

TORFAEN COUNTY BOROUGH COUNCIL

Submissions to the Examination of the Blaenau Gwent Local Development Plan on Minerals Questions

1. Qualifications and Experience

- 1.1 I am Adrian Wilcock employed as Principal Planner - Forward Planning by Torfaen County Borough Council ("Torfaen CBC"). I hold a Bachelor of Arts Degree with Honours in Town and Country Planning. I am a Chartered Town Planner and have over twenty-six years' development plans experience; eighteen of them within Monmouthshire County Council and seven with Torfaen CBC. I have specialised minerals knowledge and usually represent the former 'Gwent' Councils (Blaenau Gwent, Monmouthshire, Newport and Torfaen) on the South Wales Regional Aggregates Working Party - Regional Technical Statement Sub-Group on Aggregates and at other ad-hoc Welsh Government / Planning Officers Society for Wales minerals task and finish groups. Finally, I was the lead officer in the "Former Gwent' Aggregates Safeguarding Study".

2. Submission 1 - Session 17 - Minerals (Policies SP12, DM19 and M4)

Inspector's Question

4. What is the logic for the Minerals Buffer Zones identified in Policy M2 and the sites identified in Policy M4? Why are these zones identified in different policies? Are these buffers soundly based?

- 2.1.1 The Blaentillery Drift No.2 Mine near Blaenavon, Torfaen is a permitted mineral site (Application No. P/10812); which when a 500m buffer zone (as required by paragraph 32 of MTAN2 on Coal) is applied will (as required by MTAN2 paragraph 32 / MPPW paragraph 40) need addressing with a Policy and on the Proposals Map in the BGCBC LDP. Given that the Council's worked together on this matter in preparing their respective LDPs, the BGCBC LDP Proposals Map, **SD02a** (Map 18), correctly identifies, under Policy M2.3, a Mineral Buffer Zone around this mine which corresponds with a similar "Mineral Site Buffer Zone" under Policy M4 of the Deposit Torfaen LDP; as shown in the attached Deposit Torfaen LDP Proposals Map North at **Appendix 1** (it is on the reverse of the Southern Proposals Map). I have attached an extract of the TCBC LDP Minerals Background Paper (Appendix F) at **Appendix 2** which illustrates this mineral buffer zone across the county boundary.
- 2.1.2 Thus it is considered that the buffer zone around the Blaentillery Drift No.2 Mine as shown in the BGCBC LDP is soundly based as it meets Tests of Soundness (ToS) C1, C2 and CE1.
- 2.2.1 The Tir Pentwys Preferred Area - The BGCBC LDP allocates their part of the former Tir Pentwys open cast coal site as a Preferred Area for aggregates with a corresponding 500m Mineral Buffer Zone under Policy M4.2 and Proposals Maps 28 & 30 (**SD02a**). I have already, stated that I consider that such a zone and the

choice of a 500m buffer for a coal mineral site allocation accords with national policy (ToS C2).

- 2.2.2 The Deposit Torfaen LDP allocates a similar Preferred Area for aggregates with a corresponding 500m Mineral Site Buffer Zone for the Tir Pentwys site under Policies M3 and M4 respectively; as shown in the attached Deposit Torfaen LDP Proposals Map North at **Appendix 1**. It should be noted that neither the site nor its buffer zone cross the county boundary and thus it would not normally be a matter for the BGCBC LDP to address.
- 2.2.3 However, Torfaen CBC has recently consulted upon two focused changes (FC37 & 38) that increases the size of its site allocation to encompass the area of the current planning application (No. 03/P/09336) for the site (rather than just the overburden mound and virgin land to the east as allocated in the Deposit Torfaen LDP) with a corresponding increase in the Mineral Site Buffer Zone which would, if accepted by the Torfaen LDP Inspector, span the county boundary; I have attached the relevant focused changes and map at **Appendix 3**.
- 2.2.4 I have examined both the TCBC LDP focused changes map and the BGCBC LDP Proposals Maps 28 & 30 (**SD02a**) on this matter and can confirm that the boundaries of both the site allocations and mineral buffer zones would be contiguous.
- 2.2.5 Thus it is considered that the buffer zone around the Tir Pentwys Preferred Area as shown in the BGCBC LDP is soundly based as it meets ToS C1 and CE1.
- 2.3 Whilst I make no comment on the BGCBC LDP on this matter, the Deposit Torfaen LDP also has a policy (M3) that allocates one mineral site and another policy (M4) which identifies four Mineral Site Buffer Zones; this recognises that both allocated and existing mineral sites require a mineral buffer zone.
- 2.4 For information, the Torfaen LDP was submitted for examination on 16th May 2012.
- 2.5 I am happy for this submission to be considered as a written representation.

3. Submission 2 - Session 18 - Minerals Site Allocations - Review of Sites

Inspector's Question

1. What is the logic for identifying Tir Pentwys Tip (M4.2) as a preferred area for aggregates? Is this site allocation soundly based?

3.1.1 Torfaen CBC's Representation - Firstly, Torfaen CBC submitted the following duly made representation on this Policy in the Deposit Blaenau Gwent LDP: -

"My main comment related to the Tir Pentwys Preferred Area (Policy M4) on the boundary with Torfaen. Whilst we have no objection to this allocation I am formally requesting that given that it is in effect an extension of the Torfaen Preferred Area (Policy M3 of the Deposit Torfaen LDP) as the remainder of the quarry and its access lies within Torfaen, as well as the fact that the resource is a secondary aggregate (with priority for allocation under WAG policy) that Blaenau Gwent allocate this site in order to meet part of Torfaen's requirement for 8 millions tonnes of aggregate under the SWRAWP Regional Technical Statement on Aggregates."

3.1.2 In response, Blaenau Gwent CBC, in its 'Report of Representations' **SD07b** (pages 304 - 312) stated: -

"Disagree. Blaenau Gwent has not been provided with sufficient evidence to support the allocation of this site. Without information on the size of the resource, when it is likely to come forward, or information to address other concerns raised by statutory undertakers, it is not possible to allocate the site or commit the resource. Therefore, no change is required to the Plan."

3.1.3 Notwithstanding this, I am of the opinion that BGCBC did not fully consider our representation with regards to the potential for BGCBC to help its neighbour in a cross boundary matter as suggested by MPPW paragraphs 17 & 59 and the forward of the SWRAWP Regional Technical Statement (RTS) on Aggregates (**SD98**) and required by ToS C1, C2 and CE1. Indeed, BGCBC should, in allocating the site in its LDP, have known the size of the resource and thus if there is any potential tonnage over and above that required by BGCBC to meet its own RTS obligation. Similarly, BGCBC should, in allocating the site in its LDP (and continues to do so after considering the representations received on the Plan), have been satisfied that it is likely to come forward and that the concerns raised by statutory undertakers (CCW and GWT?) can be addressed / mitigated.

3.1.4 For information, the Deposit Torfaen LDP allocated the Tir Pentwys site as a Preferred Area of Search for Aggregates under Policy M3, extract from Written Statement attached at **Appendix 4**. This site included the former opencast overburden mound containing an estimated 4.75 million tonnes of secondary (high psv) sandstone aggregate and an area of virgin aggregate to the east. The SWRAWP RTS on Aggregates (**SD98**) requires Torfaen CBC to make provision for 5 -6 million tonnes of aggregate between 2006 and 2021 (which coincides with the TCBC LDP plan period). However, taking account the need for a ten year land bank of permitted reserves at the end of the plan period (MTAN1 paragraph 49) and national policy to not allocate / permit more than a 20 year supply (MTAN1 paragraph 49) save in rare and exceptional circumstances the Torfaen CBC LDP concluded that a 20 year / 8 million tonne allocation was required.

3.1.5 Objections were received to Torfaen CBC LDP on this allocation and on the associated Alternative Sites consultation that arose from them; I have attached the

relevant extract of TCB's report of representations agreed by Council on 21st February 2012 which summarises the main issues raised and the Council's responses at **Appendix 5**. As a result the Council agreed several focused changes (FC37 & 38 - attached at **Appendix 3**) which included: -

1. calling the Tir Pentwys allocation a "Preferred Area" rather than a "Preferred Area of Search";
2. making a 6.95 million tonne allocation at Tir Pentwys (as the landowner confirmed that the virgin land contained an estimated 2.2 million tonnes of aggregate);
3. increasing the site allocation area to encompass the area of the current planning application - with a corresponding increase in the area of the mineral site buffer zone (as discussed above); and
4. concluding that as there would be 8 years left in the plan period once adopted plus a 10 years land bank at the end, a reduced level of 18 years worth or 7.2 million tonnes of aggregates were required to be identified by Torfaen.

3.1.6 Therefore, Torfaen CBC is seeking an allocation of at least 250,000 tonnes of aggregate from the BGCBC LDP from their part of the Tir Pentwys site; albeit an allocation of 1,050,000 tonnes would take Torfaen CBC up to 8 million tonnes (the 20 year target) and an allocation of 3.25 million tonnes would allow Torfaen CBC to meet its 8 million tonnes target, in a more sustainable way, i.e. wholly from secondary materials and without recourse to the use of the virgin aggregate to the east. Indeed, it should be noted that MPPW paragraphs 56 & 68 and MTAN1 paragraph 34 encourage and emphasise the use of alternative secondary / recycled materials rather than primary materials.

3.2.1 Site Allocation - Both BGCBC and Torfaen CBC have correctly chosen to allocate the Tir Pentwys site in their respective LDPs as a Preferred Area. As regards aggregate allocations, MPPW Paragraph 14 states: -

"Policies and proposals in development plans should make clear where mineral extraction should, or is most likely to, take place. This approach brings a high degree of certainty to all. These should be clearly identified on a proposals map, and should take the form of:-

- **Specific Sites** where mineral resources of commercial significance exist, and where any planning applications which come forward for those sites are likely to be acceptable in planning terms;
- **Preferred Areas** which will be areas of known resources with some commercial potential, and where planning permission might reasonably be anticipated; or,
- **Areas of Search** where it is likely that some sites will be appropriate for mineral extraction, depending on economic and/or environmental circumstances. Areas of search will define broad areas that are believed to contain mineral resources of commercial significance but whose extent is uncertain. Within these areas, it is likely that appropriate mitigation measures can overcome all environmental effects. Within areas of search, planning permissions could be granted to meet a shortfall in supply should specific sites, preferred areas, or extensions to existing sites identified in the plan, not come forward. It will not usually be appropriate for an authority to identify only areas of search in a plan; full justification for adopting such an approach would be needed.

- 3.2.2 As stated by the well respected minerals consultant Dr Allan Thompson of Cuesta Consulting Ltd in Paragraph 2.21 of the "Former Gwent Aggregates Safeguarding Study" (SD99) states (this Study also provides excellent independent advice on this matter at paragraphs 2.19 - 2.34): -
"In reverse order, these allocation types can be considered as a progressive refinement of the Mineral Safeguarding Area, focusing in to more localised areas where there is progressively increasing confidence about the economic viability of the resource and, in planning terms, increasing likelihood of mineral extraction being permitted at some time in the future."
- 3.2.3 Therefore, given that there is a current planning application for the site and the quality of this high specification mineral is known from test results supplied by the applicant, the allocations can be said to have some commercial potential. Indeed, given that the overburden mound within BGCBC is of a similar nature to the one tested within Torfaen CBC it can reasonably be concluded that it will be of similar quality and commercial potential. However, there are still some environmental concerns; which are the cause of the current delays in determining the planning application. This is mainly due to the need to assess the impact of the proposed new access road as it cuts through the ancient woodland above the A472. Therefore, the LDP sites cannot be identified as a 'specific site allocation' in each LDP. Also given, the levels of certainty with regards to both the commercial potential and the planning acceptability they cannot be identified as an 'Area of Search'. This only leaves them to be correctly allocated as a 'Preferred Area'.
- 3.3 Secondary Aggregates - As already stated, in paragraph 3.1.6 above, national policy requires the use of secondary aggregates, such as the overburden mounds at Tir Pentwys, before the use of primary aggregates. This is another reason why Torfaen CBC is asking BGCBC to allocate part of their resource at Tir Pentwys to meet the remainder of Torfaen's RTS aggregate requirement; otherwise, one alternative is for Torfaen CBC to allocate Areas of Search in primary mineral resource areas in its LDP contrary to ToS P2 and C2.
- 3.4.1 Deliverability: The Tir Pentwys Application in Torfaen - Without prejudice to a future decision of the Torfaen Planning Committee on the planning application (No. 03/P/09336) for the Tir Pentwys site when it considers the detailed development management issues, Torfaen CBC is confident that the site, as allocated in the Torfaen LDP, is deliverable at a strategic development plan level.
- 3.4.2 As regards the planning application, I have attached, at **Appendix 6**, a copy of the Non Technical Summary of the May 2006 Supplementary Environmental Statement (ES). Paragraphs 1.1 to 1.6 explain the planning history until that time; but in summary the Council was not happy with the original proposed access route northwards from the site along the highway via the British to the A4043 at Abersychan and in 2006 the applicant proposed a new access road / route southwards from the site to the A472 at Cwm y Glyn. The ES also contains a summary of the proposal (section 3), a site location plan showing the site and proposed new access route (with a detailed plan of this route also provided), a summary of the environmental considerations (section 5) and a conclusion (section 6) that the proposal is acceptable subject to mitigation measures.
- 3.4.2 During the consideration of the 2006 revised application the Council and CCW were concerned with regards to the impact on the proposed haul road across the Torfaen CBC Submission to Blaenau Gwent CBC LDP Examination - Minerals Issues

woodland to the south (which was over time agreed to be ancient woodland) in terms of its impact on biodiversity (an updated habitats survey was carried out in 2010). There are also concerns on its landscape impact as the Council considers that not enough information (especially detailed ground conditions) has been provided on how wide this road will actually be in terms of construction width. Therefore, the applicant is now proposing to update the ES and has recently submitted (30th May 2012) a scoping opinion request (12-P-00257) for a second supplementary ES, copy attached at **Appendix 7**. This request provides a good update on the current and outstanding environmental issues with regards to the site.

- 3.4.3 In conclusion, the Tir Pentwys site is considered to be deliverable and should remain allocated as a Preferred Area in the Blaenau Gwent CBC LDP, noting that CCW have no objection to the principle of the allocation within Torfaen.
- 3.5 Finally, I wish to attend the examination on this submission / matter.

