

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

LOCAL DEVELOPMENT PLAN (2006-2021)

Minerals
Topic Paper

April 2008

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BACKGROUND

In January 2007 the Council issued for public consultation the Local Development Plan: Preferred Strategy. The Strategy was the first stage of the new statutory local development plan (LDP).

The next stage in the plan making process is the production of a deposit draft LDP. In order to ensure the soundness of the emerging LDP and transparency in the plan making process, the Council has produced a series of topic papers.

The topic papers address the main area of policy to be considered in the LDP. **It should be stressed that these papers are a starting point for policy development, through the sustainability appraisal process and as the Council's evidence base develops, emerging LDP policy will evolve and be refined.**

1. INTRODUCTION

The extraction of mineral resources raises considerable issues of wide ranging importance relating to its impact on the environment, landscape and traffic generation. At the same time it has to be acknowledged that minerals play a vital role in the nation's economy and touch upon everyone's life, with regard in particular to the construction industry and the provision of our household, commercial and other everyday energy needs.

Rhondda Cynon Taf County Borough Council as Mineral Planning Authority is responsible for the control of mineral workings within its area under the provisions of the Town and Country Planning Act 1990. Such control is exercised by the

preparation of statutory Development Plan policies, and decisions on planning applications and enforcement of conditions.

Achieving sustainable forms of development requires the reassessment of the use of finite and environmentally sensitive natural resources. This topic paper aims to identify how we can achieve this through providing for the minerals needs of the current economy, whilst ensuring that their extraction is sustainably controlled and managed.

In order to do this the topic paper will outline:

- **The policy context** for minerals, including an explanation of national, regional and local policy;
- **Key issues in Rhondda Cynon Taf**, which relate specifically to mineral planning;
- **The Preferred Strategy** policy in respect of minerals, the representations received on them and the proposed policy response, and
- **Draft LDP Policy**, which provides a policy context for future mineral planning issues.

2. NATIONAL POLICY CONTEXT

People, Places, Futures – The Wales Spatial Plan (adopted 2004)

The Wales Spatial Plan provides a framework for the future spatial development of Wales. Rhondda Cynon Taf, along with the neighbouring authorities of Cardiff, Bridgend, Merthyr Tydfil, Caerphilly and the Vale of Glamorgan has been

identified as part of the South East – Capital Network Zone. The vision for the Capital Network is:

“An innovative skilled area offering a high quality of life – international yet distinctively Welsh. It will compete internationally by increasing its global visibility through stronger links between the Valleys and the coast and the UK and Europe, helping spread prosperity within the area and benefiting other parts of Wales”.

Whilst the Spatial Plan may not provide a detailed framework for the development of minerals planning in South East Wales, it does set out a broad objective to which it would be applicable. In essence this is the need to optimise the use of the public and private resources in Wales to create the best opportunities for its citizens.

Turning Heads – A Strategy for the Heads of the Valleys 2020 (June 2006)

Turning Heads – A Strategy for the heads of the Valleys 2020 as the name suggests, outlines a strategy for regenerating the Northern Valley areas of South East Wales. In Rhondda Cynon Taf the strategy includes Treorchy, Treherbert, Ferndale, Mountain Ash and Aberdare. The objectives of the programme reflect those of the Wales Spatial Plan in seeking to ensure:

- An attractive and well used natural, historic and built environment;
- A vibrant economic landscape offering new opportunities;
- A well educated, skilled and healthier population;

- An appealing and coherent tourism and leisure experience, and
- Public confidence in a shared bright future.

Strategy Programme 6: Linked Opportunities for Businesses and Individuals, sets out a number of proposals that would have a significant effect on future mineral activities and production in Rhondda Cynon Taf. This programme outlines the growth of business and enterprise opportunities in the area, linking it to the strategy of major investment in housing renewal, roads and infrastructure, construction and leisure and tourism developments. Such proposals would have a major bearing on the future demand for construction aggregates in the area.

Minerals Planning Policy Wales (2000)

Assembly Government Minerals policy is embodied in Mineral Planning Policy Wales. Supplementary guidance in relation to minerals is contained specifically in **MTAN (Wales)1: Aggregates** and **Draft MTAN (Wales) 2: Coal**.

Minerals Planning Policy Wales (2000) provides the guidance for mineral planning authorities with the overall objective of providing a sustainable pattern of mineral extraction. It aims to achieve this through adhering to the following 5 key principles;

1. Provide mineral resources to meet society’s needs and to safeguard resources from sterilisation;
2. Protect areas of importance of natural or built heritage;
3. Limit the environmental impact of mineral extraction;
4. Achieve high standard restoration and beneficial after-use; and,

5. Encourage efficient and appropriate use of minerals and the re-use and recycling of suitable materials.

In order to achieve these principles and objectives, the Assembly Government will seek to ensure that the Minerals Planning Authorities, through the LDP policies, ensure the following requirements are addressed.

1. Firstly, appropriate supply should be ensured to meet local, regional and UK needs for minerals. The Regional Aggregates Working Parties should identify this need for aggregates. Where the location and quality is known, and environmental constraints considered, mineral deposits and resources and access to them need to be safeguarded for future society's need. These areas of land need to be identified on proposals maps with appropriate policies.

