

ATISN 20845 - ITEM 002

URGENT CALL IN REQUEST FOR PROPOSAL PL/02167

We are writing to provide the requisite information in support of the request for a call in of Proposal PL/02167, sent 06/08/2024. The proposal is scheduled for consideration at Carmarthenshire Planning Committee meeting on **15 August** and has been recommended for approval.

The applicant seeks to develop an inert waste processing plant in Cilyrychen Quarry on the outskirts of the village of Llandybie. The quarry itself stopped production 25 years ago and nature has now reclaimed the area. The planned development, if allowed, would destroy a quarter of a century of naturalisation of an overworked landscape.

We are representatives of the community group, Save Cilyrychen Quarry Campaign, (SCQC) a grassroots organisation that sprang up in response to the threat posed by the proposal (further details below).

Below are listed the grounds for this request.

Failure to consider impacts on ecology and biodiversity on and near the proposed development site

Failure to evaluate all direct, indirect, and cumulative effects on all Priority Habitats identified within the proposed development site

Failure to protect several Priority Habitats identified within the proposed development site

Failure to carry out the appropriate form of Environmental Impact Assessment (EIA) once Priority Habitats had been identified within the proposed development site

[R (on the application of: Royal Society for the Protection of Birds (RSPB)) v Secretary of State for Communities and Local Government [2009] EWCA Civ 390]

Principle: Strict Protection of Priority Habitats

The original proposal paid scant attention to the issue of biodiversity. Indeed, there seems to have been a reluctance to disclose ecological information from the outset. What information was provided on the flora and fauna of the site was inadequate. Surveys, assessments and reports are required to be carried out in line with the British Standards for Biodiversity: Code of Practice for Planning and Development (BS42020:2013) and other relevant species and survey best practice guidelines such as the CIEEM Guidelines for Preliminary Ecological Assessment and meet the requirements of Carmarthenshire County

Council's Nature Conservation and Biodiversity Supplementary Planning Guidance. All surveys will be required to be carried out by a suitably qualified ecologist within the appropriate season and to appropriate survey standards and methodology.

The early ecological survey work by [REDACTED] Ecology was carried out on 3rd March 2020 and 11th February 2021 therefore not within the appropriate season. A further survey of bats was carried out by [REDACTED] Ecology in September 2021, again not within the appropriate season to verify the full range of bat species and numbers using the site.

A later Vegetation Survey by [REDACTED] in 2022 and subsequently work by [REDACTED] Ecology, [REDACTED] and Mid Wales ecology in 2023, updated information on habitats and flora; however, no surveys were ever carried out within the appropriate season to establish the complete range of fauna present or with the potential to be using the site.

Consequently, only the ecological survey work relating to habitats and flora conforms to British Standards and a large gap exists in information regarding many species of fauna. Numerous species of fauna will be detrimentally affected if the proposed development proceeds, and some mitigation measures have been proposed, but as no accurate survey work has been conducted within the appropriate season to fully characterise the faunal populations, it is not possible to know the actual range or numbers affected. Net Benefit for Biodiversity (NBB) for fauna can therefore not be guaranteed. A guarantee of net benefit is a requirement for approval of such a development, therefore approval would be contrary to Policy EQ4 Biodiversity. Further information is required to adequately characterise the onsite faunal species for which surveys have never been carried out within the appropriate season.

The Priority 7 Habitat Oligotrophic / Dystrophic Lake has not been surveyed despite recommendations by two ecologists. As part of the Green Infrastructure Statement, all Priority Habitats on the proposed development site required evaluation under the Diversity, Extent, Condition, Connectivity and Aspects of ecosystem resilience (DECCA) framework; however, the lake has been omitted from the evaluation and no baseline data have been collected. This leaves an enormous gap in the information regarding an important Priority Habitat which provides multiple ecosystem services and supports a complex ecosystem including potentially rare Stonewort populations. As current water quality testing has not been carried out, there is no baseline for comparison in case of future pollution incidents or changes related to impacts from dust.

- There is inadequate ecological information regarding this important Priority Habitat.
- Although the sustainable credentials of the proposal have been maximised in the Planning Officer's report, the Ecological

information is minimal and significant concerns have been overlooked. Inadequate information has been provided about Priority Species known to be present on the proposed development site or with the potential to be using the site.

Failure to consider alternative locations once the Priority Habitats were identified within the proposed development site

[R (on the application of: Brown McFarlane) v Secretary of State for Communities and Local Government [2015] EWCA Civ 724]

Principle: Consideration of Alternatives: When a development proposal may impact priority habitats, alternative sites or methods must be considered to avoid or minimize adverse effects.

[R (on the application of: St Modwen Developments Ltd) v Secretary of State for Communities and Local Government [2011] EWCA Civ 1212]

Principle: Assessment of Alternatives and Mitigation

Failure to consider long term negative impacts of the proposed development

Failure to consider alternative locations for recycling of Inert Waste

The Planning Officer's report recommends Approval, making much of the sustainable credentials of the proposal, and stressing the necessity for Secondary Aggregates as part of a sustainable future. Secondary Aggregates represent only a "one time" harvest from Area A and Area B which consist of waste material from previous quarrying. Apart from that singular harvest, there is no necessity for the recycling of inert waste to take place in this environmentally sensitive location. While the harvest of secondary aggregates will take only a few short months, the negative impacts of the proposal will affect both the community and the surrounding unique environment long term. Even the singular harvest of secondary aggregates would require variation of an existing Section 106 agreement prohibiting "winning and working of minerals" from the site, as extraction of secondary waste is considered "working" of minerals.

