

**TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (GENERAL PERMITTED
DEVELOPMENT PROCEDURE) ORDER 1995 - TO DATE
PLANNING AND COMPENSATION ACT 1991
TOWN AND COUNTRY PLANNING ADVERT REGULATIONS 1994
PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS)
ACT 1990
APPLICATIONS FOR PERMISSION FOR DEVELOPMENT**

These are reports and recommendations by Officers for consideration and resolution by the County Planning Authority.

All the applications in respect of the proposals specified in this report will be available for inspection by the Members of the Committee prior to and during the meeting at which the said applications will be considered.

The Background Papers relating to each application, including forms, plans, relevant correspondence, Development Plan and guidance documents are available for public inspection during normal office hours

BURLEY HILL QUARRY, LLANARMON YN IAL

SPECIAL REPORT:

APPLICATION FOR REVIEW OF MINERAL PERMISSIONS (ROMPS)

WARD NO:	Llanarmon Yn Ial / Llandegla
APPLICATION NO:	21/2002/0009 / Mineral Application
PROPOSAL:	Application for determination of new conditions under Schedule 14 of the 1995 Environment Act.
LOCATION:	Tilcon (South) Limited Burley Hill Quarry Llanarmon-Yn-Ial Mold
APPLICANT:	Tarmac Central Ltd Tarmac Central Limited
CONSTRAINTS:	Wildlife Site Quarry Site Public Footpath / Bridleway Area Outstanding Nat. Beauty
PUBLICITY UNDERTAKEN:	Site Notice - yes Press Notice - yes Neighbour letters - yes

INTRODUCTION NOTE

This application is **NOT** a planning application and does not incorporate any extensions or alterations to the quarry which have not been permitted by previous permissions. It is **NOT** related to planning application Ref: 21/920/99/MA for an extension to the quarry which was recently refused and as that application was refused, there are no relevant conditions attached to it to be reviewed.

The 1995 Environment Act introduced new requirements for the periodic review and updating of all mineral planning permissions. This application is for the review of mineral permissions (ROMPS) at Burley Hill Quarry. It is a procedure which requires the operator to put forward a set of new planning conditions for the whole of the quarry site for determination by the Council as Mineral Planning Authority. If approved the conditions would replace all of the old conditions and would cover the whole of the quarry site providing the council with better control of the quarry operations. The intention is to ensure the quarry operates under modern planning conditions, having regard to the potential for the permitted quarrying activities to impact on the environment and the Local Community.

In agreeing new conditions the Council must have regard to all previous grants of planning permission and all relevant related conditions. The economic viability of quarrying operations cannot be unreasonably restricted as persons having an interest in the site or relevant minerals could be entitled to claim compensation under the provisions of the Town and Country Planning Act 1990. The principle of a quarry at Burley Hill is therefore not a matter for consideration in this application. The planning considerations will be to determine the acceptability of the planning conditions put forward by the applicant.

Whilst there is no statutory requirement to formally notify local residents of such an application, an extensive consultation exercise has been undertaken in this instance,

which has included officers attending a meeting of Llanferres Community Council to introduce and discuss the application.

CONSULTATION RESPONSES:

A full consultation exercise on the original scheme of conditions as submitted resulted in various responses listed below. A subsequent revised scheme of conditions was submitted which was also subject to a full consultation exercise, the responses to which are listed below under a separate sub-heading for each consultee.

1 LLANFERRES COMMUNITY COUNCIL

Original Scheme of Conditions:

- restoration should commence immediately and be phased with any spoil material used directly for restoration purposes.
- concerned about the extension of operational hours by 1 hour to 1800 hours weekdays and 1300 hours Saturdays.
- equipment should be “used in accordance with current dust and noise legislation requirements”.
- dust monitoring stations should be fenced off to avoid interference / tampering from intruders.
- noise and blast vibration monitoring positions should be undertaken from positions to be agreed by the Mineral Planning Authority.
- all vehicles leaving the site carrying limestone should be sheeted to prevent dust problems.
- all plant or machinery should be maintained “in accordance with current noise and environmental legislation”.
- restoration should include hydroseeding of the western face irrespective of stability problems – and that a high sowing rate should be implemented for the quarry.
- aftercare should cover a period of 25 years.
- “cessation of works” should be defined as part of a condition.
- waste should not be stored in the former southern waste pile area which is subject to a landscaping scheme, but should be used directly for restoration purposes for rapid establishment.

Revised Scheme of Conditions

Awaiting response.

2 LLANDEGLA COMMUNITY COUNCIL

Original Scheme of Conditions

No response received.

Revised Scheme of Conditions

Awaiting response.

3 LLANARMON YN IAL COMMUNITY COUNCIL

Original Scheme of Conditions

No response received.

Revised Scheme of Conditions

Awaiting response.

4 HEAD OF HIGHWAYS & TRANSPORTATION

Original Scheme of Conditions

- recommends additional condition requiring the applicant to contribute to improvement / maintenance of the C107.
- footpath 45 needs to be realigned and footpath no. 33 may need permanent diversion.

Revised Scheme of Conditions

- footpath 45 needs realigning and footpath 33 may need to be permanently diverted.

5 COUNTY ARCHAEOLOGIST

Original Scheme of Conditions

No comments

Revised Scheme of Conditions

No comments.

6 HEAD OF PUBLIC PROTECTION

Original Scheme of Conditions

Amendments to proposed conditions and additional conditions required regarding noise and vibration (verbal response)

Revised Scheme of Conditions

The conditions are considered acceptable.

7 LANDSCAPE PLANNER

Original Scheme of Conditions

No response received.

Revised Scheme of Conditions

Awaiting response.

8 COUNTRYSIDE COUNCIL FOR WALES

Original Scheme of Conditions

Proposals considered acceptable subject to the following comments:

- there should be an aftercare period of 10 years rather than the 5 years proposed given that the site is within the AONB as encouraged by the Clwydian Range AONB Management Strategy 2000.
- there is no detailed statement of a proposed after use.
- the area of seasonally wet pond margins should be more clearly delineated as this may affect the treatment required for the surrounding / nearby areas.

Revised Scheme of Conditions

Noted that there are several more conditions relating to landscaping and aftercare but the following still not provided:

- a 10 year after care period.
- the issue of water accumulation within the quarry (seasonal wet pond area)

9 ENVIRONMENT AGENCY

Original Scheme of Conditions

No objection but have the following comments:

- continued monitoring of the observation borehole installed at the quarry required.
- schedule of monitoring of this borehole needs to be submitted to include details of the frequency and reporting of ground water levels and details of water quality samples collected at the site.
- recommends condition regarding specification of facilities for the storage of oils, fuel or chemicals.

Revised Scheme of Conditions

Awaiting response.

10 CLWYD POWYS ARCHAEOLOGICAL TRUST

Original Scheme of Conditions

No comments

Revised Scheme of Conditions

Awaiting response.

11 RAMBLERS ASSOCIATION

Original Scheme of Conditions

No response received.

Revised Scheme of Conditions

Awaiting response.

12 HEALTH AND SAFETY EXECUTIVE

Original Scheme of Conditions

No response received.

Revised Scheme of Conditions

Response received stating that details forwarded to their Quarry Section who will provide formal response to application.

13 COUNTY ECOLOGIST

Original Scheme of Conditions

No response received.

Revised Scheme of Conditions

Awaiting response.

14 COUNTRYSIDE MANAGER

Original Scheme of Conditions

No response received.

Revised Scheme of Conditions

Awaiting response.

15 MAESHAFN & DISTRICT RURAL ASSOCIATION

Original Scheme of Conditions

- extending operational hours to 1800 hours would result in adverse impact on residential amenity.
- before 0700 hours there should be no limestone operations or vehicular movements except for maintenance, with servicing only taking place during normal working hours.
- blasting must be monitored more closely.
- do not understand the noise conditions but if the levels proposed represent an increase then this would not be acceptable.
- there should be a clear definition of "cessation of working".
- more details and specifications are required with regards to restoration and the programming thereof.
- areas for the storage of spoil should be controlled and used directly for restoration.
- the end life of the quarry should be brought forward, given the amount of permitted reserves left in the quarry.