Non-energy minerals;

In order to allow for certainty for all stakeholders, policies and proposals maps in the LDP should clearly identify where mineral extraction should, or is most likely, to take place. There could be four classes of this;

- Specific site allocations where the principle of development is accepted;
- Preferred areas of known resource;
- Broad areas of search;
- Other areas where permission would not normally be allowed, apart from when major shortfalls exist.

Energy minerals

Due to the uncertainty regarding the energy and power industry and the minerals role within it, it is difficult to plan to meet its needs. However, the guidance states that as much information as possible be considered in the plan to give an indication as to where extraction will and will not be acceptable. This has been discussed in further detail in the subsequent Draft Coal MTAN.

Landbanks, which usually apply to non-energy minerals, is a stock of planning permissions for extraction. Policies should be included in the LDP for the maintenance of Landbanks, which may be considered on a regional level.

Policies should also consider how Borrow Pits – (temporary minerals workings to supply specific construction projects) – are considered, in terms of location, need or alternative supply. Strategies and policies should also outline the authorities intentions on Inactive Sites with planning permission.

2. Mineral proposals within or likely to affect Special Areas of Conservation (SAC's) or proposed SAC's, will only be considered where there are no alternative solutions or there is an imperative reason of overriding public interest. Proposals within or likely to affect SSSI's and National Nature Reserves should be rigorously examined and assessed. On one hand this should be on its scale of possible detrimental nature conservation effect and on the other against its need in terms of UK supply, the impact on the local economy and alternative supplies.

Proposals that fall within locally designated areas will need to be given careful consideration and the degree of protection should be commensurate with their relevant importance to the biodiversity and/or landscape area concerned.

3. Any minerals proposals should take into specific consideration the need to protect the quality of surface and groundwater, historic buildings and landscapes, ancient monuments and other cultural interests and agricultural land.

The MPP outlines a range of issues that need to be addressed in development plans to ensure that minerals proposals, and in particular the working practices, do not have an unacceptably adverse impact on the environment. Conditions will also be put on planning permissions to achieve this. Certain proposals will also be subject to EIA.

Buffer zones will also be required to be put in place to address conflict between mineral working and other land uses due to noise, dust and blasting. Within these zones, no new developments of sensitive land uses, such as residential, hospitals or schools, or indeed other new extraction sites, will be allowed.

The guidance considers that extensions to mineral workings sites are often generally more acceptable than new greenfield sites, although more environmentally suitable new sites could be considered.

The assembly wish to see freight carries by rail by preference, although if carried by road, the capacity and impact of movement of mineral needs to be carefully considered.

The minerals companies themselves should be responsible for adopting an environmental management audit of their working practices and sites.

4. Suitable restoration should be identified before planning permission is permitted, which should subsequently begin within 6 months of cessation of work. Given the fact of the long life of many mineral working sites, it is essential that progressive restoration is introduced at the earliest opportunity. After-uses should be identified in advance of permissions and may include agriculture, forestry/woodland, public open space, recreation or other development. There is also an opportunity to create nature conservation sites here. Conditions should be set when permissions are given, and financial issues secured with regard to guaranteeing the agreed restoration.

5. It should be ensured that high quality mineral are not wasted and only used where necessary, not for a lower grade purpose. Industrial by-products such as slag from steel making, colliery tip material, ash from power stations and slate waste should increasingly be considered for use as secondary aggregates, to relieve the pressure on the primary extraction. Construction and demolition waste as well as road planings should also be increasingly use to meet the demand for lower grade aggregate material.

The development plan should take into consideration the need to encourage both the practice of on-site recycling of construction and demolition material and also provide locations for the storage and processing of these recyclable materials in general. If such locations cannot be identified, then criteria should set out to allow for planning applications for such uses to be assessed.

Minerals Technical Advice Note (Wales) 1 : Aggregates (March 2004)

Minerals Technical Advice Note 1: Aggregates provides advice on the mechanisms for delivering the policy for aggregates extraction by mineral planning authorities and the aggregates industry. The MTAN has been formulated to cover the same 5 areas as those in the MPP, although considering them in more detail and discussing much of the background to the industry and its processes. The advice also goes a lot further in outlining in detail what needs to be considered when the actual planning applications are dealt with.

Aggregates are classed in this advice note into three categories, being primary aggregates, mineral waste and secondary/recycled aggregates.

The overarching objective in planning for aggregate provision is to ensure supply is managed in a sustainable way so that the best balance between environmental, economic, and social considerations is struck, while making sure that the environmental and amenity impacts of any necessary extraction are kept to a level that avoids causing demonstrable harm to interests of acknowledged importance.

The MTAN does make reference to the need to locate new permissions for extraction in areas which are in accordance with the Regional Technical Statement, which has been informed by an environmental capacity assessment.

A specific issue that it raises is sand and gravel resources. Although it is acknowledged that land based sand and gravel

may not be extracted at present, those resources need to be safeguarded for future generations.

