

## **REPORT BY THE HEAD OF PLANNING SERVICES**

**PROPOSAL:** Extension of current limestone extraction operations incorporating reclamation and after-care proposals. (Original December 1999 proposal amended in September 2000. September 2000 proposal amended April 2001)

**LOCATION:** Burley Hill Quarry, Pant Du, Eryrys

**APPLICANT:** Tarmac Central Ltd. (originally Tilcon South Ltd.)

### **1. INTRODUCTION**

#### **THE APPLICATION**

- 1.1 The application was first received in December 1999. The application was significantly amended in September 2000 and April 2001.
- 1.2 Extensive publicity has been given by the Council to the original application and subsequent amendments. The applicant carried out preliminary consultations with local bodies, including the quarry liaison committee, before making the application.
- 1.3 An Environmental Statement (ES) was submitted with the original application. The ES has been amended to reflect changes in the proposals in September 2000 and April 2001.
- 1.4 Further amendments were made in the applicant's letter of the 14 August in respect of the application boundary and management of Big Covert.
- 1.5 The applicant has been very co-operative throughout. The plans and supporting documents are of a high quality.
- 1.6 Several (9) members of the Planning Committee viewed plans of the proposal and photographs of the locality at Loggerheads Country Park and carried out an accompanied inspection of the quarry on Tuesday 21 August 2001.

#### **THE QUARRY**

- 1.7 The quarry is located some 600 metres to the south of the village of Maeshafn in open countryside within an AONB. Planning permission was first granted for limestone extraction in 1950 and the quarry developed gradually in the 1960's and early 1970's. The quarry became a major regional producer of limestone in the early 1980's. Further extensions were permitted in 1982 and 1984 and an increase in the maximum rate of production to 800,000 tonnes per annum was approved in 1987.
- 1.8 In 1976, the quarry was owned by Welsh Aggregates Ltd. In 1991 the company changed its name to Bodfari (Quarries) Ltd. In 1998 Tilcon (South) Ltd. (a subsidiary of Anglo American) purchased the quarry. Last year (2000) Anglo American plc took over the Tarmac Group of companies. The quarry is now operated by Tarmac Central Ltd.

- 1.9 Approximately 38% of the output of the quarry is used as roadstone, 34% for concrete aggregate and 28% for other construction uses. (1997 figures)
- 1.10 In January 2001 permitted workable reserves were estimated to be approximately 5 million tonnes. A further 1.25 million tonnes of permitted reserves are considered to be sterilised by unstable land on the western side.

## **2. THE ASSESSMENT**

- 2.1 Following the departure of Roger Bennion (Minerals Officer) in May this year, Wrexham County Borough Council agreed to carry out an independent assessment of the application. The assessment was done by Bob Sheffield, BSc (Hons), Senior Planner, Minerals.

## **3. THE REPORT**

- 3.1 The report contains my assessment of the proposal and recommendation to the Planning Committee together with a report prepared by Bob Sheffield (Wrexham CBC)

Appended are several annexes:

*Annex 1 Documents considered as part of the application.*

*Annex 2 Documents submitted and withdrawn / superseded.*

*Annex 3 List of consultees and responses.*

*Annex 4 List of the name and addresses of individuals and companies both in support and against the proposals in 1999, 2000 and 2001.*

*Annex 5 List of most relevant policies and guidance with full text.*

- 3.2 This report and the one by Bob Sheffield (Wrexham CBC) should be read and taken together in the determination of the application.
- 3.4 The plans on the previous pages show the application site, the main reference points referred to in the reports and the extent of current permitted extraction and proposed limit of extraction.

## **4. BACKGROUND DOCUMENTS**

- 4.1 All background documents referred to in the report are available for public inspection.
- 4.2 All plans and documents are also available for inspection prior to the Planning Committee meeting on the 5 September

## **5. THE MAIN ISSUES**

- 5.1 I have considered the report of Bob Sheffield, Senior Planner, Minerals, Wrexham County Borough Council who has considered all the documents and representations made in respect of this application. The Senior Planner, Minerals has concluded on balance that the planning application should be refused and a copy of his report is appended.
- 5.2 I have had regard to Section 54A of the Town and Country Planning Act 1990 which requires the decision maker to determine this application in accordance with the development plan unless material planning considerations indicate otherwise. I have also had regard to the information contained in the ES, including the further information

contained in the amendments of September 2000 and April 2001, to the comments made by consultees, and representations made by members of the public.

- 5.3 In my view, the main issues having regard to national and local planning policies and guidance are whether:
- The proposed development would have harmful or beneficial impacts on the visual appearance and character of the landscape having regard to its designation as an AONB,
  - and,
  - There are any overriding exceptional circumstances or national/public interests.

## **6. PLANNING POLICIES AND GUIDANCE**

- 6.1 Burley Hill Quarry is within the Clwydian Range Area of Outstanding Natural Beauty (AONB). AONB's are landscapes of national importance. In June 2000 Nick Raynsford MP, Minister for Housing and Planning, made a statement regarding the planning status of AONB's. In the Government's view, AONB's should in future share with National Parks the highest status of protection in relation to landscape and scenic beauty.
- 6.2 The advice in paragraph 21 of Minerals Planning Policy Wales (MPPW) is that minerals development in Areas of Outstanding Natural Beauty should not take place save in exceptional circumstances and that all mineral applications must be subject to the most rigorous examination.
- 6.3 The advice in paragraph 5.3.7 of Planning Guidance (Wales) Planning Policy First Revision (PGW) is that development control decisions affecting AONB's should generally favour conservation of natural beauty, although it will also be appropriate to have regard to the economic and social well-being of the areas.
- 6.4 PGW and MPPW advise that major developments in AONB's should not be allowed unless, in the national interest or lack of alternative sites (PGW para. 5.3.8) in the public interest (MPPW, para. 21). MPPW requires consideration of:
- ◆ need in terms of UK mineral supply.
  - ◆ impact on the local economy.
  - ◆ availability of alternative supplies at reasonable costs.
  - ◆ effect on environment and landscape.
  - ◆ extent the proposal achieves an enhancement to the local landscape and provide for nature conservation and biodiversity.
- 6.5 Policy F3 of the Clwyd Structure Plan : First Alteration (CSPFA) applies the rigorous examination test. Under Policy F3 applications will normally only be permitted where there is an overriding need for the mineral which outweighs any adverse environmental consequences.
- 6.6 Emerging Unitary Development Plan (UDP) policies STRAT 4, MEW 1 and 2, permits lateral extensions to quarries within the AONB only in exceptional circumstances. The emerging UDP however accepts the need to maintain a land bank of permitted reserves, that there may be a need to release future reserves during the plan period, so far as this is compatible with the County's role to protect the AONB. Policy ENV 2 in the emerging UDP requires all developments in the AONB to be assessed against

the primary objective to conserve and enhance the natural beauty of the area. Major developments will not be permitted unless there is an overriding need in terms of proven national interest and there being no alternative sites.

- 6.7 Emerging UDP policies referred to above are subject to objection and do not carry full weight.

## **7. ASSESSMENT AGAINST LANDSCAPE IMPACT**

- 7.1 Turning to the first issue identified in para. 1, I consider that a rigorous examination of the application has been carried out by the Senior Planner, Minerals (SPM). The SPO concludes that the lateral extensions, particularly northwards would have a significant adverse impact on the AONB. His conclusions are based on independent observations from public vantage points and having regard to the representations received, particularly from the County Landscape Architect and the Countryside Council for Wales.
- 7.2 Tarmac consider that the lateral extensions will permit a better restoration scheme by taking out the existing “hard rim” and providing more gentle upper slopes and additional benches for landscaping using the latest restoration techniques. By increasing tree and grass cover they say that the net benefit will be more biodiversity and better integration with the surrounding landscape. Tarmac have sought to show this by using high quality plans and photomontages. They also seek to demonstrate that the removal of the rounded promontory or hillock in the northern extension will not open significant additional views of the quarry from Moel Findeg.
- 7.3 I support the principle of achieving high quality restoration of quarries. However, careful consideration must be given to the effects lateral extension would have on the landscape. Whether the landscape changes proposed following restoration would be an improvement is a matter of opinion. The Landscape Architect and CCW consider that the restoration proposals for the existing quarry would not result in an enhancement to the local landscape over or above what could be achieved under the Environmental Act scheme.
- 7.4 The northern extension, which is the most controversial proposal would cover an area measuring approximately 97 – 118 metres from north-to south and 90 – 200 metres from west to east. The landform represents a rounded hillock from 320 - 328 metres. The hillock supports trees, hawthorn bushes, calcareous grassland and a small area (approximately 0.1 ha) of limestone pavement. The proposal would reduce existing levels would reduce levels from 320 to 285 metres. (the existing northern haul road is at approximately 295 metres). , effectively creating almost a valley feature. Commencement of extraction in this area (Phase 2) to final restoration (Phase 4) would take 4 years. Tarmac say that the elimination of the existing 35 metre northern face and replacing it with top two exposed faces of 9 metres and 26 metres would help to soften the impact of the northern face from Bryn Alyn. The elimination of the top would involve encroachment onto open land removing natural features, trees and grassland and a small area of limestone pavement. I found this to be a pleasant and peaceful landscape, disregarding the quarry. The quarry is surprisingly low key in this landscape and in my opinion the northern extension would not be a benefit to the AONB. Clear views are to be had from Bryn Alyn to the south and Moel Findeg to the north, a popular spot for walkers. The extension, carefully designed as it is, would extend the area and visual influence of the quarry from Bryn Alyn and Moel Findeg which in my opinion would have a harmful effect on the character and appearance of the area during excavations and for a long time afterwards until the vegetation areas are established and mature. Even then, the landform would be essentially artificial and the loss of habitat would not be quickly replaced.
- 7.5 The eastern extension measures 410 metres from north to south and varies in width from 8 metres to 43 metres. Some of the cross sections show overall improvements

in restoration over and above what could be achieved under the Environmental Act Scheme. However, other sections indicate only very minor / cosmetic improvements. The south eastern landscape mound would help to provide an effective sound and visual buffer for properties in this vicinity. However, in my opinion the extension would remove what I consider to be an important elevated lip on the edge of the quarry and this would until landscaping had matured, open up new views of the western face of the quarry from a public footpath on the east side which is not proposed to be diverted.

- 7.6 Tarmac have reinstated the 30 year woodland management plan for Big Covert. This, they say, will ensure continuity of tree cover for recreational and wildlife purposes. The proposal to manage the woodland in a sustainable manner is to be encouraged. The management scheme is a positive factor in favour of the proposals but does not itself depend on the development of the quarry as proposed. It is to be hoped that, as a company with high regard for environmental issues, Tarmac will not view the scheme as being conditional upon the grant of planning permission for the extension of the quarry. Implementation of the scheme should have benefits both for the environment and for the company and the County Council should pursue the matter with the company and the relevant bodies irrespective of the outcome of the application. Long term solution / mitigation of the currently unstable western face is not included in this application.
- 7.7 My overall conclusions on the landscape issue is that the proposed benefits of restoration and woodland management do not represent a net benefit to the AONB. The changes in landform, particularly the northern extension are serious disadvantages, a view shared by CCW, the County's Landscape Architect and the AONB Joint Advisory Committee.

