

Lines to take

- The role of the planning authority in relation to mineral extraction is to balance the requirement to ensure the adequate supply of minerals with the protection of amenity and the environment
- I am aware that residents have raised concerns relating to activities at Craig Yr Hesg quarry.
- Local planning authorities have powers to investigate potential breaches of planning control. Responsibility for enforcing planning control, including conditions attached to permission granted following a successful appeal, now lies with the Council.
- I understand the operators are working to set up a Craig-Yr-Hesg quarry community liaison group. The aim of the group would be to provide an information exchange between the operator and local community representatives made up of local elected reps, council officers, the local community and representatives from statutory and non-statutory bodies.
- The primary purpose of buffer zones is to limit the impact of mineral working and to protect land uses that are most sensitive to the impact of mineral operations by establishing a separation distance between potentially conflicting land uses.
- The policy position, as outlined in PPW and MTAN1, seeks to actively reduce the proportion of primary aggregates used in relation to secondary, recycled or waste materials. Its aspiration is that, once a reasonable estimate of demand has been obtained, any subsequent fluctuations above that level should be accommodated by increased supplies from secondary and recycled sources.
- Policies should protect potential mineral resources from other types of permanent development which would either sterilise them or hinder extraction, or which may hinder extraction in the future as technology changes
- The responsibility for planning at a local level, including planning applications for quarry development, rests with the Local Planning Authority.
- Applications for planning permission must be determined in accordance with the Local Development Plan for the area, unless material considerations indicate otherwise.

- It is the duty of Local Planning Authorities to decide each application on its planning merits, taking account of the substance of local views, relevant local and national planning policies and any other material considerations.
- The 200m buffer zone outlined in national policy is a minimum distance and the buffer zone should be defined from the outer edge of the area where extraction and processing operations will take place, including site haul roads, rather than the site boundary.
- The maximum extent of the buffer zone would depend on a number of factors: the size, type and location of workings, the topography of the surrounding area, existing and anticipated levels of noise and dust, current and predicted vibration from blasting operations and availability of mitigation measures.
- Buffer zones will of necessity vary in size depending on the mineral being extracted and the nature of the operation but must be clearly defined and indicated on development plan proposals maps.
- Excessive long-term exposures to almost any forms of dust are likely to lead to respiratory problems. I would expect quarries to be well managed and regulated and have clear plans in place for proper dust management and monitoring in order to minimise any impact to the public and to demonstrate that the activities do not have a significant impact on local air quality.
- If that is not the case the local planning authority and other appropriate regulators (NRW, HSE) would be expected to enforce the relevant planning conditions and standards for the site.
- Public Health Wales do review information that is made available to them by relevant multi-agency partners, and they do meet with colleagues from both Local Authorities and Health Boards to discuss matters where this is appropriate. On this occasion, however, I understand they do not have further details of the tests described or the regulated laboratory through which this data has been provided, and it would not be appropriate to comment directly on these results.
- Where regular complaints are received or there is concern about local impacts the local planning authority should request that the operator cooperate in establishing regular meetings of a nominated group. Such a group should comprise an equal balance of residents and representatives of the operator together with officers and local elected members of the authority and others, such as town or community councillors, as appropriate. Every effort should be

made to ensure the groups are open and as transparent as possible.

- MTAN 1 requires the preparation of the RTS for the areas covered by both the South Wales and North Wales Regional Aggregates Working Parties (RAWPs).
- The aim of the RTS is to ensure that an adequate and steady supply of aggregates can be maintained throughout Wales. This is an important way of ensuring the materials which underpin construction and economic prosperity are or can be made available to support the provision of housing and infrastructure.

Background Briefing

Previously Heledd Fychan MS tabled a legislative proposal on a Bill on introducing a presumption in planning processes against approving quarry development in close proximity to settlements, represents South Wales Central.

Separately, the petitions Committee has written to you having a received a petition from a member of the public, [REDACTED], which requests a mandatory buffer zone for all new and existing quarries in Wales. The petition proposes at least a 1,000 metre buffer zone from all residential areas, schools, hospitals, and care facilities. You have responded to the Committee's letter to you on this. (RE-10069-24 refers)

Craig Y Hesg Quarry, Glyncoch

Craig Y Hesg Quarry, Glyncoch, RCT sits within Heledd Fychan's constituency.

The Welsh Ministers allowed two planning appeals on 11 October 2022 relating to planning applications made by Hanson UK Ltd for mining at Craig yr Hesg Quarry. Due to planning law and established practice, you are unable to comment on these decisions.

Residents have raised concerns relating to activities at the quarry. Both appeal decisions are subject to planning conditions which seek to control and mitigate any potential impacts from the development. Local planning authorities have powers to investigate potential breaches of planning control. Responsibility for enforcing planning control, including conditions attached to permission granted following a successful appeal, now lies with the Council.

The possibility of enforcement action also means the case may again be presented to the Welsh Ministers, this time to determine an enforcement appeal. This possibility means you cannot comment on the planning merits of the site to avoid prejudice to those proceedings.

Welsh Government has received extensive correspondence, from elected representatives and members of the public, in relation to the decision to uphold an appeal by the operators of Craig yr Hesg quarry to extend quarrying operations at the site. The decision was locally controversial and we continue to receive complaints about the principle of the development, as well as that the developer is failing to comply with conditions attached to the grant of permission on appeal, including failing to notify the community of blasting times, and failing to implement dust control measures for the transporting of minerals.

Once a recovered planning appeal has been determined by the Welsh Ministers, the decision can only be challenged via judicial review, within six weeks of the decision, and only on the grounds that the handling of the matter was legally flawed. The

opportunity to do so has long passed and the decision is final. It would not be appropriate to comment on or amplify the decision made as this could raise issues of interpretation which present an opportunity for the Courts to consider the matter afresh.

