the quarry comprising aggregate recovered from the recent phased removal of the tip are exported off site (which is the purpose of the planning application), as there is currently no operational footprint to store any further material from the tip until this material is removed. The approved phased operations at the quarry (both tip removal and extraction of the underlying reserves) are therefore constrained until the planning application is approved.

The following photographs taken during our inspection on 22nd August 2024 confirm that water was flowing from the end of the pipe and is being directed over bedrock via a clear and distinct pathway into the quarry sump located at the lowest point of the quarry in the south-eastern corner of the extraction area. This accords with the surface water management plan submitted as part of the planning application.



The photograph above illustrates in yellow the previous pathway of the uncovered pipeline (now removed) in the context of the current “exposed” end of the pipe (circled red) beneath the tip towards W21.

The photograph also illustrates how the water flowing from the pipe (the source of which is presumably beneath the tip but cannot be confirmed until the remaining material in the tip is removed, which is in accordance with the phased operation of the quarry) flows over bedrock down gradient (pathway) into the quarry sump (receptor), which is the deepest section of the quarry.

It was also apparent during our inspection that the surface water from within the quarry, continues to flow down gradient from the north western end of the quarry along the western side of the tip and meets with the water flowing out of the pipe before flowing via a single pathway into the quarry sump – all in accordance with the submitted surface water management plan.

Additional photos are provided below showing the pathway of the quarry surface water along the western edge of the tip and also the pathway of water from the pipe into the sump receptor.

Photographs also evidence that there is no flow of water from the quarry in the direction of W21 either along the former pathway of the exposed pipe (which has been removed) or any other pathway.



Looking North at route of existing quarry surface water flowing down gradient to west of quarry tip towards sump in SE corner of the quarry



Looking SE at water flow of quarry surface water along western side of tip down gradient into quarry sump.



View of point where quarry surface water from west of tip meets with water from end of exposed pipe below tip.



End of exposed pipe beneath tip with water flowing following heavy rainfall on 22/8/2023. End of pipe is located on bedrock with tip material above.



View of point where quarry surface water from west of tip meets water from pipe and flows into quarry sump.



Flow of water coming out of pipe onto bedrock.



Flow of water over exposed bedrock.



Looking towards end of pipe beneath tip with water flowing down gradient over bedrock towards the SE into the quarry sump.



View of quarry surface water flowing over bedrock into quarry sump.



Looking north from location at which quarry water flows into quarry sump with bedrock visible.



View of former path of exposed pipe that has been removed and no visible flow of water.



View of former path of exposed pipe that has been removed and no visible water, looking towards W21 which is located beyond the bund.



View of location of end of exposed pipe which has been removed and no visible flow of water.



View of former path of exposed pipe looking back towards quarry, with sump receptor of all quarry water located to the left.

All surface water from the quarry is directed and flows into the quarry sump in accordance with the submitted surface water management plan. Therefore, in response to NRW's bullet point queries:

- *Is the operator confident that water can no longer discharge from their operations via W21?*

Whilst there was no evidence that the source / pathway of any discharge from the quarry to W21 was via the exposed pipe. We can confirm that having removed the exposed section of pipe that was directed towards the quarry boundary there is no longer any flow of surface water visible in this direction. All water flowing from within the quarry (and from the end of the pipe beneath the tip) is directed into the quarry sump in accordance with the surface water management plan.

- *Do they consider the pathway to have been fully removed?*

Yes. The pipeline has been removed and there is no visible flow of water over the bedrock along the route of the pathway of the now removed pipeline. The comparison below shows the pipe when it was exposed versus the current position:



- *What are the alternative means of dealing with the water which previously used to discharge via this route?*

As referred to above and evidenced in the following photographs, water flowing from the pipe that remains beneath the tip (located on bedrock) is directed into the quarry sump along with all quarry surface water in line with the surface water management plan.

