Dear Sir,

Re Cardiff Local Development Plan 2006 - 2026 Consultation on Additional Matters Arising from Changes Proposed to the Plan 2305

I am enclosing my representations with regard to the planning application submitted in respect of Creigiau Quarry which in my view directly relates to the housing, infrastructure, transport and Green Belt proposals contemplated by the LDP all of which have been the subject of extensive representations which I have made during the course of the Examination of the LDP.

I consider that the proposed quarrying is yet another direct consequence of the enormous environmental detriment that the LDP will visit upon this village. It demonstrates the unsustainability of the proposals and renders the plan unsound.

I consider that the consequences of the mineral extraction proposed will cause a public nuisance and for reasons which I have explained the planning application should be called in by the Welsh Government under S 77 Town and Country Planning Act 1990.

Kindly ensure that my representations are communicated to the LDP Inspectors.

Yours faithfully,
Dear Sir,

Re Planning Application 15/01953/MJR (Creigiau Quarry)

As a concerned resident of Creigiau, this planning application will compound the overwhelming detriment already to be suffered by the village as a result of the Cardiff LDP which I have vehemently opposed since its inception on account of the environmental impact which it will visit upon Creigiau through the substitution of an incongruous urban sprawl comprising over 2000 houses in lieu of greenfields, a uniquely special Garth landscape and distinctive village community.

As was inevitable from the extent of the infrastructure requirements of the housing developments and the metro proposed in the LDP together with the M4 relief road Creigiau Quarry which has lain dormant for over 30 years is now set to be extended with consequent substantial disturbance and impact on community amenities which the quarrying activities will necessarily involve.

It is well established under the law of nuisance that the proposed quarrying activities will be categorised as criminal under public/common nuisance or civil under the tort of private nuisance because of the noise, vibration, dust and transport disturbance that will ensue from such operations. The essence of the criminal offence is that the activity affects the reasonable comfort and convenience of life of a class of the public who come within the neighbourhood of its operation. In the leading case on this area of the law it was held that quarrying operations which caused dust, vibration and noise constituted a public nuisance. (Attorney General v PYA Quarries Ltd 1957 2QB 169). It was also held that such effects even if they occurred on an isolated occasion would constitute a public nuisance.

Lord Neuberger in the Supreme Court has recently said that the granting of planning permission would normally be of no assistance to a defendant (quarry operator) in a claim brought by a neighbour who contends that the activity causes a nuisance to his/her land in the form of noise or other loss of amenity. (Coventry v Lawrence 2014 UKSC 13).

The implications of these legal authorities was graphically illustrated in the case of Gillingham BC v Medway (Chatham) Dock Co Ltd 1993 QB 343 where because of the serious disturbance caused through the round the clock operation of a commercial dock the local authority was forced
to seek an injunction to limit the disturbance on the ground that it was expedient for the promotion or protection of the inhabitants of their area.

Permitting renewed quarrying to the scale and extent proposed is clearly misconceived having regard to the impact it will have on a sizeable residential village already set to expand further if the housing proposals in the LDP are implemented.

The danger to the road safety and welfare of residents particularly along Pant -y- Gored Road is obvious and compelling. It is understood that HGV lorries would use this road up to 146 times a day with no restrictions during peak commuting times or school hours. The road width and pavement will not accommodate the traffic which will use it. The quarry entrance is on the corner of a blind bend which affords entrance to the village recreation ground. The quarry vehicles will be exercising dangerous manoeuvres at this point in the road so exacerbating the risks to vehicle users and pedestrians. Safety and amenity is being unjustifiably compromised.

The highway will be obstructed by unreasonable usage which in itself will amount to a public nuisance.

There was total opposition to the proposed quarrying from residents of Creigiau and from the Councillors and AMs RT Davies and Mark Drakeford who attended a village meeting to consider the planning application.

Having regard to a fundamental principle of administrative law to permit such a state of affairs to exist through the grant of planning permission is quite untenable as it would facilitate the commission of a criminal activity, namely a public nuisance, which parliament is presumed not to have intended in the exercise of the statutory planning function. Granting planning permission in such circumstances would be susceptible to judicial review.

The proposed development would be incompatible with Minerals Planning Policy Wales (2000) (PPW) and Minerals Technical Advice Note (MTAN) Wales 1 Aggregates (March 2004).

The critical planning principle is that it should support sustainable development. The reduction of the impact of mineral extraction is set out
on pages 34 to 44 of the PPW. The overriding environmental consideration for the development plan and any planning permission which follows is that mineral extraction does not have an unacceptably adverse impact on the environment and the amenity of nearby residents and a variety of considerations are specified including transportation, noise, control of dust smoke and fumes along with other salient considerations all of which will be included in a cumulative impact consideration. There is particular emphasis given to the non acceptability of road transport as the means by which extracted material is transported. If road transport is the only means available the capacity of the road network to deal safely with the movement of minerals and related products is a consideration. The protection of human health and safety through the control of minerals transportation forms part of the Assembly’s sustainable Development Scheme as explained in Paragraph 7 ( Para 43 ).

Having regard to the various facets of the public nuisance that this activity will create all the indicators are that planning permission should not be granted.

Further, in MTAN 2004 advice is given in relation to reduction of the impact of aggregate production at pages 70 to 96. This Advice reinforces the amenity considerations which flow from mineral extraction and also in relation to noise ( paragraph 85 ) quarries close to residential areas and sensitive to noise should be given special attention. Where the effects cannot be adequately controlled or mitigated planning permission should be refused. Noise from transport and other substantial disturbance of amenity should fall into this category and militate against planning permission being granted.

Kindly confirm that the planning application has been notified to the Welsh Government as a notification development in accordance with the Town and Country Planning (Notification) (Wales) Direction 2012.

I will request the Welsh Government to call in this application in accordance with its powers under S 77 Town and Country Planning Act 1990.

I consider that that consideration should be given to requesting a call in having regard to;

(1) the wide effects which may be felt beyond the immediate locality.
(ii) the substantial controversy occasioned beyond the immediate community
(iii) raise novel planning issues in that permission should not be granted if it is incompatible with Planning Policy Wales and the MTAN referred to above and would sanction the commission of a criminal offence of public nuisance should it be granted.

Please acknowledge receipt of this correspondence.

Yours faithfully,