

**THE VALE OF GLAMORGAN COUNCIL**

Town and Country Planning Act 1990  
Town and Country Planning (General Development Procedure) Order 1995

Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (as amended)

**FULL PLANNING PERMISSION**

**Agent:**

Mr. M Frampton, Estates Manager  
Hanson Quarry Products Europe Ltd  
Machen Quarry  
Machen  
Nr. Newport  
CF83 8YP

**Applicant:**

Hanson Quarry Products Europe Ltd.,  
Machen Quarry  
Machen  
Nr Newport  
CF83 8YP

**Western extension to Fforest Wood Quarry (including demolition of Fforest Fawr Farmhouse and outbuildings) at Fforest Fawr Farm, Fforest Road, Llanharry**

The Council in pursuance of its powers under the above mentioned Act and Order and having taken all the environmental information into consideration as required by Section 3(2) of the above Regulations, hereby **GRANTS PERMISSION** for the carrying out of the proposed development as described above and in accordance with the application and plans registered by the Council on 13 January 2011 subject to the following condition(s):

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

**Reason:**

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. No operations authorised by this permission, with the exception of restoration and after-treatment works approved under Condition Nos. 21, 22 and 23 of this permission, shall take place after 21 February 2042.

**Reason:**

To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

3. Except as may be otherwise required by these conditions or unless otherwise agreed in writing with the Local Planning Authority, all operations shall be carried out in accordance with the details and methods set out in the application and the accompanying Environmental Statement, as amended and supplemented by the additional documents 'Bat Survey Report & Mitigation Strategy', 'Post-Consultation Supplemental Ecological Information' and 'Forest Wood Bat Tree survey Report' submitted on 13 January 2011 and 2 February 2011.

Reason:

For the avoidance of doubt as to the approved plans and to meet the objectives of Policy ENV27 of the adopted Unitary Development Plan.

4. Prior to its implementation, full details of the proposed planting on the new bund fronting Forest Road shall be submitted in writing to and approved by the Local Planning Authority: the approved scheme shall include details of species and density of planting, re-use of seedbanks from existing woodland and hedgerow bases, timing of planting and maintenance, and all planting on the bund shall thereafter be carried out in accordance with the approved scheme or any variation thereto that may first be agreed in writing with the Local Planning Authority.

Reason:

In the interests of visual amenity and to meet the objectives of Policy ENV27 of the adopted Unitary Development Plan.

5. No development approved by this permission shall commence until the applicant, or their agents or successors in title, has secured the implementation of a written programme of archaeological work in accordance with a written scheme of investigation which shall be submitted by the applicant and approved in writing by the Local Planning Authority and the programme and scheme shall be fully implemented as defined in the approved details.

Reason:

In order that archaeological operations are undertaken to an acceptable standard and that legitimate archaeological interest in the site is satisfied and to ensure compliance with Policies ENV18 and ENV19 of the Unitary Development Plan.

6. Prior to any stripping of soils or overburden from the site, an updated badger survey and mitigation statement shall be carried out and agreed in writing by the Local Planning Authority and all subsequent operations shall be carried out in accordance with the approved statement.

Reason:

To meet the objectives of Policy ENV16 of the adopted Unitary Development Plan.



7. All vegetation clearance shall be carried out outside the bird nesting season of March to August inclusive unless it has been demonstrated through the submission to and written agreement of the Local Planning Authority of an appropriate survey immediately prior to works commencing that nesting birds are absent from the particular areas to be cleared of vegetation.

Reason:

To ensure compliance with the requirements of the Wildlife & Countryside Act 1981 and Policy ENV16 of the adopted Unitary Development Plan.

8. Prior to any soil or vegetation clearance being carried out, a method statement to account for the eventuality of reptiles being found in the site shall be submitted in writing to and approved by the Local Planning Authority, and all operations shall thereafter be carried out in accordance with the approved method statement.

Reason:

To meet the objectives of Policy ENV16 of the adopted Unitary Development Plan.

9. No less than 30 days prior to the commencement of soil stripping or vegetation clearance works, a barn owl roosting / nesting box and provision for nesting passerines shall be provided in accordance with details that shall be first submitted in writing to and approved by the Local Planning Authority.

Reason:

To meet the objectives of Policy ENV16 of the adopted Unitary Development Plan and to secure long-term protection of the species through continuity of site use.

10. Prior to any demolition work commencing on Fforest Fawr farmhouse a new bat loft shall be constructed in accordance with details to be first approved by the Local Planning Authority, and unless alternative provisions have been agreed with the Local Planning Authority the new bat loft shall make provision for nesting swallows. The approved bat loft shall be retained on site and maintained throughout all periods of mineral extraction at the site.

Reason:

To comply with the objectives of Policy ENV16 of the adopted Unitary Development Plan and the Conservation of Habitats & Species Regulations 2010.

11. Prior to any vegetation clearance being carried out, the results of a further bat survey of the six trees identified as category 2a (high potential for roosting bats) and 2a/2b (some potential for roosting bats but unable to determine extent due to height or access issues) in the 'Forest Wood Bat Tree Survey Report' dated 12 March 2010 shall be submitted to and approved by the Local Planning Authority: the approved survey shall include a method statement for the appropriate means of felling of the affected trees.