## **8. ASSESSMENT AGAINST NEED, ECONOMY AND ALTERNATIVE SUPPLIES**

- 8.1 Need is expressed in MPPW in terms of UK considerations of mineral supply. MPG6 (1989) advises (para. 34) that the aim should be to provide for the release of land to maintain a stock of permissions, for an appropriate local area, sufficient for at least 10 year's extraction. A longer period may be appropriate for rock.
- 8.2 Need can also be expressed in terms of the quality or rarity value of the mineral.
- 8.3 In my opinion, a shortfall in this landbank or a mineral which is found in only a few locations or of special chemical quality would be an important factor counting in favour of the application. Best estimates indicate that the landbank in the County is approximately 14 years, and 23 years in the North East Wales based on 1997 production figures. The overall quality of the rock at Burley Hill Quarry is good but not exceptional. There are other sources within the region and therefore in my opinion national considerations do not count in favour of the grant of planning permission for the extension of this quarry.
- 8.4 It is common ground that the County and North East Wales area has a landbank in excess of 10 years. Tarmac however consider that the landbank is fragile. They maintain that 7 out of 10 active quarries in North East Wales and 4 out of the 5 hard rock quarries in the County will close during the UDP plan period (to 2011) due to capacity and other constraints. This they say will result in a sudden drop off in available reserves in 2006 to meet the needs of the market place and thus the needs of society as a whole. The result in their view is that the Council will be required to release reserves in locations which are more environmentally damaging than Burley Hill or alternatively the shortfall will be taken up elsewhere which will result in environmental and financial costs.

- 8.5 In my view, the extensive evidence presented by Tarmac that the mineral from this site would:
- (a) Maintain a landbank;
  - (b) Meet the need for this quality rock and,
  - (c) That adequate alternative sources of supply at reasonable cost and close to the market place do not exist,

is not conclusive nor is it proven. Up to date figures for the North East Wales (former County of Clwyd) are not available. The latest figures were published by the Regional Aggregates Working Party (RAWP) in 1995. In my view they are not reliable either as a measure of available reserves, of future demand, or disaggregation between authorities. This creates a vacuum and does not assist the decision maker or the quarry industry.

- 8.6 The additional costs of supplying the mineral to users would be a factor in favour of the proposal. A significant percentage of the mineral is produced to supply the market place in north west England. The evidence on costs is not conclusive. The market is sophisticated and highly competitive. If this quarry closed, and Tarmac envisage it closing in 2013, then the industry would continue to supply stone at the lowest reasonable price.
- 8.7 It is not for me to speculate what may happen if this application is refused. However, it is unlikely that planning permissions for limestone would not be forthcoming in North East Wales during the plan period or that increased production from other quarries in the market area could not compensate over this period for the eventual loss of production from Burley Hill Quarry. Use of secondary aggregates, non-specification aggregates and more efficient use of materials in construction projects provide alternative sources. This is high on the policy agenda for reducing demand from land won aggregates in accordance with the principles of sustainability. As a source of supply, this will become increasingly important.
- 8.8 Tarmac say that the quarry employs 46 directly and approximately 40 indirectly. The figure of 46 direct employees is made up of 6 quarry management including secretary, 16 quarry operatives, 16 quarry based directly employed HGV drivers and 8 coating plant operatives including manager. This figure probably accounts for non quarry based staff and this figure also probably fluctuates depending on market conditions.
- 8.9 Tarmac say that the quarry contributes £4.5 million annually to the "local economy". This includes salaries and wages, sub-contractor haulage and drilling personnel, business rates and local authority fees, plant hire services, repair and maintenance contracts, energy costs, materials purchased, restoration and landscaping contracts, administration costs.
- 8.10 The contribution to the economy is more regional than local. The detailed figures may be subject to dispute but it is clear that the quarry does make a major contribution to the wider economy. The Head of Economic Development regards the industry as important. In my view the protection of jobs beyond 2006 and the contribution made to the regional economy is a factor which counts in favour of the proposal.

## **9. CONCLUSIONS**

- 9.1 Areas of Outstanding Natural Beauty benefit from the highest level of statutory environmental protection equivalent to National Parks. The statutory requirements

are set out in the Countryside and Rights of Way Act 2000 where the County Council is required to have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.

- 9.2 The landscape here is of national importance. National policy guidance and adopted and emerging County policy is consistent in that mineral developments should not take place in these areas save in exceptional circumstances.
- 9.3 There is a more rigorous test for major developments. Major developments are described in PPG7 (England), MPG6 (1994) (England) and Draft Planning Policy Wales as those which are more national than local in character. National policy says that major mineral developments should be in the public interest before being allowed to proceed.
- 9.4 Whether the public interest test should be applied here is not clear.
- 9.5 This application raises matters of national importance because it raises matters of wide importance. On balance due to its long term impact on the AONB, and the environmental impacts of the scheme I consider that it is a major proposal.
- 9.6 Planning permission would probably ensure that the jobs currently associated with Burley Hill would continue to be available for a further 7 years. Refusal of planning permission could result in the closure of the quarry when reserves run out in about 2006. These jobs would not be easily or readily replaced in the area although the duration of employment at all quarries is limited, because the mineral is a reducing resource.
- 9.7 In my opinion the local benefits of the scheme in terms of proposed improved restoration, management of Big Covert, meeting the needs of the market and protecting jobs to 2013 do not amount to exceptional circumstances, similar factors could apply to many other mineral cases. Therefore the proposal fails the test and is contrary to policy.
- 9.8 Balancing the national requirements of conservation and enhancement of the natural beauty of the AONB against local needs of mineral supply and employment are extremely difficult. The status of the AONB, its conservation and enhancement is a national and public interest. I therefore consider that it fails the public / national test. It is the importance and greater weight that I attach to this consideration which outweighs economic and supply / need considerations.
- 9.9 Finally, I agree with the main findings and recommendations contained in the independent report prepared by the Senior Planner, Minerals (Wrexham CBC) and recommend accordingly.

## 10. RECOMMENDATION

That the application be **REFUSED** for the following reason:

The Local Planning Authority considers that the environmental harm caused to the AONB and its enjoyment by the lateral extension to the north and east, in particular the loss of natural landscape features and greater visual impact outweighs restoration, supply and economic benefits. The case for granting the application do not constitute exceptional circumstances and the proposed development is contrary to policies F3 and H4 of the Approved Clwyd Structure Plan : First Alteration, policies L1 and L5 of the Adopted Glyndwr District Local Plan and policies STRAT 4, MEW 1 and ENV 2 in the emerging Unitary Development Plan, and advice contained in Planning Guidance (Wales) Planning Policy First Revision, paras. 5.3.7 and 5.3.8 and Minerals Planning Policy Wales, para. 21.

**INDEPENDENT REPORT BY SENIOR PLANNER,  
MINERALS OFFICER  
(WREXHAM COUNTY BOROUGH COUNCIL)**

- PROPOSAL:** Extension of current limestone extraction facilities incorporating reclamation and after-care proposals. Original proposal amended in September 2000. September 2000 proposal amended April 2001.
- LOCATION:** Burley Hill Quarry, Pant Du, Eryrys
- APPLICANT:** Tarmac Central Ltd. (originally Tilcon South Ltd.)
- CONSTRAINTS:** Area of Outstanding Natural Beauty, Site of Special Scientific Interest, Wildlife Sites, Public Rights of Way Safety Issues
- PUBLICITY UNDERTAKEN:** Site Notice – yes Press Notice – yes Neighbour letters – yes

**CONSULTATION RESPONSES:**

- 1 **NERCWYS COMMUNITY COUNCIL**  
Original proposal. Not received  
September 2000 proposal. Not received
- 2 **LLANFERRES COMMUNITY COUNCIL**  
Original proposal. Objection. Widespread opposition from residents. Issues of concern:
  - extension approaches western ridgeline too closely; dieback of trees or collapse of the ridgeline could result in the loss of a skyline of importance to the AONB; reduction of western and north-western extension is requested
  - possible dewatering of perched water table on eastern boundary with effects on local farm land, surface drainage and water supplies
  - additional water discharge from the quarry could harm existing drainage and have impacts on the River Alyn; assurance needed that the development would not cause flooding, pollution or harm elsewhere
  - northern face is a noise and dust barrier between the quarry and Maeshafn; if it is to be worked it should be the final stage
  - the applicant needs to demonstrate that the proposals are compatible with policy, particularly in relation to quarrying in the AONB.

**September 2000 proposal.**

Further assessment of the geotechnical situation is required to evaluate the need for incursion into Big Covert.

**April 2001 proposal.** Interim comments. Exclusion of Big Covert much more acceptable, issues still to be addressed are:

- stability
- eastern water table
- drainage from site
- working of the northern face as the last stage

- policy issue on extension of quarry in AONB.

**Final comments.** The elimination of the proposal to work Big Covert is welcomed but the Council's original comments are still valid. Concerns expressed over:

- withdrawal of woodland management scheme for Big Covert
- adverse environmental consequences of possible future loss of woodland at Big Covert, including increased noise and dust; protection of the woodland is required
- reduction in height of the northern hillock by 5 metres in the previous extension resulted in additional noise in Maeshafn
- prevailing winds are from south west so reduction in height of the northern hillock will funnel increasing quantities of dust towards Maeshafn
- increasing depth of the quarry will require heavier charges for blasting
- failure to pump surface water from the base of the pit after completion of working may result in seasonal deep water body which could result in pollution and danger to the public.

### 3 LLANARMON YN IAL COMMUNITY COUNCIL

#### **Original proposal**

Supports the comments of Llanferres and adds concerns over;

- the environmental effects of the extension
- the impacts on the AONB
- irrevocable damage to Big Covert
- effect on eastern water table and drainage of local properties
- effects of extra, possibly contaminated, water on local water courses
- effects of quarrying on Maeshafn, which has another large quarry to the north
- environmental effects of working to greater depth

**September 2000 proposal.** Support in principle for the new proposal

**April 2001 proposal.** Awaited

### 4 FLINTSHIRE COUNTY COUNCIL (as adjoining local planning authority.)

**Original proposal.** Objects on grounds of:

- prolongation of use of C107 Nercwys Road by HGV from the quarry (current permission allows working up to 2021; extension would allow up to 2025 – an additional five years irrespective of the geotechnical problems)
- landscape and visual impact on AONB
- disturbance from noise, dust and blasting
- impact on local rights of way
- properties in Flintshire affected by noise, dust and vibration from HGV

Flintshire recommends refusal on grounds of landscape impact on the AONB.

**September 2000 proposal.** If westward extension is needed to deal with the instability, this might outweigh the landscape objection; if so, and if other policy issues can be satisfied, Flintshire would not maintain objection on landscape grounds. Other issues raised originally remain valid.

**April 2001 proposal.** Awaited.

### 5 HEAD OF HIGHWAYS

**Original proposal.** Questions the state of repair of the C107. Improvement scheme not implemented through lack of funding; extended life of quarry will lead to continued deterioration; would seek commuted sum from applicant for future maintenance.

**September 2000 proposal.** Extension would result in continued use of C107 which is in an unsatisfactory condition and requires improvement; request condition requiring applicant to enter into agreement with local planning authority to improve C107 in the interests of traffic safety; highway notes 1,2,3,4,5 and 10 to be drawn to applicant's attention.

**April 2001 proposal.** Awaited.

## 6 COUNTRYSIDE COUNCIL FOR WALES

**Original proposal.** Interim comments. Government guidance and CCW policy is that major development should only be allowed in the AONB under exceptional circumstances, which have not been demonstrated; CCW is not convinced that the benefits of better restoration outweigh the damage; north-western extension would destroy limestone pavement which the conditions of the previous permission sought to preserve; Environmental Statement should include survey of notable invertebrates; replacement woodland would take a minimum of 50 years to be comparable with Big Covert and experience shows successful establishment of woodland to take longer; better restoration could be achievable through the Environment Act review of the conditions of the 1984 planning permission; CCW considers that the detrimental impacts outweigh the benefits.

**September 2000 proposal.** Objection. Development cannot be justified on grounds of national interest or of suggested benefits to the landscape of the Clwydian Range AONB as a result of the restoration scheme; CCW is of the opinion that the development would be incompatible with national interests in relation to designated landscape.