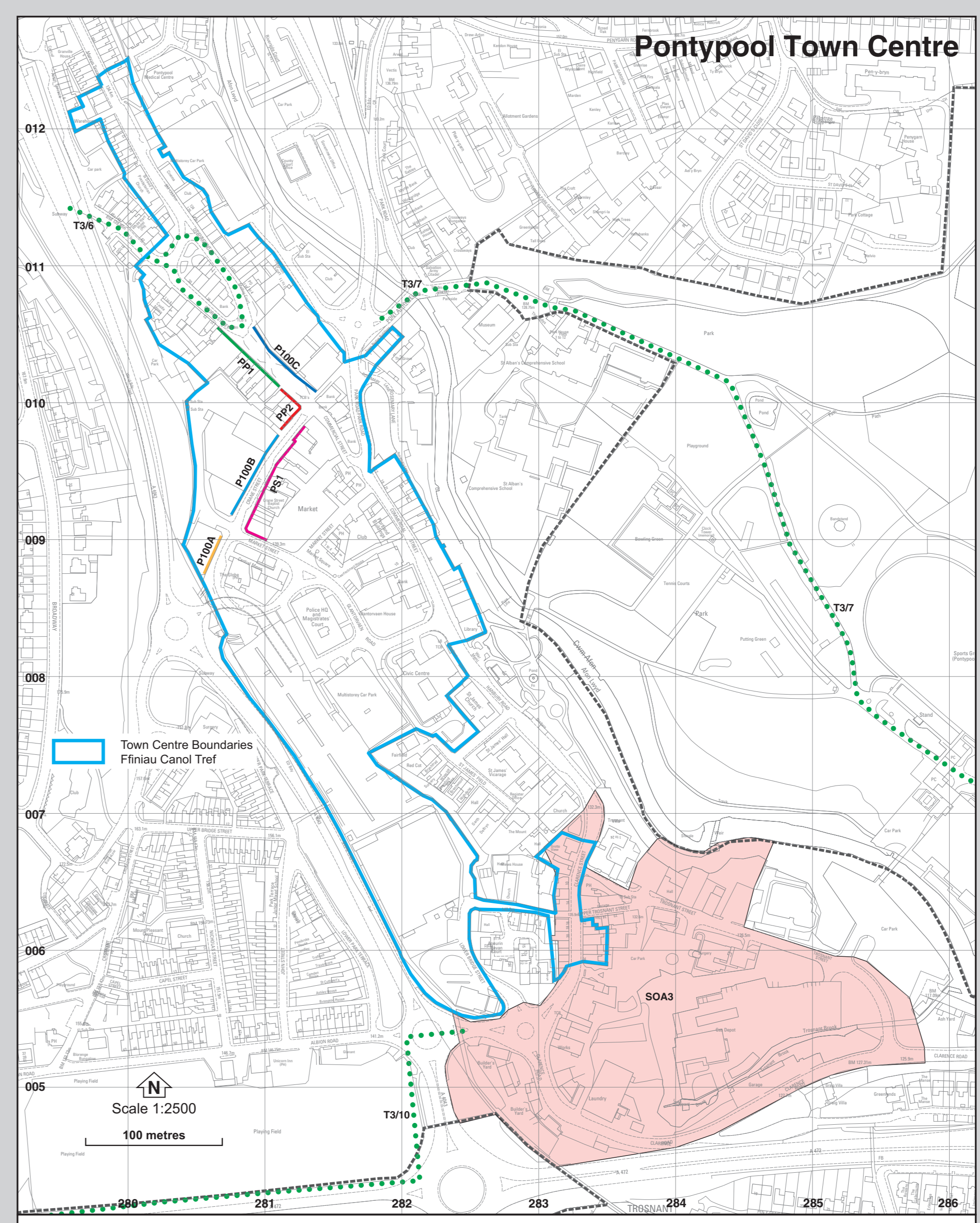
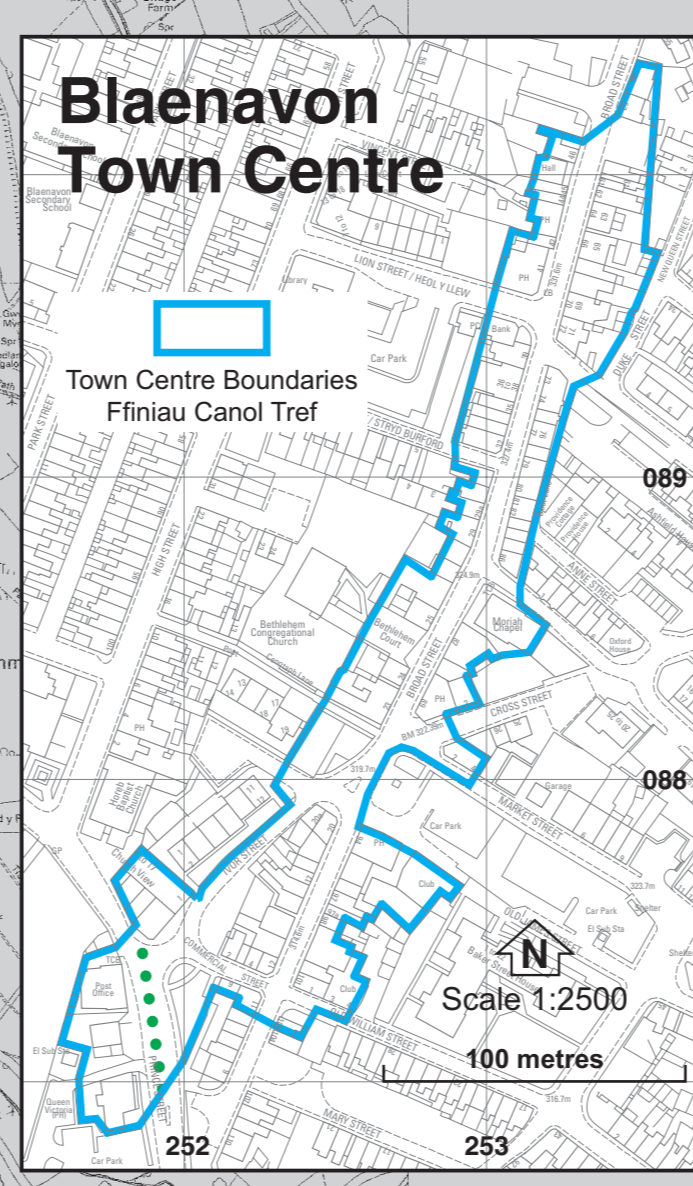
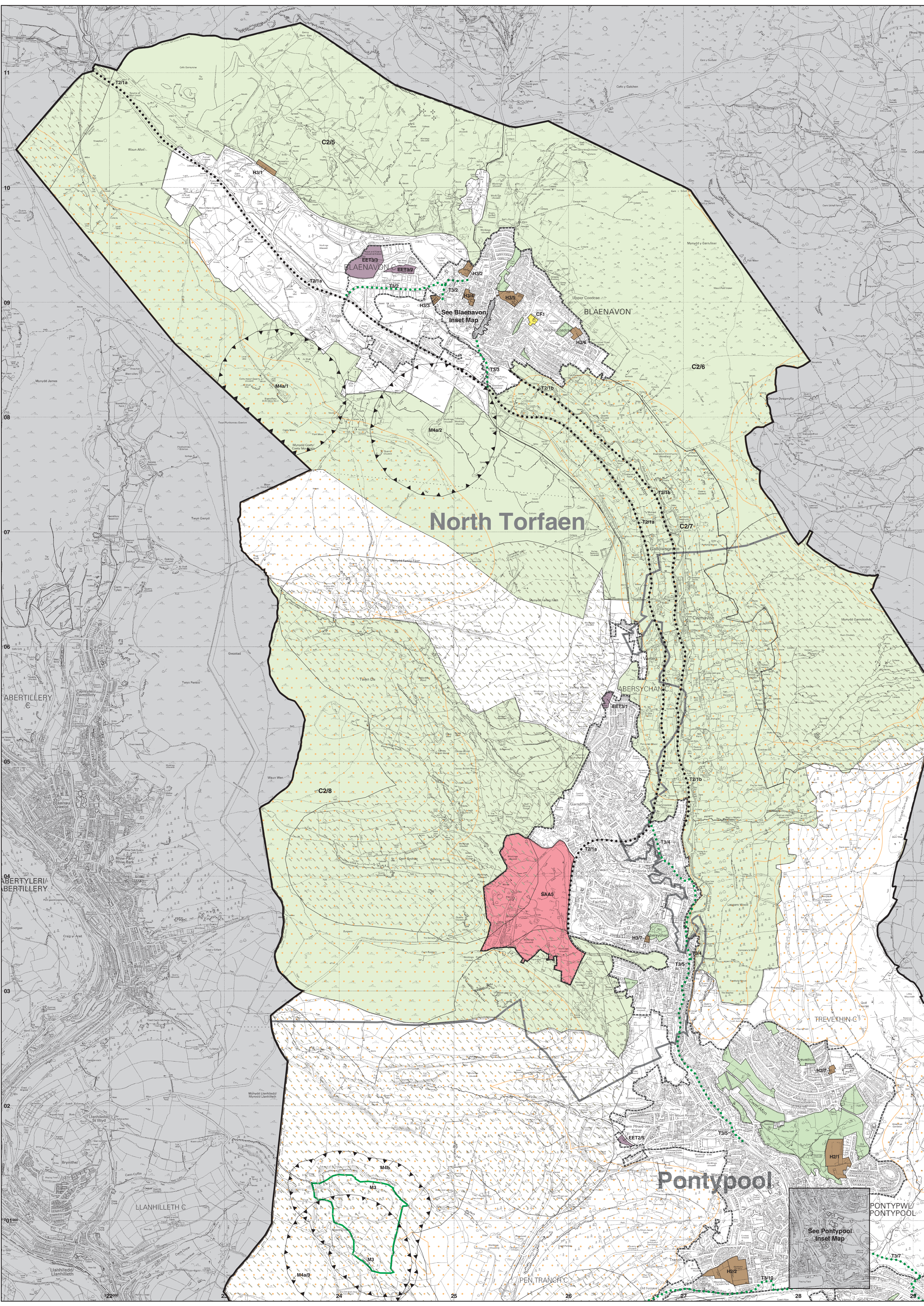


Torfaen County Borough Council

Local Development Plan (To 2021)

Deposit Plan Northern Proposals Map

March 2011



Shopping Frontage Classifications

Primary Retail Frontages Ffryntadau / Prif Sioeau	PP1 - PP2	Secondary Retail Frontages Ffryntadau / Sioeau Eitadd	PS1	100% Retail Frontages 100% Ffryntadau Sioeau	P100A, P100B, P100C
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KEY

- Borough Boundary
Ffin y Fwrdestraf
- Torfaen Housing Sub-Market Area (4)
Ardaldeod yr Is-farchnad Dai (4)
- Former Rail Route Safeguarding
Ardal Diogelu Cyn Lwybr y Rheilffordd
- Walking and Cycling Route Safeguarding
Ardal Diogelu'r Lwybr Cenedlaethol a Beicio
- Mineral Site Buffer Zones
Clustogfa Safle Mynyau
- Coal Safeguarding Areas
Ardaldeod Diogelu Glo
- Aggregate Safeguarding Areas
Ardaldeod Diogelu Agropar
- Tri-Partners Preferred Area of Search
Tir-Partnys - Ardal Archwilio o Ddiwydi
- Strategic Opportunity Areas
Ardaldeod Cysw Strategol
- Strategic Action Areas
Ardaldeod Gweithredu Strategol
- Housing Allocations
Dyranadau Tai
- Transport Allocations
Dyranadau Trafnidwaith
- Employment Allocations
Dyranadau Cyflogaeth
- Community Facility Allocations
Dyranadau Cyfleusterau Cymunedol
- Gypsy and Traveller Site Allocation
Dyranadau Safle Sipsiwn a Theithwyr
- Important Urban Open Space
Mannau Agored Trefol Pwysig
- Special Landscape Areas
Ardaldeod Tirwedd Arbennig
- Green Wedges
Llecynnau Gwyrdd
- Urban Boundaries
Ffiniau Trefol
- Mormouthshire and Brecon Canal Safeguarding
Ardal Diogelu Camlas Myrwy ac Aberhonddu
- National Park Boundary
Ffin y Parc Cenedlaethol




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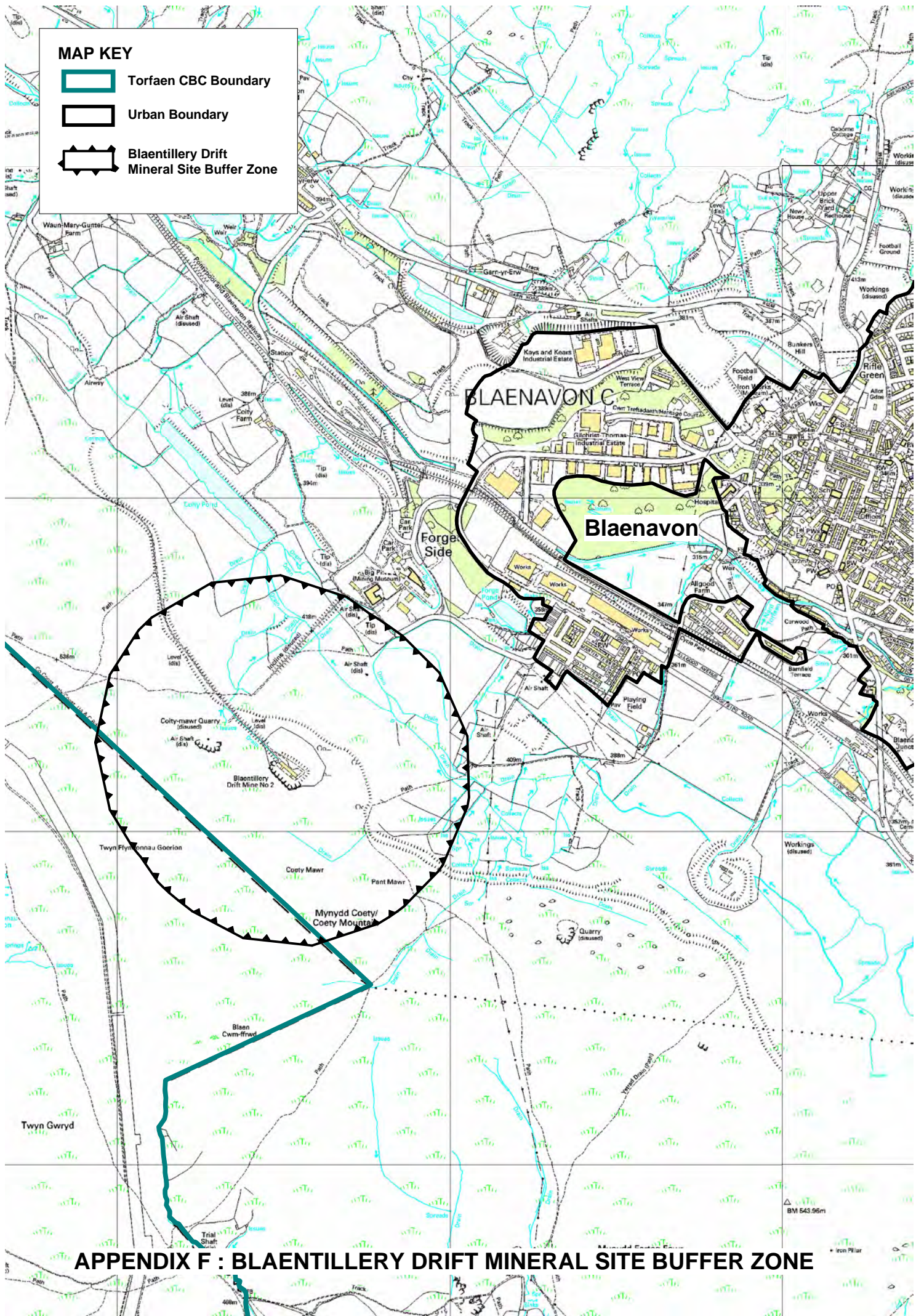
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This area lies within the Brecon Beacons National Park and does not form any part of this LDP

See Pontypool Inset Map

MAP KEY

-  Torfaen CBC Boundary
-  Urban Boundary
-  Blaentillery Drift Mineral Site Buffer Zone



APPENDIX F : BLAENTILLERY DRIFT MINERAL SITE BUFFER ZONE

Torfaen County Borough Council

Local Development Plan (To 2021)