Furthermore, there is an objective whereby any future increase in total demand for aggregates over and above present levels of demand should be met from secondary sources or recycled materials. The advice note also gives further indication as to where recycling of aggregates should be located.

However, it also identifies aggregates that have limited availability due to geological reasons, such as high quality aggregates for road construction. This pennant sandstone is relatively plentiful in Wales but unavailable in some parts of the UK. This material is therefore considered a special case.

Minerals Technical Advice Note (MTAN) Wales 2 : Coal – Consultation Draft (January 06).

This MTAN sets out detailed advice on the mechanisms for delivering the policy for coal extraction by mineral planning authorities and the coal industry. The first four principles as set out in the MPP guidance are again followed in this TAN, considering them in greater detail.

Government objectives outlined in the draft Minerals Technical Advice Note (Wales) 2 – Coal (MTAN2) seek to ensure a secure, diverse and sustainable supply of energy at competitive prices. The Coal MTAN requires local authorities to determine the extent of such resources in their areas and to take appropriate measures to safeguard them in order to protect what may be a strategic resource in the future. The British Geological Survey mapping information shows primary and secondary coal resource zones. BGS are currently

refining this information for the Welsh Assembly Government in order to seek to identify areas where resources may be viable.

Specific guidance is given on buffer zones of 350 metres around permitted workings, from the operational boundary and around proposed mineral workings, from the boundary on the Proposals Map. However, consultation on the draft MTAN (Feb 2008) discussed the proposal of extending this buffer zone to 500 metres.

Draft Regional Technical Statement for Aggregates 2007

The Regional Technical Statement (RTS) has been produced by the South Wales Regional Aggregates Working Party (SWRAWP). MTAN1 sets an overarching objective which seeks to ensure a sustainably managed supply of aggregates (which are essential for construction), striking the balance between environmental, economic and social costs. This draft RTS has been formulated to help guide individual Unitary Authorities in South Wales on how to implement these mineral planning policies in the formulation of their individual Local Development Plan (LDP) policies and allocations.

A key issue in the RTS is the proposed apportionment of aggregate production rates between individual authorities. This will be achieved through existing permitted reserves within the authorities or through allocating new areas for quarrying. It should be noted that although Brecon Beacons National Park (BBNP) have a series of existing working quarries and many future reserves, this apportionment will not apply to the BBNP area, who will not be required to allocate new land for quarrying. Neighbouring authorities are required to consider what contribution they are able to make to any

possible shortfall resulting from the decision to omit the BBNP area.

In order to ensure that the objectives of the RTS are achieved, the document makes 6 specific recommendations in respect of Rhondda Cynon Taf. These are as follows:

- Early consideration should be given to the need to allocate additional reserves in Rhondda Cynon Taf likely to be required in the latter part of the 15 year landbank period;
- Alternative limestone and high quality sandstone resources need to be safeguarded;
- There are no wharfs to protect but opportunities for co-using rail facilities (primarily established for open cast coal), for aggregates should be considered as they arise;
- Tower Colliery railhead should also be identified for protection in the LDP to safeguard possible future aggregate transportation;
- The possibility of Rhondda Cynon Taf taking on a share of the production presently derived from the BBNP should be considered.
- Land won sand and gravel resources need to be safeguarded in the LDP.

In order to ensure that an appropriate planning framework exists for mineral and aggregates operations in Rhondda Cynon Taf the emerging LDP will need to consider recommendations contained in the RTS.

Detailed consideration will need to be given to the identification of land which is suitable for minerals operations.

The location of any future allocation would need to be comprehensively considered against the principles of sustainable development and environmental considerations.

The strategic nature of the RTS means that it is not the intention to put forward specific sites. This is a matter for the MPAs via their respective LDPs, but within this regional framework. However in order to achieve transparency and robust scrutiny, where the RTS points to a general provision to meet an anticipated shortfall, this process has been the subject of strategic analysis by way of an environmental capacity assessment based on the IMAECA system. The IMAECA system is not intended to be used for, nor is it suitable for, the detailed identification of potential resource allocations in UDPs/LDPs or in the determination of planning applications.

The Imaeca system;

The Welsh Assembly Government considered that it was important to ensure that future aggregates supply in Wales should in future reflect the ability of resource areas to accommodate workings more closely than in the past. The Assembly therefore commissioned Arup Environmental to carry out a study into the environmental capacity of such areas. Their report, "Establishing a Methodology for Assessing Aggregates Demand and Supply" (EMAADS) was completed in 2003 and advocated a system whereby each grid square containing more than a given proportion of aggregate resource, should be assessed against twelve criteria, reflecting predefined environmental assets. It also advised the adoption of a supply based more closely upon population (as a general approximation to demand) within each MPA.

Having established a methodology, Enviro Consulting Ltd was commissioned by Welsh Assembly Government to generate the resource base and assess the incidence of environmental indicators and to build a system by which values can be attached to each 1km grid square concerned. Their report, "Implementing the Methodology for Assessing the Environmental Capacity for Primary Aggregates" (IMAECA) was published in 2005 and is available from the Welsh Assembly Government. The values attached to each environmental capacity indicator were fixed by Welsh Assembly Government. The report's authors consider that it will meet most of the requirements of Strategic Environmental Assessment (SEA).

