

Hearing Session 9: Minerals & Waste

Representor Reference: 4145

2: Minerals – Does the Plan satisfactorily translate national minerals planning policy down to the local level?

Planning permission for the continued operation and extension of Bryn Quarry was granted by the Council in 2009 (planning permission ref: 08/0055 refers) however it is unclear whether the Quarry Buffer Zone identified within Policy MN1.1 has been suitably updated to reflect the extant planning permission following the publication of the Deposit LDP in 2008.

Notwithstanding the above, the Quarry has a confirmed high PSV resource which should be suitably safeguarded and also allocated for future working / extraction within the plan period given the importance of high PSV aggregate to the local, regional and national economy and also the limited supply of such reserves within the County Borough. The operator of Bryn Quarry has obtained confirmation of the high PSV resource at the representation site from Tarmac and a consultant geologist (Edward Rees Independent Geological Consultant) with a supporting statement confirming the importance and quality of the mineral resource at the site from Wainwright & Co. These statements are attached to this submission to supplement the representations made to the Deposit LDP in this regard.

Whilst it is accepted that there exists a substantial landbank of mineral reserves within the plan area, the LDP should be amended to formally allocate the representation site for future mineral working within the plan period given the scarcity of this resource within the plan area. The Council's approval of planning application ref: 08/0055 confirms the appropriateness of Bryn Quarry for continued mineral working in environmental and operational terms and as such the allocation of the site within the plan is considered appropriate.

The LDP as drafted does not contain a criteria based policy for the consideration of mineral related developments within the plan period. As such, the plan is not considered to be suitably robust or flexible in the event that the landbank conditions change such that the need for new mineral development can be justified.

For the above reasons, the LDP is considered to be unsound given that it is contrary to national / regional policy (as required by test of soundness C2) and is not based upon a robust and credible evidence base (as required by test of soundness CE2).

3: Waste – Does the Plan satisfactorily translate national and regional waste policy down to the local level?

- *Does the Plan adequately translate the provisions of the Regional Waste Plan (RWP) down to the local level of Caerphilly Borough, and demonstrate how the policies and proposals of the Plan help to facilitate implementation of the RWP?*

With the exception of Policy WM1 (Cwmbargoed Washery Site, Fochriw), the LDP fails to identify specific sites for waste management purposes contrary to the requirements of national planning policy as set out within TAN21 (paragraph 5.1 of TAN21 refers) and regional planning policy as set out within the South East Wales Regional Waste Plan (paragraph 16.2.1 of the SEWRWP 1st Review, September 2008 refers). Whilst it is acknowledged that the LDP relies upon the allocation of employment sites to accommodate waste management development within the plan area, the absence of specific waste management land-use allocations to identify both existing and proposed waste management facilities is considered to be contrary to national and regional policy given that the SEWRWP specifically advises against the exclusion of Areas of Search and existing waste management sites identified within the plan. The reliance upon sites allocated for alternative land-uses is not considered robust or indeed capable of delivering the required waste management facilities within the plan period.

The LDP as drafted fails to provide a clear land-use strategy for the implementation of the wider national and regional waste policy. In addition, the LDP fails to provide robust evidence that sufficient land is safeguarded and readily available for waste management purposes in order to deliver the waste strategy within the plan. Accordingly, the LDP is considered to be unsound given that it is contrary to national / regional policy (as required by test of soundness C2) and is not based upon a robust and credible evidence base (as required by test of soundness CE2).

- *Does the evidence base provide sufficiently detailed and specific information about current and anticipated waste arisings; existing and foreseeable arrangements to deal with the different waste streams; and the consequent land-use and spatial requirements of future waste management arrangements, to demonstrate the adequacy and deliverability of the Plan's waste policies?*
- *Is Policy SP11 founded on a sufficiently robust evidence base? Are its provisions demonstrably adequate, sufficiently clear, realistic and deliverable?*

The LDP fails to provide a detailed and up-to-date analysis of existing or anticipated waste arisings within the County Borough or indeed the capacity of existing waste management facilities which is considered

essential in order to provide a robust assessment of the need for future waste facilities and land-use requirements within the area. Indeed, the Waste Management Background Papers do not provide information on the capacity of existing facilities within the County Borough or indeed make reference to the existing In-Vessel Compost Facility which is operational at the representation site at Bryn Quarry (which received planning consent in 2005 and has been operational since 2006). Accordingly, the LDP is considered to be unsound as it is not based upon a robust and credible evidence base (as required by test of soundness CE2).

5: Bryn Quarry Waste Transfer Station and Composting Facility

- *Does the absence of identification of the Bryn Quarry site as a waste transfer facility under the Policies SP11/WM1 render the Plan unsound?*

For the reasons identified above, it is not considered that the LDP as currently drafted provides a detailed analysis of the requirement for new waste management facilities within the area or indeed a robust land-use strategy capable of delivering the required facilities within the plan period. For these reasons, it is considered that the LDP should identify both existing waste management facilities and also specific sites for waste development in accordance with national and regional policy.

The representation site at Bryn Quarry comprises an integrated and operational waste management facility with extant planning permission for a Waste Transfer Station, an In-Vessel Compost Facility and a Green Waste Facility. The site, therefore, makes an important contribution to the sustainable management of waste and recycling within the County Borough at present. In this regard, the site is identified within the SEWRWP as an existing waste facility which lies within a wider Area of Search identified by the plan as being potentially suitable for new open air and in-building waste facilities (the site lies within the 4th Area of Search). In addition to the above, a planning application for an Anaerobic Digestion Facility at the representation site has recently been submitted to complement the existing waste management facilities although the application remains undetermined at present. The application is however accompanied by environmental and technical supporting documentation which demonstrates that the site is capable of accommodating the proposed use without detriment to the landscape character of the area or the wider environment. The SEWRWP specifically confirms that sites within 'Areas of Search' or existing waste management facilities should not be excluded and in this regard the site is promoted for formal allocation within the LDP to reflect its existing and potential future contribution to the sustainable management of waste within the County Borough.

For these reasons, the LDP is considered to be unsound given that it is contrary to national / regional policy (as required by test of soundness C2)

and is not based upon a robust and credible evidence base (as required by test of soundness CE2).

- *Is the nature and use of the site such that its inclusion within a Special Landscape Area under Policy NH1 is unsound?*

The operator commissioned Jellard Associates to carry out a critical review of the SLA designation within the area (Policy NH1.3 refers) which confirms that there is little justification for the SLA designation given the 'moderate' values identified by the LANDMAP evaluation scores and also the absence of Historic Landscape Aspect Data within the TACP Study commissioned by the Council to guide the allocation of SLA's within the plan. National guidance as provided by the LANDMAP SLA Guidance Note issued by CCW in 2008 confirms that SLA designations should be based upon updated and consistent LANDMAP information. The designation of SLA's within the plan is however predominantly focussed upon areas of substantially higher LANDMAP values than the area in proximity to the representation site which suggests that the SLA designation is not consistent with the plan as a whole and also that the identification of this particular area devalues the SLA policy designation contrary to national guidance. Indeed, the TACP Report specifically states that 'moderate' areas of landscape quality should not be designated as SLA's given that the majority of the County Borough would be designated which would 'go against the guidance in Planning Policy Wales'. Accordingly, the SLA designation of the area is considered to be unsound as it is contrary to national policy (as required by test of soundness C2) and is not based upon a robust and credible evidence base (as required by test of soundness CE2). The report by Jellard Associates is attached to this submission to supplement the representations submitted to the LDP on behalf of the operator.