

10th May 2016

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

Our Ref: 404.0542.0002
Your Ref: 03/P/09336

Dear Norman

**RE: TIR PENTWYS
PLANNING APPLICATION REF: 03/P/09336**

I refer to the meeting at this Office on 15th April, also attended by Anthony Morgan, Gideon Jones of Parson Brinkerhoff (PB) and Mark Gorry of Burroughs Consulting Engineers.

The agreed outcome of the meeting was that we would provide the following information and additional comments,

- (i) An updated version of the content of the proposed geotechnical study which confirms that the detailed design of the access road will include specific detailed proposals for the engineering measures along the access road and cut sections (rather than 'typical details'), and with confirmation that an engineering solution will be available.
- (ii) Provide examples of the type of engineering options which will be available for the cut sections in terms of gabion baskets, crib walling etc.
- (iii) Provide a further explanation as to the reasons why the geotechnical study needs to be undertaken post determination of the planning application, and suggest wording for a suitable planning condition relating to the submission, approval and implementation of the geotechnical study.
- (iv) Produce a revised version of the programme chart submitted on 14th March with reference to the principal elements of the geotechnical study.
- (v) Confirm the details of the proposed access from Blaen Cwm Road into the Ti'r Pentwys Cut site.
- (vi) Review the circumstances of the Regionally Important Geological Site ((RIGS) at the Ti'r Pentwys Cut site and the means by which this can be safeguarded or enhanced as part of the development

It was also agreed that, subject to any comments from consultees on the content of this additional information which require further clarification, the application would then be in a

position to be reported to Committee for decision at the June or July 2016 Planning Committees.

I am therefore pleased to provide the agreed information as follows:

1. Proposed Geotechnical Study.

Proposals for the scope of the intended geotechnical study were submitted in draft to PB on 29th March and discussed at the meeting on 15th April. As agreed, a final version is enclosed with this letter (ref SLR May 2016) which has been revised to confirm the reassurance as to the geotechnical feasibility of constructing the access road; highlight the geotechnical studies which have been undertaken to date which underpin this conclusion; and which confirms the detailed nature of the plans which will be prepared. These will be based upon the results of the geotechnical investigation, and will confirm precise details of the access road, cutting heights and locations, treatment of the cuttings in specific locations, and the design of the access onto Crumlin Road, again with detailed specific proposals.

2. Cut Slope Engineering Options

The Geotechnical Assessment (2012), referred to in the Geotechnical Study above, identified a number of engineering options including rockfall drapery mesh, rock bolting and wire mesh gabions. These are all conventional approaches to stabilisation of cut slopes and represent straightforward engineering measures to constructing access roads in the type of topography present at the application site.

The precise engineering solution will be dependent upon the results of the geotechnical study and the detailed geology and bedding planes of the rock below the weathered surface. However, examples of solutions which would be available have been requested. These examples are provided in the enclosed report produced by Burroughs Consulting Engineers with photographs of gabion baskets, rock netting, mesh facing, and crib walling. The precise engineering solution will be confirmed as part of the preparation and submission of the detailed designs, but the report and photographs confirm the straightforward and conventional options which are available and which have been used successfully in many instances elsewhere.

The report also includes a photograph of a quarry access road at a site in the Isle of Man which has certain similarities with the Tir Pentwys site in terms of alignment.

3. The timing of the Geotechnical Study and potential planning conditions

I should emphasise again that the Applicants have no difficulty with undertaking the geotechnical assessment and, irrespective of any planning requirements, this would be an exercise that they would need to undertake in any event in order to properly inform the final design of the access road.

However, there are physical constraints associated with the implementation of the various elements of the study as itemised in the proposal referred to in item 1 above, notably the existing trees along the access route. Access is partially available along the western section of the route, (albeit not of sufficient width to allow access by a drilling rig), but access is not currently available along the central / eastern areas which contains dense woodland as part of the overall densely wooded hillside. The woodland would need to be cleared along the access corridor route to provide access for the various ground investigations and surveys, and whilst this will be necessary if the surveys are to progress it would be premature to undertake such woodland clearance in advance of a favourable determination of the planning application. In the event of the works being undertaken in advance of a planning

determination, but then the application being refused planning permission, then the access route would have effectively been created without planning permission by virtue of the woodland felling and access road provided for the survey vehicles.