LOCAL POLICY CONTEXT

A Better Life – Our Community Plan 2001 – 2014

A Better Life – Our Community Plan sets out a framework for creating a brighter future for everyone who lives and works in Rhondda Cynon Taf. The plan was developed through the Better Life Consortium, during 2003/2004. The community Plan identifies 5 key themes under which are a series of local level aims. The key themes are:

- Safer Communities
- Our Living Space
- Our Health and Well Being
- Boosting Our Local Economy
- Learning for Growth

The key themes identified in the Community Plan has been developed into strategies for improving the quality of life in Rhondda Cynon Taf. The area of minerals extraction and use is not referred to directly in any part of the Community Plan or the 5 Strategies that have developed from it.

However, the Boosting Our Local Economy – Economic Regeneration Strategy does set out the need to undertake a major programme of physical regeneration of our urban areas. This will of course require the availability of a range of aggregates. Furthermore, it sets out the aim to create *more quality jobs and increased employment opportunities in a strong prosperous, self-reliant economy*. Employment prospects could arise within the aggregate and coal extraction industry, but in particular, the re-use and recycling of construction and demolition waste should indeed provide for a growing industry.

Our Living Space – An Environmental Improvement Strategy outlines waste as one out of 7 themes. It aims to successfully develop a sustainable waste management culture so that recycling and reuse become predominant as opposed to landfill. Although this is aimed more specifically at household waste, construction, demolition and extraction waste could be considered within this.

4. KEY ISSUES IN RHONDDA CYNON TAF

The key issues to be addressed by the Rhondda Cynon Taf LDP have been identified by making an assessment of the following:

- The results of pre-deposit consultation with key stakeholders;

- The results of the Sustainability Appraisal/Strategic Environmental Assessment Scoping Exercise ;
- A review of baseline social, economic environmental information.

The issues identified through this process will inform directly the development of the spatial strategy for the LDP.

Pre Deposit Consultation

Minerals issues were not specifically discussed in the visioning workshops, although the broad aspirations to see considerable new transport infrastructure, housing and retail development would have a major impact on the demand for minerals.

Sustainability Appraisal (SA) / Strategic Environmental Assessment (SEA) identified the following minerals issues ;

A number of the key issues and opportunities were identified for the SA Scoping Report of the LDP which have bearing on the future of mineral planning in Rhondda Cynon Taf. In particular this would be the need to recycle materials and reducing the waste of primary resources. Also, and perhaps less apparently, supporting the creation of new employment and regeneration. Extraction of minerals would also need to be considered against the conservation and enhancement of biodiversity in the area.

The baseline information in the report identified mineral extraction as an important industry within the economy of Rhondda Cynon Taf, and although Tower Colliery has since ceased production, the active quarries in the area still directly

and indirectly provide much employment. Further information is included in the Preferred Strategy document. This relates to the fact that there are 8 sites in Rhondda Cynon Taf which have potential sand and gravel resources together with other areas where high quality hard rock resources are known to exist. In view of their relatively limited regional availability and significance to the construction industry, there will be a need to safeguard such areas from development which could sterilise potential mineral reserve

5. PREFERRED STRATEGY (January 2007)

The Preferred Strategy provides the following policy framework for the development of minerals in Rhondda Cynon Taf.

Objectives of the LDP:

Paragraph 4.2 of the Preferred Strategy lists 16 objectives for the LDP. The following objectives are the most relevant to the topic area;

- Promote efficient and appropriate use of minerals including the safeguarding of resources and ensuring that adequate reserves are allocated to meet local, regional and national needs
- Minimise waste, especially waste to landfill and making adequate provision for waste facilities in accordance with the findings of the Regional Waste Plan.
- Provide for a sustainable economy

- Provide for a diverse range of job opportunities
- Improve, protect and enhance the landscape and countryside Protect and enhance the diversity and abundance of wildlife habitats and native species

The Preferred Strategy Option:

Paragraphs 6.32 and 6.33 of the Preferred Strategy provide a strategy for the development of minerals. The paragraphs are as follows;

Minerals

6.32 Minerals Planning Policy Wales advises local authorities to include policies for the maintenance of landbanks for non-energy minerals which are currently in demand. Landbanks are determined using the average production figures over the previous 3 years and dividing the reserves by the annual average production.

6.33 The LDP will address the requirements of the emerging Regional Technical Statement (currently being prepared by the South Wales Regional Aggregates Working Party) by ensuring that a landbank for aggregates is maintained. It will also seek to identify potential resource areas for sand and gravel and high quality hard rock resources. Coal resources will also be safeguarded where viability or reserves can be demonstrated.

The Environmental Protection section will also guide the planning of mineral policies

6.23 The Strategy will play a vital role in securing an appropriate balance between protection of the natural environment and historic heritage. In order to maintain and improve the local environment, the Strategy is based on providing a high level of protection for important features as well as providing a basis for positive policies on issues such as design conservation and amenity provision.