Statement of Focused Changes

April
2012

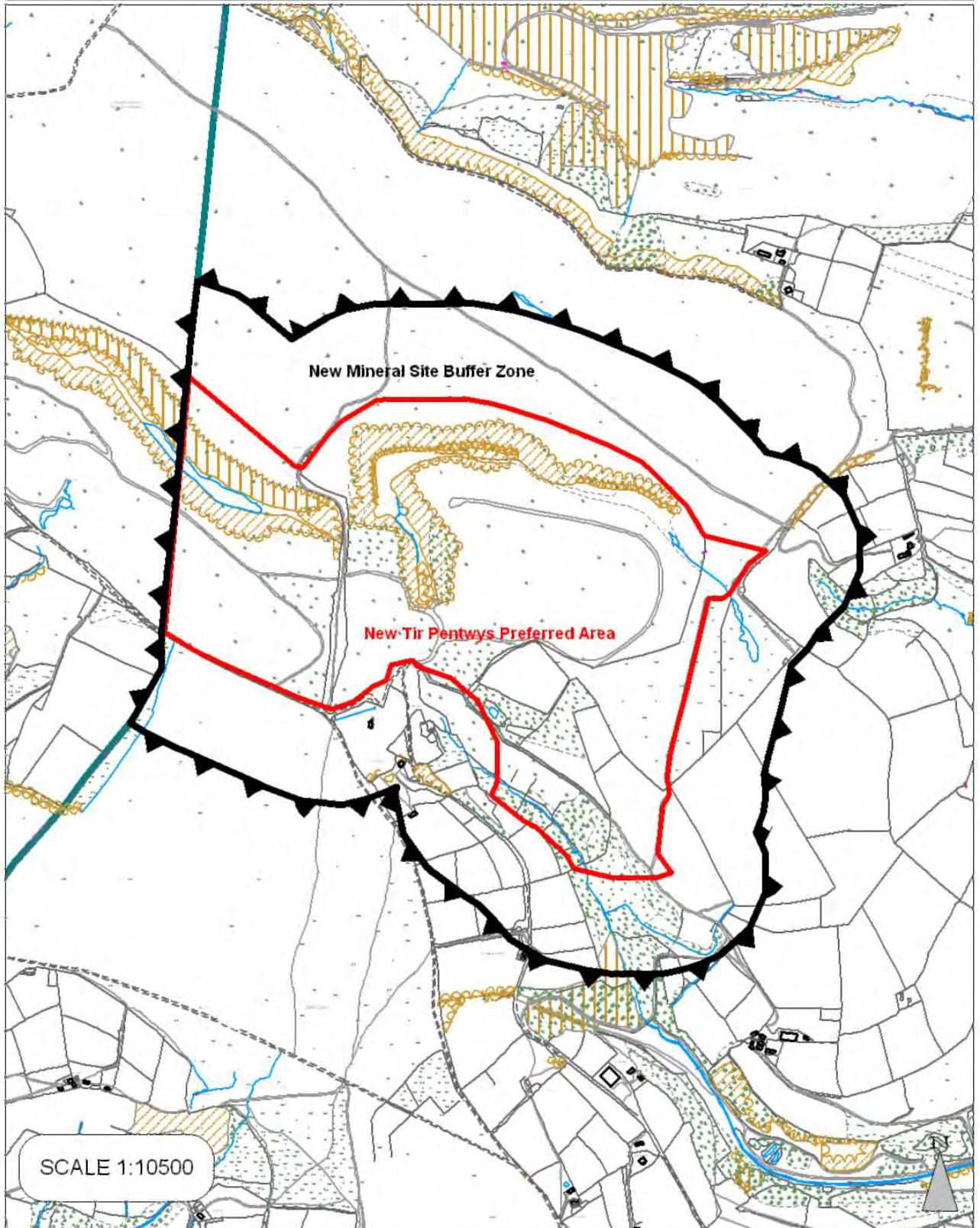


		<p>iv. The Twmbarlwm (with a 1km setting), The Race (with a 500m setting) and The Cwmbrygwn Colliery (with a 200m setting) Scheduled Ancient Monuments (<i>MTAN2 paragraphs 90 - 92</i>);</p> <p>v. Various Ancient Woodlands (<i>MTAN2 paragraph 82</i>); and</p> <p>vi. The Ty'r Hen Forwyn SSSI (<i>MTAN2 paragraphs 85 - 86</i>).</p> <p>However, coal recovery and pre-extraction may be appropriate within the CWEA as part of The British Strategic Action Area <u>and in other locations within the CWEA where strict national policy criteria can be met; relevant national policy is shown in () after each constraint listed above.</u>"</p>	
FC37a	M3	Policy M3 be retitled 'Tir Pentwys Preferred Area for Aggregates'.	The focused change correctly identifies Tir Pentwys as a 'Preferred Area' rather than a 'Preferred Area of Search'; the later not being recognised in national policy.
FC37b	M3	Policy M3 be amended as follows:- "Land at Tir Pentwys (near Pontypool) is allocated as a Preferred Area of Search for Aggregates as shown on the Proposals Map; within which proposals for the extraction of <u>approximately 7</u> million tonnes of aggregates may be permitted subject to national planning considerations and other LDP policies. "	The focused change correctly identifies Tir Pentwys as a 'Preferred Area' rather than a 'Preferred Area of Search'; the later not being recognised in national policy and Policy M3 now includes a more accurate estimate of resources at the site.
FC37c	M3	The first part of LDP Paragraph 9.32.1 be amended as follows: - "The Regional Technical Statement (RTS) on Aggregates, based upon an estimated consumption in Torfaen of approximately 400,000 tonnes of primary aggregate per year, requires the LDP to make provision for the extraction of 5 - 6 million tonnes of aggregate between 2006 and 2021. This figure assumes that maximum use has been made of recycled aggregates to minimise the need for new mineral extraction. National planning policy also requires there to be a 10 year land bank of permitted reserves at the end of the Plan Period, which equates to an additional 4 million tonnes (10 years x 400,000 tonnes). However, <u>given that the LDP is not expected to be adopted until April 2013 the plan should make provision for up to 7.2 million tonnes (18 years x 400,000 tonnes);</u>	The focused change reflects the time period left to implement the LDP and thus adjusts the requirement for aggregates accordingly.

		<i>noting that the Tir Pentwys site has an estimated resource of approximately 6.95 million tonnes. national planning policy also recommends not permitting more than 20 years of supply; which equates to the 8 million tonnes stated in the Policy.</i> The Aggregate Safeguarding Areas identified in Policy M1 above, have been refined to identify the Tir Pentwys Preferred Areas of Search under this Policy, as shown on the Proposals Map.”	
FC37d	M3	The Policy M3 ‘Tir Pentwys Preferred Area for Aggregates’ as shown on the LDP Proposals Map be extended to include the entirety of the planning application (03/P/09336) area for the site as shown by the ASN53 Map.	The focused change reflect the area of the current planning application for the site.
FC38a	M4	Criterion b) of Policy M4 on ‘Mineral Site Buffer Zones’ be amended as follows; - “The Tirpentwys (near Pontypool) Preferred Area of Search for Aggregates and associated 200m Mineral Site Buffer Zones.”	The focused change correctly identifies Tir Pentwys as a ‘Preferred Area’ rather than a ‘Preferred Area of Search’; the later not being recognised in national policy.
FC38b	M4	The second sentence of LDP Paragraph 9.33.1 be amended as follows: - “This Policy has defined buffer zone distances for the three existing drift coal mines and the Tir Pentwys Preferred Area of Search for Aggregates.”	The focused change correctly identifies Tir Pentwys as a ‘Preferred Area’ rather than a ‘Preferred Area of Search’; the later not being recognised in national policy.
FC38c	M4	The Proposals Map be amended to include an enlarged ‘Mineral Site Buffer Zone’ for the ‘Tir Pentwys Preferred Area for Aggregates’ to reflect the enlarged site allocation.	The focused change reflects the proposed new site area for the allocated site.
FC39a	W1	The Council recommends to the Planning Inspector that: - Policy W1 be deleted “ <i>All allocated, permitted and existing class B2 industrial sites & premises and existing or permitted waste sites are identified as potentially suitable locations for new in-building strategic waste management / resource recovery facilities, to meet the estimated land requirement of up to 3.5ha.</i> ”	The focused change reflects the fact that the Council has identified sites to meet the requirement for in-building waste facilities within Torfaen.
FC39b	W1	Policy W2 be renumbered as Policy W1	The focused change is as a consequence of FC39a.
FC39c	W1	Paragraph 9.34.2 be deleted <i>9.34.2 Planning applications for</i>	The focused change reflects the fact that the

Amended Tir Pentwys

PRODUCED UNDER LICENSE FROM ORDNANCE SURVEY & WITH PERMISSION OF HER MAJESTY'S STATIONER



minerals and substances (including onshore oil, gas and coal bed methane) in, on or under land, extracted either by underground or surface working. MPPW is supplemented by Mineral Technical Advice Notes (MTANs) and Ministerial Interim Minerals Planning Policy Statements (MIMPPS).

9.31.2 TCBC is the Minerals Planning Authority with responsibility for planning control over minerals exploration and working within the County Borough. There are substantial mineral resources within the County Borough, including resources of shallow coal, limestone and sandstone all of which are indicated on the Proposals Map. Development proposals that do not present specific locally distinct issues will be assessed in accordance with the requirements of national planning policy. The Council considers that, on minerals issues, national policy and guidance is sufficiently clear; therefore, it will be relied upon in the determination of planning applications in relation to mineral extraction and related development, in conjunction with any relevant policies contained within the LDP.

9.31.3 Also, most minerals planning applications are likely to require an associated Environmental Statement. Similarly, the Council will normally require a Health Impact Assessment (HIA) to accompany a minerals planning application.

9.31.4 Finally, in accordance with national policy in MPPW and MTAN2 on Coal, this Policy has defined Coal Working Exclusion Areas (CWEA's) where surface / opencast coal working within the primary, secondary and tertiary coal resource zones will not be acceptable. These CWEA's encompass: -

- i. The primary, secondary and tertiary coal resources within 500m of settlements and groups of 10 or more dwellings;
- ii. The Blaenavon Industrial Landscape World Heritage Site;
- iii. The Blaenavon Landscape of Outstanding Historic Importance;
- iv. The Twmbarlwm (with a 1km setting), The Race (with a 500m setting) and The Cwmybyrgwn Colliery (with a 200m setting) Scheduled Ancient Monuments;
- v. Various Ancient Woodlands; and
- vi. The Ty'r Hen Forwyn SSSI.

However, coal recovery and pre-extraction may be appropriate within the CWEA as part of The British Strategic Action Area.

Supporting LDP Objective: 9

M3 Tir Pentwys Preferred Area of Search for Aggregates

Land at Tir Pentwys (near Pontypool) is allocated as a Preferred Area of Search for Aggregates as shown on the Proposals Map; within which proposals for the extraction of up to 8 million tonnes of aggregates may be permitted subject to national planning considerations and other LDP policies.

Policy Justification

9.32.1 The Regional Technical Statement (RTS) on Aggregates, based upon an estimated consumption in Torfaen of approximately 400,000 tonnes of primary aggregate per year, requires the LDP to make provision for the extraction of 5 - 6 million tonnes of aggregate between 2006 and 2021. This figure assumes that maximum use has been made of recycled aggregates to minimise the need for new mineral extraction. National planning policy also requires there to be a 10 year land

bank of permitted reserves at the end of the Plan Period, which equates to an additional 4 million tonnes (10 years x 400,000 tonnes). However, national planning policy also recommends not permitting more than 20 years of supply; which equates to the 8 million tonnes stated in the Policy. The Aggregate Safeguarding Areas identified in Policy M1 above, have been refined to identify the Tir Pentwys Preferred Areas of Search under this Policy, as shown on the Proposals Map. A full explanation of this refinement process is contained in the Aggregates section of the Minerals Background Paper. However, by definition, a Preferred Area is an area of known mineral resource with some commercial potential, and where planning permission might reasonably be expected. Any planning application for aggregate extraction will be considered against National Policy and other policies of this LDP. It should be noted that, given the lack of much more detailed geological data, it has not been possible to identify specific sites for allocation.

9.32.2 Part of this allocation is the subject of a current planning application for the recovery of approximately 4.75 million tonnes of secondary sandstone aggregate from the old Tir Pentwys Open Cast Coal Site.

Supporting LDP Objective: 9

M4 Mineral Sites Buffer Zones

Within a Mineral Site Buffer Zone, any development that would prejudice the extraction of the mineral or operation of a permitted mineral site will be refused. Mineral Site Buffer Zones (as shown on the Proposals Map) have been defined as follows: -

- a) The three permitted drift coal mines and associated 500m Mineral Site Buffer Zone at:-**
 - 1) Blaentillary Drift No.2, Blaenavon;**
 - 2) Johnson Mine, Blaenavon; and**
 - 3) Black Barn Mine, Pontypool.**
- b) The Tirpentwys (near Pontypool) Preferred Area of Search for Aggregates and associated 200m Mineral Site Buffer Zones.**

Policy Justification

9.33.1 National policy requires the LDP to safeguard permitted and allocated mineral sites from new development that would prejudice the future extraction of the reserve / resource or the operation of the site. This Policy has defined buffer zone distances for the three existing drift coal mines and the Tir Pentwys Preferred Area of Search for Aggregates. The LDP also applies the above buffer zone distances for any new mineral site permitted in the future.

9.33.2 In accordance with national policy for other mineral sites that may be permitted in the future, the following Mineral Site Buffer Zone distances from their site perimeter will be used: -

- i. For Coal - 500m;
- ii. For Aggregates (with blasting) - 200m; and
- iii. For Aggregates (without blasting) - 100m.

Supporting LDP Objective: 9

POLICY: M3 Tir Pentwys Preferred Area of Search for Aggregates

Main Issues 1, 2 & 3

1. Is the caveat 'subject to national planning considerations and other LDP policies' in Policy M3 superfluous?
2. Does the wording of Policy M3 reflect national planning guidance and should the Tir Pentwys site be referred to as a 'Preferred Area' or 'Area of Search'?
3. Does the Tir Pentwys allocation contain 8 million tonnes of aggregate?

Summary of Representations - Deposit LDP

Representor No.	Representor	Objection / Support
067/23	Welsh Government (WG)	Objection
<p>The Caveats in Policy M3 which states “<i>subject to national planning considerations and other LDP policies</i>” is superfluous and should not be included. The Written Statement already clarifies that planning decisions should be based on the plan as a whole and national policy (e.g. paragraphs 1.11.4 & 1.11.6).</p>		
114/02	Mineral Products Association (MPA)	Objection
<p>Object to the conflation of two mineral planning terms in this policy which obscures the fact that the Council has not followed national planning policy and will lead to confusion.</p> <p>The policy conflates Areas of Search (AoS) with Preferred Areas and arrives at a new term “Preferred Area of Search”, which is undefined. The difficulty arises from terminology described in paragraph 2.3.38 of the Mineral Background Paper, which states, “The Landscape Study identified 8 candidate Preferred Areas for allocation (7 in the sandstone resource and 1 in the limestone resource) which it termed Areas of Search...” Frankly, this was a mistake, made worse by the CBC adopting the same language for its policy when the previous analysis of mineral planning terminology in the Background Paper was exemplary.</p> <p>For clarity, an area identified in a development plan may be either a Preferred Area (in which there is degree of confidence that viable mineral is present of acceptable quality, and where there is some confidence that planning permission will be forthcoming for an acceptable scheme), or an Area of Search, (in which there is less confidence that there is mineral of economic value in quantities that can be exploited, and where there is at least some indication that an acceptable planning application can be formulated). It is confusion to declare that an area is both Preferred and an Area of Search.</p> <p>Although there is a suggestion in the Landscape Consultants’ report that the CBC has adopted an Areas of Search approach, because of the confusion in terminology, it is not clear whether the land at Tir Pentwys is an AoS or a Preferred Area. In addition, there appears to be no evidence that the allocation contains the 8 Million tonnes sought by the CBC, since there is no calculation of what mineral might be present beyond the 4.75 Million tonnes, which is the subject of the present planning application. The policy therefore appears to lack a clear evidence base, unless it is asserted that the AoS is so large that it must contain much more than this.</p> <p>We suggest that the policy should be supported by robust evidence of sufficient mineral present to accommodate the 8 Million tonnes shortfall and that the terminology of the policy be clarified.</p> <p>The representor considers that on these issues the LDP fails to meet Tests of Soundness C2, CE2 and CE4.</p>		
140/03	SLR Consulting Limited for Alun Griffiths Contractors Ltd and Peakman Ltd	Objection
<p>On behalf of the landowner and applicant for the site, objection is raised to Policy M3 as currently set out, although broad support is given to the principle of identification of the Tir Pentwys reserve</p>		

within the LDP.