- *In view of their findings, does the operator need to augment or review any of the existing water management controls (Condition 34) and/or plans for the site? It would have been useful if W21 could have been plotted on the survey plan provided of the drainage pipe route, provided in the Marshalls document.*

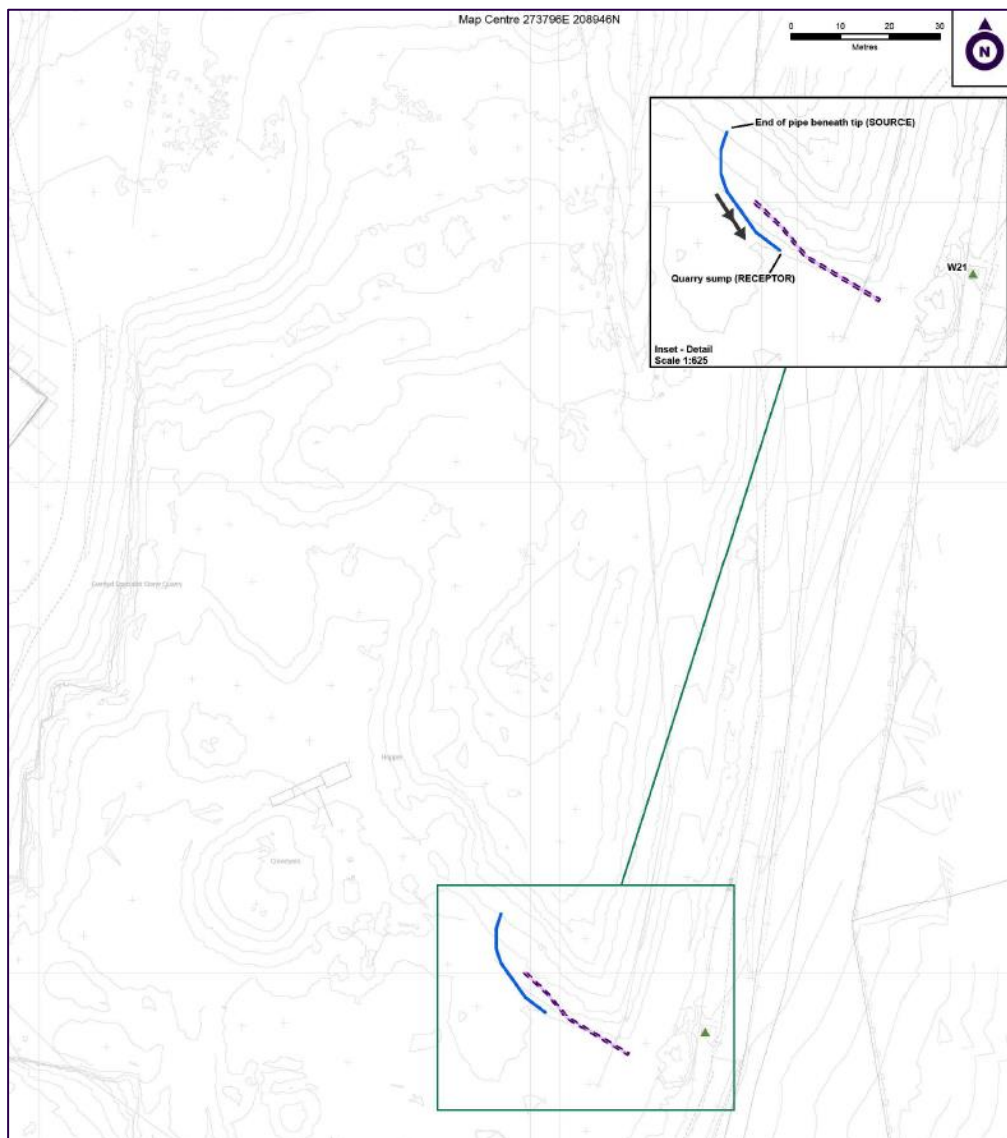
No. The submitted surface water management plan and associated documents all detail that the flow of water from within the quarry will be directed into the quarry sump which is located in the deepest part of the quarry. This reflects the position at the quarry.

Whilst the location of the sump will continue to move around the quarry in line with the phased extraction programme, diversion of any surface water flow from within the quarry will continue to be directed into the quarry sump. The flow of water from within the quarry remains within the quarry boundary and is directed into the quarry sump in accordance with the submitted application surface water management plan, which states that water management within the quarry void will involve the following summarised measures.