Strategic Policy

The following strategic minerals policy was included in the Local Development Plan : Preferred Strategy Document

SP 15 - Minerals

Rhondda Cynon Taf will seek to contribute to regional demand in providing a continuous supply of minerals to meet the needs of industry and society as a whole, by

- a) **maintaining a 20 year landbank of permitted aggregate reserves and protecting future resources**
- b) **safeguarding other mineral resources, including coal and high quality hard rock taking into account the range and extent of resources and environmental, planning and transportation considerations. Where proven reserves are under threat from sterilisation by necessary development the pre working of the mineral resource will be encouraged.**

- c) **ensuring that impacts from mineral operations and the transportation of minerals are limited to an acceptable proven safe limit;**
- d) **ensuring that adequate restoration and aftercare measures are incorporated;**
- e) **Promoting efficient usage, minimising production of waste, and promoting alternatives to primary won aggregates.**

Representations to the Preferred Strategy

Representations made in respect of the minerals element of the Preferred Strategy relate specifically to Paragraph 6.32/6.33 – Minerals and policy SP15 – Minerals.

Outlined below is a summary of the main representation submitted in respect of Minerals.

Representations to Paragraph 6.32/6.33 – Minerals

Issue: Consideration needs to be given to the requirement to safeguard coal reserves.

Response: Agreed. The LDP will provide a policy context for the protection of primary and secondary coal reserves.

Issue: The LDP should ensure that reserves of non-energy minerals are protected.

Response; Agreed. The LDP will provide a policy context for the protection of non-energy minerals.

Representations to Policy SP15 – Minerals.

Issue: The policy should be amended to take account of the balance between the supply of minerals and the desirability of development.

Response: The LDP will seek to provide a policy context which balances the supply of minerals with the desirability of extraction at both a local and national level.

6. DRAFT LDP POLICY

There has been no requirement to amend the strategic policy, SP 15.

Area wide policies

Rhondda Cynon Taf has a geological base of sedimentary rocks, mainly Upper Paleozoic, which include the dissected pennant sandstone plateau and underlying coal measures and shales. A narrow belt of carboniferous limestone rims the coalfield on both the southern and northern fringes of the County Borough. As such, the area is affected by several types of minerals operations which include deep mining for coal, and limestone and sandstone quarrying. In addition, some areas are undergoing restoration and aftercare as a result of open cast coal workings in the recent past. Due to the area's industrial legacy there are also a number of sites which require land reclamation as a result of previous extractive and processing activities.

Minerals Planning Policy Wales emphasises that it is essential to have a comprehensive and up to date set of information to

facilitate future sustainable planning for mineral extraction. Mineral sites within Rhondda Cynon Taff are described below:-

Quarries

The following quarries, either active or currently inactive, are present within the County Borough:-

- I. Craig Yr Hesg Quarry (Sandstone) lies between Pontypridd and the residential area of Glyncoch. It produces a high PSV (Polished Stone Value) road aggregate which is regarded as a scarce resource. Approximately 25 years of reserves exist. Due to the proximity of housing and landscape constraints workings associated with the extant planning consent and any future working of remaining reserves will extend to the north.
- II. Forest Wood Quarry (Limestone) straddles the County Borough Boundary with the Vale of Glamorgan, south of the M4 Motorway near Llanharry. Recent ground instability problems have now been overcome. Workings of permitted reserves are continuing but future reserves are concentrated across the boundary into the Vale.
- III. Hendy Quarry (Limestone) lies 1.5 kilometres south of Llantrisant between the A 4119 M4 link road and the village of Miskin. Site production has been suspended but an inert materials recycling facility on site pre-treats imported waste used for the filling of the quarry void. Reserves with planning consent may allow for 15 years of further extraction but lateral extension is constrained by geology, existing development and environmental

designations. On this basis further working is unlikely and the site is being promoted for development.

- IV. Penderyn Quarry (Limestone) is within the Brecon Beacons National Park and thus control is exercised by the National Park Authority. It may however, contribute to Rhondda Cynon Taf's overall landbank of reserves.
- V. Maendy Quarry (Sandstone), which is located west of Treforest, between Upper Church Village and Penycoedcae, is classified as 'Dormant' under the Environment Act (1995) Review of Mineral Planning Permissions. It effectively has planning permission but operations cannot recommence until new planning conditions have been approved.
- VI. Black Bog Quarry (Sandstone) lies within an elevated, forested area west of Blaencwm in the Rhondda. The quarry has operated in connection with forestry requirements for road surface materials. A temporary planning consent has expired but some operations may be carried out in accordance with forestry permitted development rights.

In addition there are a number of disused quarries throughout the County Borough which no longer have the benefit of planning permission and which would be subject to the normal application procedures prior to any working taking place.

Deep Mining

Prior to the 1980's mining was the most dominant form of mineral extraction in Rhondda Cynon Taf. Previously numerous deep coal mines contributed to significant numbers employed in the industry. Mining for iron ore was also carried

out at Llanharry. One deep mine has remained operational at Tower Colliery until recently. However, workable coal reserves are now exhausted and the pit has ceased production.