The allocation of a site where mineral extraction "should, or is most likely to, take place" is considered at paragraph 14 of MPPW. The stated purpose of any allocation is to bring " a high degree of certainty to all", by being clearly identified on a proposals map in the form of:

- * Specific Sites;
- * Preferred Areas; or
- * Areas of Search

The allocation of Tir Pentwys with the phrase "Preferred Area of Search" does not satisfy any of the criteria definitions in paragraph 14 of MPPW. Policy M3 is based upon the recommendations of the Torfaen LDP Minerals Background Paper (March 2011). Para 2.3.39 of that report concludes that Tir Pentwys is the only Preferred Area that can be allocated in the Deposit the LDP. This allocation is then 'translated' as a Preferred Area of Search; this gives no certainty to the allocation of the site.

Policy M3 should be explicit in determining the allocation. In the context of the "site of the Tir Pentwys planning application and the adjoining area of virgin sandstone" it is agreed that the allocation in this case should be that of Preferred Area. In this respect, the wording of the policy should be amended to include the words "...recovery and...", as set out in the following proposed revision:

"M3 Land at Tir Pentwys (near Pontypool) is allocated as a Preferred Area for Aggregates as shown on the Proposals Map; within which proposals for the recovery and extraction of up to 8 million tonnes of aggregates may be permitted."

The representor considers that on this issue the LDP fails to meet Test of Soundness C2.

(For information the SA submitted by the representor for the 'virgin sandstone' has stated "It is anticipated that the estimated reserve of sandstone is in the order of 2.2 million tonnes (gross).")

SA/SEA/HRA

No information submitted.

Council Response

For information Policy M3 on the 'Tir Pentwys Preferred Area of Search for Aggregates' currently states: -

"Land at Tir Pentwys (near Pontypool) is allocated as a Preferred Area of Search for Aggregates as shown on the Proposals Map; within which proposals for the extraction of up to 8 million tonnes of aggregates may be permitted subject to national planning considerations and other LDP policies."

1. Agree that the last part of Policy M3 should be deleted, as WG are correct in pointing out that it is a 'statement of intent' contrary to LDP Wales paragraph 2.3. However, as LDP paragraph 9.32.1 already states that "Any planning application for aggregate extraction will be considered against National Policy and other policies of this LDP." the deleted text does not need to be relocated to the policy justification. This amendment will be advertised as a focused change.
2. It is accepted that an error was made in allocating the Tir Pentwys site as a 'Preferred Area of Search' as this clearly has combined the two terms 'Preferred Area' and 'Area of Search' contrary to MPPW paragraph 14 which requires one or the other to be identified. As pointed out by the MPA (114/02) the Council's 'Minerals Background Paper' clearly makes the argument for allocating the site as a 'Preferred Area'. Therefore, the policy title and the policy itself should be amended accordingly as well as the consequential changes to the policy justification paragraph 9.32.1. These amendments will be advertised as a focused change. For information, this matter has also been addressed in the Main Issues Report under Policy M4 and associated paragraph 9.33.2.
3. It is now clear that the Tir Pentwys site contains approximately 6.95 million tonnes of aggregate resource (4.75mt of secondary aggregate and 2.2mt of primary 'virgin' aggregate).

However, given that the LDP is not expected to be adopted until April 2013 the plan should now make provision for up to 7.2 million tonnes (18 years x 400,000 tonnes) rather than 8.0 million tonnes as previously stated in Policy M3; some 250,000 tonnes 'short'. Noting that a further 'larger' stockpile of secondary high PSV sandstone aggregate lies within the remainder of the Tir Pentwys site within Blaenau Gwent to the rear; and the South Wales Regional Aggregates Working Party Regional Technical Statement on Aggregates, in the Forward, states "Some authorities may, however, need to agree the level of apportionment between themselves as some may find it difficult to meet their specific apportionment requirements due to environmental constraints." In this regard the Deposit Blaenau Gwent LDP has allocated this site under Policy M4.2 - 'Tir Pentwys Tip Preferred Area', with access via the Torfaen allocation. Therefore, the Council has made the following representation on the Deposit Blaenau Gwent LDP; "My main comments relate to the Tir Pentwys Preferred Area (Policy M4) on the boundary with Torfaen. Whilst we have no objection to this allocation I am formally requesting that given that this is in effect an extension of the Torfaen Preferred Area (Policy M3 of the Deposit Torfaen LDP) as the remainder of the quarry and its access lies within Torfaen, as well as the fact that the resource is a secondary aggregate (with priority under WAG Policy) that Blaenau Gwent allocates this site in order to meet part of Torfaen's requirement for 8 million tonnes of aggregate under the SWRAWP Regional Technical Statement on Aggregates." However, Blaenau Gwent has rejected this request stating "Disagree. Blaenau Gwent have not been provided with sufficient evidence to support the allocation of the site. Without information on the size of the resource, when it is likely to come forward, or information to address other concerns raised by statutory undertakers, it is not possible to allocate the site or commit the resource. Therefore no change is required to the Plan". However, it is noted that Blaenau Gwent have recommended to the Inspector that no change be made to the Plan in respect of the site which remains allocated under Policy M4.2. Therefore, this Council expects to discuss this matter at the examination of the Blaenau Gwent LDP, but much depends on if the Inspector will look into the matter and if Torfaen will be invited to the examination. However, it recommended that Policy M3 and paragraph 9.32.1 be amended, as focused changes, to reflect the actual tonnages available at Tir Pentwys, with the matter regarding if 7.2 million tonnes can be identified being left for consideration as part of the Blaenau Gwent LDP in the first instance.

Recommendations

The Council recommends to the Planning Inspector that: -

1. Policy M3 be retitled 'Tir Pentwys Preferred Area for Aggregates';
2. Policy M3 be amended as follows:- **"Land at Tir Pentwys (near Pontypool) is allocated as a Preferred Area of Search for Aggregates as shown on the Proposals Map; within which proposals for the extraction of approximately 7 million tonnes of aggregates may be permitted. subject to national planning considerations and other LDP policies."**; and
3. The first part of LDP Paragraph 9.32.1 be amended as follows: - "The Regional Technical Statement (RTS) on Aggregates, based upon an estimated consumption in Torfaen of approximately 400,000 tonnes of primary aggregate per year, requires the LDP to make provision for the extraction of 5 - 6 million tonnes of aggregate between 2006 and 2021. This figure assumes that maximum use has been made of recycled aggregates to minimise the need for new mineral extraction. National planning policy also requires there to be a 10 year land bank of permitted reserves at the end of the Plan Period, which equates to an additional 4 million tonnes (10 years x 400,000 tonnes). However, given that the LDP is not expected to be adopted until April 2013 the plan should make provision for up to 7.2 million tonnes (18 years x 400,000 tonnes); noting that the Tir Pentwys site has an estimated resource of approximately 6.95 million tonnes. national planning policy also recommends not permitting more than 20 years of supply; which equates to the 8 million tonnes stated in the Policy. The Aggregate Safeguarding Areas identified in Policy M1 above, have been refined to identify the Tir Pentwys Preferred Areas of Search under this Policy, as shown on the Proposals Map.".

Reason for Recommendation

To maintain the Soundness of the LDP.

Main Issues 4 and 5

- 4. Should the Tir Pentwys site be allocated as a Preferred Area?**
- 5. Should the Tir Pentwys site be extended to include the area encompassed by the current planning application?**

Summary of Representations - Deposit LDP

<i>Representor No.</i>	<i>Representor</i>	<i>Objection / Support</i>
116/48	Countryside Council for Wales (CCW)	Objection
To meet Tests of Soundness C2 and CE1, the policy justification should make clear reference to the need to avoid impacts on known records of European protected species and areas of semi ancient natural woodland within the preferred area of search.		
016/01	Councillor Mike Jeremiah	Objection
Concern regarding Tir Pentwys as a Preferred Area of Search for Aggregates. Also concern regarding the number of lorries driving through Pantygasseg or British (whichever route they would use).		
139/29	Campaign for the Protection of Rural Wales (CPRW) - Newport and Valleys Branch	Objection
Regarding Policy M3, after many years of multiple industrial uses, the remote Tirpentwys valley has now been returned to countryside, and it should be regarded as that in perpetuity.		
034/02	Councillor Pearce-Crawford	Objection
<p>I do not agree with M3 policy being changed. There is NO evidence showing this requires changing. I'm sure you are aware of the application for the quarry to be opened in Tirpentwys which would have a devastating effect on the landscape, inhabitants and the residents, and I fully believe that identifying this area as the only one where materials are available is clearly only going to benefit Torfaen Borough Council. Other areas must be taken in to consideration.</p> <p>WHY is the only area taken in to consideration? Is this because it is easier for Torfaen? Changing the plan will only assist in completing this awful application. Many complaints have been made regarding this application I do NOT believe Torfaen have looked at the other sites available. THESE MUST BE investigated.</p> <p>The representor considers that on these issues the LDP fails to meet Tests of Soundness P1, P2, C1, C2, C3, C4, CE1, CE2, CE3 and CE4.</p>		
104/01	Pantygasseg Residents Association (Petition)	Objection
<p>Representation accompanied by a 121 signature petition. Revise Policy M3, preferably by deleting it, or if this is not possible, amend it to include all other locations in Torfaen where aggregates exist, for the following reasons: -</p> <ol style="list-style-type: none">1. Our landscape and roads would be affected by the quarry (residents of Pantygasseg).2. The policy gives a policy support to the proposed quarry at Tir Pentwys.3. Lack of protection of a landscape which is important to us.4. A general careless attitude by Torfaen Council to a remote area on the edge of the borough and the consequent imposition of Policy M3 as "bureaucratic convenience", whereby Torfaen Council can simultaneously comply with an instruction from WAG and dispose of a long standing planning application by putting a quarry site in a remote corner of the Borough which most of the Borough's Councillors may not care about, but where we live. We note that Torfaen Council in the LDP does		

not enthusiastically embrace WAG's instruction that it must find a site for aggregate extraction.

5. The Inspector is asked to consider the effectiveness of how Pontypool Community Council were actively consulted, in particular about the effect which Policy M3 would have on the outcome of a controversial planning application (at Tir Pentwys) affecting some of the Community Council's remote residents.

6. Torfaen Council knew that Pantygasseg Resident Association objected to the proposed quarry (from its objection to the old planning application), and yet failed to consult it on Policy M3. Policy M3 should thus be deleted to enable such active engagement to take place in a creative atmosphere.

7. Policy M3 defines a single small area, which is virtually the same as the area of the current longstanding planning application. No other part of the Borough is shown as an "area of search", despite the existence of aggregate in many other places. Policy M3 is thus a SITE-SPECIFIC policy, masquerading as a policy merely defining a more general "area of search". It is therefore illogical and should be deleted or altered to include other sites in the Borough where aggregate extraction is theoretically feasible.

8. If the Policy is not amended or deleted then many site specific aspects of quarrying at Tir Pentwys will need to be considered, as follows:

- Aggregate is available in other places outside of Torfaen (e.g. Abercarn). Such opencast mining if allowed in Torfaen would release large quantities of aggregate which can be extracted from other places. The LDP does not acknowledge or discuss this.

- A new quarry would likely result in a new road, which would be expensive, a scar on the landscape and would also make it difficult to police misuse of the common. Constructing a haul route over common land may also be legally unfeasible.

- Incidental traffic visiting the quarry may not use a new road and instead cause suffering to the residents of rural areas, i.e. 40 houses at Bush Terrace.

- Access problems would result in road safety, traffic, noise and dust/fumes problems for all Pantygasseg residents.

- The quarry site is remote from all infrastructures and would require servicing (e.g. electricity, water, roads).

- Any proposal would result in a prominent skyline development on a hilltop site. The common is undeveloped moorland, and the imposition of the quarry development would be unrelated to any existing development. The site has been reclaimed by nature, further to previous opencast mining taken place in the 20th Century.

- Provision of the above infrastructure would constitute an expensive investment, which is likely to remain permanently and be used to justify further development; thus representing a permanent and prominent blot on the landscape.

- A new quarry would also result in some loss of biodiversity in the area.

9. Ask the Inspector to consider the soundness of Torfaen Council's statement in its justification for Policy M3 "by definition, a preferred area is an area....where planning permission might reasonably be expected". We contend that planning permission might not reasonably be expected, otherwise why has the current planning application remained undetermined for years? This is another reason to delete Policy M3.

10. Torfaen Council states that Policy M3 is supported by LDP Objective 9, this does indeed give mineral support but only to the extent that WAG has made such a requirement. On the other hand, the proposed quarry would contravene the aims of part of the LDP Objectives 2, 6, 10, 11, 12, 15 and 17.

11. The spoiling of the landscape would mean that the public footpath system is less likely to be used by tourists who hope to enjoy Torfaen's open spaces.

12. It is clear that Policy M3, if adopted, would remove the main policy block to granting planning

permission, to the longstanding planning application by Peakman and presumably thus an embarrassment to Torfaen Council.

13. The old Structure Plan and Mineral Plan policies did at least appreciate the harm caused to the environment by quarrying and generally resisted new quarries, specifically resisting the reopening of disused quarries (e.g. Tirpentwys) subject always to any justification of need.

14. We note that Torfaen Council has not tested WAG's justification of "national need" and "fairness", for insisting that Torfaen provides its measures of aggregate extraction in South Wales.

15. The Tirpentwys site is so close to Torfaen's boundary with other LA boundaries that the reserves of material run into these Boroughs, so it is possible that they could choose to meet their target by allowing extensions to the quarry, whose environmental harm would then be suffered along the haul route in Torfaen. Policy M3 thus has wider implications for three Boroughs and becomes a regional matter. Therefore believe that Tirpentwys quarry should be considered at a regional or national level, and that such policy consideration should be unencumbered by Policy M3, which should therefore be deleted.

16. Development of a quarry at Tirpentwys would be highly unsustainable. Note that all the above controversy goes unremarked by the consultants who prepared the Sustainability Appraisal, who seem to accept Policy M3, possibly being unaware of its site-specific nature?

17. Note that the Sustainability Appraisal does suggest a policy to encourage the use of recycled aggregates to minimise the need for extraction. This might be a basis for WAG to relent on its instruction to find quarries?

18. Landscape resource offers the potential for future leisure pursuits.

19. As it is a site-specific policy, it is an unrealistic allocation, since the multitudes of planning problems make it unlikely that planning permissions would ever be given to a quarry at Tirpentwys.

20. It is premature to create such a site-specific policy without full public consultation on all the issues arising from the development of a quarry.

21. M3 is a policy driven by WAG's instruction and which affects the homes and roads of people who live outside Torfaen, therefore it is logical that the planning application should be called in for determination by WAG and its decision should be unencumbered by an LDP policy which is unreasoned and site-specific.

22. Policy M3 appears to have been inserted into the LDP as a standalone policy, unrelated to other policies. The site of Policy M3 is remote, not only from the rest of Torfaen, but also from Pontypool.

23. Policy M3 would prejudice the living environment of a small community on the edge of Torfaen.

The representor considers that on these issues the LDP fails to meet Tests of Soundness P1, C4, CE1, CE2, CE3 and CE4.

152/04	Pontypool Community Council	Objection
Great concern with regards to the proposals for Tirpentwys.		

039/13	Mrs Y Walker	Objection
Object to the Tirpentwys proposal for the following reasons:		
1. The Deposit LDP is being used for force the proposal against the wishes of local residents.		
2. Increased heavy traffic movements.		
3. Lack of local employment (jobs will go to outside contractors).		
4. Destruction of local landscape.		
5. Increased traffic congestion on the A472.		