- *Excavation of a temporary settlement/collection sump within solid strata in the area of the lowest level of working with water directed into this area.*
- *Primary settlement will occur in the temporary settlement/collection sump from where water will naturally free drain through the fractured bedrock as has been the case historically.*
- *The sump enables additional time for any sediment in quarry run-off water to be minimised before it free drains from the quarry void.*

There is no revision required to the proposed controls or submitted application documents. The operator will as stated in the submitted documents ensure appropriate drainage channels are created and maintained to ensure the directional flow of any surface water from within the quarry down-gradient to the quarry sump which will be located at the lowest point within the quarry. The location of the drainage channels will alter in line with the phased removal of the tip and deepening of the quarry through mineral extraction in accordance with the phasing plans.

Below is a survey plan of the quarry, which it should be noted is slightly dated and reflects the topography at the quarry in April 2024. The survey does not reflect the current topography of the quarry as additional areas of the tip have since been removed and further extraction has progressed in the south-eastern corner of the quarry in accordance with the approved and submitted phasing plans.



However, purely for illustration purposes, the attached shows the path of the previously exposed pipe in purple (as submitted in the Method Statement – NB there is a “gap” between the current end of the pipe and the previous pipe pathway as this was beneath the tip at the date the pipe was surveyed, this section of tip has since been removed, hence the “gap”).

It also shows the directional flow of water in blue from the end of the pipe based on grid reference points noted during our recent inspection, which is currently still buried beneath the tip (source), the flow of water from the pipe (pathway) into the quarry sump (receptor). All of which is in accordance with the submitted surface water management plan.

We assume that the evidence presented provides the necessary comfort to NRW that the quarry is being operated in accordance with the currently approved planning permission as well as according with the documents submitted as part of the planning application.

In their letter, NRW also noted *“As part of the sites ongoing monitoring commitment, we previously requested that the toe of the slope directly beneath the quarry be regularly monitored by the operator for water issues, particularly during and following rainfall, with a photographic log kept by the operator which, should be made available for inspection upon request.*

We note in the letter from Hearnshaw Planning (dated 02nd July 2024) that in addition to the ongoing monitoring commitments at the Site, the Operator agrees to undertake monitoring for water issues at the toe of the slope directly beneath the Quarry.”

We assume that the above acknowledged commitment would be reported to and managed via the Technical Working Party (TWP) for the quarry. The TWP is an existing obligation under Condition 56 of planning permission P2010/0026 (Scheme approved under PA ref.P2013/0592, dated 8th August 2013) where meetings are held between the Operator, NPT Council as planning authority and NRW during the operational life of the quarry. The application as submitted does not propose any change to the TWP obligations.

While we consider the “outstanding matter” referred to has been addressed in this response, we are of the view that the appropriate basis for discussion on such matters is the TWP, whose approved purpose is:

- *To provide a forum for discussion and exchange of information on matters relating to the control and monitoring of site operations.*
- *To suggest ways of implementation and maintenance of procedures for monitoring of site operations, and to overcome any difficulties that may arise.*
- *To provide a joint basis for investigation of complaints and incidents arising from site operations.*

In light of this we consider that any further concerns of NRW on this matter should be monitored and discussed via the TWP.

Finally, NRW’s letter makes reference to the proposed wording of Condition 8, and they have asked us to confirm that there remains clear and distinct limits of extraction and depth of working.

We can confirm that there does remain clear and distinct limits of extraction and depth of working which are set out in the phasing plans and planning statement which detail the phasing (both approved and proposed) and the reasoning behind the wording of condition 8. There are no proposed revisions to the submitted phasing plan(s), so we assume this answers NRW’s question.

We trust that the above information now provides the detail required to alleviate NRW’s concerns and that NRW can provide Neath Port Talbot with confirmation of their support of this planning application as a matter of urgency.

Yours sincerely



Huw Richards

Partner, Minerals and Waste Management

E: huw.richards@carterjonas.co.uk

T: 02922 408591

M: 07500 953873