POLICY M1 – Buffer Zones

Mineral Buffer Zones are identified on the Proposals Map around

- i) Forest Wood Quarry; and**
- ii) Craig-yr-Hesg Quarry and the adjoining, identified Preferred Area of Known Resource.**

Within these zones new development will be restricted to safeguard future resources. In considering proposals for non-mineral related development within these areas account will be taken of the potential impact of quarrying on the development and the extent to which the proposals would inhibit quarrying activity. In order to protect sensitive land uses, proposed mineral extraction will not be granted within a distance of at least 200 metres from dwellings or other sensitive uses unless it can be demonstrated that the working of minerals will not have an unacceptable effect on those land uses.

The planning system has an important role to play in safeguarding deposits that are, or may become, of economic importance from unnecessary sterilisation by surface development. The use of Mineral Buffer Zones are important tools in this respect. Within such a defined area mineral issues will be a factor when planning applications are determined.

Such buffer (previously referred to as safeguarding) areas drawn around three large operational quarries in Rhondda

Cynon Taf (together with a small area extending from Blaengwynlais Quarry in the Cardiff Council Area) have been established in Adopted Local Plans.

The identification of Mineral Buffer Zones do not carry any implication that planning permission would be granted for quarrying. Indeed within these zones there are significant constraints which preclude lateral extensions for quarrying operations in some areas, including proximity to residential areas and areas of importance in terms of landscape and nature conservation. In these circumstances it is necessary to identify buffer zones where sensitive areas will be protected from the effects of extraction.

POLICY M2 – Extensions to Quarries.

Favourable consideration will be given to enlargements of existing quarries subject to Policies M1, M6 and M7. There will be a preference for deepening over lateral extensions depending on geotechnical, hydrological, and hydrogeological conditions. New quarries and substantial extensions beyond identifiable limits will not be permitted where this would result in unacceptable impacts on the built or natural environment.

The continuation of operations at established quarries is generally preferable to the development of new sites. Deepening of sites can reduce the area of land for working and ensures the best use of reserves, particularly if resources are known to be present at a depth which may be worked economically. However, in determining the best option consideration will need to be given to potential environmental implications, particularly impact on hydrology and water resources. The effects of mineral working on surface and

ground water need to be fully understood and it will be necessary for the Mineral Planning Authority to work closely with the Environment Agency and operators in monitoring hydrological conditions to ensure that the water environment can be properly safeguarded.

The Environment Act 1995 provides that sites with planning consent for the winning and working of minerals or involving the deposition of mineral waste must be reviewed every 15 years. Where it is considered necessary, new conditions should be imposed to ensure that environmental impact is minimised.

Draft POLICY M3 – Safeguarding of Sand and Gravel Reserves

The following sites may contain potential reserves of sand and gravel and will be safeguarded from development for this purpose. Any future proposals for extraction will be subject to the provisions of Policies M6 and M7:-

- i) Llanilid, East of Felindre Road,**
- ii) Rhiwsaeson Road, Cross Inn,**
- iii) Heol Creigiau, Rhiwsaeson.**

The need to consider alternative sources of sand and gravel rather than continuing to rely on marine dredged sources to support future economic development in Wales is recognised. Minerals Planning Policy Wales (2000) and MTAN 1 : Aggregates point out that “safeguarding does not indicate an acceptance of working, but that the location and quality of the mineral is known, and that the environmental constraints associated with extraction have been considered”. With this in mind potential resource blocks have been examined and the

above sites have been considered appropriate for safeguarding.

Mineral resources are finite and those which are of economic importance should be safeguarded against other forms of development which would sterilise them. While increasing use should be made of secondary and substitute materials, care should be taken not to sterilise primary mineral sources in the interests of long term sustainability.

Draft POLICY M4 – Safeguarding of Coal Reserves

The following sites may contain potential reserves of coal and will be safeguarded from development for this purpose. Any future proposals for extraction will be subject to the provisions of Policies M6 and M7.

- 1. Land north east of Tower Colliery;**
- 2. Land north west of Brynna;**

The two areas identified include land at Tower, where proposals seeking to reclaim land for development as part of a strategic site involve potential coal extraction in the shorter term. Land west of Brynna is part of a wider area of potential resources which extends into the Bridgend CBC area. The draft MTAN advises that within the resource areas, Separation Zones should be measured from defined settlement boundaries within which coal operations will not be permitted. An inner separation zone of 200 metres should be classed as a high constraint and between 200 and 350 metres as a medium constraint.

Draft POLICY M5 – Pre-working of Mineral Reserves

Where reserves are under threat from sterilisation by necessary development the extraction of minerals prior to the other form of development taking place will be encouraged. Under these circumstances planning permission may be granted for prior extraction of minerals, provided that mineral extraction and restoration to an acceptable standard can be achieved within a timetable that would not prejudice implementation of the desired after-use.

As well as the sites safeguarded in Policy M3, several other sites have been identified as having potential sand and gravel reserves. These sites (mainly in the Pontyclun/Talbot Green Area) are not considered appropriate for safeguarding for a number of reasons which include access constraints, proximity to residential areas and sterilisation by existing uses or consents.