Revised Scheme of Conditions

Awaiting response.

16 CLWYDIAN CONSERVATION SOCIETY

Original Scheme of Conditions

- there should be no extension of operational hours to 1800 hours as this would cause further disturbance to local residents.
- there should be no vehicles entering the quarry before 0700 hours (except vehicles to the coating plant).
- blast operations should be more closely monitored and the noise levels proposed should not represent an increase in levels.
- all hardstanding etc. should be removed on completion.
- more detail is required on the specification and details of planting and restoration implementation which should be programmed.
- all spoils should be moved directly into a permanent position of restoration.

Revised Scheme of Conditions

- operational hours should also relate to vehicles visiting the site so as to restrict visits outside permitted working hours.

- dust should be removed on a periodic basis during dry weather.
- noise emission levels should be limited to working hours only and a level of 42 db between 13.00 hrs and 20.00 hrs would be unacceptable on Saturdays
- the maximum blasting limits are too high and should be no more than 3mm/sec ppv.
- more control on surface water management required.
- south mound should not be used for storage of waste and all waste should be placed permanently in areas for restoration purposes.
- all landscaping details should be approved at application stage.
- stockpile area should not encroach existing permitted area.

RESPONSE TO PUBLICITY:

Original Scheme of Conditions

- (i) B. A. Carus & Ms. F. A. Carus, Pen y Chwareli, Pant Du, Nercwys (1 letter each)
- (ii) R. Alfonso & A. Alfonso, Penyffordd Cottage, Maeshafn (1 letter each)
- (iii) Mrs F. M. Wilburn, Lonfa, Pant Du Road, Eryrys
- (iv) M. & M. Jones, Glan Llyn, Pant Du Road, Eryrys
- (v) D. F.& Mrs W. M. Buckland, Cloddiau Duon, Maeshafn (1 letter each)
- (vi) Simon van de Put (on behalf of Alyn Sheldon, Midl Dor, Maeshafn)
- (vii) Mr. & Mrs G. Raven, Glan y Gors, Maeshafn (1 letter each)
- (viii) Mr. A. P. King, Bryn Sirion, Pont y Mwynwr Lane, Maeshafn

Revised Scheme of Conditions

- (i) Mr. A. P. King, Bryn Sirion, Pont y Mwynwr Lane, Maeshafn.
- (ii) B. A. Carus & Ms. F. A. Carus, Pen y Chwareli, Pant Du, Nercwys.

SUMMARY OF PLANNING BASED REPRESENTATIONS TO PROPOSED CONDITIONS

Original Scheme of Conditions

- ◆ there should be a condition that defines “cessation of works” and “maintenance” for the avoidance of doubt.
- ◆ operational areas should be delineated with permanent boundary markers to ensure control
- ◆ extending the operational hours to 1800 hours would be totally unacceptable as this would cause additional harm to the amenities of local residents.
- ◆ the coating plant operational hours should commence at 0700 hours (same as other operations) as previous experience has shown that an 0600 hours commencement results in additional early morning traffic, noise and disturbance.
- ◆ there should be no operations outside normal working hours other than “maintenance” which should be defined.
- ◆ a water bowser will not be sufficient to alleviate all the problems associated with dust and the operator should therefore remove accumulated dust at intervals to

be agreed with the Mineral Planning Authority.

- ◆ the Mineral Planning Authority should retain the right to designate alternative positions for monitoring noise and blast vibration levels.
- ◆ the proposed noise levels should not represent an increase in previously approved noise levels.
- ◆ the south waste mound should not be used as a temporary storage area as it is important that the landscaping previously approved for this area is completed in the interests of visual amenity.
- ◆ all hard surfaces etc. should be removed from the quarry following cessation.
- ◆ blasting operations should be more closely monitored and whilst vibration levels are generally well below permitted levels, there is still an impact on nearby residents.
- ◆ more details are required regarding the specification of planting for the restoration scheme, implementation of which should be programmed.
- ◆ spoils should be used directly for restoration purposes and any storage should be controlled by condition.
- ◆ the cessation date should be brought forward given the amount of permitted reserves left in the quarry.
- ◆ there should be a condition to control the areas to be used for stocking / stockpiling.
- ◆ dry stone walls within the quarry area should be protected from further destruction and retained as advocated in the AONB Management Strategy 2000.
- ◆ there should be conditions to protect areas within Big Covert as was previously imposed on a former planning permission and provisions for the protection of the limestone pavement to the north and east of the quarry.

Revised Scheme of Conditions

- ◆ positions of markers delineating the limits of stocking area not shown on ROMP2a and the area should not encroach onto the topsoil mound.
- ◆ loading of trucks with uncoated limestone should not commence before 0700 hours.
- ◆ details on Condition 8(i) should read "Mondays to Friday" not Mondays to Saturdays.
- ◆ rainwater should be prevented from accumulating in the bunds or else spillage may occur if the tanks or containers should develop a leak.
- ◆ landscaping should be implemented immediately and the northern side of the waste pile which should be landscaped, should not be used for temporary storage of waste.
- ◆ no lorries should visit the site before 0700 hours.
- ◆ all lorries leaving the site should be sheeted.

- ◆ blasting limits are too high and should be lowered given that there is already an impact on residential amenity.
- ◆ noise levels of 42 db between 1300 hours and 2000 hours on Saturdays would not be acceptable as this would adversely affect local residents.

MEMBERS' COMMENTS:

Original Scheme of Conditions

No response received.

Revised Scheme of Conditions

Awaiting response

EXPIRY DATE OF APPLICATION: 31 May 2002 (as agreed with applicants)

REASONS FOR DELAY IN DECISION:

- protracted negotiations resulting in amended plans / conditions

PLANNING ASSESSMENT:

THE PROPOSAL:

- 1 Burley Hill quarry lies some 1700 metres north of the village of Eryrys and 500 metres south of the village of Maeshafn. It is effectively enclosed visually by a hill immediately to the north of the existing workings, the rising wooded ground of Big Covert to the west, land to the east between the quarry and the C107 Nercwys Road and a ridge within the Bryn Alyn Site of Special Scientific Interest some 1000 metres south of the quarry. The hill to the north screens the pit from Maeshafn and scattered housing in the area. The land in Big Covert rises to a ridge which forms the skyline between the workings and the village of Llanferres. The high ground within the Bryn Alyn SSSI separates the quarry from the village of Eryrys. The quarry lies within the Clwydian Range Area of Outstanding Natural Beauty, designated in 1985. Two Wildlife sites adjoin the quarry, one to the west and one to the east.
- 2 The quarry works carboniferous limestone of the Loggerhead and Cefn Mawr formations and planning permission for limestone extraction was first granted in 1950. The quarry produces aggregate materials for civil engineering purposes and coated roadstone. Whilst extraction operations at the quarry have recently been temporarily suspended, the quarry has a production limit of 800,000 tonnes a year and serves markets in the north west region of England and the north east region of Wales. The access road into the quarry is off the C107 and the operations at the quarry can give rise to approximately 300 lorry trips (150 loads) daily which are routed north on the C107 to Mold and the trunk road network beyond. Hours of working for the quarrying operations and road transport are 0700 to 1700 hours Mondays to Fridays and 0700 to 1200 hours on Saturdays. The screening and bunker station and the coated stone plant and associated transport are allowed to operate between 0600 and 1700 hours, Mondays to Fridays and 0600 hours to 1300 hours on Saturdays. These are controlled by planning conditions on previous planning permission.
- 3 This application is for the review of mineral planning permissions for the quarry and the main permissions relating to the quarry are listed under "Relevant Planning History". This application sets out a schedule of conditions which are intended to supersede all the previous planning permissions. The application originally proposed a schedule of 24 conditions but following negotiations with the applicant, a revised scheme of 33 conditions has now been submitted.