Responsibility for ensuring compliance with a recovered appeal decision, including any conditions attached to it, rest with the relevant LPA. Any residents or their elected representatives with concerns about operations at the site should direct these to Rhondda Cynon Taf CBC's planning enforcement team. There is no statutory duty to use enforcement powers – these should only be used where the LPA deems it appropriate to do so in the wider public interest. The first step in any consideration of enforcement action is establishing whether a breach of control has actually occurred, and if so, whether action is appropriate.

Buffer Zones

A buffer zone is an area of land separating a mineral site from potentially sensitive land uses such as housing, and which acts as a physical barrier.

Development plans are required to indicate the boundary of the buffer zone.

Within the buffer zone, no new sensitive development or mineral extraction should be approved.

Sensitive development is any building occupied by people on a regular basis and includes housing areas, hostels, meeting places, schools and hospitals where an acceptable standard of amenity should be expected. Sensitive development could also include specialised high technology industrial development where operational needs require high standards of amenity.

The objective of the buffer zone is to protect land uses that are most sensitive to the impact of mineral operations by establishing a separation distance between potentially conflicting land uses. Research has indicated that people living close to mineral workings consider dust to be the main impact of mineral extraction and any processing operations, followed by traffic, and noise and vibration from blasting.

minimum distances should be adopted unless there are clear and justifiable reasons for reducing the distance. An example may be that, because of other means of control, there is very limited impact from the mineral extraction site.

Mineral Extraction Type	Minimum Distance
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Sand and gravel (and others	100 metres
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where no blasting is permitted)

Hard rock quarries

200 metres

MTAN1 outlines that the buffer zone should be defined from the outer edge of the area where extraction and processing operations will take place, including site haul roads, rather than the site boundary, as there may be land within site boundaries where mineral activities are limited or no operations are proposed so that the impact of the proximity of such land is negligible. Where mobile plant is likely to be used it will usually be necessary to control by planning conditions the location of the operational area where plant may operate in order to maintain the buffer zone and thus protect amenity

If a quarry has an extant planning permission, a change to a buffer zone policy wouldn't apply as any change would apply to new sites or extensions to existing sites only

If you were to extend the buffer zone, sensitive land uses such as housing would still exist within the buffer zone.

An increased buffer zone could have wider implications. For example, should a new housing site come forward during the development plan process, and a 1000m buffer was in place, it could stop that housing development from coming forward. Thus sterilising land from other uses. This could have implications for the government's target of 20,000 homes for social rent, for instance.

Dust

Dust is a generic term used to describe particulate matter which may be found resting on the ground or other surfaces, but is capable of becoming airborne to disperse in the atmosphere before returning to the surface

Where dust is demonstrated to have the potential to affect the use of land the Welsh Government takes the view that it is a material planning consideration.

The potential impact on health must always be considered in relation to proposals for aggregates extraction and a health impact assessment should be carried out for any proposal for a new quarry or sand and gravel pit located within one kilometre of an existing community.

Planning conditions can control certain activities to protect against dust emissions

Planning conditions can impose: working programmes/site design and layout - location of dust emission sources away from sensitive development, protection of loading/unloading activities and materials storage areas, control of soil handling and overburden stripping including timing to suit weather conditions

Public Health Wales have been made aware of the community's concerns regarding Craig yr Hesg but they do not have any regulatory responsibilities or powers around

the management or enforcement of a site such as this. They can advise regulators, the public and other partners, but do not control sites. This also means that they do not oversee regulators or carry out inspections at sites. However, they can carry out public health risk assessments and aim to give independent, balanced public health advice based on appropriate data.

Public Health Wales have previously shared the following information (and further information can be found on the HSE website [Silica - HSE](#)):

Dust – Silica (Quartz)

The Health and Safety Executive (HSE) ([Silica - HSE](#)) has found that no cases of silicosis have been documented among members of the general public in Great Britain, indicating that environmental exposures to silica dust are not sufficiently high to cause this occupational disease.

It should also be noted that excessive long term exposures to almost **any** dust, are likely to lead to respiratory (breathing) problems and this is why our policy states that *the potential impact on health must always be considered in relation to proposals for aggregates extraction and a health impact assessment should be carried out for any proposal for a new quarry or sand and gravel pit located within one kilometre of an existing community.*

The risk associated with silica is related to prolonged workplace exposure to high levels of silica dust and not to people living locally. One of the health risks from working in the quarry industry is that of exposure to fine dust containing crystalline silica (also known as quartz). Quartz is found in almost all kinds of rock, sands, clays, shale and gravel. Workers exposed to fine dust containing quartz are at risk of developing a chronic and possibly severely disabling lung disease known as “silicosis”.

It usually takes several years of regular daily exposure before there is a risk of developing silicosis. Silicosis is a disease that has only been seen in workers from industries where there is a significant exposure to silica dust, such as in quarries, foundries, the potteries etc. No cases of silicosis have been documented among members of the general public in Great Britain, indicating that environmental exposures to silica dust are not sufficiently high to cause this occupational disease.

Economy

The Welsh mineral products sector is significant in its own right, but it also plays a vital role in supporting the Welsh construction sector, which represents six per cent of the Welsh economy, has a turnover of £6.1 billion and provides 88,000 jobs.

The mineral products industry is a key employer in Wales – providing direct employment to around 3,800 people at more than 200 sites and generating sales of £650m

Taken from [Craig-yr-Hesg quarry community page | Heidelberg Materials UK](#):

Craig Yr Hesg Quarry contributes more than £2 million a year to the local economy and employs a team of 17 at the site, while a further 60+ maintenance engineers and HGV drivers