There may be circumstances, however, where the sites are affected by infrastructure works or wider development proposals. In such cases, or where sites already have planning permission for development, pre-working of minerals may be desirable, either as a means of contributing to the overall viability of the scheme, or by providing a source of readily available construction materials. Allowing for such extraction prior to construction taking place is an approach recommended in Minerals Planning Policy Wales as a means of avoiding sterilisation.

Draft POLICY M6- General Proposals For Winning and Working of Minerals.

Proposals for the winning and working of minerals and associated development will be permitted only where:-

- i) **A proven need has been established for the materials involved, either in a local or regional context;**
- ii) **The sterilisation of resources would otherwise occur;**
- iii) **The impact of operations and associated works and activities together with the duration of development upon neighbouring communities and land uses can be mitigated to acceptable levels, including the effects of noise, dust, and vibration;**
- iv) **Effects on surface and subsurface drainage and water resources can be adequately controlled;**
- v) **Adverse impacts on sensitive landscape areas can be minimised;**
- vi) **Proposals for restoration, aftercare and beneficial after-use are acceptable;**
- vii) **Measures can be taken to ensure that ecological and wildlife interests do not suffer significant adverse effects, particularly where designated and proposed areas of nature conservation interests or protected species may be affected;**
- viii) **h) Proposals are acceptable in terms of highway and transportation considerations, particularly the consequences of traffic movements and volume of traffic, with transportation by rail being favoured where appropriate;**
- ix) **Benefits to the local economy will result;**

- x) **j) The proposal is unlikely to create or exacerbate problems associated with ground stability in the surrounding area;**
- xi) **k) The unnecessary degradation of good quality agricultural land is avoided;**
- xii) **l) Adverse impact on important features of the built environment and archeologically sensitive areas, including conservation areas, listed buildings and scheduled ancient monuments can be mitigated.**

In considering proposals for the winning and working of minerals it will be important to ensure that sensitive areas in terms of landscape, nature conservation and local amenity are protected and that adequate restoration is carried out when operations have ceased. In order for planning permission to be granted it must be demonstrated that mineral extraction will not cause demonstrable harm and that any negative impacts can be addressed by planning conditions or agreements. Account must also be taken of the extent to which impacts can be mitigated and any positive environmental or economic benefits which may arise.

Although the individual characteristics of mineral workings may vary there are many common factors which need to be considered in assessing proposals. The criteria are intended to provide a general list against which wide ranging proposals may be judged. Soil stripping, for example, is a mineral operation which will be covered by this policy.

In appropriate circumstances these factors should be weighed by means of an Environmental Impact Assessment (EIA), prepared under the provisions of the Town and Country Planning (Environmental Impact Assessment)(England and

Wales) Regulations 1999. EIA is always required where proposed quarries or open cast mines exceed 25 ha (Schedule 1). EIA may be required for all other proposed operations depending on the likely environmental impact (Schedule 2).

It is accepted that not all the criteria will be applicable in all cases. Further criteria specific to circumstances or the type of development are contained in the following policies.

Draft POLICY M7 – Restoration

Proposals for restoration and reclamation should be submitted for approval with every application. These should incorporate a scheme outlining:-

- i) Plans for the progressive restoration of the site where possible;**
- ii) Submission of details of phasing, filling and landforms, drainage, soil management, planting and landscaping;**
- iii) Plans for the removal of all plant, buildings, structures, machinery, roads and hardstanding;**
- iv) Proposals for the beneficial use of waste materials;**
- v) Aftercare proposals.**

Mineral workings have a wide range of potential after uses, but because of their mainly rural location, most sites will normally be reinstated to agriculture, forestry or amenity after uses such as recreation or nature conservation. Restoration proposals should make a positive contribution by taking into account the pre-working character of the site whilst aiming to enhance those characteristics in terms of nature conservation,

landscape, recreational potential and/or agricultural land quality.

During the course of operations there are clear advantages in reducing the impact of quarries and other open pit excavations by creating landscaping screens, sympathetic siting of plant and phasing of development to allow for restoration of worked out areas whilst work progresses elsewhere. Mineral operators will be required to address these matters when submitting applications for mineral working, including reviews of existing permissions.

Properly worded and relevant planning conditions should secure the restoration, aftercare and after use of sites. In some cases bonds or other financial guarantees may be required to underpin planning conditions, particularly in coal extraction schemes. Section 106 Agreements can also be used to secure long term site management or contributions to community facilities.

Draft POLICY M8- Tipping of Mineral Waste

Proposals for the tipping of mineral waste will only be permitted where they are acceptable under Policy M6 and where:-

- i) It can be demonstrated that the materials cannot be utilised elsewhere for fill purposes or for other forms of re - use;**
- ii) The scale of the proposals and the resultant land form is compatible with the existing landscape;**
- iii) The waste materials can be compacted, contoured and progressively treated to safe**

standards that are appropriate for the required after-use;

- iv) Potential effects of pollution and impact on the wider environment are minimised.**

Mineral operations often produce waste. Re-use of these wastes (See POLICY M9) can help to conserve mineral deposits whilst at the same time minimising the need for new tipping. If it is not practicable to re-use waste, sites for disposing of mineral waste will be required, either adjacent to the extraction site or elsewhere.