**April 2001 proposal.** Interim comments prior to submission. Applicant has yet to show justification for working in the AONB in terms of national need or that the development is beneficial to the AONB in terms of landscape benefits. Abandonment of the engineering intervention addresses concerns over loss of woodland in Big Covert, reduces views into the development and avoids damage to biodiversity; loss of limestone pavement and calcareous grassland is regrettable; CCW maintains its objections but recognises that, having regard to the social and economic interests of the AONB community, the local planning authority may wish to give different weight to any of the material considerations raised. CCW indicated in a separate letter that it had no objection to the proposed methodology for the relocation of the limestone pavement.

**Final comments.** The views expressed as interim comments remain valid; CCW commissioned a report on need and supply which evaluates the case put forward by the applicant; the report concludes that there is no overriding national need for the production from Burley Hill quarry, that there are alternative sources of good quality aggregates available over the plan period, that there was a 15 year landbank in Denbighshire of permitted reserves of minerals for aggregate use as of January 2000 and that consequently the policy tests for the granting of planning permission for minerals development within an AONB have not been satisfied; CCW considers that the development will have adverse impact on views of the landscape within the AONB, particularly from Moel Findeg; the elimination of the proposals for working Big Covert woodland is welcomed; the management plan offer was a significant positive factor and the applicant should ensure that a management programme should take place, the local planning authority must take a view on the reliability of securing such a programme; remain concerned over issues of biodiversity particularly in respect of appropriate provision for mitigation of any potential adverse impact on bats, loss of part of the calcareous grassland Wildlife Site and destruction of the remnant of the limestone pavement; the relocation proposals in mitigation are noted but preservation in situ would be preferable; the restoration plan would assist in the blending of the restored topography into the AONB and would create a number of habitats, the resultant site would be a significant improvement on no restoration; CCW questions

whether this affords sufficient justification for the extension of the quarry; the proposals demonstrate the difficulty of reaching a balance between the preservation of nationally designated landscape and the local need to ensure mineral supply and protect employment; the Denbighshire draft UDP policies presume strongly against mineral development within the AONB and the presumption is reinforced by the provisions of the Countryside and Wildlife Act 2001 which give protection of landscape within AONB the same status as that of National Parks; CCW does not consider that the benefits of the restoration scheme outweigh the adverse impacts of the extension on the landscape of the AONB, on wildlife and on the local community; CCW recognises that having regard to the social and economic interests of the AONB, the local planning authority will make its own determination of the weight to be given to any of the material considerations raised.

**7 ENVIRONMENT AGENCY WALES**

**Original proposal.** Consideration of the proposals should be deferred pending clarification of the hydrology issues.

**September 2000 proposal.** Groundwater regime not adequately evaluated; further information needed.

**April 2001 proposal.** No objection in principle. Need to review existing borehole monitoring strategy to ensure continuation of water level measurements, collection of water quality samples and make assessment of continuing suitability of borehole as a monitoring point throughout the life of the quarry. Local Planning Authority to require submission for agreement of a schedule of reporting of monitoring results and water quality data.

**8 COUNCIL FOR THE PROTECTION OF RURAL WALES**

**Original proposal.** Objects to working within Big Covert; no objection to the remainder of the proposals.

**September 2000 proposal.** Still object to the loss of so much of Big Covert.

**April 2001 proposal.** Interim comments prior to submission. Objects to the taking of any part of Big Covert; does not object to the remainder of the application. Notes that the former Clwyd County Council in granting planning permission for the last extension in 1984, added a note to the permission stating that it would not look favourably on any further applications for extension of the quarry.

**Final comments.** No further observations but are very pleased to note the deletion of the proposed westward extension into Big Covert.

**9 CLWYD POWYS ARCHAEOLOGICAL TRUST**

**Original proposal.** Archaeological assessment required

**September 2000 proposal.** Archaeological appraisal submitted as part of amendment to Environmental Statement; appraisal and proposed mitigation measures are acceptable.

April 2001 proposal. Previous comments remain valid.

**10 HEAD OF PUBLIC PROTECTION AND REGULATORY SERVICES**

**Original proposal.** Not received.

**September 2000 proposal.** Not received.

**April 2001 proposal.** No objection in principle in respect of noise and dust. Assuming that the noise prediction model used by the applicant's consultant has

taken account of all relevant factors, the reduction in height of the northern face should not result in any significant increase in quarry noise in Maeshafn; it is assumed that the elimination of the box cut and the western extension has removed the need for the north western acoustic mound to ensure compliance with the recommendations of MPG 11; noise from the construction of the mound would have been significant and the elimination of the mound from the proposals is an improvement; there is no indication of whether consideration has been given to additional noise mitigation works to reduce anticipated noise still further below the recommended levels in MPG 11.

MPG 11 does not take account of the character of the noise and it should not be assumed that compliance with the recommended levels will ensure that complaints will not arise; the 45 dB(A) level is a marked deviation away from background noise levels in the area when the quarry is not operating; from previous observations, the level of quarry noise affecting Maeshafn is not great although noise from sources within the quarry is clearly discernible; complaints may arise from the use of plant such as the hydraulic breaker in sensitive locations within the quarry or from reversing beepers or engine noise, particularly in the early morning; complaints arising from the operations in the proposed working areas are not expected to be significantly greater than those received about the current operations; control over these matters would be desirable.

Monitoring of existing background noise indicates levels of between 30 and 35 dB(A) in the area, most locations should therefore have a maximum permitted level of 45 dB(A); draft noise conditions can be provided and should include a requirement for the operator to monitor.

Complaints have been received over the control of dust from various processes and locations within the quarry; some dust arises from wind blowing over exposed ground in the quarry and the increased monitoring results reported at the northern boundary suggest that the prevailing wind may contribute to this.

In order to demonstrate the actual impact of the quarry on the amenity of neighbouring residents further consideration should be given to the means of controlling and monitoring dust particularly to the north and around Maeshafn; a condition should be imposed requiring a scheme of dust monitoring.

## **11 NORTH WALES WILDLIFE TRUST**

**Original proposal.** Objection. Working would take a large area of Big Covert which is a Wildlife Site, being ancient woodland with significant species interest, and large area of calcareous grassland and limestone pavement north of the quarry; part of another Wildlife Site to the east of the quarry would also be lost; inadequate information in the Environmental Statement on bats; mitigation proposals inadequate; benefits of management programme for Big Covert could be achieved by other means; extension is contrary to policy ENV5 of the UDP regarding appropriate mitigation for harm to wildlife sites, ENV6 regarding measures to safeguard protected species, and ENV8 which states that development will not be permitted where there is unacceptable loss or damage to woodland of amenity or conservation value.

**September 2000 proposal.** Not received.

**April 2001 proposal.** Awaited

## **12 CLWYD BAT GROUP**

**Original proposal.** Objection. Bats and their roosts are protected under the Wildlife and Countryside Act 1981 and the Conservation (Natural Habitats) Regulations 1994. It is an offence to damage or destroy a breeding site or nesting

place; the site as a whole is significant for Lesser Horseshoe Bats and the survey in the Environmental Statement is inadequate.

**September 2000 proposal.** Bat Group continues to object because of inadequate mitigation and notes that a licence to disturb bats or their habitat would be required from the National Assembly.

**April 2001 proposal.** Welcomes the proposal to exclude Big Covert and withdraws their objection. Require clarification that adit under existing soil heap will not be affected by extraction.

**13 CLWYD BADGER GROUP**

**Original proposal.** Badgers are protected under the Wildlife and Countryside Act 1981 and the Badger Act 1992, under which it is an offence to disturb badgers or their habitat; the working of Big Covert would destroy one or more setts and destroy foraging area.

**September 2000 proposal.** Not received.

**April 2001 proposal.** On condition that the areas, now proposed to be removed from the revised submission September 2000, and another badger survey is carried out prior to Phase 2 and all other stated mitigation measures are taken to protect badgers, Clwyd Badger Group will withdraw their objection to this application.

**14 RAMBLERS' ASSOCIATION**

**Original proposal.** Objection. Policy LAW38 of the Countryside Strategy for Denbighshire states that 'Mineral development which has a significant adverse impact on landscape or conservation interests will not be supported. The Clwydian Range AONB, proposed AONB and proposed Berwyn AONB are not considered to be appropriate locations for mineral development. Where planning permission is granted landscape and ecological impacts should be minimised and appropriate mitigation measures taken.' The application is for such a large area that the landscape and ecological aspects will not be minimised.

**September 2000 proposal.** Objection. The proposed development is inappropriate in the AONB

**April 2001 proposal.** Objection. The area should be preserved, not destroyed; development in an AONB is against County Unitary policy; the elimination of the western extension from the proposals should be reflected in the amendment of the application boundary to coincide with the extraction boundary.

**15 JOINT ADVISORY COMMITTEE FOR THE CLWYDIAN RANGE AONB**

**Original proposal.** No comments received.

**September 2000 proposal.** Objection. Detrimental impact on the character of the landscape of the AONB and inconsistency with planning policies which seek to protect such nationally important landscapes.

**April 2001 proposal.** To object to the proposal on the grounds that it is detrimental to the landscape and policy as laid out in the AONB strategy.

**16 NERCWYS AND DISTRICT RURAL ASSOCIATION**

**Original proposal.** Objection.

- Contrary to Clwyd Structure Plan policies F2 and F3, UDP policies MEW1, MEW2 and STRAT4 and contrary to Note 12 attached to the 1984 planning permission

- do not agree that the working of 12 million tonnes of mineral from 28 acres of land over 24 years is of benefit to the AONB
- restoration works for the quarry have already been approved
- does not consider the quality of the mineral to be high
- doubts that direct and indirect employment figures are as high as quoted by Tilcon
- jobs would not be lost if permission were not granted since they would be transferred to other production units in the region
- HGV traffic on the C107 remains the main cause of complaint to the Association arising from intimidation and danger to road users, and noise, dust and vibration at properties along the route.

**September 2000 proposal.** Note reduction of 25% in extraction area, reduction from 19.3 million tonnes to 17.7 million tonnes in reserves and reduction in life from 24 to 22 years. Comments:

- need for the mineral to be extracted from this site is not proven
- no exceptional circumstances have been shown and it has not been demonstrated that there are no alternatives
- the extra production is not needed to preserve the landbank of permitted reserves
- restoration can be undertaken under the existing planning permission without the need for an extension
- the changes to the proposals are insufficient to warrant withdrawal of the objection.

**April 2001 proposal.** Objection. Comments:

- contrary to policy F7 of County Structure Plan First Alteration since it has not been shown that there is an overriding need for the mineral or that there is an issue of national interest to justify a permission for extending a working within the AONB
- the proposals will not enhance the local landscape
- the proposals are contrary to UDP draft policy MEW1 since there are no exceptional circumstances and it has not been demonstrated that there is a lack of viable alternatives
- note 12 of the 1984 planning permission states that no further extensions would be favourably considered; this expresses the clear intention of the planning committee at the time and there have been no changes in circumstances since 1984 which would make the extension more acceptable
- satisfactory restoration can be achieved under the existing permission
- do not accept that 4 of the 5 operating quarries in Denbighshire will necessarily be closed within 10 years or that potential alternative sources, including secondary aggregates have been adequately assessed
- the County Council should undertake research to establish the true picture of need and supply for the future
- the employment figures quoted and the figure for contribution to the economy of the area should be subject to verification
- jobs, particularly haulage jobs, would not be lost but would go to other production units
- added impacts from noise, dust, vibration from blasting and visual intrusion are considered unacceptable.