The conditions cover the following issues:

- Time – lifespan of the quarry
 - Compliance with the approved details / plans
 - Hours of working
 - Dust suppression
 - Noise limits
 - Blasting controls
 - Permitted Development Rights
 - Sales
 - Vehicles leaving the site
 - Surface water
 - Importation and storage of materials
 - Maintenance
 - Landscaping, restoration and aftercare
 - Definition of areas
- 4 The application was accompanied by a supplementary statement and an environmental statement. The supporting statement provides a geology and resource assessment of the quarry, a scheme of continued quarry working and a scheme of progressive restoration and aftercare. It is stated that stability problems in the western face have sterilised permitted reserves in this part of the quarry. The remaining permitted reserves in the quarry therefore stand at 4.5 million tonnes and are primarily located in the south easterly area of the quarry. Part of this area will require removal of some of the existing fixed plant in order to extract and primary processing will require the provision of mobile plant. Working will progress in a southerly and easterly direction progressing downwards to the final lower bench level of 225m AOD.
- 5 The scheme of progressive restoration will include regrading, planting and seeding of the whole of the quarry area except for the western face and the base of the quarry which would be a seasonally wet pond area. The seeding would comprise a calcareous grassland seed mixture which would be indigenous to the locality with a mixture of tree planting and shrubs.
- 6 The environmental statement submitted covers the following issues:
- Landscaping
 - Ecology & Nature Conservation
 - Agriculture & Forestry
 - Hydrology & Drainage
 - Traffic, Highways & Footpaths
 - Noise
 - Dust
 - Blasting & Vibration
 - Archaeology

The statement also includes a Non Technical Summary in accordance with the regulations. The statement has been reviewed in-house and is considered satisfactory.

RELEVANT PLANNING HISTORY:

- 7 The following constitute the main planning permissions for the quarry which relate to the winning and working of minerals or the depositing of mineral waste.

Ref: 11/309 – Extraction of minerals – Granted 23 August 1950

Ref: 11/2680 – Extraction of minerals – Granted 20 May 1971

Ref: 5/31/2474 – Primary Plant – Granted 21 February 1978

Ref: 5/31/2875 – Secondary Plant – Granted 25 October 1978
 Ref: 5/31/4814 – Screening and Tarmacadam Plant – Granted 16 December 1980
 Ref: 5/31/5169 – Extraction of minerals – Granted 2 February 1982
 Ref: 5/31/6247 – Stockpiling of minerals – Granted 16 June 1987
 Ref: 5/31/6759 – Extraction of Minerals – Granted 14 February 1984
 Ref: 5/10868 – Wastepiling – ranted 23 May 1990

PLANNING POLICIES AND GUIDANCE:

8 GLYNDWR DISTRICT LOCAL PLAN

Policy A1 Normal planning considerations
 Policy L1 Conservation of landscape within the Outstanding Landscape Area
 Policy L5 Opposition to quarrying proposals within the Outstanding Landscape Area unless in the national interest
 Policy L10 Protection of trees, hedgerows and other natural features
 Policy L12 Presumption against developments on or near SSSI and sites of nature conservation importance
 Policy L14 Improvement to access to the countryside
 Policy L15 Support for schemes which promote positive management of the countryside

CLWYD COUNTY STRUCTURE PLAN : FIRST ALTERATION

Policy F1 Planing considerations for mineral applications
 Policy F2 Criteria for assessment of mineral applications
 Policy F3 Rigorous assessment of mineral applications within the AONB
 Policy F4 High standards required for mineral development
 Policy F7 Prompt restoration of mineral developments
 Policy F9 Regard to be had to the Guidelines for aggregate provision in England and Wales and the findings of the North Wales Working Party on Aggregates including the need to maintain a landbank of permitted reserves
 Policy H4 Within AONB conservation will be a primary consideration; safeguarding of the landscape and character of these areas of national importance will be given particular emphasis

**DENBIGHSHIRE UNITARY DEVELOPMENT PLAN
 MODIFICATIONS FEBRUARY 2002**

Policy STRAT 1 Sustainable development
 Policy STRAT 4 Landbank of permitted reserves of minerals within the County to be maintained over the plan period
 Policy STRAT 5 Protection of the character and amenity of a locality and provision of a safe and secure environment.
 Policy STRAT 7 Protection and enhancement of nature conservation, biodiversity and landscape quality
 Policy MEW 1 Mineral development within the AONB to be permitted only in exceptional circumstances and where there is no alternative
 Policy MEW 4 Restoration and after-care of mineral sites
 Policy MEW 5 Use of secondary aggregates
 Policy ENV 1 Maintenance & enhancement of landscape and biodiversity

Policy ENV 2	Permission not to be granted for development which would cause unacceptable harm to landscape quality and character in the AONB
Policy ENV 4	Protection of SSSI
Policy ENV 5	Protection of sites of local conservation importance
Policy ENV 6	Safeguarding of protected species
Policy ENV 7	Protection of trees and important landscape features
Policy ENV 8	Permission not to be granted for development which would cause unacceptable harm or damage to woodland
Policy ENP 1	Protection of the environment and the amenity of nearby properties from vibration, odour, noise, light or other pollution
Policy ENP 4	Provision of satisfactory arrangements for the disposal of surface water

REGIONAL PLANNING GUIDANCE

Regional Planning Guidance for North Wales (RPG) July 2001

NATIONAL GUIDANCE

Minerals Planning Policy Wales, 2000
 Mineral Planning Guidance (MPG) 14 – Environment Act 1995:
 Review of Minerals Permissions
 MPG6 (1989) guidance for Aggregates provision in England and Wales
 Technical Advice Note 5 : Nature conservation & planning
 Technical Advice Note 11 : Noise
 MPG 11 : The control of noise from surface mineral workings

MAIN PLANNING CONSIDERATIONS:

9 The principle of an operational quarry in this location is not a matter for consideration in this application. The principle purpose of the review procedures introduced under the Environment Act 1995 was to provide modern up to date planning conditions in order to protect the environment and amenity and also to provide equal treatment between sites and mineral operators. Protecting the environment and amenity also constitutes the general thrust of the relevant planning policies and guidance. The planning conditions should not restrict to an unreasonable degree the economic viability of operating the site and must therefore strike a balance between protecting the environment and amenity as well as taking into account the reasonable operational requirements of the site. If conditions are imposed which would affect the viability and asset value of the site to an unreasonable degree, then persons with an interest in the land or mineral would be entitled to claim compensation. The main factor to take into account in dealing with this application is to determine whether the conditions proposed would protect the environment and amenity at an acceptable level taking into account modern standards of living. The revised details incorporate 33 proposed conditions under which the quarry is to operate which are grouped under 14 specific topic headings. The following will provide an assessment of the conditions listed under these specific topic headings.

(i) Time

10 Condition No. 1 states that all mineral extraction and processing operations shall cease by 31 December 2021 with subsequent restoration to be completed within 18 months of the cessation date. The condition has been amended as the original condition allowed a 2 year period for completion of restoration. The condition also ensures restoration in the event of cessation occurring at an earlier date.

11 The cessation date is the same as that currently approved for the quarry. Representations received in respect of the initial conditions submitted have requested that the cessation date be brought forward given the amount of permitted reserves left in the quarry which at permitted extraction levels, would take 5 to 6 years to extract. Requests have also been made to define “cessation of works” as part of a condition to prevent sporadic activity at the quarry. The applicant states that a cessation date of 2021 is required for operational reasons and whilst negotiations have also taken place for a condition to define “cessation of works” it is not considered necessary in this instance. The Mineral Planning Authority must take care not to impose conditions that may result in a potential entitlement to compensation which is a recurring theme in MPG 14. Furthermore, with regards to “cessation” the Mineral Planning Authority are given control under Schedule 9 of the Town and Country Planning Act 1990 to take the necessary action in the event of “cessation” occurring before the said date.

