

**Bryn Quarry
Gelliawgwellt Farm
Gelligaer Road
Gelligaer
Caerphilly
CF82 8FY**

Our ref: PPN-00917

Date: 22 June 2023

Dear Company Director

Assessment of waste recovery plan

Application Reference: PPN-00917

Proposed Operator: Bryn Group Limited

Facility: Bryn Quarry, Gelliawgwellt Farm, Gelligaer Road, Gelligaer, Caerphilly, CF82 8FY

Thank you for your waste recovery plan received on 01 November 2022 hereafter referred to as your WRP. We have assessed it against the standards set out in the guidance – How to apply for a waste recovery environmental permit to permanently deposit waste on land- [Waste recovery plans and deposit for recovery permits - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/waste-recovery-plans-and-deposit-for-recovery-permits) Where we state in this document ‘our guidance’ this is the guidance we are referring to.

We agree that your activity is a recovery operation ‘in principle’. This advice is based on the information provided in your WRP. We therefore suggest that you move forward to apply for a deposit for recovery permit and we will re-assess your WRP again during this process. You should ensure that you address the comments below prior to application.

Evidence to support the recovery of waste

- 1) **Specific obligation to complete the scheme:** The planning conditions outlined in the Planning Decision (12/0570/FULL) dated 23 July 2012 states:

‘2. ... restoration shall be completed by 31 December 2030.

‘18 The site shall be restored in accordance with the details set out in the application subject of this approval within 12 months of completion of the tipping operations to final contours or their earlier permanent cessation’

This demonstrates that the restoration of the quarry must take place and be completed in line with the final contours set out in the planning application/decision. NOTE: The your application also provided additional planning decision for a quarry extension (17/0973/FULL) dated 13 November 2017 which had limited impact on the proposed area of restoration included in your WRP.

We agree that there is a specific obligation to complete the scheme.

- 2) **Evidence of compliance with the specific obligation:** The operator has provided the full planning decision documents (12/0570/FULL and 17/0973/FULL) that are in

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relation to the scheme. These documents show the final contours agreed to by the local planning authority to restore the profile of the land to its natural form prior to the quarrying activities taking place. **Our understanding that is the 2012 planning decision (12/0570/FULL) specifies the specific obligation in regards to the restoration levels. The extension (17/0973/FULL) does not contain any planning conditions which alters the specific obligation to restore the quarry area covered by this WRP.**

Whilst the site plans in your WRP (Drawings No: BAL-WRP-2022-004RevB, BAL-NSB-2016-12RevA) appear to provide a similar land profile to that agreed in the planning decisions (see drawings BQE 2012-129-010, BQE-2012-029-111) the contours on the plans show the proposal as outlined in your WRP do not match the contours in the planning decision document from 2012. The proposal in your WRP appears to be a number of metres lower. No explanation for this is given. Although a possible explanation could be that Cross section A-A (from drawing no: BQE-2012-029-111) and Cross Section 1-1 (from drawing BAL-WRP-2022-004RevB) are not located in the same place. Your WRP should provide the appropriate drawings for us to clearly see the proposed site profile is in line with the restoration outlined in your planning decision.

We also understand that this variation might be a result of the later extension as outlined by planning decision 17/0973/FULL which moves the screening bund away from the area of the site proposed to be restored under this WRP. Whilst changes to the quarrying and restoration in the extension application appear to be limited to red 'application area' it has been noticed that there is a change of the contours/profile of the area of land covered by this WRP. Which appears to have resulted in the WRP showing contours a few metres lower than agreed in the planning decision (12/0570/FULL). Planning Decision 17/0973/FULL makes no reference to a change in final contours for the restoration covered by this WRP. As this change occurs outside of the Red application area we are not sure if this has been considered as part of the planning application. We will require evidence from the applicant at application stage confirming which levels the Local Planning Authority expect the applicant to restore the site to.

Whilst we accept that you have a specific obligation to restore the quarry to the restoration levels outlined in the planning decision (12/0570/FULL) due to the comments above we cannot currently confirm that your proposal meets the specific obligation.

We anticipate that you could at application stage update your WRP to ensure final contours match those agreed to and outlined in your planning decision document. This must be clearly shown in your WRP with suitable plans when you come to apply for the deposit for recovery permit. You may wish to also provide a clear commentary to why proposal meets the specific obligation in your application or WRP. We therefore agree 'in principle' that your proposal meets the specific obligation but you will need to ensure that this is clear in the WRP at application stage..

3) Evidence the waste is suitable:

You have ensured that the wastes selected are wastes that are included in list of waste types used in typical deposit for recovery activities outlined in [Natural Resources Wales guidance](#), and [Environment Agency Guidance](#).

However, you have not fully considered the requirement to demonstrate that materials meet any additional conditions outlined by the respective guidance.

For example 17 05 04 Soils and stones is has the following additional condition
'Material you deposit in place of non-waste topsoil must meet the British Standard for

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Topsoil BS3882:2015. This British Standard provides a range of additional conditions that you need to consider such as; the depth of the topsoil layer, parameters that confirm the waste is physically suitable, and parameters that confirm the waste is chemically suitable. Your WRP (or wider documents provided) do not address this in enough detail for us to confirm that your usage of this waste meets the additional condition of complying with BS3882:2015.

We therefore agree *'in principle'* that the waste is suitable but you must provide much more detail in regard to waste acceptance procedures (including any testing) and usage (eg. topsoil depth) in your application to demonstrate that the waste is suitable and meets the requirements of BS3882:2015 (or any other additional condition listed). A simple sentence confirming compliance with the British Standard will not be suitable when you submit your application.

As the WRP will need to be re-assessed, this will attract another assessment charge. If you change any of the elements agreed above between now and when you submit, this advice may no longer apply. You should tell us about the changes when you submit the application. Or, submit the amended plan for re-assessment before-hand.

Finally as your proposal appears to suggest that treatment (eg blending) of the waste will be undertaken you will also need to ensure that your future application also includes an application for the waste treatment activity. Please ensure all appropriate supporting documents are provided for both aspects of the application (deposit for recovery activity and waste treatment activity).

If you have any questions please contact your local compliance officer.

Yours sincerely

Matthew Fryer
Permitting Officer