In addition, the geotechnical study will result in considerable expenditure and the Applicants do not wish to commit to such expenditure in advance of a positive determination of the application. This is re-enforced by uncertainty associated with the application remaining undetermined for some 12 years during which time the Applicants have expended considerable sums on e.g. repeat ecological surveys required simply by virtue of the timescale of determination.

Given that there is an acknowledgement that it will be geotechnically feasible to construct the access road, it is considered that the issue can readily be addressed by a planning condition which will require the submission of a geotechnical study scheme for the approval of the Planning Authority. A separate condition would then require the submission of full details of the access road prior to the commencement of construction of the road. The drafting of such conditions would be a matter for the Authority, but the conditions could reasonably require:

- (i) *Within 3 months of the date of the planning permission, a Geotechnical Study Scheme shall be submitted for the approval of the Planning Authority. The scheme shall include full details of the topographic survey and site investigations to be undertaken, and the scheme shall inform the detailed design of the access road as required by condition (ii). The approved scheme shall be implemented in full in accordance with a timetable which shall be included within the Scheme.*

- (ii) *Prior to the commencement of construction of the access road from Cefn Crib Road to Crumlin Road, full details of the access road alignment, width and cut slope footprint shall be submitted for the approval of the Planning Authority. The details shall include general arrangement drawings showing:*
 - *The access road with the extent of cut slopes along the full route;*
 - *Cross section details of areas of shallow cut and the locations;*
 - *Cross section of areas of fill (hairpin bend) and the location;*
 - *Details of rock bolt secured gabion facing (for areas of friable/poor rock) and locations;*
 - *Details of drapery rock fall netting or crib walling (for areas of moderate to good rock) and locations;*
 - *Details of reinforced earth fill and locations;*
 - *Details of the junction arrangement with Crumlin Road including cross sections and confirmation of treatment of cut slopes;*
 - *Details of drainage along the access road; and*
 - *Details of the surface treatment of the access road.*

The scheme shall be fully implemented as approved by the Planning Authority.

In structuring the conditions in this way, the Authority would retain control over the nature and scope of the Geotechnical Study, with an ability to refuse to approve the details of the scheme if that was justified. It would similarly retain control over the details of the access road detailed design which they could similarly not approve if there were justifiable concerns over the details.

4. Programme

A programme for setting out a timescale for the implementation of the geotechnical study, design of the access road, and works associated with the implementation of the development at the Tir Pentwys Cut site was submitted on 14th March. In the discussion on 15th April it was agreed that the programme chart would be revised to include additional detail of the proposed geotechnical study items. This has been completed and an updated programme is attached (ref Tir Pentwys Implementation Programme v2 06 05 16).

5. Tir Pentwys Site Access

The location of the site access into the Tir Pentwys Cut site was illustrated on plan ref TPS 3/1 submitted with the Second Supplementary ES (January 2013). However, I note that the phased development plans accompanying the Second Supplementary ES submission were not updated from previous versions and where they continued to show the originally proposed eastern access route. I apologise for this confusion.

In order to address this, I enclose an updated set of phased development plans ref TP3/1B – TP/3/4B inclusive which show the internal access along an existing forest ride into the weighbridge / office area, where the facilities have been slightly re-arranged to reflect the access road alignment. There are no other changes to the phased development details shown on the plans. You will also be aware that the ecology study accompanying the Second Supplementary ES included an assessment of this access road corridor, with a habitat survey and assessment of foraging by bats (ref Appendix 8/2), and with proposals for mitigation measures (ref ES Chapter 8.0). The ecological effects of the use of the proposed access road corridor have thus already been assessed.

6. Tir Pentwys RIGS

Parts of the Tir Pentwys Cut site have been identified by the British Geological Survey as part of a study funded by the Aggregates Levy which sought to identify a suite of geological sites which would be worthy of being designated as Regionally Important Geological Sites (RIGS).