6. The community will not gain any benefit as most of the stone will be used elsewhere in the UK.
7. Disruption to local residents, e.g. noise and pollution.

093/01	Mr & Mrs Hywel & Hazel Clatworthy	Objection
<p>Object to the Preferred Area of Search for Aggregates at Tir Pentwys for the following reasons:-</p> <ol style="list-style-type: none"> 1. It does not seem appropriate to designate just one small geographical area as the Preferred Area of Search for Aggregates. There does not seem to have been any consideration of any other sites in the borough. It seems to have been chosen merely from convenience because studies from the ongoing planning application for the site have given some data on the quality and quantity of the aggregate there. Surely similar data should be gathered from other sites to identify other PAOS. 2. Should Policy M3 be adopted the wording seems to suggest it would basically be giving the go ahead for granting planning permission for the planning application at Tir Pentwys (planning application ref: 03/P/09336). However, the fact that no planning decision has been made over the course of several years is an indication of the number of problems with the application and the negative impact it would have on sustainable development. 3. Negative impact on biodiversity and the ancient woodland. 4. Unacceptable noise, lighting and pollution impacts on neighbouring properties and further afield. 5. Negative impact on the people who use the area in terms of leisure provision (walking, cycling, horse riding, bird watching etc) both directly from the noise and dust and indirectly from the increase in traffic and HGVs on narrow country lanes. 6. Health impacts from the dust which can affect a widespread area and could easily reach more densely populated areas dependent on wind direction. 7. Unacceptable visual impact on what is currently a SLA (and although the Deposit LDP no longer shows it as an SLA, there have been no significant changes within the landscape and how it is used. We would argue that it should remain an SLA). 8. The community in the area has suffered enough in the last 50 years from the disruption caused by open-casting, and is now being reclaimed by nature. 9. An application which creates just 12 jobs for over 20 years of devastation should not be allowed and nor should a policy in the LDP which seems to imply that not only should the application be granted, but that nowhere else in the borough should even be considered for similar levels of disruption. <p>The representors consider that on these issues the LDP fails to meet Tests of Soundness C1, CE1 and CE2.</p>		

140/04	SLR Consulting Limited for Alun Griffiths Contractors Ltd and Peakman Ltd	Objection
<p>Objection is raised to the Northern Proposals Map in respect of the boundary of the Tir Pentwys Preferred Area (Policy M3). The green line illustrated on the map does not include the entirety of the planning application area for the site. It is suggested that the Preferred Area encompasses the combined area.</p> <p>The representor considers that on this issue the LDP fails to meet Test of Soundness C2.</p>		

SA/SEA/HRA

No information submitted.

Summary of Representations - Alternative Sites

For information, three Alternative Sites were advertised in connection with Policy M3:-

1. ASN20 - Reinstate area as Special Landscape Area - Pantygasseg Residents Association

(104/01);

2. ASN53 - Amend boundary of Preferred Area to include land to the North, East and West - SLR Consulting for Alun Griffiths Contractors Ltd and Peakman Ltd (140/04); and
3. ASD08 - Delete Tir Pentwys Preferred Area - Cllr M Jeremiah (016/01), Cllr P Crawford (034/02), Mrs Y Walker (039/12), Mr & Mrs H Clatworthy (093/01), Pantygasseg Residents Association Petition (104/01), Campaign for the Protection of Rural Wales (139/29).

Representor No.	Representor	Objection / Support
116/93	Countryside Council for Wales (CCW)	Objection

We are slightly confused by the description of this proposed amendment to the Plan, as the area outlined in ASN53 includes an increased area in the south east of the site to that included in the submitted planning application. It is therefore not clear what is being precisely proposed. The site is currently being considered as a Regionally Important Geological Site. Should the site be allocated in the LDP, the allocation and policy justification should require any development to assess implications for the geological interests at the site). In addition, the policy should also make reference to the requirement for provision to be made for the appropriate long-term management of woodland, including ancient woodland, within the site boundary, and to ensure that any such management is consistent with need to maintain the favourable conservation status of any bats within the site area.

139/44 & 139/58	Campaign for the Protection of Rural Wales (CPRW) - Newport and Valleys Branch	Objection
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ASN20 - This area should be designated as an SLA.

ASN53 & ASD08 - The mineral search area should not be extended.

140/05	SLR Consulting Limited for Alun Griffiths Contractors Ltd and Peakman Ltd	Objection
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Objection is raised to representor number R00016 (Councillor Mr Jeremiah). Mr Jeremiah is concerned about large lorries running through Pantygasseg or British.

The Tir Pentwys Planning Application (03/P/09336) includes a proposed routing arrangement which included being designed to minimise the potential for conflict between vehicles associated with the reclamation project, other road users and the communities, a series of measures proposed that would prevent HGV's from using local public roads. In order to prevent vehicles passing through Pantygasseg to the east, it is suggested that weight restrictions would be imposed by the Highway Authority at the junctions of the access road with Cefn- Crib Road and Blaen- y- Cwm Road. The applicant has given consideration to the option of closing off one arm of the fork in the vicinity of the Old School House and Bwthyn-tr-Ysgol, but in the interests of residential amenity proposes that weight restrictions should be imposed.

It is also proposed that similar weight restrictions would be implemented on Cefn- Crib Road to the west of the access road on order to protect the amenity of the properties at Cefn-y-Crib and Hafodyrynys.

In order to ensure that all mitigation measures are complied with, the Applicant would enforce a code of conduct with all hauliers that use the site, as well as entering into a binding legal agreement regarding vehicle routing prior to the issue of any planning permission. This would ensure that the signage and weight restriction measures were implemented and enforced, and also that any routing agreement deemed necessary by the Authority could be formalised through the planning system.

Objection is raised to representor number R0034 (Councillor Pearce-Crawford).

Councillor Pearce-Crawford doesn't agree with Policy M3 and suggests the application for the quarry to be opened at Tir Pentwys would have a devastating effect on the landscape and other

areas must be taken into consideration.

However as the LDP Background Paper for Minerals (March 2011) states:-

"The former Tir Pentwys open cast coal site near Pontypool contains an overburden spoil mound of secondary high PSV Sandstone/ general aggregate estimated at 4.75 million tonnes. This site is the subject of developer interest as there is a current planning application (03/P/09336) for the site for the "Reclamation of former opencast workings, recovery of secondary aggregates and construction of new access road". "There are no other known secondary aggregate resources known within Torfaen".

As reinforced above there are no other known secondary aggregate resources within Torfaen. The background paper continues to focus on the need of secondary aggregate resources, indicating that Tir Pentwys 4.75 million tonnes is not enough to meet the 8 million tonnes WAG landbank requirements. Paragraph 2.3.21 states:

"So far, as regard the future supply of aggregates in Torfaen, we have established that the LDP needs to make an aggregate allocation(s) of up to 8 million tonnes; which, when permitted, will provide the County Borough with its landbank requirement. In addition, there is a WAG national policy preference for making this allocation(s) from secondary and recycled aggregate sources rather than primary aggregates. Finally, Torfaen contains a large (estimated 4.75 million tonnes) secondary aggregate resource at Tir Pentwys near Pontypool which has a current planning application for the restoration of the site and extraction of the resource; which should be considered as a candidate site for allocation in the LDP. However, even if the Tir Pentwys site is allocated there is still a need to allocate further primary aggregate resources to make the 8 million tonnes total requirement. We have already identified and safeguarded the primary sandstone and limestone aggregate resources within the County Borough, from which we will need to identify any further candidate sites for allocation".

039/21	Mrs Y Walker	Objection
<p>Land at Tir Pentwys (Area known as The Canyon - formerly The Tir Pentwys Tip). This is in Pantygasseg, NOT Wainfelin. I have objected to this proposal way back in 2004 and recently as there is a current planning application to quarry here. This site is a Special Landscape Area which borders on both Blaenau Gwent and Caerphilly County Boundaries, and should be left as a Nature Conservation Area. The application, if it were to go ahead, would cause major traffic congestion, and heavy pollution the heavy lorries would cause, due to several movements of those lorries on the A472, combined with the use of inferior diesel would pollute the atmosphere, causing a serious risk to health. My property would be devalued, and the local tourism in the area would suffer, causing many small establishments to go out of business. It is inappropriate to quarry this valuable asset or grant it an M3 Preferred Mineral Extraction Area. This site borders on to the St Illtyd's Church, and the plateau extends far up to Mynnydd James and Cordell Country. Peakman and Mr B Llewellyn own vast acres of land in the whole area, which they want to exploit for either coal mining and quarrying, which are entirely inappropriate in such a unique landscape. Added to this, the proposed Access Road down to the old Washery the junction between the old Crumlin Road and the A472 is not suitable to carry heavy construction traffic.</p>		

259/01	Mr & Mrs Caswell	Objection
<p>We object to the planning application for removal of aggregate from the quarry on the following grounds: -</p> <ul style="list-style-type: none">- environmental impact - impact on wildlife, trees and flowers- noise and dust pollution- health and safety issues- loss of visual amenity- loss of leisure amenity- loss of enjoyment and substantial financial loss on our property <p>The quarry site is host to a plethora of wildlife including buzzards, hawks and red kites and the</p>		

proposed application would have a detrimental effect on their nesting and feeding habits.

Our garden is home to Jays, Woodpeckers and all type of tits and the quarrying would have an adverse impact on their habitat.

Considerable money was invested in planting conifers following the cessation of mining. The application would destroy most of the planting. The cliffs of the quarry create an effective funnel that will concentrate and echo the sound of the machinery. With few physical barriers to absorb the sound it will travel for miles in a rural area. The dust nuisance speaks for itself and any future blasting is beyond comprehension.

Blaen Y Cwm Road is higher than our (and a number of other) properties. With 100+ lorries travelling along the road they will effectively be driving over the air space above our house. We sleep and live in the roof area of our house and this would cause a noise nuisance. The enjoyment of our garden would also be significantly reduced as lorries running above the property is totally unacceptable.

The proposed site is not secured and owing to its size and surrounding forestry would be difficult to do so Whilst this is not presently a problem if hazardous activity commences this will become an issue.

Lorries using Blaen Y Cwm road is guaranteed to lead to animal deaths and the chance of a car/ lorry accident are high with many blind bends. There is also the risk of oil/ diesel spillages on common land an debris falling from lorries.

If the road is widened above our property as suggested by Peakman without a proper drainage system this would result in the water draining from the road onto our land. The natural fall of the land means the water would pass under our drive causing possible subsidence to the drive and garden or at worst completely caving in which again is unacceptable. The law requires that landowners give consent for water to drain onto their land. We would not give consent. Water from Peakmans land already causes damage to the bridle track for which Torfaen Borough Council has responsibility because of a lack of adequate drainage; this bridle path is the only passible access to our property. A load used by lorries to access the quarry will result in increased water cascading onto this track. The cost of repairs falls onto Torfaen taxpayers and only last year the Council was unable to fund a repair to a large hole in the road from old mine workings.

We have private rights over the bridle path as it's the only means of access to our property. We access this bridle path via the Blaen y Cwm road and we would therefore be battling with 50 lorries a day to get on and out which is a major safety issue.

The common land area surrounding the potential site are breathtakingly beautiful and any quarrying would create an eyesore. The site is frequently used by walkers, cyclists, birdwatchers and shooters. Peakman have never secured the site and there are some ancient rights of way over it (see Kellys Directory and Landmark Information Service maps of 1901 and 1953). These would need to be extinguished and there would be considerable opposition.

Our property is only 400 metres from the potential quarry site and Blaen Y Cwm road effectively runs across the air space of our property. We moved here, unaware of the planning application, because of the tranquil surroundings. Pursuant to the Human Rights Act we have a right to privacy and a family life and the thought of 100+ lorries driving past and overlooking our property is causing us much stress.

As we previously advised our property is the closest to the proposed quarry site and will have a considerable adverse impact on our quality of life. Two local estate agents have also confirmed a drastic drop in the value of our property should the quarry reopen.

Alternative Sites - SEA/SA/HRA

Representor No.	Representor	Objection / Support
140/05	SLR Consulting Limited for Alun Griffiths Contractors Ltd and Peakman Ltd	Support
SLR Consulting Limited for Alun Griffiths Contractors Ltd and Peakman Ltd, has submitted two SA's in respect of both the area of the secondary aggregate / proposed extension to the allocated		

area (140/04) and the adjacent 'virgin land' part of the allocation. As these SA's were prepared in association with Council officers their content is accepted.

Council Response

Main Issue 4 - Should the Tir Pentwys site be allocated as a Preferred Area?

The Tir Pentwys Preferred Area for Aggregates should remain allocated in the LDP under Policy M3 as all of the representors concerns can be addressed as follows: -

Issues regarding the identification of Tir Pentwys as a Preferred Area - It should be noted that Preferred Areas are areas of known resources with some commercial potential, and where planning permission might reasonably be expected which is the case with the Tir Pentwys site. The delay in determining the current planning application is currently mainly due to the need to assess the impact of the proposed new access road as it cuts through the ancient woodland above the A472.

Other sites should be identified - Several representors consider that other sites should be identified to meet the projected need, either in neighbouring local authorities or on other sites within Torfaen, noting that some suggest that the Council should test the RTS assumptions and / or WG guidance. The reason for only identifying one Preferred Area is explained in the Minerals Background Paper, but in summary, much weight was given to the national planning requirement to use secondary aggregates before primary resources and the fact that the current planning application had provided much information on resource quality and environmental considerations. It is not appropriate to challenge either the RTS or WG guidance. The RTS states "*Some authorities may, however, need to agree the level of apportionment between themselves as some may find it difficult to meet their specific apportionment requirements due to environmental constraints.*", noting that until all possibility's with Torfaen are explored and exhausted this is not yet appropriate, notwithstanding the above fact that Torfaen has asked for the secondary aggregate resource in the Blaenau Gwent part of the Tir Pentwys site to count towards our RTS allocation. It thus follows that the remaining potential Areas of Search identified in the Mineral Background Paper would have to be considered before looking for resources outside of Torfaen.

Effect on public footpath network - It is understood that there is no public access to the site at present due to dangers associated with the former mineral workings. However, it is recognised that remediation of the site with a restoration plan could provide benefits by opening the site up as a community facility for recreational opportunities. Public Rights of Way are effected on the western edge of the site and across the proposed aces route, the former will need to be addressed as a matter of detail in terms of a diversion during the operation of the site.

Lack of consultation with the Pantygasseg Residents Association and the wider community - There was no deliberate intention to hide the allocation from the Resident Association and the wider community, indeed, as to be expected the matter was brought their attention by the Council's other consultation methods. Notwithstanding this, the consultation process on the Torfaen LDP was carried out in accordance with the 'Community Involvement Scheme' as contained in the Torfaen LDP 'Delivery Agreement'. Therefore, the LDP accords with Test of Soundness P1.

There is a lack of infrastructure to serve the site - There is no evidence to suggest this and it is noted that it is expected that infrastructure can be economically provided to the site, noting that a water supply is known to be available and a gas main passes the site.

Loss of residential amenity - no dwelling is within 200m of the allocated site which is the WG suggested distance for quarries with associated blasting; notwithstanding the fact that the resource has already been extracted, albeit it is recognised that the material will need crushing and transporting. Noting that residential amenity can be protected by conditions and mitigatory measures.

Impact on the Common - some representors are concerned with the effect of new road on common; which may not be legally feasible and may cause the misuse of the common. However, there is a process which involves making an application to the Welsh Government to allow the new access road to be built on the edge of the common. It addition the new access road up from the A472 to the existing highway will be a private road which can be closed outside the times the

quarry is operating by condition.