(ii) Approved Details

12 Condition 2 ensures that development at the quarry is in full accordance with the plans and documents submitted for the avoidance of doubt and in the interests of visual amenity and residential amenity.

(iii) Hours of Working

13 Condition 3 controls the operational hours which are now the same as those currently approved for the site. The revised condition ensures that there would no longer be an extension of operational hours as was previously proposed in the original scheme of conditions which was one of the major concerns from the representations received. There was an objection to the initial conditions relating to the screening and bunker station starting at 0600 hours and that this should be in line with other operations commencing at 0700 hours. It is considered that the main concerns of residents have been addressed with the amendment to operational hours to reflect existing controls. Furthermore, the proposed operational hours of the screening and bunker station are the same as the existing hours of operation. To amend the start time would restrict operational requirements and could leave the Mineral Planning Authority open to a compensation claim. The Council’s Environmental Health Officer has been involved in discussions through their application and has not objected to these operational hours.

14 Condition 4 defines “maintenance purposes” for the avoidance of doubt. This is an additional condition which addresses the issues raised in the representations received.

(iv) Dust Suppression

15 Conditions 5, 6 and 7 would control dust emissions from drilling equipment, ensure the use of a water bowser to suppress dust and secure the monitoring of dust deposition at the quarry. Representations received regarding certain conditions have commented on the wording of these conditions and also requested more control to reduce the problem of dust emissions. These conditions are standard conditions for minerals operations which the Council’s Environmental Health Officer considers to be acceptable.

(v) Noise Limits

16 Condition 8 significantly amends the original condition submitted in respect of controlling noise from the quarry. This condition would control noise levels during operational hours, provide a noise limit for landscaping works and limit noise levels outside operational hours. Representations received have pointed out the importance of controlling noise levels during and outside of operational hours.

The Council's Environmental Health Officer considers the revised condition to be acceptable.

(vi) Blasting Controls

- 17 The revised scheme has 4 conditions (9, 10, 11, 12) controlling and relating to blasting compared to 2 conditions on the original scheme. The vibration levels would be limited to 6mm/sec ppv in any plane which is the standard for the minerals industry. In general blast vibration levels are well below this limit. Blasting would also have to be monitored by the operator with results made available to the Mineral Planning Authority at request. The operator would also have to give advanced notice to the Mineral Planning Authority of any blast in the quarry. The Mineral Planning Authority have the equipment to monitor blast vibrations and this condition will allow for proactive monitoring.
- 18 Representations received for the initial conditions have expressed concerns regarding the impact of blasts. The limit of the vibration levels proposed are standard levels for the industry. It would be unreasonable to impose a lower limit of vibration. Furthermore, it would appear that the impact of blasts on any property is dependent on the location of that property and that the impact can be worse where there are old underground mining shaft close to the property. Air overpressure is also a problem whereby the climate can also worsen the impact. These issues cannot be controlled by planning conditions. However, it is considered that the revised conditions on blasting would provide better control as they would provide the opportunity for the Mineral Planning Authority to monitor the blasts.

(vii) Permitted Development Rights

- 19 Condition 13 would ensure control over the siting of any new fixed plant in the interests of visual amenity and residential amenity.

(viii) Sales

- 20 Condition 14 limits the annual sales of limestone to 800,000 tonnes which is the existing limit and would still be considered acceptable.

(ix) Vehicles Leaving the Site

- 21 Conditions 15, 16 and 17 ensure that quarry vehicles leaving the site are sheeted, that they go through the wheel wash before entering the public highway and that the road between the wheel wash and public highway is kept free from dirt and dust. These conditions will suppress dust and contribute to ensuring that materials are not deposited onto the public highway.
- 22 Representations received on the initial conditions have requested an additional condition controlling the time that vehicles visit the site as there have been instances in the past where haulage vehicles have visited the quarry outside the permitted operational hours. Whilst these concerns are appreciated and can cause problems on the highway, planning conditions cannot control or prevent vehicles using the public highway. Trying to control this by, for example, insisting on a gateway at the access point from the C107 would exacerbate the problem.
- 23 The Head of Highways and Transportation has requested contributions by planning condition for improvements to the C107. Given that this application would not extend the quarry in any way, this would not be considered reasonable in this instance.

(x) Surface Water

- 24 Conditions 18 and 19 prevent pollution of any watercourse as required by the Environment Agency. The Agency have also requested a condition regarding a schedule for monitoring groundwater from the existing borehole. However, given that this application does not relate to any extension to the quarry, there would be no change in terms of impact on groundwater and therefore a monitoring condition would not be considered reasonable in this instance.

(xi) Importation and Storage of Materials

- 25 Conditions 20, 21 and 22 are additional conditions which have been included in the revised scheme. The conditions control materials imported to the site and the storage locations of stockpiles and waste. These conditions will ensure control in the interests of visual amenity. Representations made on the original scheme suggested conditions on storage which have now been included.

(xii) Maintenance

- 26 Condition 23 is a standard condition for minerals operations which ensures that maintenance of all plant and machinery and the use of silencers. Representations received for the initial conditions have suggested that this condition should state that maintenance should be in accordance with current noise and environmental legislation. Given that there are already conditions proposed controlling dust and noise emissions this would not be considered necessary in this instance.

(xiii) Landscaping, Restoration and Aftercare

- 27 The revised schedule of conditions has 9 conditions (24, 25, 26, 27, 28, 29, 30, 31 and 32) relating to landscaping, restoration and aftercare compared with the 5 conditions originally submitted.
- 28 The conditions would ensure progressive restoration of the quarry to incorporate a rolling progression of restoration and aftercare with details to be submitted to the Mineral Planning Authority on an annual basis. Implementation of each phase of restoration and aftercare would be controlled and details of restoration works implemented by the operator would have to be submitted to the Mineral Planning Authority on an annual basis which would allow the Mineral Planning Authority to inspect and monitor the details. The conditions would also ensure removal of all plant, machinery and hardstandings in the event of an early cessation along with the implementation of a restoration and aftercare scheme. There would also be a 5 year maintenance scheme for all trees and plants. Condition No. 32 requires that details shall be submitted to the MPA for the landscaping and treatment of the western face. The plans submitted to not include any landscaping of the western face due to problems of stability.
- 29 Representations received on the original scheme of conditions suggested additional conditions regarding restoration. These issues have to a significant extent been incorporated into the revised set of conditions. The CCW requested a 10 year aftercare period as recommended in the Clwydian Range AONB Management Strategy. This is not a requirement of the Unitary Development Plan policies which recommend the standard 5 year aftercare period as proposed. The CCW also raise the issue regarding the proposed seasonal wet area at the base of the quarry. The run-off water into the base of the quarry will not be known until such time as the progressive restoration of the quarry has been completed. The level of the seasonal wet area at the base of the quarry will therefore not be known until completion of restoration. This matter would be dealt with by proposed Condition 26 which requires submission of a final restoration scheme to include final treatment of the quarry floor.

The CCW raises no specific objection to the restoration scheme proposed.

(xiv) Definition of Areas

- 30 Condition 33 ensures that controls are specific to the whole area within the quarry boundaries.

SUMMARY AND CONCLUSIONS:

- 31 The scheme initially proposed has been considerably modified following the consultation exercise and negotiations with the applicant who has been fully co-operative throughout. It is considered that the revised scheme of conditions addresses a significant amount of the concerns and issues raised in the representations received. The proposed conditions will tighten control of operations at the quarry in the interests of visual amenity and residential amenity without unreasonably restricting the quarry operations.
- 32 The revised scheme of conditions comply with the principles of the Environment Act 1995 and the relevant mineral planning guidance and would protect the environment and amenity.
- 33 As the conditions are those proposed by the applicant, they would have immediate effect should the scheme be approved as there is no right of appeal.