## 17 MAESHAFN AND DISTRICT RURAL ASSOCIATION

**Original proposal.** Objection. Not appropriate in AONB, no overriding need; contrary to Structure Plan policies F1 to F3; landbank reserves adequate and more reserves present in inactive quarries; further westward extension could create further instability; extension would double the quarry area; quarry is already

visible from Bryn Alyn to the south and extension would open views from Moel Findeg to the north; the lowering of the northern face would increase quarry noise at Maeshafn; proposed 0600 start time for processing and transport not acceptable; working closer to properties will increase the effects of blasting at those properties; Note 12 attached to the 1984 planning permission indicated that the planning authority would not look favourably on any further extension

**September 2000 proposal.** Objection. No overriding need can be demonstrated. The extension will have an adverse effect on the AONB landscape. There will be increased disturbance to the villagers through quarry generated noise and the effects of blasting. When Clwyd County Council granted planning consent a note was attached which stated that, "The applicant company is informed that the County Planning Authority will not consider favourably any further application to extend Burley Hill Quarry".

**April 2001 proposal.** Objection. Contrary to Policy F3 of the Clwyd County Structure Plan First Alteration since the proposed extension is within an AONB and no overriding need for the mineral has been demonstrated; contrary to UDP Policy MEW1 since it has not been demonstrated that there are no viable alternatives; the noise predictions are questionable since Maeshafn is an exceptionally quiet area; landscaping would mainly be visible from Bryn Alyn to the south and would not benefit local residents; the application boundary should be amended to reflect the new limit of extraction; the removal of the hill to the north of the quarry would bring workings to within 500 metres of Maeshafn and would further adversely affect the quality of life for residents by increasing exposure to blasting vibration, noise, dust and inclement weather conditions and by increasing views into the quarry from the north, particularly Moel Findeg; extension to the east would bring workings closer to properties along the C107 with increased exposure to blasting vibration, noise, dust and increased views into the working; deepening of the quarry would result in heavier blasting being required with consequent increases in vibration, noise and dust; lowering of the water table would result in die-back of trees and other vegetation on the quarry perimeter; the extension of Burley Hill Quarry is inconsistent with the designation of the AONB and with the intention behind the recent purchase of Moel Findeg, which was to protect it from quarrying.

## **18 HEALTH AND SAFETY EXECUTIVE**

**Original proposal.** No comment.

**September 2000 proposal.** Response from HM Quarry Inspectorate. Tarmac is required by the Quarry Regulations 1995 to ensure that the quarry is designed, constructed, operated and maintained so as to ensure that instability or movement which might give rise to risk of injury is avoided; works done by Tarmac to contain the ground failure are acceptable for the present; tension cracking in the footpath shows that movement is still taking place; fencing is a reasonable response; unable to advise on what would be the minimum required for remedial work; advice should be sought from a geotechnical engineer.

**April 2001 proposal.** No conflict with relevant Health and Safety legislation; no adverse comments.

## **19 NATIONAL TRUST**

**Original proposal.** The National Trust has covenanted land at Big Covert adjoining the application area.

**September 2000 proposal.** Not received

**April 2001 proposal.** Not received.

**20 COUNCILLOR G B ROBERTS, FLINTSHIRE COUNTY COUNCIL**  
**Original proposal.** Not received

**September 2000 proposal.** The amended plans meet with my approval and that of Cllr Ken Jones; the objections of Flintshire planning officers are no longer relevant; lorry traffic does not cause problems on the C107 in Flintshire; Aberduna and Trimm Rock are the only two working quarries which can be seen from Moel Findeg, Burley Hill cannot be seen; the working times quoted in the officers' letter were incorrect since the quarry starts working at 7.00 am.

**21 DENBIGHSHIRE COUNTY ARCHAEOLOGIST**

**Original proposal.** Mitigation strategies for the lead mining area of interest are acceptable; further investigation is required before quarrying commences to evaluate the possible existence of a deep cave system with palaeontological interest and means of mitigation.

September 2000 proposal. **Accepts that investigation of the possible existence of a cave system is impracticable; should permission be granted, conditions should be imposed to protect archaeological interests and provide for investigations at the developer's expense.**

**April 2001 proposal.** No comments

**22 DENBIGHSHIRE TREES OFFICER**

**Original proposal.** Not received.

**September 2000 proposal.** Not happy at the loss of woodland but would support the proposal if it guarantees proper management of Big Covert; short term loss outweighed by long term gain.

**April 2001 proposal.** Main concern is the apparent withdrawal of the woodland management plan; in terms of improving biodiversity and the local landscape the non-implementation of this plan would be an enormous loss; the cost of implementation would not be great after timber sales and Forestry Commission grants; wish to see assurances that the extremely good woodland management plan will be implemented as part of this application.

**23 DENBIGHSHIRE COUNTY COUNCIL ECOLOGIST**

**Original proposal.** Not received.

**September 2000 proposal.** Still have reservations about the loss of woodland in Big Covert; limestone grassland and limestone pavement are to be relocated; mitigation is required for impacts on the Brown Argus butterfly, on bat species and on nationally uncommon plant species within the northern limestone pavement area

**April 2001 proposal.** No objection expressed but concerned that the comprehensive woodland management scheme has been withdrawn; past permissions have apparently been granted without commitment by the operator to manage land for conservation purposes; important areas have already been lost to wildlife, in particular limestone pavements at the north end; if permission is granted a comprehensive management scheme is required, preferably to include the Wildlife Site wetland area and limestone outcrop to the east of the quarry; note mitigation proposals in respect of the limestone pavement, at a larger scale the loss of limestone pavement would be significant.

## 24 DENBIGHSHIRE LANDSCAPE ARCHITECT

**Original proposal.** Landscape Assessment. The quarry is situated in a very sensitive and intricate landscape in the AONB; it is essential that the quality and character of the landscape is protected; there is very limited scope for extension without causing visual intrusion; the proposals for extension would open views of the quarry to a wide area where at present the quarry is not seen; the westward extension would destroy a large area of woodland of visual quality, considerable local amenity value and potentially high wildlife value; proposals for restoration are likely to result in a landscape of low visual quality; it is acknowledged that measures to stabilise the fault line on the western face are required; the eastern extension would remove an attractive area of landscape in a local context and the northern extension would remove valuable screening and an area of limestone pavement; due to the impact of the proposed working and the long term detrimental effects of the quarrying in this prominent location within the AONB, the proposals are not acceptable.

Restoration proposals should be limited to those which can be carried out within the existing permission or with a minor extension below the plant area; lowering of the western face may be possible within a scheme of stabilisation of the fault line; encroachment into Big Covert should be kept to an absolute minimum with restoration to a wooded slope; if satisfactory proposals are made for the western face it may be possible to slightly reduce the height of the north western corner of the quarry.

**September 2000 proposal.** Revised scheme is still not acceptable; removal of woodland in Big Covert would result in the loss of a significant feature within the AONB; the reduction of the northern face would open unsightly views of the working quarry from the north.

**April 2001 proposal.** The scheme is an improvement on the earlier proposals with the deletion of the western extension into Big Covert and of the acoustic bund but as the problem of the stability of Big Covert has not been addressed the extent of loss of woodland cover and therefore the impact on the landscape particularly from the north is not known; it would be unreasonable to lower the landscape value of the unspoilt area to the north of the quarry by removing a landscape feature and opening up views of the quarry working in order to improve the appearance of the northern face of the quarry when the unrestored western face may yet become substantially more intrusive; the quarry has a low impact in the overall landscape of the AONB and it is not considered essential to reduce the height of the existing faces at the expense of lowering the visual quality outside the site or by the loss of landscape features; it is not considered that the eastern extension can be justified in terms of improved restoration; a restoration scheme for the quarry is required as the current extension proposals are unacceptable it would be valuable for a restoration scheme to be drawn up as soon as possible under the terms of the existing permission or the Review of Old Mining Permission scheme.

The Landscape Officer has prepared a detailed landscape assessment which deals with the application proposals, the existing situation, and the impacts of the various elements of the proposals on the landscape from the major viewpoints. It is concluded that owing to the impact of the proposed working and the long term detrimental effects of quarrying in this sensitive location the development is not acceptable.

## 25 DENBIGHSHIRE FOOTPATHS OFFICER

**Original proposal.** Footpath 33 diversion is acceptable; proposals for upgrading of Footpath 38 to bridleway are acceptable but there may be maintenance problems arising from increased use by riders.

**September 2000 proposal.** Not received.

**April 2001 proposal.** Not received.

- 26 HEAD OF ECONOMIC REGENERATION, DENBIGHSHIRE COUNTY COUNCIL**  
**April 2001 proposal.** The application is not inconsistent with the Economic Development Strategy for Denbighshire; protecting jobs is as important as creating new jobs and the income derived from the employment is important in both the local and regional context; the value to the County economy from both employment and product; within the rural area it is an important means of diversifying the economy; the Economic Development strategy of securing added value from local produce causes me to regard the industry as important.

## RESPONSE TO PUBLICITY

- 1 Twenty six letters of support have been received in respect of the original proposal and the September 2000 amendment. Five of the letters are from employees at the quarry and one is from a former employee; the remainder are from businesses, both local and regional, most of which state their connection with the quarry. The reasons for support are:
- continuation of employment; the extension is vital to secure local jobs, both direct and indirect
  - if the quarry were to close, jobs would not be transferred to other local units but would be lost
  - contribution to the economy of the area; the effects on local businesses would be disastrous if the quarry were to close
  - need for the quarry products
  - minimal environmental disturbance whilst ensuring continuing supply of products
  - loss of production cannot be made up from other local quarries
  - quarrying is a traditional industry in the area
  - the company listens to local opinion and makes restoration a priority
  - the company has made significant environmental improvements in control over dust, dirt on the road and the effects of blasting
  - the company employs environmental and ecological experts to advise on landscaping and restoration issues
  - the company operates to high standards
  - the proposals have been designed to give environmental and landscaping benefits
  - the company involves itself in the local community
  - the company has been fair and open with the local community in presenting its proposals

Twenty letters have been received in support of the April 2001 amended proposals, most of which are from businesses associated with the operator or the quarry. The grounds of support include those set out above. In addition it is stated that:

- Tarmac is a major local employer and has an outstanding record of site restoration
- no increase in production or quarry traffic is proposed
- jobs in rural Wales are dwindling and the quarry supports many local families through both direct and indirect employment
- loss of business with Burley Hill quarry would result in redundancies in local businesses
- Tarmac offer a woodland management plan to cover all 116 hectares of its land ownership locally
- given the difficulties in establishing and sustaining meaningful employment in the rural economy it is important that proposals such as this are supported

- Tarmac has achieved ISO 14001 environmental management status at Burley Hill
  - the operation of the quarry is to the highest practicable environmental standards
  - the latest amendment has taken all issues of concern into account and will result in better restoration.
- 2 Seventy five letters of objection have been received in respect of the original proposal and the September 2000 proposal, including a petition stated to have been signed by 550 people. The bulk of the letters are from residents in the Llanferres, Maeshafn, Eryrys and Nercwys area although some are from as far away as Llangollen and Liverpool.