Impact on biodiversity and Ancient Woodland - Firstly, it is not accepted that, as suggested by CCW, the policy justification should make clear reference to the need to avoid impacts on known records of European protected species and areas of semi ancient natural woodland within the preferred area of search as these matters are covered by national policy. However, extensive ecological work has been undertaken to support the current planning application for the site; with the impact of the proposed access road on the ancient woodland and bat populations being a major key issue yet to be resolved, noting that further mitigation measures are required to determine if the impact and planning application is acceptable.

Impacts on Landscape - Several representors consider that the site and access road is visually prominent. In determining a planning application for the site the adverse impacts on landscapes will be required to be minimised. However, it should be noted that there are no landscape designation effected by the site and access road. A Visual Impact Assessment and a Landscape Assessment have been undertaken as part of the current planning application with planting and mitigation measures being proposed as a result. However, the visual impact of the access road through the ancient woodland is another key issue, yet to be resolved, in determining if the planning application in acceptable.

Suitability of A472 - some representors consider that the A472 is not suitable to accommodate the traffic from the quarry or the junction of the new access road with the A472 is considered inadequate. However, the County Highways Officer is satisfied that the A472 has the capacity to accommodate the traffic from the quarry,

Drainage concerns with new road - can be addressed by appropriate road designs and details being agreed.

Impacts of dust, fumes, noise, light, etc - In determining any future planning application the impact of extraction and transportation will be required to be mitigated to an acceptable level and can be controlled by conditions and mitigation measures.

Impacts on health - In determining any future planning application. the impacts on health will be considered and will be required to be within acceptable limits and can be controlled by conditions and mitigation measures.

Impacts of lorry and visitor traffic - There are concern regarding road safety and the routing of vehicles through Pantygasseg and the British. In determining any future planning application proposals would be required to be acceptable in terms of highway and transportation considerations. It should be noted that access will not be through Pantygasseg or The British and this can also be controlled by weight restrictions on the highway and voluntary arrangements with the quarry operator and hauliers. It is for this reason that the new access down to the A472 is proposed.

Impact on St Illtyd's Church - This Grade II Listed building is some distance away and not really visible from the from the site itself.

Loss of recreational and tourist resource - Any loss is likely to be for the duration of the extraction, it should be possible to ensure the site is restored to ensure the site can be used as a recreational / tourist resource, noting that this is not a major tourist area.

Employment Issues - Some representors consider that associated jobs will go to outside contractors and the proposal would only result in 12 jobs for over 20 years of devastation. These matters are not major material considerations and should thus not be seen as a reason for de-allocating the Preferred Area.

Devaluation of Property - Whilst these concerns are understood, such a consideration has a low material weight in planning.

Impact on the Candidate Llanhilleth Quarries RIGS - It is noted that the candidate Llanhilleth Quarries RIGS are one of very few significant exposures of measures in the "Rider" portion of stratigraphy. The site offers great research potential since it provides clear access to some of the youngest beds in the eastern end of the coalfield. There are only one or two other small and

inferior examples of this formation exposed locally in small quarries and walling pits. However, it is suggested that reclaiming the overburden mounds should have no detrimental effect on their geological value; indeed there is an opportunity for the geological value to be improved as part of the site restoration scheme securing “better” exposure, legal & safe public access, information boards, etc. It should be noted that LDP Policy BG1 on ‘Locally Designated Sites for Biodiversity and Geodiversity’ provides protection and mitigation / compensatory controls for RIGS.

Sustainability Appraisal and LDP Objectives - A number of representors consider that the SA may not have taken site specific issues into account and note that while the site is supported by LDP Objective 9 it would contravene LDP Objectives 2, 6, 10, 11, 12, 15 & 17. Disagree; the SA of the site as detailed in the SAR on Policy M3 and the SA provided by SLR Consulting clearly take site specific issues into account. This SA also shows that the site only score negatively against LDP Objectives 11 & 17, noting that overall the site scores +5 against the LDP Objectives and +2 against the SA Objectives, making the allocation of the site acceptable.

Area was subject to previous extraction and has now been restored to countryside - A number of the representors raise concerns with the fact that the area has been subjected to mining in the past and do not want to see the area exploited again. It is recognised that the extraction of mineral resources is often emotive as minerals can only be worked where they occur. However one of the key principles of Minerals Planning Policy Wales is to ‘encourage efficient and appropriate use of minerals and the re-use and recycling of suitable materials’. The reworking of this site involves the recovery of secondary material, which is a more sustainable option that relieves the pressure on primary extraction. It should be noted that the proposed operation will be limited to the removal of rock from the existing spoil tip and any application would be subject to conditions to ensure that impacts, including the duration of the development, can be mitigated to acceptable levels

The site should be deleted and designates as a Special Landscape Area (SLA) - Whilst the site lies within an area currently designated as SLA in the adopted Torfaen Local Plan, that designation was not subject to a rigorous examination to justify designation. Since that time the Council has undertaken a more rigorous LANDMAP assessment of the County Borough which has been used to inform the current review of SLA’s in the LDP using regionally agreed guidance and criteria. As a result the area was not considered of a high enough quality to justify designation as an SLA; noting that the representors have provided no evidence to the contrary. This process is explained in the Designation of Special Landscape Areas, May 2011 Background Study to the LDP produced by TCP. Therefore, no further action is required as a result of these representations.

Main Issue 5 - Should the Tir Pentwys site be extended to include the area encompassed by the current planning application?

Agree, the allocation would benefit from including the area encompassed by the current planning application for the former quarry itself. Therefore, it is recommended to the Inspector that the LDP Proposals Map be amended accordingly; with the above new site area for Policy M3 being shown as well as a corresponding amendment to the Policy M4 Mineral Site Buffer Zone for the site to reflect the new site area to be buffered.

Recommendations

The Council recommends to the Planning Inspector that: -

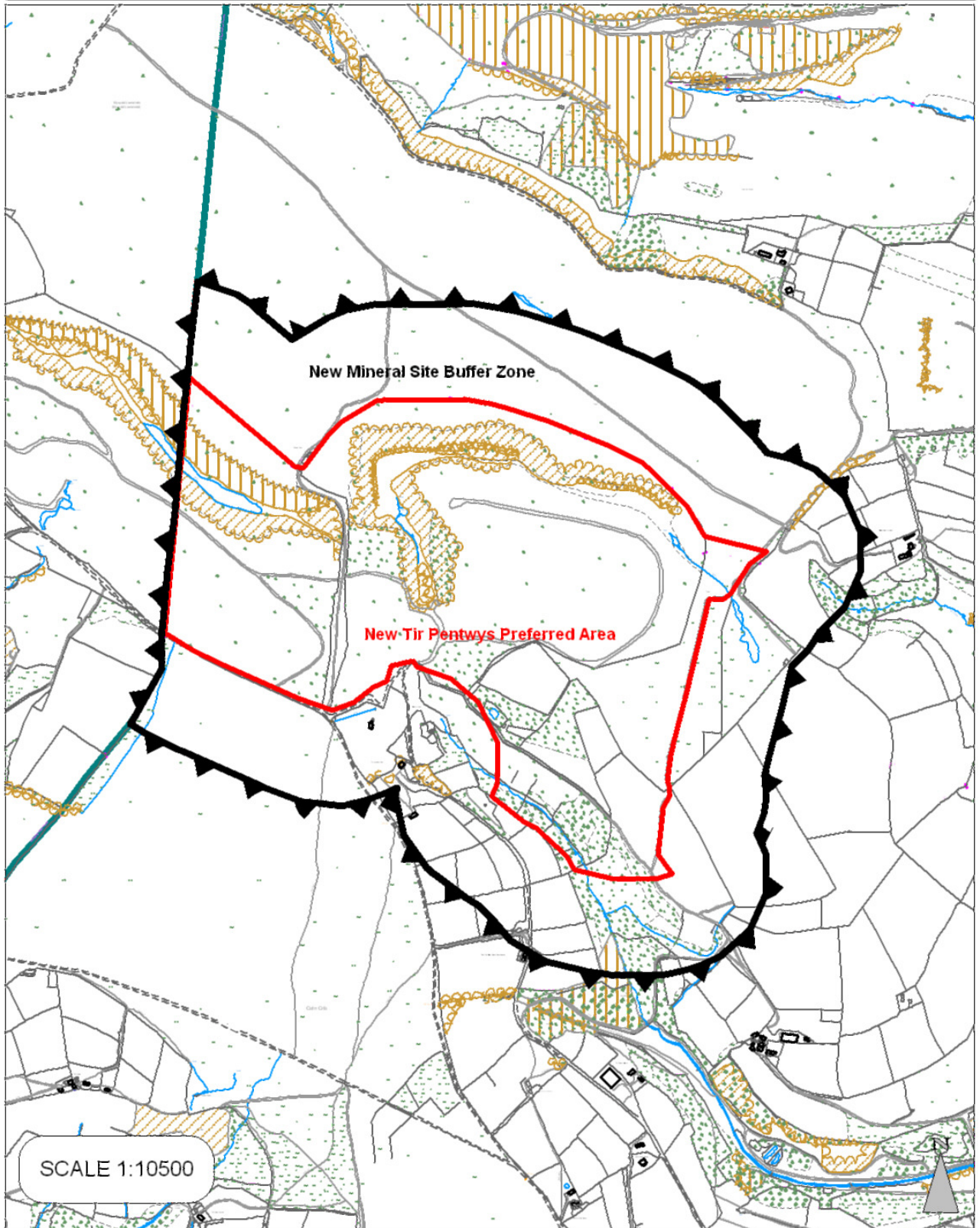
4. the Policy M3 ‘Tir Pentwys Preferred Area for Aggregates’ as shown on the LDP Proposals Map be extended to include the entirety of the planning application (03/P/09336) area for the site as shown by the ASN53 Map; and
5. a corresponding amendment be made to the Policy M4 Mineral Site Buffer Zone for the Tir Pentwys Preferred Area on the LDP Proposals Map to reflect to new site area to be buffered, see attached map.

Reason for Recommendation

To maintain the Soundness of the LDP.

Amended Tir Pentwys

PRODUCED UNDER LICENSE FROM ORDNANCE SURVEY & WITH PERMISSION OF HER MAJESTY'S STATIONER



Tir Pentwys Reclamation
Non Technical Summary

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PLANS

TPS 2/1 Site Location and Setting

TPS 12/1 New Access Road - Lower Section

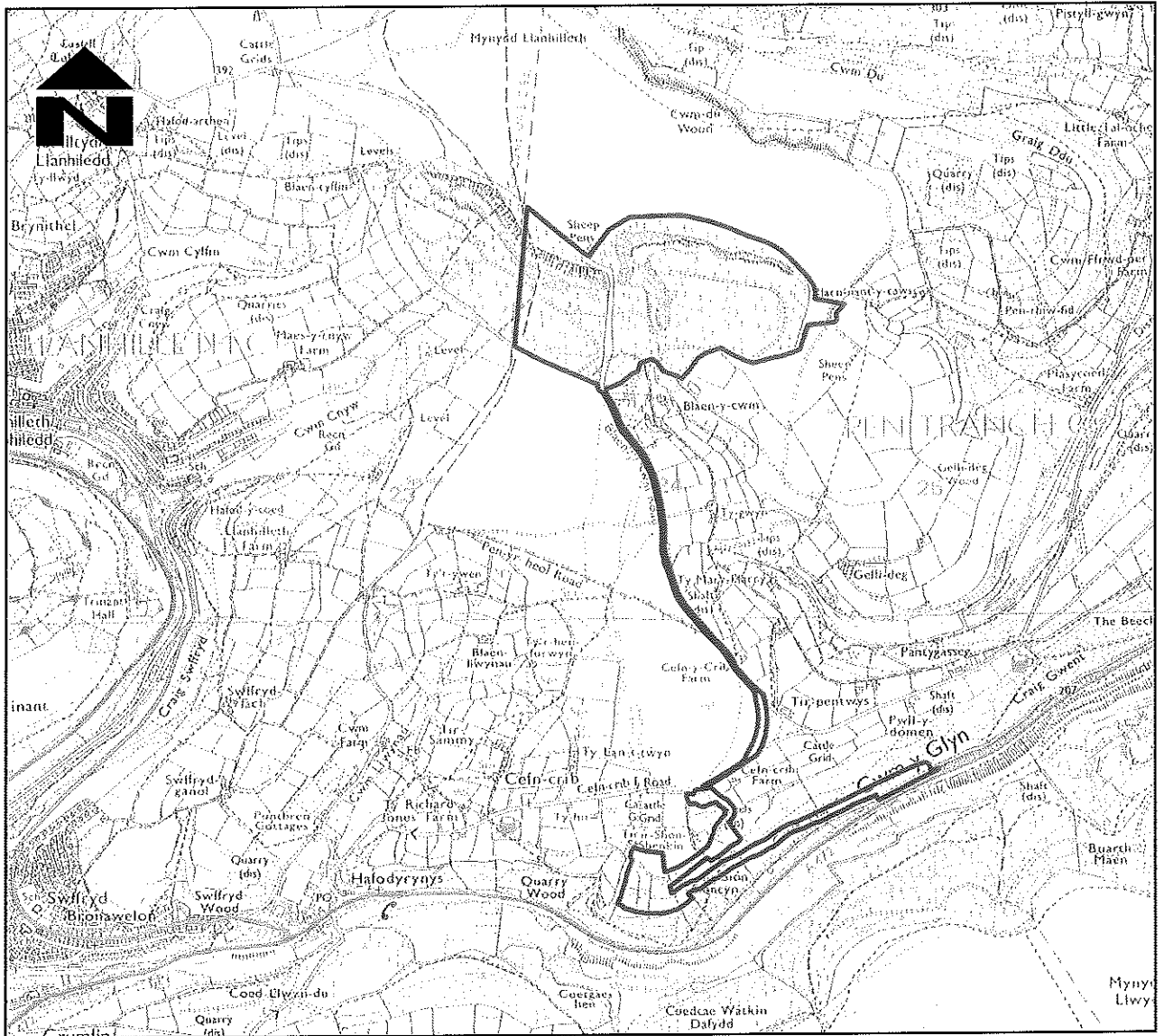
TPS 12/2 New Access Road - Upper Section

INTRODUCTION

- 1.1 This document is a summary of a proposed development by Peakman Limited for the Reclamation and Recovery of Secondary Aggregates from the Tir Pentwys Reclamation Site, Hafodyrynys, near Pontypool.
- 1.2 A planning application accompanied by a comprehensive Environmental Impact Assessment (EIA) was originally submitted to Torfaen County Borough Council in October 2003 (ref: 03/P/09336) and sought permission for the "Proposed Recovery of Secondary Aggregates and Land Reclamation".
- 1.3 The proposal identified that the former opencast coal waste tips at Tir Pentwys Cut contain a substantial proportion of Pennant Sandstone, a gritstone capable of producing high specification aggregate for use in the wearing courses of road construction, a material acknowledged to be an important national resource.
- 1.4 This Non-Technical Summary summarises a Supplementary Volume to the original ES which considers the implications of the revised highway access to the scheme.
- 1.5 The previous scheme intended that a route northwards from the site via The British to the A4043 at Abersychan would be used. Following the submission of the October 2003 application, the mineral planning authority, Torfaen County Borough Council, indicated that it would be minded to refuse the application due to concerns over the suitability of this proposed access route. The Council invited the applicant to consider a wider range of alternatives to those considered in the original ES. A series of additional alternatives were assessed and that process has led to the decision to promote a south-bound route from the site to the A472 at Cwm y Glyn.
- 1.6 It was agreed, with the mineral planning authority, that the details of the new access would be submitted as part of the active planning application and that the development proposals would be subject to environmental impact assessment.
- 1.7 The results of the EIA are set out in the Environmental Statement (ES) that accompanies the planning application. This document constitutes a brief non-technical summary of the contents of the full ES and has been prepared in accordance with the provisions set down in the 1999 EIA Regulations.
- 1.8 In the event that any interested party wishes to have more detailed information, reference should be made to the full Environmental Statement. Copies of the ES in its entirety can be inspected at the offices of Torfaen County Borough Council, County Hall, Cwmbran during normal office hours. A full set of documents is available for purchase at a cost of £85.00 from SLR Consulting Limited, M215 Cardiff Bay Business Centre, Lewis Road, Cardiff CF24 5EJ.
- 1.9 This non-technical summary describes the application site and proposed development, and outlines the potential environmental effects and mitigation measures that are proposed.