RECOMMENDATION: APPROVE - subject to the following conditions:-

1. **(i) TIME**

All mineral extraction and processing operations shall cease by 31 December 2001 or earlier by agreement with the Minerals Planning Authority if all permitted reserves shall have been extracted. Restoration of the quarry shall be completed within 18 months of 31 December 2001 or within 18 months of any agreement confirming that all permitted reserves have been extracted, whichever is the earlier.

2. **(ii) APPROVED DETAILS**

The development at the quarry shall be carried out in accordance with the submitted plans and particulars, or as otherwise provided for by the terms of this permission, and there shall be no material variation therefrom without the prior written permission of the Mineral Planning Authority. The submitted plans and particulars are as specified hereunder:

Application Area Plan No. ROMP 1	at 1:2500 scale
Proposed Extraction Plan No. ROMP 2a (Revision: March 2002)	at 1:1250 scale
Proposed Final Restoration Plan No. ROMP 3	at 1:1250 scale
Proposed Cross Sections Plan No. ROMP 4	at 1:1250 scale

Statement dated December 2001 to accompany the application.

Environmental Statement dated December 2001.

No development shall take place within the quarry that extends beyond the final quarry configuration as shown on Proposed Extraction Plan No. ROMP 2a.

3. **(iii) HOURS OF WORKING**

(i) All workings at the quarry other than those specified in 3(ii) and except for the purposes of maintenance, or in an emergency to maintain safe quarry workings (which shall be notified in writing to the MPA as soon as practicable) or unless the MPA has agreed otherwise in writing shall be carried out between the following times:-

0700 hours and 1700 hours Mondays to Fridays, and
0700 hours and 1200 hours Saturdays

Not at all on Sundays or Public Holidays

(ii) The screening and bunker station and tarmacadam plant permitted under planning permission ref 5/31/4814 shall only be permitted to operate between the following times:

0600 hours and 1700 hours Mondays to Fridays
0600 hours and 1300 hours Saturdays

Not at all on Sundays or Public Holidays

4. For the avoidance of doubt "maintenance purposes" referred to in Condition No. 3(i) means "the carrying out of servicing and repair work on existing plant and machinery and water pumping to ensure that quarrying operations proceed in a normal and safe manner".

5. **(iv) DUST SUPPRESSION**

All drilling equipment used anywhere within the quarry shall, prior to its use, be fitted with effective dust suppression equipment and shall be maintained at all times in use in accordance with manufacturer's instructions.

6. A water bowser or other dust suppression equipment, to be agreed in writing with the MPA, along with an adequate supply of water shall be provided and maintained in working order at all times for use within the quarry. The water bowser or other agreed dust suppression equipment shall be used to spray with water the access road, haulage roads, working areas, plant area, stockpiling areas and any other possible dust generating areas to satisfactorily suppress dust.

7. During the working life of the quarry, dust deposition shall be monitored on at least a monthly basis and recorded at 4 locations around the quarry perimeter in positions to be agreed in writing with the Mineral Planning Authority. The results of the dust monitoring shall

be made available to the Mineral Planning Authority within 5 working days of any written request for such details.

8. (v) NOISE LIMITS

(i) The noise generated from permitted site operations shall not exceed the maximum noise levels set out below when measured at these properties.

Properties	Maximum Noise Levels (DBLAeq 1 hour)
Rock Cottage	55.0
Lonfa	46.0
Erw Las	45.0
Maeshafn Chapel	45.0
Midldor & Pen-y-Ffordd	45.0
Mount Pleasant	45.0
Maes Canol	45.0
Chaldon, Pant Rhedynog	45.0
Miner's Arms	45.0

These limits shall apply, unless otherwise agreed in writing with the MPA between the following times:

0600 hours and 1700 hours Mondays to Fridays
0600 hours and 1300 hours Saturdays

(ii) Notwithstanding the noise limits set out in 8(i), short term landscaping works shall not exceed a maximum noise limit of 70 dB LAeq (1 hour) and these landscaping works shall not exceed a total period of 8 weeks in any year. This limit shall apply, unless otherwise agreed in writing with the MPA between the following times:

0800 hours and 1700 hours Mondays to Fridays

(iii) Maximum noise level shall not exceed 42 dB LAeq (1 hr) (free field) when measured at any property for any other existing, permitted or agreed site operations. This limit shall apply unless specifically agreed in writing with the MPA, between the following times:

1700 hours to 2000 hours Monday to Friday
1300 hours to 2000 hours on Saturdays

(iv) Maximum noise level from permitted site operations shall not exceed 30 dB LAeq (1hr) (free field) when measured at any property at any other times unless specifically agreed in writing with the MPA.

All noise levels shall be determined by measurement over the period stated in accordance with methods approved in British Standard 4142 (1997).

9. (vi) BLASTING CONTROLS

Blasting within the quarry shall not generate levels of vibration that exceed 6 mm/sec PPV in any plane in 95% of all cases in any 4 month period and in any event vibration levels shall not exceed an absolute maximum of 12mm/sec PPV in any plane when measured at any vibration sensitive property.

10. All blasts within the quarry area shall be monitored and recorded by the quarry operator at any one of the 4 vibration sensitive properties identified in ROMP 6 or such other properties as shall be agreed in writing with the MPA. The monitoring shall record details of the location of the blast within the quarry and the PPV on the longitudinal, transverse and vertical planes, the frequency of the vibration in each plane, the resultant PPV and air over pressure, the date and time of the blast and the location from which the monitoring took place.

11. The results of the blast monitoring carried out by the quarry operator shall be made available to the MPA within 5 working days of any written request from the MPA for such details.

12. The MPA shall be notified by the quarry operator a minimum of 24 hours in advance of any blast within the quarry. The notification shall include the date and an approximate time of the blast, along with details of the location of the blast within the quarry and confirmation of

which of the properties identified in Plan No. ROMP 6 the blast will be monitored from by the quarry operator.

13. (vii) PERMITTED DEVELOPMENT RIGHTS

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any other Order revoking or re-enacting that Order) no fixed plant or buildings other than those existing and those as shown on plan No's ROMP 2a shall be erected or installed within the quarry except in accordance with such details of siting, design, and external appearance as may previously have been agreed in writing with the Minerals Planning Authority.

14. (viii) SALES

The maximum annual sales of limestone from the quarry shall not exceed 800,000 tonnes in total without the prior written approval of the Minerals Planning Authority who shall be provided with sales figures within the month of April of each year to verify same.

15. (ix) VEHICLES LEAVING THE SITE

Prior to leaving the quarry all vehicles carrying limestone less than 150 mm in size shall be sheeted.

16. No vehicles except motor cars shall enter the public highway from the quarry unless their wheels and chassis have been adequately cleaned by travelling through the wheel wash to prevent material being deposited on the public highway.

17. The surface of the tarmacadamed access road between the wheel wash and the public highway shall be maintained at all times in good condition and free from dirt and dust.

18. (x) SURFACE WATER

All reasonable steps shall be taken to ensure that the operations carried out throughout the quarry do not give rise to the pollution or silting of any watercourse or other land and do not cause any flooding and to ensure that the natural or artificial drainage of any adjoining land is not adversely affected by any operations carried out within the quarry. Water discharge from the quarry shall be settled before it is permitted to enter any watercourse or drainage pipe. There shall be no discharge of surface water from the quarry onto any adjoining public right of way.

19. Any oil, fuel, lubricant and other potential pollutants shall be handled on the site in such a manner as to prevent pollution of any watercourse or aquifer. For any liquid other than water, this shall include storage in suitable tanks and containers which shall be housed in an area surrounded by bund walls of sufficient height and construction so as to contain 110% of the total contents of all containers and associated pipe work. The floor and walls of the bundled areas shall be impervious to both water and oil. The pipes should vent downwards into the bund.