Disposal of mine or quarry waste would normally require planning permission, although there is provision in the Town and Country Planning (General Permitted Development) Order 1995 (GDPO) for disposal on site or on ancillary land (subject to limitations of scale). In any event operators will be required to submit a waste management scheme covering the manner in which waste is to be deposited, storage of subsoil and topsoil, and the restoration and aftercare of the site.

Draft POLICY M9 – Use of Secondary Materials

The use of recycled and secondary aggregates, together with appropriate industrial wastes which are suitable as substitute materials, will be encouraged in order to reduce demand from primary sources, provided that:-

- i) any production or treatment processes can be carried out without unacceptable harm to the environment;**
- ii) the location of recycling facilities is compatible with appropriate waste policies in this Plan;**
- iii) large scale importation of waste materials can be fully justified .**

It is important to maximise the use of such substitute materials such as recycled and secondary aggregates as it reduces the amount of primary won minerals required which are a finite resource. At the same time quantities of materials which would otherwise be regarded as waste for tipping are also reduced. Recycled aggregates are those previously used in construction (eg. construction and demolition wastes) whereas secondary aggregates are by-products of mineral activities or other processes (eg colliery spoil, power station ash etc.)

In recovering materials treatment may be required in order to obtain inert aggregates (for example, the cleaning of spent railway ballast). Recycling facilities are also needed, some of which may be of a temporary nature, ie on site during construction. It is important that necessary safeguards are in place to protect the surrounding environment from any adverse effects of such activities. In this context the above policy needs to be applied in conjunction with Policies M6 and M7 and relevant Waste policies in this Plan.

There are circumstances where the quantities of waste generated by mineral operations is not sufficient to complete restoration of workings. This may necessitate the importation of inert waste. In these circumstances, the waste management implications will need to be weighed up against the restoration objectives. There will also be a requirement for a site licence under the Environment Protection Act 1990, and granted by the Environment Agency. The following policies are also relevant in this context.

Draft POLICY M10 – Reworking of Mineral Waste

Proposals for the reworking of mineral waste will be permitted where:-

- i) they provide opportunities for environmental enhancement;**
- ii) they enable land to be reclaimed for suitable after uses which are compatible with Plan Policies;**
- iii) there are no unacceptable detrimental effects on the local environment; including public access, neighbouring land uses, settlements, or sites being promoted for economic development;**
- iv) provision is made for acceptable transportation of materials;**
- v) the site is not regarded as having significance in landscape, scientific or archeological terms.**

The re-use of mineral waste from discontinued workings and old spoil tips may contribute to overall sustainability objectives whilst also encouraging land reclamation initiatives. Furthermore economic reserves of coal may be found in old spoil tips which date from periods when methods for separating coal from spoil were not particularly efficient.

Although reworking is generally encouraged, in many cases there may be good planning reasons for resisting proposals. Old tips, for example, may have become re-colonised by important species of flora and fauna, or may have industrial archeological merits. As such they may also contribute to landscape character.

Reworking activities may also have a major impact on the local environment and residential amenities. There will thus be a need to weigh up the benefits of reworking against environmental impact. Facts to consider will include the need

for the mineral concerned, arrangements for working and transportation, and the proposed reclamation scheme. Wherever practicable progressive restoration will be required.

Draft POLICY M11 – Borrow Pits

Proposals for the development of borrow pits will be permitted where:-

- i) there is a need for a particular type of aggregate which cannot reasonably be supplied from existing quarries in the area or where supply from existing sources would be detrimental to local amenities due to the scale, location and timing of operations ;**
- ii) the site lies on, or immediately adjoins, the proposed construction scheme so that materials can be conveyed with minimal impact on the local highway network;**
- iii) the site can be satisfactorily restored, preferably without the use of imported materials.**

Borrow pits are temporary mineral workings on or near major construction projects which supply aggregates for the project and which are sometimes used for the disposal of surplus material from the scheme. A recent example in Rhondda Cynon Taf was the Gelli'r Haidd Uchaf Borrow Pit, worked in conjunction with the Parc Eirin scheme west of Tonyrefail.

Generally it is beneficial to develop borrow pits in close proximity to construction works to minimise the transportation of aggregates. In considering proposals, Policies M6 and M7 should also be referred to.

Draft POLICY M12 – Mineral Exploration

Proposals for mineral exploration will be permitted provided that measures for the protection of the environment and restoration of land are acceptable.

Many small scale activities associated with mineral exploration such as boreholes and trial pits are classed as “permitted development “ under the GDPO. There may be future interest in examining whether any potential reserves of hard rock, vein minerals, hydrocarbons (eg coalbed methane gas) or sand and gravel are economically workable. If so large scale drilling installations or seismic surveys involving blasting may be necessary.

This policy is intended to cover such eventualities where there will be a need to ensure that there will be no adverse effects on the environment and any land disturbed is restored quickly and adequately to its previous condition. Any subsequent proposals for working will need to be examined under Policy M5 and other related policies.

7. FURTHER ADVICE

If you require any further advice or assistance in respect this or other LDP documents or wish to be placed on the Council’s consultation database please contact a member of the Local Development Plan Team at:

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