The grounds of objection to the original proposal include:

- local people are being asked to bear the social and economic burden of an unwanted extension
- the jobs at the quarry would not be lost but would be relocated to other local quarries
- there would be little impact on the local economy because the trade would be redistributed to the other quarries
- tourism would be of greater benefit to the local economy than continued quarrying
- there would be no loss of production because other local quarries would take up the deficit
- the landbank of permitted reserves should be maintained if necessary by permissions for extension of quarries outside the AONB
- there is no need for the stone from the quarry; the current landbank of permitted reserves is adequate to ensure continued supply
- in the interests of sustainable development, encouragement should be given to the use of secondary aggregates rather than further quarrying of primary aggregates
- the applicant's calculations of landbank reserves are flawed because they take no account of existing permitted reserves in dormant or inactive sites
- the figures given for employment, both direct and indirect, are considered to be overstated
- loss of 28 acres of woodland
- the adjoining woodland was given to the National Trust to safeguard its future
- recent landscaping at the quarry has not been successful
- it is not possible to restore the site effectively by planting as there is insufficient soil available to provide good growing conditions
- restoration could not replace what would be lost for the foreseeable future
- the impacts on the landscape are unacceptable in an AONB
- the proposed acoustic bund is a poor substitute for the natural visual and noise screening afforded by the existing ground
- the bund is more for the purpose of disposal of quarry waste than for the amenity of local residents
- local efforts saved Moel Findeg from quarrying and it would be inappropriate to allow quarrying here
- further westward extension could increase instability, possibly causing dieback of trees on the skyline ridge and collapse of the ridge itself
- the extension would effectively double the size of the quarry
- quarrying has already done enough damage to the landscape
- the extension would open additional views into the quarry
- the extension would perpetuate the existing scar caused by the operation of the quarry
- the planning authority has a duty to safeguard the environment for the future
- the extension is not necessary for the restoration of the quarry
- the extension is not necessary to secure better management of Big Covert

- the box cut is unnecessary and destructive
- extension into Big Covert is unnecessary and the land should be allowed to collapse naturally and stabilise itself
- the instability in the western face has been known for some years and has been made worse by continued working in this part of the quarry
- the existing quarry benching is too narrow, resulting in a deep, steep-sided hole; any increase in depth would make the situation worse
- the extension would destroy limestone pavement
- loss of wildlife and wildlife habitat, adverse impacts on biodiversity
- the groundwater table in the land to the east of the quarry is perched above the water table level below the quarry; working could result in dewatering the land with effects on wildlife and farming
- the extension would result in increased discharge of surface water from the quarry to a mineshaft and has the potential to affect water quality in the River Alyn
- the hydrology information is inadequate; the proposed extension could affect the local groundwater table below Big Covert
- the previous mineral planning authority attached a note to the last planning permission granted for the extension of the working, in 1984, warning that it would not look favourably on any further proposals to extend the quarry
- the proposals are contrary to Structure Plan policies F1 to F3
- the proposals are contrary to policies in the Denbighshire Unitary Development Plan
- the proposals are contrary to national policy regarding working of minerals in AONB
- there is no overriding need for the minerals, there are no exceptional circumstances warranting the granting of permission, there is no question of the granting of permission being in the public interest
- the planning authority should apply the same strict standards to consideration of these proposals as it does to minor developments within the AONB
- the granting of planning permission would create a precedent for granting further permissions for mineral working in the AONB
- there can be no guarantee that this would be the last proposed extension to the quarry if permission were to be granted
- working at the quarry has already extended past the permitted limits in places; the operator has not complied with existing planning controls
- continuing removal of the hillock at the northern end of the working would progressively increase the exposure of properties to the north and north west to adverse weather conditions and to disturbance from the quarry itself by noise, dust and the effects of blasting
- increasing adverse effects on the amenity of local residents through noise (particularly vehicle reversing alarms), dust, quarry blasting and visual impact
- continuing impacts of quarry traffic on residents along the C107 Nercwys Road through noise, dust and vibration
- danger to road users, especially walkers, cyclists and riders
- the C107 is in poor condition and the extension would perpetuate use by HGV for 24 years
- concerns over the health effects of quarry dust
- devaluation of properties
- profits to operators at the expense of loss of quality of life to local residents
- the quarry is far too close to the village of Maeshafn and to housing outside the village
- Maeshafn lies between this quarry and Aberduna Quarry and is affected by both operations
- loss of footpaths
- loss of countryside to which the public has access

September 2000 proposal

- the proposed reductions are for geological and economic reasons rather than for environmental reasons
- the amendments reduce the overall area but do nothing to guarantee that further applications for extension will not be made
- the elimination of the box cut is welcome but there should be no northerly extension to the quarry workings at all since this will reduce the shielding offered by the existing ridge
- the extension into Big Covert will still result in the loss of a large area of woodland
- the policy objections to the granting of permission within an AONB still remain; there has been no demonstration of overriding need, exceptional circumstances or public interest
- the landbank calculations are still flawed
- the mineral planning authority has no obligation to release reserves to compensate for reserves sterilised by instability
- the claim by the applicant that the extension is required to satisfy the requirements of HM Quarry Inspectorate for making the quarry safe is not accepted
- other forms of safety work might be acceptable without the need to extend into Big Covert
- doubts remain over the impact of working on the groundwater regime in Big Covert
- the applicant's justification for the extension is that it will allow better restoration and is therefore beneficial for the AONB; the proper test is whether the restoration currently achievable without extension is acceptable
- the AONB has been declared an Environmentally Sensitive Area by the National Assembly for Wales
- borehole data supplied by the applicant indicates that there may be no need to stabilise the western face by extending it
- the information supplied by the applicant is not adequate to evaluate the complex geology; the unstable zone might be so limited that no extension is needed to deal with it, or might extend so far that it could affect the skyline ridge
- the original proposal was for a large extension so that the applicant could appear to be making concessions by reducing the extraction area.

April 2001 proposal. Sixty six letters of objection have been received and a letter of objection to the original proposal has been resubmitted. The grounds of objection are substantially those set out above. Additional grounds are:

- the application boundary should be amended to coincide with the extraction area, excluding Big Covert
- extension in depth will concentrate blast effects which could affect stability of land and properties to the west
- blasting will affect underground structures and strata, resulting in interruption to underground drainage systems with consequent flooding or erosion elsewhere
- huge growth of the quarry over the past twenty years; now time to call a halt
- huge growth of both Burley Hill and Aberduna Quarries extending towards Maeshafn from the south and the north
- the extension in depth will result in accumulation of water in the base of the quarry which will need to be pumped out; potential source of pollution
- risk to public, particularly children, of water accumulation in base of working
- extension will make restoration more difficult
- the record of restoration at the quarry is not good; trees planted years ago have not established well
- roll-over blasting more suited to broad, shallow workings than to deep, steep-sided pits

- working of the quarry would increase the instability of the western face, resulting in further pressure to excavate stone from Big Covert
- the extension of the northern face will coincide with the steepest part of the land to the north with potential for instability
- inadequate monitoring has allowed the development of narrow benches and steep, high faces; a huge area would be required to reduce the faces to acceptable gradients and any extension would make matters worse
- concerns over blasting damage to properties and detriment to amenity; a limit of 2 millimetres/second peak particle velocity should be mandatory
- the effects of quarry blasting within a house are often greater than measurements outside the house would suggest
- artificial acoustic mounds are ugly and a source of dust
- difficulty in selling property close to the quarry
- the local planning authority should consider a long term strategy for aggregates supply from large scale quarries in remote areas rather than continue to allow extension of quarrying within the county.

#### **MEMBERS' COMMENTS**

1 None received.

**EXPIRY DATE OF APPLICATION:** 22 March 2000

#### **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 existing quarry working is some 17.5 hectares in extent. The present base level of the working is at 220 metres AOD. The quarry works Carboniferous limestone of the Loggerheads and Cefn Mawr formations, producing aggregate materials for civil engineering purposes, and coated roadstone. Production is 800,000 tonnes yearly, serving markets in the north west region of England and the north east region of Wales. This gives rise to some 300 lorry trips (150 loads) daily routed north on the C107 to Mold and the trunk road network beyond. The access road into the quarry is off the C107. 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.
- 3 Quarrying of the upper part of the western face has exposed and worked into a zone of instability, previously thought to be caused by a fault aligned north to south along the western boundary. Further geotechnical investigation has shown the instability to arise from localised folding of strata which has resulted in weakened rock conditions and bedding which dips steeply into the excavations. Shale and clay horizons within the strata increase the potential for instability by forming planes along which sliding failures can develop.

- 4 Recent major rock falls have effectively sterilised reserves remaining within the upper north western part of the quarry. Steps have been taken to contain the ground failures within the quarry working but it is evident that continuing ground failure will take place, resulting in further uncontrolled incursion into the Big Covert woodland unless measures are taken to deal with the instability. Reserves at the quarry as of December 1999 were estimated at 7.5 million tonnes, giving a life of about nine years. The ground failures are estimated to have reduced the workable reserves by 1.25 million tonnes, giving a life of about seven years at the current rate of production. It is expected, therefore, that reserves at the quarry will be exhausted in 2006.
- 5 The proposals submitted in December 1999 provided for the extension of working westward into the Big Covert woodland, the formation of an acoustic mound of quarry waste on the north western boundary, a box cut extension north westward towards Maeshafn, a northerly extension, an easterly extension, a southern and south western extension and the deepening of the quarry. It was estimated that these would allow the working of some 19.7 million tonnes of limestone with an overall working area of 24.1 ha and a maximum depth of 195 metres AOD. The extension area was stated to be 11.2 ha, the working was to be carried out in eight phases. It was proposed to relocate the quarry plant to the south and south western part of the quarry during phase 3. During phase 7 the fixed plant would be removed and replaced by mobile plant. The working was expected to be completed in 2024 at a production level of 800,000 tonnes per year. The restoration and a five year after-care programme were to be completed by 2029.
- 6 The amended proposals dated September 2000 altered the application area, retained the acoustic mound, eliminated the box cut, slightly amended the boundary of the northern extension, reduced the eastern extraction boundary by up to 50 metres, retained the southern extension and slightly reduced the south western extension. The western extraction area was unchanged and the proposed deepening of the quarry to a base level at 195 metres AOD was retained. These proposals reduced the extension area to 8.3 ha, releasing reserves estimated at 17.7 million tonnes. The overall lifetime was reduced to 22 years.
- 7 The April 2001 amendments to the proposals involve the elimination of the acoustic mound and of the westward extension into Big Covert, reducing the extension area from 8.3 ha to 4.4 ha although the planning application boundary remains the same. The reserves are correspondingly reduced from 17.7 million tonnes to just over 10 million tonnes and the expected lifetime of the working is reduced from 22 years to 13 years. The withdrawal of the proposals for the westward extension is stated to be without prejudice to the applicant's view that an engineered solution for the western side of the quarry is in the best interests both of the public and the AONB landscape and that this would be best served by a controlled excavation into the competent rock to the west of the unstable area.
- 8 In support of the proposals, the applicant cites need for the mineral, continuation of local employment, contribution to the local economy and benefits to the landscape and character of the AONB.
- 9 In respect of need, it is argued that:
  - The existing landbank of reserves of hard rock for aggregate production in the North East Wales Region is substantially less than shown by the published figures of the North Wales Working Party on Aggregates. The figure for North East Wales as of 1 January 2000 should be 24 years rather than 46. The landbank calculated by the applicant for Denbighshire is 15 years rather than 20.
  - Of the 10 operating quarries in the North East Wales region serving the market to which Burley Hill contributes, seven will have closed through

exhaustion of reserves by 2011; this includes four of the five operating quarries in Denbighshire.

- The closure of these quarries represents a loss of production capacity of 56% for the region and 76% for Denbighshire.
- Burley Hill Quarry is a major contributor to the regional and inter-regional supply of crushed rock aggregate and will close by the end of 2006 unless planning permission for an extension is granted.
- The loss of the supply from Burley Hill Quarry cannot practicably be made up by increasing production from other quarries in the County or in the region or outside the region.
- The loss of the supply from Burley Hill Quarry cannot be made up by reactivation of dormant quarries, nor can sufficient quantities of secondary aggregates be made available to substitute for the mineral.
- There is considered to be no realistic potential for the granting of planning permission for a new quarry on a greenfield site within the North East Wales region.
- There is a need for the release of further reserves of hard rock for aggregate production in Denbighshire within the period of the Unitary Development Plan in order to maintain a landbank of at least 10 years.
- The landbank calculation has been made on the basis of an annual production in Denbighshire of 2.4 million tonnes and does not allow for any possible increase in production levels over the plan period.
- The granting of planning permission for the extensions proposed in the April 2001 amendment will allow Burley Hill Quarry to maintain supplies to its current markets at its existing levels for an additional six years, giving an overall operating life of 13 years from January 2001.