THE APPLICATION SITE

- 2.1 The Tir Pentwys Cut straddles the administrative boundary separating Blaenau Gwent Borough and Torfaen Borough. It is positioned approximately 2.5 km north of the A472, Crumlin to Pontypool Road, some 4 kilometres west of Pontypool.
- 2.2 The proposals regarding the recovery and recycling operations are identical to those previously described in the original ES and the setting and description of this part of the development site is not reconsidered as part of this Volume.
- 2.3 The location of the reclamation site and the proposed access road is illustrated on Drawings TPS2/1 overleaf. Drawings TPS12/1 and TPS12/2 at the back of this document show the route of the road in greater detail.
- 2.4 The access road would use Blaen-y-Cwm Road, across part of The Common, to cross Cefn-Crib Road to the west of Cefn-Crib Farmhouse. Thereafter a new private access road would be constructed, following the route of some existing farm tracks, to traverse the valley side of Cwm y Glyn. This is characterised by unmanaged semi-natural oak woodland with some beech plantation woodland. Access to the A472 would be gained via a section of Crumlin Road which joins the A472 at a T-junction some 800 metres to the west of the proposed point of egress onto the highways network.
- 2.5 The proposed route passes close to a number of farmhouses and their access roads, and crosses a number of small fields, some of which are used for grazing. These are shown on Drawing TPS12/1 and 2.
- 2.6 The lower part of the access road crosses an existing public footpath that links the A472 with Cefn-crib Road. The site does not include any cultural heritage or listed building features.



LEGEND

 APPLICATION BOUNDARY

PEAK MAN LIMITED

TIR PENTWYS CUT
 Opencast Reclamation
 & Recovery of
 Secondary Aggregates

Site Location
 and Setting

TPS 2/1

SLR

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PROJECT No. 4D-542-002

FILE No. TPS 2-1.cdr SCALE: 1:25,000

THE PROPOSAL

- 3.1 The extraction, recovery and reclamation proposals would remain unchanged to those previously described in the original ES. This section of the document briefly describes only the construction of the various elements of the road layout. The proposal can be divided into two distinct elements:

Reclamation Site Entrance to 100m south of Cefn-y-Crib Farm Access

- 3.2 This section of the road system runs from the reclamation site entrance, across The Common for a distance of approximately 930 metres using Blaen-y-Cwm Road, an existing public highway. Routing restrictions would limit all traffic to a left turn out of the site, except for those vehicles seeking to make local deliveries to the north.
- 3.3 The existing road would be widened to 4.5 metres minimum width, with a maximum of 6.0 m, in order to avoid creating a length of highway along which speeds would be significantly increased. Road marking, signage and the verge would be improved accordingly and a passing place constructed at the half way point. The road would not be fenced off from The Common to avoid any restriction on the movement of livestock.

100m south of Cefn-y-Crib Farm Access to Crumlin Road.

- 3.4 This element of the road would consist predominantly of a new section of private highway measuring in total some 2.1 kilometres in length, constructed to adoptable standards but remaining as a private road. A series of gates would ensure that access is only gained by vehicles associated with the reclamation proposal.
- 3.5 In order to minimise the potential for conflict between development vehicles and other road users and communities of Cefn-y-crib, Pantygasseg, Hafodyrynys and Old Furnace, a series of weight-restriction and routing access measures are proposed that would prevent HGVs from using minor local public roads. These would place a prohibition on any vehicles using any public road other than those of the dedicated access road and the Crumlin Road between the access point and the A472 to the west.
- 3.6 To ensure that lorries would not turn left towards Old Furnace and, beyond, to Pontypool all drivers would be instructed to make a right-hand towards the A472 at The Washery. The Applicant proposes a comprehensive signing programme, to be agreed in detail with the local highway authority, to ensure compliance, allied with appropriate weight restrictions and a legal routing agreement.
- 3.7 In order to construct the road, scrub clearance and limited tree felling would be necessary. The route of the road has been carefully designed to ensure that the minimum number of mature beech trees are removed. Most felling would involve saplings and the least mature specimens, with all significant groups being retained. Given the unmanaged nature of the site it has not been possible to carry out a

comprehensive individual tree survey, however, it is estimated that not more than 20 trees with a girth in excess of 100 centimetres would need to be removed.

3.8 The full details of the road's construction are set out in the full Supplementary Environmental Statement. Some of the key elements are outlined below:

- the road would be accommodated within a corridor of 15-20m;
- all excavation works would take place only within this corridor;
- any topsoil would be removed by hydraulic excavator and articulated dump trucks and stored within the Tir Pentwys Cut reclamation site;
- any surplus excavated materials from the haul road would be transported to the reclamation site for further processing when the reclamation scheme commences;
- the earthwork slope to be cut when forming the roadway would be created at a 1:1 slope and stabilised with a retaining wall system (crib-wall or similar);
- appropriate drainage would be constructed within the road scheme including a parallel drainage gullies crossing beneath the road at 100m intervals to drain run-off from the hillside;
- edge protection during the construction phase would consist of large boulders interfilled with granular material derived from the construction works or from the reclamation site; and
- the road surface would be constructed to sub-base standard using a compacted capping layer topped with a granular sub-base, bituminous binder and surface courses.

3.9 The completed carriageway width would be a minimum of 4.0m, with certain sections at 7.3m. A steel safety barrier (Armco or similar) would be erected as edge protection where appropriate. A traffic light network will be implemented to prevent two-way traffic on inappropriate sections.

3.10 The junction of the haul road with Crumlin Road would be set out with suitable visibility splays and the details such as fencing, gates, signage and drainage arrangements will all be agreed in detail with the local highways authority. Traffic signs to prevent unauthorised use of the road along with gates would be provided at all public road accesses. All gates would be closed during non-operational hours.

3.11 The public footpath that crosses the line of the road would not be diverted. However steps would be provided on earthworks slopes to provide a safe route for pedestrians along the existing line. All pedestrian crossings of the surfaced haul road would be marked out at right angles to the road line and suitable signs would be installed to warn footpath and road users of the presence of the crossing points and the users of the road and rights of way.

3.12 To reduce the potential impacts of the proposed road, particularly in its upper valley section, it is proposed that a series of new beech hedgerows and an extension to the existing woodland would be created.

3.13 This would include a significant area of woodland planting adjacent to the western-most section of private road. The planting would extend the area of existing native woodland up the valley slope and enclose the tight curve at the western most section

of the road. This woodland would over 5-10 years develop sufficiently to begin screening the traffic using this section of road from some of the footpaths on the south valley side of Cwm y Glyn. The woodland would be extended out to existing field boundaries or new beech hedgerows planted along its edge to form new field boundaries where required.

- 3.14 Similar hedgerow and woodland planting would be carried out to sections of the private road adjacent to Cefn-Crib Road to re-enforce existing vegetation and would replace vegetation lost during the road construction.

PLANNING POLICY REVIEW

- 4.1 Any application for planning permission is to be determined in accordance with the approved development plan, unless material considerations indicate otherwise, and whether the proposed development would cause demonstrable harm to interests of acknowledged importance. The development plan is therefore of fundamental significance to the appraisal of any potential scheme.
- 4.2 The national policy background for the proposed development is set out in the documents Planning Policy Wales (2002) and Minerals Technical Advice Note 1 – Aggregates (2001), both of which are published by the Welsh Assembly Government.
- 4.3 The Applicant has reviewed these documents and arrived at the conclusion that the proposed restoration treatment and the ability of the site to supply high specification aggregates is such that there is high level policy support for the proposals.
- 4.4 On a more local basis, the Gwent Structure Plan (1991-2006) and Torfaen Borough Local Plan, July 2000 have been reviewed. The review has concluded that the proposals are in general accordance with the policies and provisions of these documents.
- 4.5 The relevant Regulations associated with an application of this nature include a requirement for the Applicant to consider alternative sites. In the case of this amended scheme, alternatives have been examined following the consideration of the northern access route, and other alternative access routes, as part of the original application.
- 4.6 The review of all relevant planning policies has concluded that it is considered there are no overriding planning constraints specific to the site, and the project would not conflict with development plan policies.

ENVIRONMENTAL CONSIDERATIONS

- 5.1 The EIA process has involved the assessment of a range of environmental factors that are associated with any development of this nature. Each issue is considered in detail by specialists in those particular fields.
- 5.2 The Environmental Statement reports that the potential exists for there to be a number of environmental effects, each of which would require measures to be implemented to reduce or eliminate any impact.
- 5.3 Those measures have been incorporated into the design of the scheme, with particular attention paid to the layout and design of the road, its route, the requirement to minimise visual, noise and general amenity effects and to ensure that the landscape is not compromised. The following sets out some of the key issues associated with the proposal.

Residential Amenity

- 5.4 The EIA process has included detailed assessments of landscape and visual impact, transport implications, air quality and noise, all of which have the potential to have a direct or indirect effect on residential property and/or amenity. In the consideration of these issues, the EIA process uses the most current data and assessment techniques to determine the possible effects, and this in turn enables the Applicant, where it is practicable, to amend the development during the design process and to suggest mitigation measures.
- 5.5 The noise assessment has considered the potential for the construction and operational use of the proposed access road to give rise to noise and vibration impacts at the closest noise-sensitive receptors. It has concluded that the construction of the upper section of the road, and in particular the road preparation works, are likely to lead to short term moderate to substantial adverse impacts of noise levels. However, the noise levels during the majority of the construction works are predicted to be below the national guidelines. Vibration from the construction works is unlikely to be perceptible at nearby houses during the construction works.
- 5.6 The change in traffic noise as a result of the use of the access road is predicted to be barely perceptible, and therefore to lead to slight adverse impacts at three of the noise sensitive receptors along the proposed route and to be just above the threshold of perceptibility at the fourth property leading to slight to moderate adverse impact.
- 5.7 The construction and use of the proposed access road represents a potential source of dust and particulate matter. However, the proposed reduction measures of visual monitoring of operations, and the use of mobile spraying units during the construction phase would be effective in ensuring that the potential impact of dust is considered to be minimal.

Landscape

- 5.8 SLR Consulting has undertaken a comprehensive Landscape & Visual Impact Assessment as part of the EIA process. The potential landscape impact would be moderate/substantial due to the loss of part of the existing deciduous woodland and changes to the local character types. Some long term benefit would occur through the proposed planting and mitigation measures and the potential exists to reduce the level of impact with careful implementation of the proposals, and the subsequent management regime.
- 5.9 The visual impact of the development would be greatly limited by the natural landform and significant areas of deciduous and coniferous woodland. Views would mainly occur adjacent to the route or from opposite valley sides. Views adjacent to the route would be mainly affected by visual intrusion from the passing traffic and proposed signage. The sharp bend on the westernmost section of road would cause most impact to the opposite side of the Cwm y Glyn valley, due to its elevation and associated slopes. These impacts would be gradually reduced as the planting which would be carried out to mitigate visual impacts matured.
- 5.10 It is concluded that the proposed development would pose no significant landscape or visual impacts during the active operational life of the site, and is expected to provide beneficial landscape and visual impacts in the medium to long-term as existing impacts are removed and the ecological benefits are established.

Water

- 5.11 The potential impacts of the proposed development upon the water environment have been identified and assessed, and where appropriate, mitigation measures have been accommodated into the design of the development. These measures include:
- A traffic management system to reduce the risk as accidents that may lead to spills. The regular maintenance and inspection of vehicles would reduce any potential for leakages.
 - A water management scheme will ensure that no silty water will be discharged directly into off-site surface water receptors.
 - Road runoff would be directed via filter strips (areas of long grass) to provide time for natural process to remove contaminants prior to entry into the water environment.

Traffic

- 5.12 A comprehensive assessment of the impacts on the local road and transportation network has been undertaken. It has been demonstrated that the proposed private haul road and Crumlin Road would not be significantly affected in capacity terms by the proposed development.

- 5.13 The proposed development would result in a marginal increase in baseline traffic levels on the A472. In falling below Government and Highways Agency guidance thresholds, it is concluded that the highway network would not be significantly affected in capacity terms by the proposed development.

CONCLUSIONS

- 6.1 This non-technical summary outlines proposals for a revised access associated with the proposed reclamation operations at the Tir Pentwys Cut in Torfaen.
- 6.2 In common with developments of this nature, there are environmental considerations that have been recognised by the Applicant and which have been assessed as part of the Environmental Impact Assessment process. The key issues to have emerged are residential amenity, landscape impact and traffic. Other issues, such as the water environment, have also been considered.
- 6.3 A series of measures have been proposed to ensure that the development of the Tir Pentwys Access Road would not have a detrimental effect either directly or indirectly on residential amenity in the vicinity. The potential for highways impacts to affect residential amenity has also been recognised and a series of restrictive measures would be implemented in order to avoid conflict with residents and other road users.
- 6.4 The scheme has been designed carefully to minimise the potential to affect landscape and visual amenity. In this respect the significant planting scheme proposed will more than compensate the loss of any scrub and trees. The introduction of a Management Scheme would serve to enhance those areas affected by the access proposal.
- 6.5 The results of this process leads the Applicant to conclude that the proposal is acceptable and that it would be in accordance with national, regional and local planning policies and regulations.

LEGEND:
PRIVATE ROAD DESIGN DETAILS

Carriageway width 4m on one way sections, 7.2m on two way sections. Localised widening on bends to allow for vehicle sweep paths.
 Max. min gradient 12%
 1m verge provided to accommodate communication ducts, drainage and safety fencing.
 Earthwork slopes shown at 1 in 1 except initial cutting at the Curmin Road which has earthwork slopes shown at 75°.

Signals provided to control quarry traffic to prevent quarry vehicles meeting along one way sections. Signals to be controlled by vehicle detection and shall be located on gradients no greater than 2%.

The passing place at chainage 1300 to 1475 is sufficient to hold up to seven vehicles in each direction.

Safety fencing shall be provided with a set back of 0.6m from the edge of carriageway.