20. (xi) IMPORTATION AND STORAGE OF MATERIALS

There shall be no importation of any waste material, including any material intended for restoration purposes into the quarry area without prior written approval from the MPA. There shall be no other materials imported to the site other than those required in connection with the tarmacadam asphalt processing plant.

21. The quarry waste shall only be stored in the area(s) identified on Plan No. ROMP 2a or unless otherwise agreed in writing with the MPA.

22. The storage area for stockpiles and any materials imported to the site in connection with the tarmacadam asphalt processing plant shall be restricted to within the area identified as "limit of stocking area", on plan no. ROMP 2a and as marked out on site and "the processing plant and stocking area" as shown on plan no. ROMP 2a unless otherwise agreed in writing by the MPA.

23. (xii) MAINTENANCE

All vehicles, plant and machinery operated within the quarry shall be maintained in accordance with the manufacturers' specifications at all times and shall be fitted with silencers as appropriate. All equipment, including silencers, shall be used to minimise any noise generation.

24. (xiii) LANDSCAPING, RESTORATION AND AFTERCARE

The whole of the quarry shall be progressively restored along with appropriate aftercare provision, in accordance with details to be submitted to and agreed in writing annually by the MPA in accordance with Condition 25 below to ensure that the final quarry profile is in accordance with the details of the approved restoration scheme for the quarry.

25. Within 12 months of the date of this permission and annually thereafter, a scheme of phased restoration and aftercare for the quarry site shall be submitted to the MPA for written approval.

The initial scheme and thereafter each annual scheme and the final scheme shall provide details of:

- (i) The anticipated extent of working within the quarry site for the next 12 months.
- (ii) The treatment of each completed bench by the relocation and spreading of overburden and top soil along with fertilisation of the soils, the species densities and heights of any trees and shrubs and the grass seeding mix and sowing rate to be planted as well as drainage.
- (iii) A 5 year scheme of aftercare for each completed phase detailing the treatment, maintenance, fertilisation and drainage of all areas of planting undertaken under (ii) above.

26. The final phase of the restoration scheme and associated scheme of aftercare shall be submitted to the MPA for written approval no later than 31 December 2020 and shall show the final treatment of areas of the quarry floor, haulage roads and areas where existing buildings, plant, hard standing and other associated equipment and facilities are to be removed from.

27. Each agreed phase of restoration shall be fully implemented within 18 months of the written confirmation of the acceptability of the scheme by the MPA with each 5 year scheme of aftercare commencing on the completion of each agreed phase of the restoration scheme.

28. Within 24 months of the date of this consent, and annually thereafter, a report detailing the restoration works and aftercare completed in the previous 12 month period throughout the quarry shall be submitted to the MPA for written confirmation that each phase of the works has been satisfactorily implemented in accordance with the previously approved details.

29. Trees and shrubs planted in accordance with the submitted plans and particulars shall be maintained and any plants which within 5 years of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing with the Minerals Planning Authority.

30. In addition to the contents of Condition No. 1, by the 30 June 2022 or within 6 months of written agreement of cessation with the MPA, whichever shall be the earlier, all plant buildings and other ancillary objects or structures associated with the quarry shall be removed and the ground shall be restored in accordance with the approved plans.

31. In the event of an agreed cessation of winning and working of minerals prior to the achievement of the final quarry contours as shown on Proposed Final Restoration Plan No. ROMP 3 a final revised scheme of restoration and aftercare shall be submitted to the Mineral Planning Authority for written approval within 6 months of the date of that cessation. The revised scheme shall thereafter be implemented within 18 months of receiving written approval from the MPA with the final 5 year aftercare commencing on completion of the restoration or as otherwise agreed in writing with the MPA.

32. Notwithstanding the details submitted as part of this application, the details required as part of the final restoration scheme shall include the landscaping and treatment of the western face of the quarry.

33. **(xiv) DEFINITION OF AREAS**

Any reference in this permission to the "quarry" is to be taken as reference to the area defined in the plan attached to this certificate of permission.

1. To ensure that the County Planning Authority retains control of the development for the avoidance of doubt and in the interests of visual amenity.
2. In order that the County Planning Authority may retain control over the development and for the avoidance of doubt.
3. to ensure that the County Planning Authority has control over all operations in the interests of residential amenity.
4. To ensure that the County Planning Authority has control over all operations in the interests of residential amenity.

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11. To ensure that the County Planning Authority has control over all operations in the interests of residential amenity.
12. To ensure that the County Planning Authority has control over all operations in the interests of residential amenity.
13. To ensure that the County Council has control over the development in the interests of residential and visual amenity.
14. In order that the County Planning Authority may retain control over the development and for the avoidance of doubt.
15. To ensure that the County Planning Authority has control over all operations in the interests of residential amenity.
16. To prevent materials being deposited onto the highway in the interests of highway safety and visual amenity.
17. To prevent materials being deposited onto the highway in the interests of highway safety and visual amenity.
18. To ensure the operation of an adequate water management scheme for the site and to prevent the pollution of any watercourse or the discharge of water onto any public right of way.
19. To prevent pollution of any watercourse or aquifer.
20. In order that the County Planning Authority may retain control over the development and for the avoidance of doubt.
21. To ensure that the County Planning Authority retains control of the development for the avoidance of doubt and in the interests of visual amenity.
22. To ensure that the County Planning Authority retains control of the development for the avoidance of doubt and in the interests of visual amenity.
23. To ensure that the County Planning Authority has control over all operations in the interests of residential amenity.
24. In the interests of the visual amenity of the site and the surrounding area.
25. In the interests of the visual amenity of the site and the surrounding area.
26. In the interests of the visual amenity of the site and the surrounding area.
27. In the interests of the visual amenity of the site and the surrounding area.
28. In the interests of the visual amenity of the site and the surrounding area.
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30. In the interests of the visual amenity of the site and the surrounding area.
31. In the interests of the visual amenity of the site and the surrounding area.
32. In the interests of the visual amenity of the site and the surrounding area.
33. In order that the County Planning Authority has control over all operations and for the avoidance of doubt.

NOTES TO APPLICANT:

Footpath No. 33 may require permanent diversion. Contact Mr. A. Walls (Public Rights of Way) on 01824-706871.

REPORT BY HEAD OF PLANNING SERVICES

RHYL FLATS OFFSHORE WIND FARM

1. PURPOSE OF REPORT.

- 1.1 The Council have been consulted by the Department of Trade and Industry on an application under Section 36 of the Electricity Act 1989 for an offshore wind farm. The Council are required to make any comments before the end of May.

2. THE PROPOSAL

- 2.1 Celtic Offshore Wind Ltd (COWL) propose to construct a wind farm of 30 wind turbines 10 kilometres north of the Colwyn Bay coast line. The turbines would be a maximum of 100 metres in height with a maximum 105 metre rotor diameter. The onshore works comprise underground cables running 1 km underground to the west of Towyn to a substation followed by 6 km of overhead line to the existing national grid near Moelfre to the south of Abergele.
- 2.2 The application has been accompanied by an environmental assessment, a copy of which has been made available in Rhyl library and at the Council offices in Prestatyn. The environmental assessment (EA) will be available at the meeting. Information about the project is available at the web site - www.wind4energy.co.uk
- 2.3 It is anticipated that the construction of the wind farm will take around 7 months and it will have a life span of between 20 and 25 years. Should decommissioning ever be required this would take place over a similar period as the construction. At present the anticipated construction period is March to September 2004.
- 2.4 There are also proposals for a second offshore wind farm at North Hoyle (north of Prestatyn) which were subject to a formal application earlier this year. The Planning Committee considered the onshore and offshore aspects of this development at it's meeting on 27 March 2002.

3. PUBLICITY

- 3.1 In April 2001 a briefing took place in St Asaph. Public exhibitions and briefings have been held April 2002 in Rhyl and coastal towns to the west. A scoping document for the EA received wide consultation and was subject to comments by Denbighshire Officers. The current EA has been publicised recently through press notices and the exhibitions and is available in local Council offices and libraries.