10 In respect of continuation of local employment, the applicant states that 46 people are employed directly at the quarry, which provides indirect full-time employment for over 40 people. The contribution of the quarry to the economy of the region is estimated at £4.5 million per year.

11 In respect of potential benefits to the AONB, the applicant argues that:

- The potential for restoration of the quarry is severely constrained by the existing planning limits and the high, steeply sloping faces and narrow benches which have been developed as a consequence of those limits.
- The currently approved restoration proposals are inadequate.
- The restoration achievable under the review procedures imposed by the Environment Act 1995 is unlikely to be substantially better than the approved proposals since the planning limits remain the same.
- Neither the existing restoration proposals nor those achievable under the Environment Act review offer the prospect of progressive restoration, whilst progressive restoration is a key element of the extension proposals.
- The existing quarry is not particularly conspicuous in the landscape of the AONB and the extension proposals have been designed to minimise any additional visual impact.
- Improved restoration techniques, particularly rollover and restoration blasting and careful design of working and restoration will result in substantially improved restoration landforms and landscapes with minimal visual impact on the AONB during the working and restoration phases.
- The proposed extension therefore represents a significant benefit to and enhancement of the landscape and character of the AONB over and above that achievable under the present planning limits. As part of the previous proposals, the applicant offered a scheme of management for the Big Covert woodland. Although this offer has been withdrawn in the April 2001 amendment, I understand that this is to review the details rather than the principle of the offer.

## 12 **Stability** Issues

- i) The Quarry Regulations 1999 impose a duty on operators to design, construct, operate and maintain a quarry so as to ensure that any instability likely to result in risk to any person is avoided. Planning guidance in England and Wales requires planning authorities to take account of stability issues in determination of planning applications. Although the proposed western extension has now been eliminated, it remains the applicant's view that the only way to ensure the long term safety of the western face of the quarry is to remove the unstable ground and to excavate through to the stronger rock to the west.
- ii) The applicant has considered three options for stabilisation. The first option is to do nothing and allow the face to continue to fail until a stable slope is reached. It is estimated that this would result in the loss of a strip of woodland about 30 metres wide along that boundary; the resulting slope would not allow safe access for plant and therefore could not be effectively restored. The second option is to carry out a limited excavation to remove the instability; this would require an extension of some 93 metres into the woodland and would not guarantee long term stability. The third option is favoured by the applicant and involves removal of all the unstable ground and extension into the stronger rock to the west; this would require an extension of about 110 metres into the woodland.
- iii) The fencing off of the area of instability and the containment measures taken within the quarry have satisfied the immediate requirements of HM Quarries Inspectorate but they are temporary solutions to a continuing problem. A permanent solution will require major works on the western face, which will have landscape implications in terms of impact on the AONB both during operations and as a result of final restoration.

- 13 The application is accompanied by an **Environmental Statement** since the development falls within Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 as a mineral extraction site with an area of more than 25 ha

The Environmental Statement deals with issues of:

- landscape and visual impact
- ecology and nature conservation
- agriculture and forestry
- hydrology and drainage
- traffic and highways
- noise
- dust
- blasting and vibration
- cultural heritage resources (archaeology and local history)
- leisure and recreation (public rights of way and access to the countryside)

A geotechnical study was carried out on the stability issues at the quarry and forms part of the application submissions. The Environmental Statement was reviewed and updated for the September 2000 and April 2001 amendments to the proposals. The geotechnical study was updated for the September 2000 amendment.

- 14 For the issues identified, the Environmental Statement considers the existing situation, the impacts of the proposals in the short, medium and long term, means of mitigation and the effects of the mitigation proposed. The Environmental Statement as originally submitted was reviewed at the request of the County Council by the Institute of Environmental Management and Assessment. The IMEA noted points of criticism in relation to issues such as ecology, traffic and

noise and the failure to consider the effects of an additional 15 years of working, but in general reported that the Environmental Statement was well balanced and well presented.

- 15 **Landscape** and **visual impact** are examined in detail by the Environmental Statement for each stage of the proposed quarrying and for the final restoration, after-care and after-use of the site. The landscape and visual impact study has been updated to take account of both the September 2000 and the April 2001 amendments. The conclusion of the study is that the landscape and character of the AONB will benefit from the proposals since the working would allow progressive restoration to landforms and landscape better suited to the locality than could be achieved under the existing planning permission or its review under the Environment Act 1995. The April 2001 update does not consider the effects of stability work on the western face but the landscape studies for the original proposal and the September 2000 amendment have examined the effects of working into the western face.
- 16 **Ecology** and nature **conservation** are examined in detail and the studies have been updated to take account of the amended proposals. The study identifies protected species and habitats. The major species of interest are badgers, bats, certain invertebrates and certain species of flora. The habitats of major interest are the woodland, caves and mining voids of Big Covert, limestone pavement and calcareous grassland in the northern part of the proposed extension, and wetland to the east of the quarry. The mitigation proposed includes translocation of the limestone pavement and grassland. The extension into Big Covert was the major issue of concern for certain consultees, who had maintained an objection to the September 2000 proposals.
- 17 **Agriculture** and **forestry** have been assessed. The principal issue was the loss of woodland within Big Covert under the original proposal and the September 2000 amendment. The applicant considered that the impact could be satisfactorily mitigated by a management scheme for the woodland and by restoration tree planting. The elimination of the westward extension has dealt with the issue to some degree although the question of the impacts of stability works on the western face of the quarry has not been resolved.
- 18 **Hydrology** and **drainage** have been examined and account has been taken in the September 2000 update of concerns raised by consultees and local residents in respect of potential impacts on the River Alyn arising from increases in surface water discharge from the quarry, the potential impacts on local groundwater tables and the possibility of pollution and flooding. The updated study concludes that adverse effects are unlikely to arise from the extension of the quarry.
- 19 **Traffic** and **highways** have been examined in relation to the use of the C107 by haulage traffic associated with the quarry and it is concluded that the road is capable of serving the development over the projected lifetime of the quarry.
- 20 **Noise** has been considered for the original proposal, the September 2001 amendment and the April 2001 amendment. The existing background both with and without the quarry in operation has been measured at various properties around the site and predictions made for the impacts of working and restoration. The study concludes that operational noise levels will be within the 55 dBLAeq (one hour) limit recommended by government guidance on noise from surface mineral workings and the limit of 70 dBLAeq recommended for temporary operations. At Erwlas and Midldor the measured background noise level is more than 10 dB(A) below the criteria level of 55 dBA e.g. (1 hour). In accordance with the recommendations of MPG 11, the proposed criterion for operational noise at these proportions has been reduced to 45 dBLA e.g. (1 hour).

21 **Dust.** The Environmental Statement describes the operations at the site with the potential to generate dust and considers the nature and likely dispersion of dust on the basis of the Department of the Environment Report "The Environmental Effects of Dust from Surface Mineral Workings" dated 1995. It is concluded that most of the dust generated by quarry operators is in the size range 30-200 microns, which is above the size range for respirable dust. It is not considered that there would be any health effects on the local community. It is predicted that most of the airborne dust would return to the ground within 90 metres of its source. The quarry operates a dust monitoring programme and has installed active dust suppression equipment on its fixed plant. Results from the monitoring indicate that dust fall-out at nearby properties is below the levels at which it is generally agreed that complaints may be expected.

22 **Blasting and Vibration.** The effects of air overpressure and ground vibration arising from quarry blasting have the potential to damage property and affect the amenity of the local residents. Fly-rock from blasting is a potential hazard. The quarry blasts about once a week. Each blast is designed and carried out in accordance with the requirements of the Quarry (Explosives) Regulations 1988, which were intended among other things to eliminate as far as practical the potential for fly-rock.

The quarry monitors ground vibration and air-overpressure from its blasting at various properties in the locality. There are generally accepted limits at which physical damage to structures is likely to occur. Human perception of blasting vibration and air overpressure is such that levels well below the damage criteria are expressed as distressing. There is no general consensus on the levels which should be imposed to protect amenity. Policy MEW2 of the Denbighshire Unitary Development Plan requires that ground vibration should not exceed a peak particle velocity of 6mm/second for 95% of blasts and no blast should exceed a peak particle velocity of 12mm/second. Monitoring results since June 1996 show that levels of 5mm/second have not been exceeded in any blast. Although working would come to within 80 metres of Maes Canol, to the north of the quarry, and the nature of blasting would change with the restoration blasting programme, it is considered that the 5mm/sec limit will not be exceeded. Where vibration is kept to this level, air overpressure effects are generally not at nuisance levels.

23 **Cultural Heritage Resources** relate principally to indications of Bronze Age and Roman use of the area and to the remains of mining for lead, zinc and silver in the immediate area of the quarry and within the extension area. The study has included investigation of suggestions that a cave system might exist which might contain traces of prehistoric animal or human use. The study concludes that adequate mitigation could be provided by a programme of archaeological monitoring the working and investigation of any finds.

24 **Leisure and Recreation.** The Environmental Statement identifies the footpaths in the area which are likely to be affected by the development and proposes diversions to replace sections of existing footpaths which would be lost.

#### **RELEVANT PLANNING HISTORY**

25 Planning permissions for the working and extension of the quarry have been granted under references; 11/309 (23 August 1950), 11/2680 (20 May 1971), 5/31/5169 (2 February 1982), 5/31/8386 (21 October 1986) and the current operating permission, 5/31/6759, issued by the former Clwyd County Council on 1 June 1984. The Clwyd County Council added a note to the certificate of permission (Note 12) which stated that "The applicant company is informed that the County Planning Authority will not consider favourably any further application to extend Burley Hill Quarry". This permission was subject to an output limit of 400,000 tonnes per year, amended by a permission dated 27 August 1987 under reference 5/31/8776, to the present limit of 800,000 tonnes per year. There have

been many minor applications for permission or approval for items of plant, buildings, landscaping works etc. Permission was granted for the roadstone coating plant under reference 5/31/4814 on 16 December 1980.

- 26 The 1984 permission reference 5/31/6759 is the principal operating permission for the quarry for the purposes of the Environment Act 1995. An application under the provisions of that Act for the review of the conditions of the permission to bring them up to modern standards was required to be submitted on 1 June 1999 but the due date has been postponed by agreement between the applicant and the mineral planning authority to allow determination of the current application.

## **PLANNING POLICIES AND GUIDANCE**

### **27 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 - Planning 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**

- 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 2- Criteria for assessment of mineral applications
- Policy MEW 4- Restoration and after-care of mineral sites
- Policy MEW 5- Use of secondary aggregates
- Policy MEW 6- Protection of mineral operations and reserves

Policy MEW 7-	Development criteria in relation to environment and landscape
Policy GEN 9 -	Planning obligations to provide community benefit
Policy ENV 1 -	Maintenance and 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

It should be noted that all of these policies are the subject of objections to the UDP and that in respect of the minerals policies a set of proposed changes was introduced in December 2000 and agreed with mineral operators and Flintshire County Council. The Council acknowledges through these changes that a need might arise within the plan period to permit additional mineral development within the AONB although it does not anticipate that this will be necessary.

#### GOVERNMENT GUIDANCE

1 Guidance on planning in Wales is given in Policy Guidance (Wales) Policy Planning, issued in April 1999. Guidance on mineral planning is given in Mineral Planning Guidance Wales (MPG Wales), issued in December 2000. A Technical Advice Note on the provision of aggregates is to be issued but sections of Minerals Planning Guidance Note 6 1989, Guidance for the Provision of Aggregates in England and Wales, remain valid for Wales, particularly in respect of the need for mineral planning authorities to provide for maintenance of landbanks of permitted reserves of aggregate minerals.