The report identifies a number of former quarry and other sites with interesting geological exposures, including the Tir Pentwys Cut site. The report includes a detailed citation of the geological interest in the exposed sequence of the Carboniferous Coal Measures at Tir Pentwys. However, the citation highlights safety issues at the site associated with potential toppling failures in overhanging rock which currently make it "extremely dangerous" and which prevents the collection of data samples and face studies other than remotely using binoculars. Importantly it highlights the potential for the aggregate extraction operation to provide a safer environment which could leave faces safe for further study. The Applicants are content to cooperate with a development which will enhance access to retained exposures, and the detailed restoration plans can readily make provision for the retention of exposures in defined areas which can be agreed as the development progresses. As discussed at the April meeting, this can be addressed by a planning condition requiring the submission of a detailed restoration scheme at a defined time during the development, with a requirement for the detailed scheme to make provision for the retention of exposures which would enhance the RIGS.

The Applicants also have no difficulty in making the site available for supervised visits during the development after the current safety issues have been addressed.

In terms of planning policy BG1 of the adopted LDP and accompanying paragraph 8.48.5, there is no need to undertake a geological survey since the details of interest at the site have already been fully documented via the RIGS citation. There is also no question of needing to make off site compensatory provision since there will be ample opportunity for mitigation measures to be delivered within the site boundary via retained exposures as part of the restoration scheme. As emphasised at our meeting, the submitted restoration concept plan is no more than a concept, and the precise details (including rock exposures) will be considered in more detail as part of a detailed restoration plan. There is thus no need for an appraisal at this stage: this will be undertaken as part of the detailed restoration design which will need to be submitted for the approval of the Authority at an appropriate time, and when, inter alia, the scheme can be assessed against the objective to deliver enhancements to the RIGS. Consistent with this, I also note that para 8.48.4 of the LDP confirms that "*as these RIGS are mainly exposures of geological formations it will be easier to mitigate / compensate for their loss locally; for example, by exposing other parts of the formation as part of the development proposal or a restoration scheme*". Our approach is thus consistent with this, and we do not intend to undertake any further work on this at this stage.

As discussed, this is a matter which can be regulated by planning condition, which is customary for quarry projects of this type, and where a potential condition might read:

*"Within x years of the date of the planning permission, a detailed restoration scheme shall be submitted for the approval of the Planning Authority. The final restoration scheme shall be based upon the concept restoration plan ref number TP3/5, and provide for the site to be restored as a nature conservation bias, with range of heathland, acid grassland and wet grassland habitats. The site shall be cleared of all plant, machinery, buildings and apparatus in accordance with the requirements of Condition x. The restoration scheme shall include details of the final re-profiling works for the site, the soil /soil forming material profiles to be established; tree and shrub planting schedules; seeding, fencing and drainage; and a programme and timetable for the implementation of the works. **The scheme shall also make provision for the retention of rock exposures, as illustrated on plan ref TP3/5, and shall include details of a geological assessment to demonstrate that the retained exposures are consistent with the key features identified in the RIGS designation.**"*

You will find an alternative version of a restoration condition within the Planning Officers Society for Wales Minerals and Waste Group Good Practice Guide to Planning Conditions (November 2012).

I therefore trust that all matters are now in order and that, subject to the final consultations which you will undertake in response to this submission (and the submission of the updated Ecological Appraisal under cover of my letter dated 14h March), the application can progress to a determination.

I also assume that as required by Regulation 22(2) of the EIA (Wales) Regulations 2016 that you will publicise the submission of this final information (and the Ecological Appraisal submitted on 14th March) as "further information" (regulation 22(3) and (4)), noting the time period of 21 days for any comments to be submitted (Regulation 22(7)).

From the Applicant's perspective, unless any respondents raise any substantive points (which we are not anticipating) the Applicants wish the application now to be determined based upon the information which is available to the Authority. The Applicants do not intend

to provide any further information on the basis that the Authority has sufficient information to reach a fully informed view on the merits of the application.

I therefore look forward to further progress and to confirmation of a date when the application will be reported to Committee.

I am forwarding a copy of this letter by e mail with electronic copies of the enclosures. Please let me know if you require additional hard copies.

Yours sincerely
SLR Consulting Limited

Graham Jenkins
Technical Director