Reason:

To meet the objectives of Policy ENV16 of the adopted Unitary Development Plan and of the Conservation of Habitats & Species Regulations 2010.

12. Except in the case of emergency (defined as occasions when operations are necessary to maintain safe quarry working or to prevent injury to persons or serious damage to property), of which written notification shall be supplied to the Local Planning Authority within two working days, no operations, with the exception of water pumping, environmental monitoring and maintenance, shall take place outside the hours of 0700 - 1900 on Mondays to Fridays or 0700 - 1300 on Saturdays or at any time on Sundays or Public Holidays.

Reason:

In the interests of amenity and to meet the objectives of Policy MIN 6 of the adopted Unitary Development Plan.

13. All reversing sirens on mobile plant, machinery or vehicles shall be of the self-attenuating type with a variable sound power level, automatically adjusted dependent on background noise levels such that the sound power level of the units does not exceed 10 dB above background noise levels or such other specification that may first be agreed in writing with the Local Planning Authority.

Reason:

In the interests of local amenity and to comply with the terms of Policy MIN 6 of the Unitary Development Plan.

14. 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 shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%.

Reason:

In order to protect groundwater resources and to comply with the terms of Policy MIN 6 of the Unitary Development Plan.



15. Blasting shall be limited as follows:

- (a) All blasting operations shall be designed to ensure that the peak particle velocity of ground vibration resulting from blasting shall not exceed 6 mm/sec at any dwelling in 95% of all blasts measured over any period of six months and that no blast shall exceed a level of 10 mm/sec, the measurement to be the maximum of three mutually perpendicular directions taken at the ground surface;
- (b) The peak particle velocity of ground vibration resulting from all blasting operations shall be monitored at or as close as practicable to at least one of the following dwellings:
  - (i) Woodside, Fforest Road;
  - (ii) Fforest Fach Farmhouse;
  - (iii) Crofta Farm;
  - (iv) Llwyn Nwydog (Vale Holiday Homes Ltd)and the results shall be retained for inspection by the Mineral Planning Authority on request;
- (c) At all times, blasting operations shall be designed so that materials are not projected beyond the boundary of the site;
- (d) The times at which blasting shall take place shall be agreed in writing with the Mineral Planning Authority prior to any blasting taking place in the area to which this permission relates.
- (e) A warning siren shall be sounded immediately prior to any blasting operation taking place, and again after blasting has been completed.
- (f) The Mineral Planning Authority shall be given at least 24 hours notice of blasting operations on request; and
- (g) A copy of the above requirements shall be deposited with the quarry manager for inspection by any person requiring access to such information during the course of their duties at the quarry and shall be brought to the attention of every shot-firer who from time to time may undertake blasting operations at the quarry.

Reason:

In the interests of local amenity and meet the objectives of Policy MIN 6 of the Unitary Development Plan.

16. Prior to any blasting operations taking place within the application site, details of the measures to be employed to minimise air overpressure from blasting shall be submitted in writing to and approved in writing by the Local Planning Authority and all blasting operations shall thereafter take place in accordance with the approved scheme.

Reason:

In the interests of amenity and to meet the objectives of Policy MIN 6 of the adopted Unitary Development Plan.

17. Secondary breaking shall be by mechanical means only.

Reason:

In the interests of local amenity and to comply with the terms of Policy MIN 6 of the Unitary Development Plan and to comply with the terms of Policy MIN 6 of the Unitary Development Plan.

18. Except for any temporary operations taking place for no more than eight weeks in any calendar year, operations shall be designed so that the free-field Equivalent Continuous Noise Level (LAeq, 1h) shall not exceed 55 dB(A) at Woodside or Fforest Fach farmhouse.

Reason:

In the interests of amenity and to meet the objectives of Policy MIN 6 of the adopted Unitary Development Plan.

19. The noise levels at or as close as practicable to the two dwellings listed in condition 18 above shall be monitored in accordance with the guidance in Minerals Technical Advice Note 1: Aggregates (2004) during normal quarrying operations on at least one occasion per calendar month during the first three months of mineral extraction within the application site and at intervals not exceeding six months, or such longer period that may first be agreed in writing with the Local Planning Authority, thereafter throughout any periods of mineral extraction and subsequent restoration of the site, and the results shall be forwarded to the Local Planning Authority before the end of the following calendar month.

Reason:

In the interests of amenity and to meet the objectives of Policy MIN 6 of the adopted Unitary Development Plan.

20. Temporary operations carried out for periods not exceeding eight weeks in any calendar year and including soil and overburden stripping shall be designed to not exceed a noise level of 67 dB(A) at either of the properties listed in Condition No. 18 above.

Reason:

In the interests of amenity and to meet the objectives of Policy MIN 6 of the adopted Unitary Development Plan.