2 MPG Wales deals with principles of sustainable development, need for minerals, protection of the environment and other issues. The two key issues in relation to the current application are need for the mineral and mineral developments within the AONB. MPG Wales does not give any specific advice on the appropriate period for landbanks, but states the importance of maintaining a steady and adequate supply of minerals. MPG Wales states that mineral developments should not take place in AONB save in exceptional circumstances, that applications for such developments must be subject to the most rigorous examination and that major mineral developments must be demonstrated to be in the public interest before being allowed to proceed. Issues to be considered include: Need for the development in terms of national supply

- Impacts on the local economy of permitting or refusing the development
- Alternatives
- The detrimental effects of the proposals on the environment and landscape, and means of moderation

- In the case of extensions to existing quarries, the capacity of the proposals to achieve enhancement of the local landscape and provide for nature conservation and biodiversity.

3 MPG 6 1989 remains valid in parts for Wales although long out of date. In respect of landbanks it states that a sufficient stock of permitted reserves should be maintained for all aggregate minerals. In respect of sand and gravel it states that the aim should be to provide for the release of land to maintain a stock of permissions for an appropriate local area sufficient for at least 10 years extraction unless exceptional circumstances prevail. A longer period may be appropriate for rock. A recent appeal decision in Flintshire in respect of the Star Crossing sand and gravel pit at Hendre indicates that the National Assembly now consider 7 years to be a more appropriate landbank for sand and gravel. The forthcoming TAN on aggregates may clarify the policy position of the National Assembly on the question of the time periods for landbanks but it is unlikely to be published prior to the determination of this application.

4 Technical Advice Note 5: Nature Conservation and Planning (February 1998) provides guidance on conservation issues.

Technical Advice Note 11: Noise (December 1997) provides guidance on noise issues.

A draft TAN has been issued (May 1999) on Development on Unstable Land.

Minerals Planning Guidance Note 11: The Control of Noise from Surface

Mineral Developments (1993) remains valid for Wales

#### **REGIONAL PLANNING GUIDANCE**

The document 'Regional Planning Guidance for North Wales' (RPG) dated July 2001 has been produced through joint working by all the local authorities in North Wales. It has been adopted by Denbighshire as Supplementary Planning Guidance. The relevant policies of the RPG are:

- 8.21 Development Plans should include policies to resist any new or extended workings or the proposed re-opening of old quarry workings (including dormant quarries) in National Parks, Areas of Outstanding Natural Beauty, nationally designated sites of ecological importance and other sites of national importance within the Region.
- 8.24 An assessment is required of how provision for the supply of aggregates is to be apportioned between local authority areas within North Wales. This issue will be considered by the North Wales Working Party on Aggregates which includes representatives of the local authorities, the National Assembly and the quarrying industry.
- 8.25 Development Plans should make provision for an appropriate local contribution to maintaining an adequate landbank of aggregate minerals within the sub-regional areas of North-East Wales (covering Conwy, Denbighshire, Flintshire and Wrexham) and North-West Wales (covering Anglesey, Gwynedd and Snowdonia National Park). Plans should recognise any special circumstances which will affect the contribution which an individual local authority area can make.

Other material considerations are:

The Management Plan for the Clwydian Range AONB, produced by the Joint Advisory Committee (JAC) on the AONB in 1989.

The Interim Strategy produced in 1996 by the JAC.

The existing planning permission, the effect of Note 12 of that permission and the potential for application under the Review of Old Mining Permissions under the Environment Act 1995 to achieve acceptable restoration  
The Planning Inspector's Report into objections to the UDP  
National Assembly for Wales Circular 23/2001

## MAIN PLANNING CONSIDERATIONS

28

- (i) development plan policies
- ii) need for the mineral
- iii) impacts on employment and the local economy
- iv) impacts on the AONB
- v) impacts on the amenity of local residents and land users
- vi) impacts on nature conservation interests
- vii) ground stability issues
- viii) surface and groundwater
- ix) archaeological interest
- x) highways
- xi) access to the countryside and public safety
- xii) restoration achievable under the existing permission and the review under the Environment Act 1995
- xiii) note 12 attached to the existing permission
- xiv) Regional Planning Guidance

29 The **principle** of extension to a quarry within the AONB is not ruled out either by national policies or by development plan policies. The requirements of the relevant policies are that the proposal must be subjected to rigorous examination, that it must be demonstrated that there is an overriding need for the mineral which outweighs any adverse environmental effects, that the development is in the national interest, and that the environmental effects can be ameliorated.

30 There can be no question of **national interest** in respect of an extension to this individual quarry. The applicant argues that the quarry is a major supplier of concreting aggregate and coated stone to the NE Wales region and to the NW England region and that continuation of supply from the quarry is a matter of regional and inter-regional importance. I accept that the quarry is an important supplier to the regional markets and is currently the principal producer in Denbighshire. This is not sufficient to establish that an overriding need exists for the continuation of supply from this quarry beyond 2006.

31 The applicant's case on **need** is presented in paragraph 9 of the Planning Assessment section of this report. In the absence of current information from the North Wales Working Party on Aggregates, the applicant's survey cannot be validated unless the county were to undertake its own investigation. This has not been done but I have given consideration to the Green Balance report commissioned by the CCW. Whilst I do not necessarily accept either the applicant's figures and assumptions in relation to reserves and alternative sources or those of Green Balance, I believe there is good reason to question the validity of the landbank figures produced by the NWWPA. I understand that one of the five active quarries in Denbighshire has recently closed through exhaustion of reserves. If the applicant's figures for reserves and production in Denbighshire are correct and if the Council as mineral planning authority is to abide by its development plan policy of maintaining its landbank of reserves, there will be a need for new planning permissions for the release of aggregate mineral reserves within the plan period. This does not, in my view justify acceptance of the adverse landscape effects of further extension to this quarry.

- 32 In respect of impacts on **employment** and the local economy the applicant states that 46 people are employed directly at the quarry and that the operations provide indirect full time employment for over 40 people. The contribution to the local economy made by the quarry is estimated at some £4.5 million per year. I have not verified these figures but I do not think they are unreasonable. I do not consider it likely that all or most of the jobs created by the quarry could be transferred to other local or regional producers, or that the current contribution to the regional economy would be redistributed within the region. If permission were to be refused it must be accepted that much of the employment and benefits to the economy of the region generated by the quarry would be lost on its closure in 2006. The comments of the Head of Economic Regeneration demonstrate that these are significant issues in terms of the health of the local economy.
- 33 In respect of impacts on the **landscape** and character of the AONB the applicant's case has been presented in paragraph 11 of the Planning Assessment section and the Landscape Officer's evaluation has been presented in paragraph 24 of the Consultation Responses section. I consider that the adverse environmental effects arising from the increased exposure of the quarry to views from the north, outweigh the possible benefits of achieving more varied restoration landforms and landscape through extension of the quarry. The landscape implications of stability works on the western face cannot be adequately considered until the nature and extent of necessary works can be evaluated.
- 34 Impacts on **amenity** have been examined in detail in the Environmental Statement. The issues are noise, dust, blasting and vibration and quarry traffic. In general the predicted impacts arising from the proposed extension are within accepted limits although there are issues regarding noise at certain properties and of the character of noise which require further consideration as indicated in the comments of the Head of Public Protection and Regulatory Services in paragraph 10 of the Consultation Response section. Letters from local residents demonstrate that the existing operations have adverse effects on amenity and quality of life. The extension of the quarry would add a further seven years to the period of quarry operations and it must be accepted that if permission were to be granted there would continue to be adverse effects on the amenity and quality of life of local residents. It appears that the impacts on local amenity can be limited to levels considered acceptable under national guidelines and good practice.
- 35 Impacts on nature **conservation** issues are examined in detail in the Environmental Statement and in responses of consultees. The major potential impacts on habitats and on species with statutory protection relate to the westward extension into Big Covert, which is not now proposed. Licences under the Wildlife and Countryside Act and other legislation would be needed before operations which may affect protected species and their habitat could lawfully be carried out. There remains a doubt as to whether the mitigation measures proposed are satisfactory to the relevant consultees. National Assembly for Wales Circular 23/2001 provides initial guidance to local planning authorities on the intention of the Assembly to introduce new legislation to place a specific obligation on local planning authorities to satisfy the requirements of the Habitats Directive with respect to European protected species as part of the planning process. The proposed legislation will require local planning authorities to take decisions about derogations from the species protection alongside planning decisions. Although the circular relates to proposed legislation which has not yet been subject to public consultation, there is recent case law on the effect of the Conservation (Natural Habitats &) Regulations 1994 which demonstrates that planning permission may not lawfully be granted unless the local planning authority has taken reasonable measures to satisfy itself that there would be no significant adverse effects on European protected species. In this case both the Clwyd Badger Group and the Clwyd Bat Group have stated in respect of the September 2001 proposals that they consider the mitigation proposals to be unsatisfactory. It may be that the elimination of the westward extension will have removed the concerns put forward

by the two Groups but until the responses of the Groups are submitted in respect of the April 2001 proposals, the Council as local planning authority cannot be reasonably assured that no adverse effects on protected species would arise from the extension of the quarry

- 36 In respect of **safety** issues the applicant's case has been presented in paragraph 12 of the Planning Assessment section. The westward extension has been eliminated from the proposals and the stabilisation and safety issues are therefore no longer directly addressed in the application proposals. Ground failure will continue to encroach into Big Covert and the potential landscape implications of engineering solutions, or of allowing continuing collapse to establish its own equilibrium slope, are of considerable concern. The engineering solutions put forward by the applicant involve the removal of large amounts of rock by quarrying and it seems probable that alternative solutions exist which would have significantly less landscape impact. It is essential that the County Council as mineral planning authority should consider alternative solutions and their potential impacts and should take expert advice on these issues. The current temporary measures for stabilisation and safety will not afford long term solutions.
- 37 In respect of **surface** and **groundwater** the major issues were potential effects on the River Alyn through increased surface water discharge and the potential to affect perched groundwater tables in adjoining land. The elimination of the westward extension has greatly reduced the potential catchment area for surface water accumulation and the Environment Agency is satisfied that, subject to conditions relating to monitoring of water discharges, the development will have no significant adverse impacts on the existing ground and surface water regimes in the area.. The wetland area adjacent to the eastern face of the quarry has been demonstrated to exist because it is underlain by a thick deposit of clay. The September 2000 amendment removes this area from the eastern extension and there is unlikely to be any impact on the wetland.
- 38 **Archaeological** interests are dealt with in the Environmental Statement under the heading of Cultural Heritage Resources. Bronze Age and Roman remains have been identified and mine voids and adits associated with lead, zinc and silver mining have been investigated. The possible existence of a cave system of palaeontological interest has also been considered but cannot be established. The mitigation proposed in respect of archaeological interests is that a programme of monitoring should be undertaken over the working period with provision for investigation of any finds made. This is satisfactory to the relevant consultees. The major area of potential interest was within the westward extension and the elimination of this part of the proposals reinforces the conclusion that cultural heritage interests do not preclude the granting of permission. Any such monitoring and investigation would be at the expense of the applicant and could be required by condition of a permission.
- 39 **Highways** interests are dealt with in the Environmental Statement in terms both of the C107 and local public rights of way. It is concluded that the road is adequate to handle quarry traffic at the existing levels of useage and that diversions of parts of the local footpath network and upgrading of one route to a bridleway would provide adequate mitigation. In respect of public rights of way the proposals appear acceptable. In respect of the C107, the Head of Highways notes that the road is in an unsatisfactory condition through HGV useage and has requested that, if permission be granted, a condition be imposed requiring the applicant to enter into an agreement with the local planning authority to improve the road. Such a condition would not, however, be lawful and the question of contribution by the applicant to improvement of the road can be addressed through highways legislation.
- 40 Access to the countryside is considered in the Environmental Statement, and provision is made for amendments to public rights of way. This issue is connected

with the question of public safety in relation to the stability of the western face. IncurSION into Big Covert woodland by collapse of ground will continue until either the slope reaches a natural equilibrium or engineering works are undertaken to stabilise the face. The land adjoining the face is not in a safe condition and the situation must be regarded as a hazard to the public. The area is fenced off, the footpath has been diverted and warning signs have been posted. As a temporary measure this is acceptable, but the permanent stabilisation of the face should be considered to be a matter of public interest.