4. ISSUES

- 4.1 There are no County Council planning policies specific to offshore wind farms as such proposals are not within the planning regime. However, Policy MEW8 of the UDP supports the principle of energy from sustainable sources and Policy MEW10 advises that wind farms will be permitted subject to certain criteria.

- 4.2 In national terms the need for renewable, sustainable energy is actively promoted by the Government with the target that 10% of UK electricity will be from renewable sources by 2010. The general thrust of government policy has been towards the employment of renewable energy sources.
- 4.3 The EA considers the full range of impacts on the environment from the offshore wind farms although some of these impacts do not directly affect Denbighshire.
- 4.4 The EA deals with the physical environment including sediments, hydrography, water quality and long shore drift. The assessment concludes that there will be no material impact on these factors and therefore no requirement for mitigation.
- 4.5 The biological environment is assessed including benthic communities, mammals and birds. Mitigation includes the timing of construction and the turbine layout and base design, together with the particular location of the wind farm.
- 4.6 Perhaps the most discernible impact on Denbighshire will be on the seascape and visual environment. The assessment has included considering alternative layouts and also assessing the potential cumulative impact, particularly taking into account North Hoyle. Although navigational safety has been given a high priority in the array design as has energy capture efficiencies, the assessment concludes that comparing a random appearance with two straight lines would make little difference from most viewpoints including those in Denbighshire. The proposal is for two straight lines with 15 turbines in each line.
- 4.7 Impact on the human environment is assessed including socio-economic issues, marine recreation and amenity, commercial fisheries, noise, traffic, shipping and navigation, and impact on existing installations and off shore human activity. Some loss of fishing grounds will arise and fishing routes would be affected but this impact is assessed as being moderate.
- 4.8 Wrecks and archaeology are also considered. The only protected wreck in the vicinity, The Resurgam, lies outside the development area. The SS Penrhos which lies within the development area will be protected by an exclusion zone.

5. CONCLUSIONS AND RECOMMENDATION

- 5.1 The comprehensive environmental assessment does not identify any significant adverse impacts. At the time of writing this report no issues had come to light which would materially adversely impact on Denbighshire. Any issues which arise before the Planning Committee will be reported at the meeting.
- 5.2 **Recommendation - that Denbighshire County Council raise no objections to the proposed Rhyl Flats Offshore Wind Farm.**

REPORT FOR INFORMATION BY THE HEAD OF PLANNING SERVICES

**WELSH ASSEMBLY GOVERNMENT
PLANNING POLICY WALES (MARCH 2002)**

1. INTRODUCTION

1.1 The purpose of this report is to:

- Inform members of the publication of the Welsh Assembly Government's (the Assembly Government's) new *Planning Policy Wales* (PPW), dated March 2002;
- Identify key new issues from the document (refer to Appendix 1);
- Advise members where they can read/inspect the new guidance.

1.2 A full copy of PPW can either be viewed from the planning offices at Ruthin or Prestatyn or downloaded from the Assembly Government's website: www.wales.gov.uk

2. BACKGROUND

2.1 The consultation draft of this document was published in February 2001 and the subsequent officer's response to the consultation was approved by Planning Committee on 25 April 2001. Several of the recommendations submitted by Denbighshire County Council to the Assembly following the consultation draft (February 2001) have been accepted.

2.2 This latest version of PPW will form the Assembly Government's land use planning policies with immediate effect. *Planning Guidance (Wales): Planning Policy (PGWPP), First Revision, April 1999* is hereby cancelled. The existing set of Technical Advice Notes (TANs) will be retained and will supplement PPW.

2.3 PPW, TANs and circulars together comprise national planning policy and should be taken into account by planning authorities in Wales in the preparation of UDPs. They may also be material to decisions on individual planning applications and will be taken into account by the Assembly and Planning Inspectors in the determination of called-in planning applications and appeals.

3. KEY NEW ISSUES AND AMENDMENTS

3.3 The key new issues and amendments raised by PPW are set out in Appendix 1.

4. CONCLUSIONS

4.1 PPW raises new issues to which Denbighshire County Council, as the LPA, should have regard to. All issues raised in the guidance will be considered by the Council in reviewing or altering the UDP, in the producing and updating supplementary planning guidance and other strategies and also in making development control decisions.

5. RECOMMENDATIONS

- That Members note the publication of PPW guidance which will replace the existing PGWPP with immediate effect;
- That all issues raised in the guidance are noted, in particular the new issues and amendments summarised in Appendix 1 of this report.

APPENDIX 1

1. SUMMARY OF KEY CHANGES:

1.1 Planning Policy Wales (2002) contains several amendments to existing policy and several new policies. These are summarised below, including officer comments on particular topic areas in *italics*:

Chapter 2: Planning for Sustainability

1.2 The strategic aims and issues raised by PPW are found in Chapter 2: 'Planning for Sustainability'. The Assembly Government is seeking to promote sustainable development by placing sustainability at the heart of its decision making process. The key amendments or new issues raised in this chapter include:

- **Sustainable settlement strategy - locating new development (para 2.5):** The revised strategic locational issues introduced by PPW include:
 - Encouraging higher density development, near public transport nodes, or near corridors well served by public transport;
 - Locating the majority of new development in those settlements which have relatively good accessibility by non-car modes;
 - Designating and identifying local service clusters, or clusters of smaller settlements where a sustainable functional linkage can be demonstrated, as the preferred locations for most new development including housing and employment provision in rural areas;
The third bullet point, above, is a completely new policy issue. Consideration will be given to this in any review of the UDP.
- **Preference for the re-use of land (para. 2.7):** Previously developed (brownfield) land should, wherever possible, be used in preference to greenfield sites, particularly those of high agricultural or ecological value. PPW requires that where possible, local authorities should work with landowners to ensure that suitable sites are brought forward for development and to secure a coherent approach to renewal. Wherever possible this should be done by negotiated agreement, but it may involve the use of compulsory purchase powers.
- **Promoting Sustainability through Good Design (para 2.9):** PPW places a greater emphasis on design issues, including: accessibility for all; producing safe environments through design; to seek to promote or reinforce traditional and local distinctiveness; to encourage early consultation with potential developers and other interested parties on design matters. It recommends that UDPs should provide clear policies, supported where appropriate by supplementary planning guidance. PPW requires that applicants for planning permission should, as a minimum, provide a short written statement setting out the design principles adopted, as well as illustrative material in plan and elevation.
The PPW implies that such a design statement is required with every planning application. Officers do not consider this to be appropriate under all circumstances and will seek clarification on this from the Assembly.
- **Supporting the Welsh Language (para 2.10):** PPW requires that it should be the aim of Local Planning Authorities (LPAs) to provide for the broad distribution and phasing of housing development taking into account the ability of different areas and communities to accommodate the development without eroding the position of the Welsh language.
The Planning Service is already committed to managing a research study to assess the implications of land use planning on the Welsh Language - the results of which will inform the production of supplementary planning guidance later this year.
- **Community Strategies (para 2.11):** Section 4(1) of the Local Government Act requires councils to produce community strategies. PPW requires local authorities to take account of the policies and proposals in an adopted UDP when preparing a community

strategy. Once established, the land use implications of a community strategy will be taken forward by a UDP.

Denbighshire County Council have commenced the production of a Community Strategy which is anticipated to be completed in 2004.