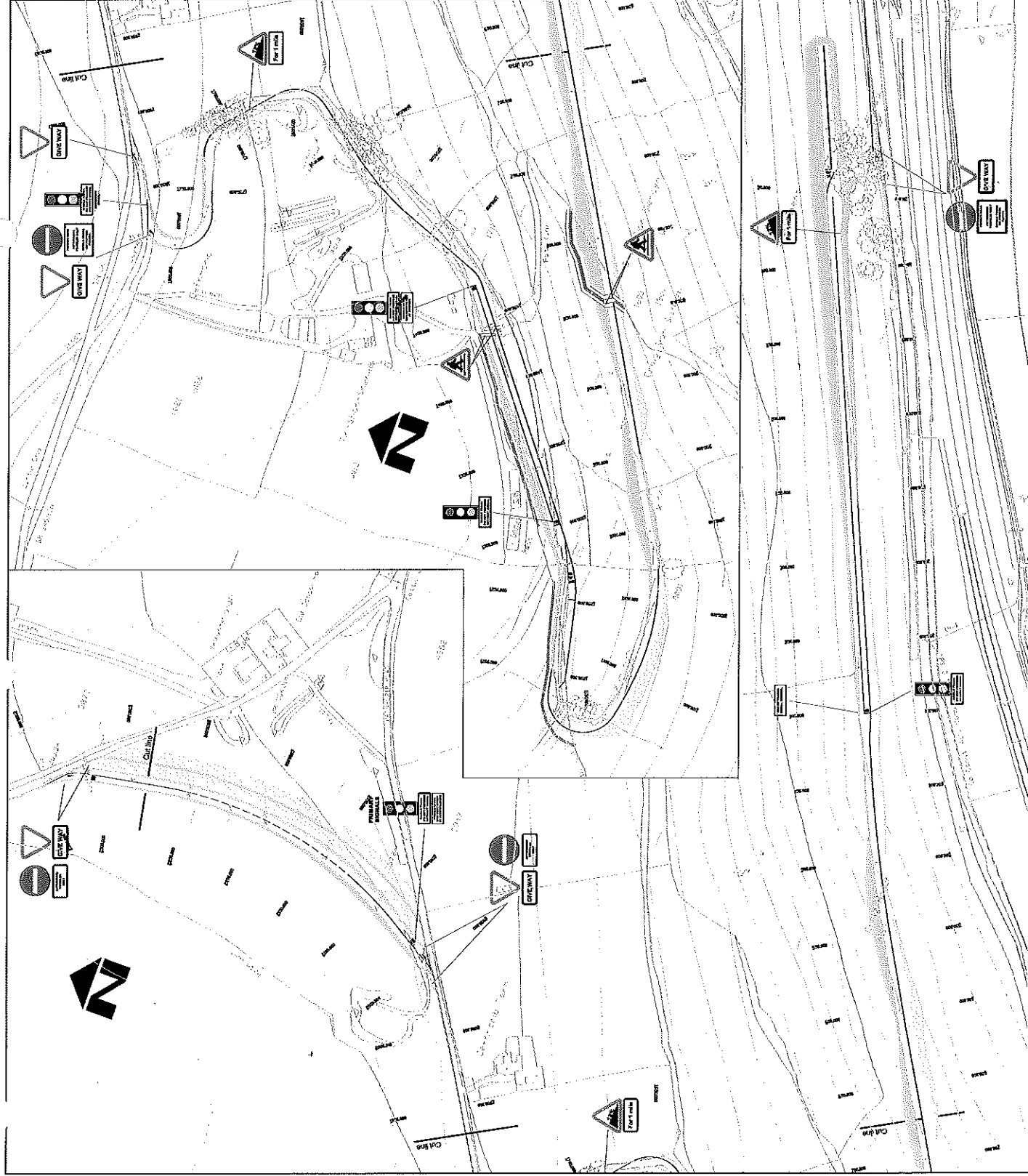
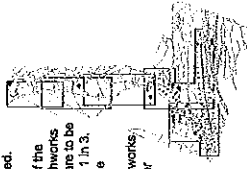
Signs and gates to prevent unauthorised use of road are to be provided at all public road accesses. Gates shall be closed when the quarry is not operational.

The road across the common shall not be fenced.
 The road across the common shall be in a cutting to screen it from residential properties.
 The road down the hill side shall be fenced as required by the adjacent landowners

A cattle grid and stock proof fencing shall be provided at the first exit from the common.
 Trees shall be planted to replace those lost during construction.
 Additional dense planting shall be provided on the hillside to shield the road where it is exposed.

Unofficial paths crossing the line of the road shall be diverted along earthworks to a safe crossing point. Steps are to be provided if the gradient exceeds 1 in 3.

Public Footpaths crossing the line of the road shall not be diverted.
 Steps shall be provided on earthworks slopes to suggest a safe route for pedestrians, which shall be as close to the existing line as possible. All pedestrian crossings of the surfaced road shall be marked at right angles.



PEAK MAN LIMITED

TIR PENTWYS CUT
Opencast Reclamation & Recovery of Secondary Aggregates
New Access Road Lower Section
TPS 12/1



PROJECT No. 4D/542/002
 FILE No. TP 12-1 SCALE: 1:2,500 @ A3

LEGEND:
PUBLIC HIGHWAY ACROSS COMMON

This plan is based on OS mapping, the areas of pavement construction and verge widening are a guide only and should not be used for construction purposes.

The existing road shall be widened to 4.5m minimum width. The extra width shall not allow for two way traffic but shall remove heavy wheels from the pavement edge which would result in early pavement failure. Edge of carriageway line markings are to be provided to mark a 3m lane centrally along the road.

The road shall not be widened to be greater than 6m to avoid creating a road which would become desirable to drive at inappropriate speed.

Widening of the pavement shall be carried out on the common side of the road (south west). Kerbs shall not be provided and existing crossfalls are to be extended.

One passing place shall be provided approximately half way between the quarry and the private haul road, at a location determined on site. The passing place shall be 7.3m wide x 15m long.

Additional paved surface shall be provided at the junction with the unsurfaced PEN_YR_HEOL ROAD to allow for vehicles to pass at this location.

Waiting areas for Quarry traffic are available in the quarry and on the private haul road across the common.

A 1m verge shall be provided on both sides of the road with widening on bends to achieve 90m forward visibility.

Where the common is lower than the road, the verge shall not be built up. Where the common is higher than the road it shall be lowered to create a verge, cutting slopes shall be at 1 in 2.

The verge on the common side shall accommodate communication and signal ducts. Natural springs / gullies cross the road along its length, at these locations any existing pipes under the road are to be cleared to ensure water can flow additional pipes are to be provided if considered necessary. Bag work manholes are to be provided on the ends of all pipes. Where the adjacent land steeply falls away from the road, the road shall be widened to 6m and a ribbed white edge line shall be provided 2m from the edge of carriageway on the side of the drop.

The road shall not be fenced from the common.

PEAK MAN LIMITED

TIR PENTWYS CUT
Opencast Reclamation
& Recovery of
Secondary Aggregates
New Access Road
Upper Section
TPS 12/2

SLR

PROJECT No. 4D/542/002
FILE No. TP 2.2
SCALE: 1:2,500 @ A3



12-P-00257



30th May 2012

Norman Jones
Torfaen County Borough Council
Planning & Public Protection
Tŷ Blaen Torfaen,
Panteg Way
New Inn
Pontypool NP4 0LS

Our Ref: 404.0542.00002

Dear Mr Jones,

**RE: APPLICATION REF: 03/P/09336 TIR PENTWYS, NEAR HAFODYRYNYS
SECOND SUPPLEMENTARY ENVIRONMENTAL STATEMENT: REQUEST FOR
SCOPING OPINION**

1.0 BACKGROUND

Peakman Limited submitted a planning application (03/P/09336) in October 2003 seeking permission for the "Proposed Recovery of Secondary Aggregates and Land Reclamation" for its landholding at Tir Pentwys, near Hafodyrynys. The application was accompanied by a full Environmental Statement that was prepared following the undertaking of an Environmental Impact Assessment.

The proposal identifies that the former opencast coal waste tip at Tir Pentwys Cut contains a substantial proportion of Pennant Sandstone, a gritstone capable of producing high specification aggregate for use in the wearing courses of road construction, a material which is acknowledged to be an important national resource.

Following the submission of the October 2003 application, the mineral planning authority, Torfaen County Borough Council invited the applicant to consider a wider range of alternative access routes to those considered in the original ES. A series of additional alternatives were assessed and that process led to the decision to promote a south-bound route from the site to the A472 at Cwm y Glyn. In 2006 a supplementary volume to the original ES was submitted in order to consider the implications of the revised highway access to the scheme and to provide a description of the new access road proposals.

Since 2006 the Applicant and the Planning Authority has considered a number of issues associated with the application. This Second Supplementary Environmental Statement (SSES) seeks to consolidate much of the information previously garnered into a single document, as well as providing updated details of the access road. It will also address any environmental and policy issues that require updating.

2.0 PROPOSED SCOPE OF ES

It is proposed that the SSES will take a similar format to previous ES's. The table below summarises each chapter as previously submitted and identifies what supplementary information will be provided.



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Chapter of ES	The Cut (2003)	Revised Access (2006)
1 Introduction	Section to explain SSES -	
2 Site	Consider any changes to site	
3 The Development	Applicant review to ensure relevance	Slightly amended description/plans to reflect revised route
4 Planning Policy	Majority of policies included in 2003 application now out of date. Will require re-write	Policy review to be re-written
5 Geology	Additional information available as a result of testing in 2007/8. Also, issue of quality raised by TCBC. Additional information to be provided.	Scope prepared to address issues raised by TCBC in March 2011. See Section 3.0 below
6 Water	No change in circumstances	
7 Landscape and Visual Effects	At the time of submission, the site was in a Special Landscape Area. It is now being proposed to remove this designation. A short section to update this will be prepared.	May be change in views because of forestry removal on opposite side of valley. View points to south to be reviewed.
8 Ecology	Scope prepared at Section 4.0 below.	
9 Noise	Assume no change.	Assume no change.
10 Air Quality(Dust)	Assume no change.	Assume no change.
11 Transport	N/A	Updated information to be provided on destination of material.
Revised Environmental Statement	Single, stand-alone document that covers all updated/outstanding matters	
Revised Non Technical Summary	Short report that summarises all previous and new information	

The two key elements of additional information are the stability of the road and ecology. The more detail scope of there is set out below.

3.0 GEOTECHNICAL SCOPE

Following previous discussions the following recommendations will be implemented to address the concerns of the planning authority.

(i) Earthwork Stability

A site inspection conducted on the 26th March 2012 observed that the superficial material is generally no more than 3m thick and overlies sandstone. The overburden appears to be derived from the insitu sandstone and contains angular boulders and cobbles of sandstone in a silty and sandy matrix. The clay content appears to be low or non-existent.

The geology map for the area indicates the site is underlain by Hughes Sandstone (part of the Pennant Series) and the presence of competent, jointed sandstone was confirmed by the site inspection.

The inspection confirmed that there are a major conjugate set of sub-vertical discontinuities with an inclined bedding plane.

In order to define the precise gradient of potential cuttings in these materials, that a detailed inspection and discontinuity survey is undertaken of all rock exposures along the existing cutting. The stability of the access road will be based on these results.

(ii) Superficial soils

The preliminary site inspection indicates that the majority of the cuttings will be in jointed sandstone. The thickness of overburden does not generally exceed 3m thickness.

The cut slopes will be principally in rock and as such it is anticipated that rock bolting and steel mesh will provide the necessary stabilisation to ensure adequate factors of safety and rockfall protection to the road are maintained.

The superficial soils are of limited vertical extent across the site and as such the requirement for retaining structures will be of limited vertical and lateral extent. This will be confirmed following completion of a comprehensive ground investigation and subsequent design analysis.

(iii) Depth and quality of superficial deposits

Completion of the ground investigation will characterise the underlying conditions beneath the site. However, preliminary indications are that the superficial are generally less than 3m thick. The sandstone is competent but jointed and a discontinuity survey will be undertaken.

Geotechnical laboratory analysis will also be carried out upon samples obtained during the investigation to determine appropriate design parameters for both rock and soils.

(iv) Adits and faults

A comprehensive desk study will be commissioned prior to undertaking the site investigation to assimilate all currently available information with regards to the underlying geology, mining features, groundwater levels and evidence of historical instability. This information

will be used to guide the design of the ground investigation and final design of the proposed road.

4.0 ECOLOGY SCOPE

4.1 Background

SLR has been involved in the planning application at this site since 2002. A brief history of our ecological involvement is presented below.

- 2003 planning application submitted for sandstone extraction. Included within the ES is an Ecological Impact Assessment (EclA) of main application area and preferred access route to north;
- 2006 Supplementary ES for revised access road via the A472 to the south of the site. New EclA for access road only, with supplementary information on ecology, including bats, prepared in 2007;
- 2010 update habitat surveys and bat surveys for access road through woodland and of the main site.

The Environmental Statement will be updated to include up to date ecological surveys and assessment for the current application.

SLR proposes to update the Ecological Impact Assessment (EclA) in accordance with current good practice guidance on EclA (IEEM, 2006) and, where appropriate, informed by Natural England's Standing Advice (February 2011¹) and other species-specific good practice guidance.

4.2 Desk-Top Study & Consultation

A desktop study would be undertaken to update the scope of the existing ecological knowledge and data relating to the development area. This would involve a request to the Local Records Centre, in addition to examining published data and internet sources. This search would cover the recorded presence of protected and notable species within 1km of the site and protected sites within 2km of the site. Desk study information would be used to inform the field survey and appended to the main report.

The Local Authority Ecologist and local Wildlife Trust would also be contacted during the course of the project in order to obtain any further information they may hold, and to confirm the scope and extent of surveys proposed.

4.3 Habitat Surveys - Extended Phase 1 Habitat Survey

It is proposed to update the extended Phase 1 Habitat Survey for all areas of the application site. Due to the relatively recent baseline (2010) it is expected that, with the exception of noted changes to the habitats along the access route, there would be little change. Habitat surveys would be undertaken following the methodology set out by the Joint Nature Conservation Committee (JNCC) guidelines². Descriptions in the form of target notes would

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<http://www.naturalengland.org.uk/ourwork/planningtransportlocalgov/spatialplanning/standingadvice/default.aspx>

² Nature Conservancy Council (1990). *Handbook for Phase 1 Habitat Survey – a Technique for Environmental Audit, 2003 reprint*. JNCC, Peterborough.

be gathered and used to produce a habitat map and to describe the composition and structure of habitats present on the site.

4.4 Protected and Notable Species Surveys

During the habitat survey we would carry out an appraisal of the likelihood for change in the distribution and/or abundance of protected species populations identified during our earlier work (2003 – 2010). Following the update habitat survey, a review of existing documentation and consultation with the LPA, we would offer clear guidance on further survey work necessary to inform the assessment of the current scheme.

It is considered likely that surveys for the following species/groups will need to be considered in accordance with the summary table presented below:

Species group	Existing Baseline (date)	Predicted Impacts (date)	Need for update survey & assessment
Great crested newts	Not present (2003). Site supports palmate newts and common frog.	None (2003)	Unlikely that GCN would colonise site, if distribution of ponds and habitats is largely unchanged, update surveys are not considered necessary. Updated Habitat Suitability Index (HSI) survey to be completed.
Reptiles	Common lizard and slow worm present on access road (2005)	Impacts to reptile habitats predicted	Habitat baseline remains broadly comparable along access road, no further surveys required. Localised areas of suitable habitat in the Cut, presence assumed likely at low density and appropriate precautions to be implemented during vegetation removal.
Bats	Woodland has potential for noctule, brown long eared, common pipistrelle, whiskered, Brandt's, Daubenton's and Barbastelle.	Significant impacts to bats (foraging and roosts) predicted if not mitigated.	Further surveys required in Main Cut and along access route. Update of tree roost resource (ground – based) and follow on emergence surveys as required. Manual activity surveys (two transect routes as per 2010 work) to be undertaken between May and September 2012 (one visit per month). Roost characterisation surveys of quarry face roosts in the Cut.
Birds	No specific surveys undertaken, breeding waders on common land and woodland species	Impacts not significant.	Breeding bird survey to be undertaken (three visits)

Species group	Existing Baseline (date)	Predicted Impacts (date)	Need for update survey & assessment
	likely to be present. Assemblage assessed as being of district value.		

It is proposed that the scope and details of these surveys are completed following the preliminary site visits and consultation with LPA.

4.5 Ecological Impact Assessment - Reporting

Baseline data would be collated into a standalone report to support other updated information in respect of the application. The EclA would be conducted in accordance with Guidelines for Ecological Impact Assessment (IEEM 2006)³. Where necessary, outline mitigation measures would be proposed to reduce or avoid impacts of the development. Where possible, opportunities for biodiversity gain would be highlighted and agreed in advance with the client.

5.0 CLOSURE

It is hereby requested that a Scoping Opinion is forthcoming on behalf of the Planning Authority. Please contact me should you require further information.

Yours sincerely
SLR Consulting Limited

Will Ryan
Principal

³ Institute of Ecology and Environmental Management (2006). *Guidelines for Ecological Impact Assessment*.