

Application No: P/2016/0455

Grid Ref:

324385

258094

Community Council: Old Radnor

Valid Date:
25/4/2016

Officer:
Thomas Boothroyd

Applicant: Tarmac Trading LTD

Location: Dolyhir and Strinds Quarry, Dolyhir, Old Radnor, Presteigne, LD82RW

Proposal: Proposed northern extension to Dolyhir Quarry: construction of screening landform to the north and west of Dolyhir Quarry; related surface water management ponds and drainage infrastructure; construction of new agricultural access to the public highway and new perimeter agricultural access track; continued use of existing processing and secondary treatment plant at Dolyhir/Strinds Quarry; relocation of washing plant from Dolyhir Quarry to Strinds Quarry during phase 5 of development scheme; diversion of services; continued development of Strinds Quarry in accordance with the current working scheme; implementation of comprehensive restoration strategy; and consolidating of the overall Dolyhir and Strinds Quarry extension area and screening landform into one overall planning unit.

Application Type: Full Planning Permission

UPDATE REPORT

Background

This application was reported to the meeting of the Committee on 18th January 2018 where it was resolved that the application be granted consent, subject to the conditions set out in the report which is filed with the signed minutes and subject to the addition of a condition in respect of dust monitoring and delegation to the Professional Lead Development Management in consultation with the Chair and Vice Chair to agree a suitable Bond, which would be secured by a S106 agreement in respect of the restoration and aftercare of the site.

A Section 106 Agreement may only be included as a condition of granting planning permission if it meets statutory tests that any planning obligations in the agreement are

- necessary to make the development acceptable in planning terms,
- directly related to the development, and
- fairly and reasonably related in scale and kind.

Appraisal

Concern has been expressed by coalfield communities for many years about the proper restoration and aftercare of opencast coal sites throughout South Wales and that concern is fully understood. In an attempt to address the problem, legislation was introduced in 1987 specifically authorising Local Planning Authorities to require a bond to guarantee restoration and aftercare of coal mining sites, with the exception of sites operated by British Coal.

The Coal Industry Act 1994 privatised the coal industry and sold off British Coal sites to Celtic Energy Limited in South Wales. The sites bought by Celtic Energy Limited were still exempt from Bonds and this extended for a period of 10 years following the sale. Therein lies the source of the problems being experienced in many coal mining areas where coal

mining sites in the private sector are not properly covered by restoration and aftercare bonds.

No such legislation exists in terms of quarry development. This is no doubt due in large part to quarry communities not having experienced the same problems in relation to restoration and aftercare as coal mining communities.

There are good reasons why coal mining developments are much riskier than quarry developments in terms of their restoration and aftercare.

Whilst coal sites do undertake progressive restoration as far as possible there will always be a significant final void space at a point in time where all of the coal has been removed. The void needs to be filled with overburden from above ground overburden mounds and soils will need to be replaced at that point in time when the income stream of the private company concerned will have dried up and all that remains is a very significant liability. It is the nature of private industry that if there is no income stream and huge liability then the viability of the company is at significant risk. There is also no prospect of another company taking on the site at that stage, hence the need for a bond to ensure that money is available to cover restoration and aftercare costs.

Quarry development is quite different to opencast development in that regard. The income stream for a quarry will not dry up until the last piece of stone is removed and at that point there will be no requirement to infill the final void space with overburden or replace soils. The only material left un-sold would be waste material which is placed in a waste tip and landscaped at an early stage in the development. In addition, due to the requirement to progressively restore the final faces as development proceeds there will be very limited restoration work to undertake when the quarry is completed, hence there is no need for a bond to cover it.

In addition, were a company to fail at any point in the development of the quarry site there would be assets remaining which would be attractive to other companies, especially given the nature of the stone at Dolyhir and the demand for its products. Risks are further reduced due to the Service Level Agreement the Authority has with Carmarthenshire County Council to regularly monitor mine and quarry sites to ensure work is undertaken in accordance with the approved development scheme, including progressive restoration.

Conclusion

Section 106 Agreements should only be used to secure an objective which could not be realised by a planning condition and have to meet the tests set out above. In this case, restoration and aftercare can be achieved by planning conditions already recommended in the original report. Therefore, a Section 106 Agreement is not considered necessary to make the development acceptable in planning terms.

Recommendation

Planning permission is granted subject to planning conditions listed within the original report (attached).