Failure to take account of nature of the surrounding area

The proximity of the quarry to both Carmel Special Area of Conservation and the Nature Reserve means that the proposed activity will impact on these areas. The type of work proposed in the quarry producing dust and noise, residue that will not be confined to the quarry but poses a threat to the surrounding area. Natural Resources Wales (April 2022) wrote "we cannot advise your Authority that there will be no likely significant effect on Cernydd Carmel SSSI/SAC".

Moreover, Cilyrychen quarry sits above the Principal Aquifer that underlies the entire Gwenlais Valley. The hydrology includes that of the Turlough which is scientifically unique on the mainland of the UK. Access to study the hydrology has never been given and the newly identified Priority 7 Habitat Oligotrophic Lake has been excluded from all survey work, with the potential for a renewed Abstraction Application still a possible future threat.

The unique nature of the whole SAC and how that could be lost to future generations purely for financial profit does not accord with Wellbeing of Future Generations Act. This shows another way in which the application is in conflict with National Planning Law (WFG Act).

- Now that multiple Priority Habitats have been identified on the site there appear to be good grounds for a natural expansion of the SAC.

Failure to acknowledge the impact that the increase in heavy good vehicles would have on the village

The skip lorries bringing the waste material and the tipper lorries removing the output would all pass through the village of Llandybie, past the narrow pinch point at the village entrance and over the primary school crossing.

The applicant states that there will be no more lorries than there used to be when the quarry was functioning, a remarkably loose parameter. There were 70 a day across the weighbridge then, meaning 70 arriving empty and 70 leaving full; this means approximately 15 vehicles an hour or 1 every 4 minutes. However, if the comparison means that there would be no more vehicles leaving full than in the days of the working quarry, then the above figures would need to be doubled as the inert waste needs to be brought in to the site. This would mean 70 full skip lorries arriving full, and 70 leaving empty, 70 tipper lorries arriving empty and 70 leaving full. That would be an HGV every two minutes through the village, the pinch-point and over the school crossing.

Apart from the noise and risk of this traffic, the resultant pollution will be dangerous for locals and school children (e.g. see Prevention of Future Deaths report from the 2020 Coroner's court ruling on the death of [REDACTED]).

- Yet neither traffic survey nor pollution monitoring has been undertaken.

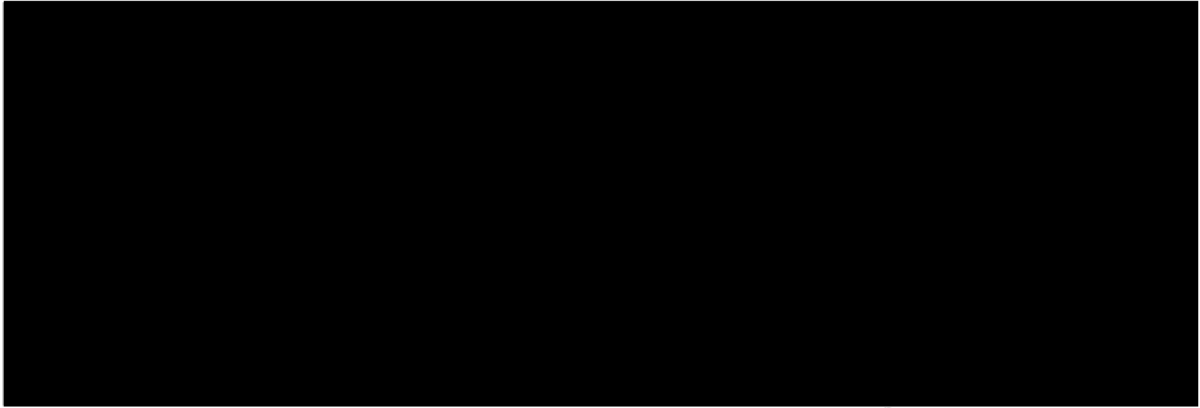
Failure to take account of local residents' reactions

There is sustained and widespread local opposition to the proposed development as evidenced by SCQC Private Group on Facebook which has over 600 members. SCQC submitted a petition against the proposal to the council which comprised 95 pages of 2,073 signatures. This is available

on the county website where there are also 147 individual objections lodged.

The strength of local opposition to this proposed development has been manifest throughout the three years since the proposal was first submitted. The council has been notified of this both directly and through our local political representatives who have supported the campaign. However, this has made no material difference to the recommendation coming to the committee from the Planning Officer.

- This proposal is inappropriate in such a sensitive area; it contravenes almost every material consideration in Carmarthenshire County Council. It may be that there are pressures on the Council due to the power of the applicant's organisation.



From Save Cilyrychen Quarry Campaign