2. THE PLANNING SYSTEM

2.1 **Chapters 3 and 4** of the PPW provides policy guidance on the planning system. In general there are few key new issues raised:

- **Sustainability principles in plan preparation (para 3.3):** A systematic sustainability appraisal is the most effective way of ensuring that the implications of an emerging UDP are considered as an integral part of its preparation. *Previous guidance advocated Environmental Appraisals of UDPs and the Denbighshire UDP has been through such an appraisal. Sustainability Appraisals, as proposed in the PPW are similar, but cover a greater scope of issues including social and economic considerations.* Forthcoming requirements for Strategic Environmental Assessment (Directive 2001/42/EC) which came into force on 21 July 2001 and must be brought into effect by July 2004 will also need to be taken into account by LPAs in appraising the sustainability of their UDPs.
- **Environmental Impact Assessment:** New guidance on EIA has been published since the previous national planning guidance and PPW refers to the current relevant guidance.

3. SPECIFIC TOPIC AREAS

3.1 The following section summarises the key new issues raised in the topic areas (chapters 5-13) of PPW:

Chapter 5: Conserving and Improving Natural Heritage and the Coast

- **National Parks and AONBs (para 5.3.6)** are of equal status in terms of landscape and scenic beauty and both must be afforded the highest status of protection from inappropriate developments.
- **LANDMAP information system (para 5.3.13):** This is an information resource upon which LPAs can draw in making the landscape assessments needed to inform local policy, guidance and decision making in the field. It describes and evaluates aspects of the landscape and provides the basis of a consistent Wales-wide approach to landscape assessment. LANDMAP assessments should be published and can help inform supplementary planning guidance on landscape assessment. *Officers from both Planning and Countryside Services are in the process of developing the LANDMAP information system for Denbighshire.*
- The United Kingdom **Biodiversity Action Plan (UKBAP)** objectives should be taken into account in the development of UDP policies (para 5.4.2). Local Biodiversity Action Plans (LBAPs) can provide a valuable basis for this. Local Authorities should adopt LBAPs as supplementary planning guidance. *The UKBAP programme has already been commenced by Countryside Services.*

Chapter 7: Supporting the Economy

- PPW recommends the selection of key employment locations, **(key sites) (para 7.2.2)**, in line with sustainable development principles, with preference for the use of previously developed land, proximity to existing urban developments, good accessibility to the public transport and primary road network and good quality telecommunications. Key sites can provide a focus for investment but should not prevent opportunities from arising in other locations.

- **Integrated Rural Development Strategy (7.3.1):** PPW recommends that these strategies be produced to facilitate the diversification of the rural economy, and seek to accommodate both traditional rural industries and traditional enterprises.
This is a significant new issue to which officers will give careful consideration.
- **Farm Diversification (para 7.3.3)** is referred to in PPW, with LPAs encouraged to adopt a positive approach to development associated with farm diversification in rural areas, irrespective of whether farms are served by public transport. While initial consideration should be given to adapting existing farm buildings, PPW states that the provision of a sensitively designed building within existing farm complexes may be appropriate where a conversion opportunity does not exist.
This is also a significant new issue, which may potentially provide scope for new build opportunities in the open countryside.

Chapter 8: Transport

- **Home Zones (para 8.4.1):** The guidance recommends that local authorities should consider using powers available to designate Home Zones.
A home zone is a street or group of streets designed primarily to meet the interests of pedestrians and cyclists rather than motorists, opening up the street for social use.
- **Car Parking Provision (para 8.4.2):** New developments should provide lower levels of parking than have generally been achieved in the past. Minimum parking standards are no longer appropriate. Local authorities should develop an integrated strategy on parking to support the overall transport and locational policies of the UDP.
- **Transport Assessments (para 8.7.2):** should be conducted for major developments to appraise travel demand and impact. Transport Assessments outline the transport aspects of a planning application. For major proposals this will involve illustrating the accessibility of a site by all modes of transport, the modal split and where necessary any measures to potentially improve public transport. PPW also regards such assessments as being an important basis for the preparation of **Travel Plans**. Travel Plans are a package of instruments and objectives which are implemented (often by applicants for planning permission) which attempt to reduce the reliance of a particular site on single occupancy car journeys.

Chapter 9: Housing

- PPW requires LPAs to address the **scope and potential for rehabilitation, conversion, clearance and redevelopment** when considering suitable sites for housing development (**para 9.2.6**).
- **A search sequence (para 9.2.7)** is recommended by the guidance, through which local planning authorities in attempting to identify housing sites should start with: re-use of previously developed land and buildings within settlements; then settlement extensions; and then new development around settlements with good public transport links.
- PPW also recommends that LPAs consider the following **criteria in deciding which sites to allocate for housing in their UDPs (para 9.2.8)**:
 - availability of previously developed sites and empty or under-used buildings and their suitability for housing use;
 - Location and accessibility of potential development sites to jobs, shops and services by modes other than the car, and the potential for improving such accessibility;
 - Capacity of existing/potential infrastructure, including public transport, water and sewerage, other utilities and social infrastructure to absorb further development and the cost of adding further infrastructure;
 - Ability to build communities to support new physical and social infrastructure, including consideration of the effect on the Welsh language and to provide sufficient demand to sustain appropriate local services and facilities; and

- The physical and environmental constraints on development of land, including, for example, the level of contamination, stability and flood risk, taking into account that such risk may increase as a result of climate change, and the location of fragile habitats and species, archaeological and historic sites and landscapes.

The above bullet points raise new issues in the identification of UDP housing sites in Wales and reflect existing English guidance (para 31., PPG3, DTLR 2000).

- **Residential Mobile Homes (para 9.2.16)** can make a valuable contribution to overall housing provision and have a part to play in providing low cost accommodation for small households.
- **The Accommodation Needs of Gypsy Families (para 9.2.17)** must be taken into account and it is important that LPAs have policies for the provision of gypsy sites in their UDPs.

Chapter 10: Planning for Retailing and Town Centres

- PPW recommend that policies and supplementary planning guidance should **support management of town centres (para 10.2.8)** and, where appropriate, of smaller centres. This could involve enhancement, promotion and contributing to a safe and crime free environment.

Chapter 12: Infrastructure and Services

- **Development Control and telecommunications (para 12.13.5):** PPW strongly encourages telecommunications operators and local planning authorities to carry out annual discussions about roll-out plans for the authority's area. Where a mast is to be installed on or near a school or college, it is important that operators discuss the proposed development with the relevant body of the school/college before submitting a planning application.
- **Health Implications and telecommunications (para 12.13.8):** If telecommunications development meets the International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines, it should not be necessary for a LPA in processing an application for planning permission or prior approval, to consider further health aspects and concerns about them. All new base stations are expected to meet the ICNIRP guidelines.

A REPORT BY THE HEAD OF PLANNING SERVICES

DATE OF SITE VISITS

1. PURPOSE OF REPORT

- 1.1 To advise Members of the likely date of any Site Visits requested by the Planning Committee.

2. DATE OF THE SITE VISITS

- 2.1 In consultation with Legal and Administration, it has been decided that the **Thursday 30th May 2002** is most suitable. This date has been provisionally booked.
- 2.2 You are advised, therefore that any site visits arranged today will take place **On Thursday 30th May 2002 (times to be advised).**

3. MEMBERSHIP OF THE SITE VISIT PANEL

- 3.1 This will depend on Political Balance and will include the Chair and Vice Chair of the Committee and the relevant Local Member(s)

4. RECOMMENDATION

- 4.1 That Members agree to the Site Visits being held on Thursday 30th May 2002

**Decisions Made by the Head of Planning Services under
Delegate Powers
9th March 2002 - 3rd May 2002**

Item For Information

This is a list of applications where the decision has already been made under delegated powers. If you wish to discuss the application/decision please contact the Case Officer.

DECISION TYPES

- | | |
|-----------------|--|
| GRANT | - grant planning permission |
| APPROVE | - approve reserved matters or condition |
| CONSENT | - grant listed building, conservation area, or advert consent |
| NO OBJ | - no objection to works to tree(s) in conservation area |
| DETERMIN | - determine that prior approval is not required or is granted on determination application (certain telecom or agricultural works) |
| P DEV | - proposal found to be permitted development after receipt |
| WDN | - application withdrawn by applicant |
| REFUSE | - refuse all types of application |