21. Notwithstanding the submitted details, within 12 months of the date of this decision, a scheme showing the general principles of the progressive restoration of the site shall be submitted in writing for the written approval of the Local Planning Authority: this Interim Restoration Scheme shall indicate the proposed after-use of the site, details of progressive restoration where appropriate and provisions for its regular review throughout the duration of mineral extraction at the site.

Reason:

To ensure the eventual restoration of the site in the interests of local amenity and to meet the objectives of Policy Min 8 of the adopted Unitary Development Plan.

22. Within twelve months of the permanent cessation of mineral extraction at Forest Wood Quarry or, unless otherwise agreed in writing with the Local Planning Authority, within twelve months following any period of twenty-four consecutive months when mineral extraction has not taken place to any substantial extent, a detailed scheme of restoration shall be submitted in writing for the written approval of the Local Planning Authority: this Detailed Restoration Scheme shall be based upon the submitted Quarry restoration Plan No. 11 and shall embody the general principles of the Interim Restoration Scheme approved under Condition No. 21 above and shall have specific regard to the contours and landform existing at the time, the drainage of the site, final ground levels and landscaping of the restored site, appropriate aftercare provisions and the removal of all redundant plant and buildings.

Reason:

To ensure the eventual restoration of the site in the interests of local amenity and to meet the objectives of Policy MIN 8 of the adopted Unitary Development Plan.



23. The Detailed Restoration Scheme approved under Condition No. 22 above, with the exception of any continuing aftercare requirements, shall be implemented and completed within five years of its approval or such longer period as may be specified by the Local Planning Authority.

Reason:

To ensure the eventual restoration of the site in the interests of local amenity and to meet the objectives of Policy MIN 8 of the adopted Unitary Development Plan.

Reason for Granting Planning Permission

The decision to recommend planning permission has been taken with full consideration of having all the environmental information submitted and in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

Having regard to Policies ENV1 – Development in the Countryside; ENV11 – Protection of Landscape Features; ENV16 – Protected Species; ENV27 – Design of New Developments; ENV29 – Protection of Environmental Quality; MIN3 – Protection of Further Limestone Resources; MIN4 – New or Extended Mineral Working Sites Reserves; MIN5 – Preferred Order of Release of Reserves; MIN6 – Environmental Impact; MIN7 – Buffer Zones; and MIN8 – Restoration and Aftercare of the Unitary Development Plan and to the advice contained in Minerals Planning Policy Wales (2000); the subsequent Minerals Technical Advice Note 1: Aggregates (2004); the Regional Technical Statement on Aggregates (2008) and Technical Advice Note 5: Nature Conservation and Planning and to the requirements of EC Directive 92/43/EEC and the Conservation of Habitats and Species Regulations 2010, it is concluded that the proposal meets the objectives of those Policies, guidance and legislation in respect of the conservation and extraction of mineral resources, and the mitigation of the environmental impacts of that extraction.

NOTE:

- 1. Bats must not be disturbed or destroyed during felling work. A full visual inspection of the trees to be felled must be carried out prior to felling to check for the presence of bats. Advice on bats and trees may be obtained from the Countryside Council for Wales. Bats may be present in cracks, cavities, under flaps of bark, in dense ivy and so forth. Should bats be identified, please contact either the Countryside Council for Wales on 02920 772400 or the Council's Ecology Section on 01446 704627.**



2. You should note that the building / site may constitute a breeding or resting place (roost) for bats, both of which are protected by law through UK legislation under the Wildlife and Countryside Act (1981) (as amended) and through European legislation under the Habitats Directive (EC Directive 92/43/EC), enacted in the UK through the Conservation Regulations (1994) (as amended). This legislation makes it an absolute offence to either damage or destroy a breeding or resting place (roost), to obstruct access to a roost site used by bats for protection and shelter, (whether bats are present at the time or not) or to intentionally or recklessly disturb a bat/bats within a roost. It is recommended that a full bat survey of the building/ site (including trees) be conducted by a licensed bat surveyor to ascertain presence or absence of bats/bat roosts. In the event that the survey reveals the presence of bats/roosts, further advice must be sought from the Countryside Council for Wales (CCW) on 02920 772400 or the Council's Ecology Section on 01446 704627.
3. You are advised that there are species protected under the Wildlife and Countryside Act, 1981 within the site and thus account must be taken of protecting their habitats in any detailed plans. For specific advice it would be advisable to contact: The Countryside Council for Wales, 7 Castleton Court, Fortran Road, Cardiff; telephone number 02920 772400.
4. The applicants are advised that all necessary consents/ licences must be obtained from, the Environment Agency prior to commencing any site works.
5. In accordance with Regulation 3(2) of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, the Local Planning Authority took into account all environmental information submitted with this application.

Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

In addition, any conditions 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).

The commencement of development without firstly meeting in full the terms of any conditions that require the submission of details prior to the commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised development and may render you liable to formal enforcement action.

Failure on the part of the developer to observe the requirements of any other conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.

Dated: 15 April 2011

A handwritten signature in dark ink, appearing to read 'D. B. Thorne', written over a horizontal line.

Head of Planning and Transportation