- 41 **Restoration** achievable under the existing permission and its review is necessarily more limited in terms of landform than could be carried out under an extended working. The quarry has worked all of the surface area allowed under the existing permission. Working has taken place to 220 metres AOD, which is five metres deeper than the permitted base level. The quarry faces are steep and the benching is narrow and the potential for creation of varying landforms is minimal. Placement of materials for restoration planting will be difficult and there is no soil available as a growing medium. Vegetation cover will be hard to establish and after-care will be problematic, particularly in relation to access along the benching of the faces. Progressive restoration will depend on the availability of worked-out benches and is unlikely to be practicable. It should be noted however that the quarry is well screened visually at present and has little effect on the AONB as a whole. The limited restoration practicable under the terms of the existing permission or its review will not increase the visual impact of the quarry.
- 42 Note 12 attached to the permission states that the mineral planning authority would not look favourably on any further extension to the quarry. This cannot be held to bind the authority or its successor to the refusal of any application for extension. It is, however, a material consideration of significant weight since it represents the view of the former mineral planning authority, expressed after detailed consideration of the previous proposals for extension resulted in the granting of the permission. It does not give reasons for the view although the report to and minutes of the relevant committee meeting demonstrate that landscape issues were critical to the decision. This view was restated in the draft Minerals Local Plan for Clwyd, which was produced in 1995 but never formally adopted. The major material changes in the policy position since the permission was granted in 1984 were the designation of the AONB in 1985 and the approval and adoption of the Clwyd County Structure Plan First Alteration in 1991 and the Glyndwr District Local Plan in 1994.
- 43 The policies of the Regional Planning Guidance recognise the need for review of apportionment of supply obligations between the local authorities of the North Wales Region. The intention is that this will be carried out by the North Wales Working Party on Aggregates, but there is no indication as to when the review might be undertaken. Policy 8.24 recognises the difficulties faced by certain local authorities in balancing interests of national importance against the need to release land for mineral working.
- 44 CCW, the Trees Officer and the County Ecologist recognise the value of the management plan proposed in respect of Big Covert and indicate that this is a benefit to the land which should be secured. I accept that such a plan is desirable in terms of improvements to the biodiversity of the woodland but this should not be at the expense of allowing a development which would be detrimental to the landscape of the AONB. Tarmac is a responsible and environmentally conscious operator and I would hope that the advantages of such a plan would be clear to the company whether or nor planning permission were to be granted for the extension of the quarry.

## **SUMMARY AND CONCLUSIONS:**

- 45 The principal issues are those of the impacts of an extension of a quarry within the AONB on the landscape and character of the area balanced against the need for the mineral and the impacts on employment and the local economy. The issues of safety and ground stability are of importance but they cannot be directly addressed through the current proposals. Local amenity and highways issues are of concern but would not in themselves warrant a recommendation of refusal of permission. There are unresolved issues in relation to nature conservation although it may be that the elimination of the westward extension proposals would satisfy the concerns raised by consultees. The remainder of the issues considered in this report could be addressed by conditions if planning permission were to be granted
- 46 I have given careful consideration to the questions raised by the applicant's evaluation of the need issue and it appears likely that there is substance to the view that further planning permissions for the release of aggregate mineral reserves within the County will be required during the plan period. In the absence of independent up-to-date information from the North Wales Working Party on Aggregates I have not been able to test the applicant's estimates of reserves, production, alternative sources and landbank. However, it does not appear that there is evidence of overriding need for production from this quarry to continue beyond 2006. It should be noted that both the applicant's study and the Green Balance report agree that the landbank for Denbighshire as of January 2000 was 15 years.
- 47 Whilst I accept the applicant's contention that the extension of the quarry would allow the creation of significantly more varied landforms and landscapes through restoration and that progressive restoration would be undertaken, I consider that this would necessarily be at the expense of opening additional views into the quarry from the north. The landscape and character of the AONB must be given priority and I consider that on balance the extension of the quarry would be detrimental to those interests and cannot be justified under the terms of development plan policy and national policy. Restoration can be secured through the Environment Act review of the 1984 permission, which has been held in abeyance and should now be pursued. Material considerations of need and impacts on employment and the local economy are of significance but do not in my view outweigh the policy objections.
- 48 Although the matter of stability is not directly addressed under the present proposals, there is clearly an issue in relation to restoration and after-use which requires action. I believe it is essential for the County Council as mineral planning authority to take expert advice as to whether stabilisation can practicably be achieved by means other than quarrying.
- 49 In coming to these conclusions and recommendations I have had regard to the information provided in the Environmental Statement as to the issues involved, the current situation, the predicted impacts and means of mitigation. I have also had regard to the responses of consultees and other bodies and individuals. The application and Environmental Statement and the amendments of September 2000 and April 2001 are of a high standard in terms of the information provided and its presentation and have dealt well with the difficult issues involved. I would also commend the approach taken by the applicant from the outset to inform the local community of the proposals and provide opportunities for comment. I believe that the policy issues are clear; however, there are material considerations of significant weight both for and against the granting of planning permission and my recommendation is made on balance and in recognition that the principal planning purpose of the AONB designation is to conserve and enhance the natural beauty of the area.

**RECOMMENDATION: REFUSE** for the following reason:

The proposed development is contrary to Policies L1 and L5 of the Glyndwr Local Plan and Policies F3 and H4 of the Clwyd County Structure Plan First Alteration in that it will detract from the character and appearance of the AONB and there is no issue of national interest or of overriding need for the mineral which would justify the granting of planning permission.

## **APPENDIX 1**

Annex 1	Documents considered as part of the application
Annex 2	Documents submitted & withdrawn / superseded
Annex 3	Consultations
Annex 4 (1)	Letters 1999 Application – Support
Annex 4 (2)	Letters 1999 Application – Objection
Annex 4 (3)	Letters 2000 (Amendment) Application – Support
Annex 4 (4)	Letters September 2000 (Amendment) Objections
Annex 4 (5)	Letters May 2001 (Amendment ) – Support
Annex 4 (6)	Letters May 2001 (Amendment) – Objection
Annex 5	Most Relevant Policies & Guidance

**MAIN DOCUMENTS CONSIDERED AS PART  
OF THE APPLICATION**

Supplementary Statement incorporated into planning application for the extension of Burley Hill Quarry. September 2000.

Burley Hill Quarry Proposed Exclusion : Supplementary Statement incorporated into The Environmental Statement relating to the extension of Burley Hill Quarry. September 2000 (Blue File).

Burley Hill Quarry Proposed Extension : Appendix IV to supplementary statement incorporated into planning application for the extension of Burley Hill Quarry. Updated Geotechnical Appraisal and Slope Stability. October 2000 (Green File).

Burley Hill Quarry : Alternative Scheme for Quarry Working & Restoration. April 2001 (Yellow File).

Badger Survey of Burley Hill by Llanfair Countryside Services. December 1998.

Survey for Bats at Burley Hill Quarry by Bat Pro Ltd. August 1999

Report Burley Hill Quarry Badger Survey by The Badger Consultancy. June 2000.

Burley Hill Quarry. Alternative Scheme for Quarry Working & Restoration. Synopsis and Executive Summary. April 2001.

Burley Hill Quarry. Alternative Scheme for Quarry Working & Restoration Non Technical Summary. April 2001.

Report on representations made by statutory and public consultees on the revised application submitted September 2000. May 2001.

Letter dated 14 August 2001 amending application boundary and reintroducing the Big Covert Woodland Management Plan.

**MAIN DOCUMENTS SUBMITTED & WITHDRAWN /  
SUPERSEDED**

Burley Hill Quarry – Proposed Extension. Geotechnical Appraisals and Slope Stability. November 1999.

Supplementary Statement incorporated into The Environmental Statement relating to the extension of Burley Hill Quarry. September 2000.

Burley Hill Quarry. Proposed phasing of extraction with new access ramp. April 2001 (Plans in this document contained in Alternative Scheme April 2001).

Burley Hill Quarry Proposed Extension : Planning Application and Supporting Statement. November 1999.

## ANNEX 3

### CONSULTATIONS

	DECEMBER 1999		SEPTEMBER 2000		APRIL 2001	
	SENT	REPLY	SENT	REPLY	SENT	REPLY
Nercwys Community Council	✓		✓			
Llanferres Community Council	✓	✓	✓	✓	✓	✓
Llanarmon yn Ial Community Council	✓	✓	✓	✓	✓	
Flintshire County Council	✓	✓	✓	✓	✓	
Head of Highways (D.C.C.)	✓	✓	✓	✓	✓	
C.C.W.	✓	✓	✓	✓	✓	✓
Environment Agency	✓	✓	✓	✓	✓	✓
CPRW	✓	✓	✓	✓	✓	✓
CPAT	✓	✓	✓	✓	✓	✓
Head of Public Protection (D.C.C.)	✓		✓		✓	✓
N.W. Wildlife Trust		✓		✓	✓	
Clwyd Bat Group	✓	✓	✓	✓	✓	✓
Clwyd Badger Group	✓	✓	✓		✓	✓
Ramblers Association	✓	✓	✓	✓	✓	✓
JAC Clwydian AONB	✓		✓	✓	✓	✓
Nercwys & District Rural Association	✓	✓	✓	✓	✓	✓
Maeshafn & District Rural Association	✓	✓	✓	✓	✓	✓
Health & Safety Executive		✓		✓	✓	✓
National Trust		✓	✓		✓	
Archaeologist (D.C.C.)	✓	✓	✓	✓	✓	✓
Tree Specialist (D.C.C.)	✓		✓	✓	✓	✓
Ecologist (D.C.C.)	✓		✓	✓	✓	✓
Landscape Architect	✓	✓	✓	✓	✓	✓
Footpaths Officer (D.C.C.)	✓	✓	✓		✓	
Gareth Evans (Econ. Regeneration)					✓	✓
Llanarmon District Conservation Society	✓		✓		✓	
Mineral Valuer	✓	✓	✓		✓	
R.S.P.B.	✓		✓		✓	
H.M. Mines & Quarries Inspectorate	✓				✓	
Denbigh Business Group					✓	
Planning Development Plan & Policy Section					✓	✓

## **ANNEX 4 (1)**

### **LETTERS 1999 APPLICATION - SUPPORT**

Leason Homes Ltd., Chapel Buildings, Nercwys Road, Mold, CH7 4ED

H. Davies & Sons (Haulage Contractors), Llanarmon, Mold, CH7 4QU

M. D. Rogerson (Wirral Tachograph), 2 Broad Lane, Lower Heswall, Wirral, L60 9LE

John Kelly, DRB Power Transmission Ltd., First Avenue, Deeside Industrial Park, CH5 2QR

Vaughan Monroe, Shirley Monroe Maze, Northern Ireland, BT28 2TH

Richard Carstan, Holtite, Jubilee Works, Cradley Heath, West Midlands, B64 7BA

Mrs V. Williams, A. E. Rowlands Plant Hire, Pant y Buarth, Gwernaffield, Mold, CH7 5ER

Pat McGreary, Powerscreen Ltd., Appleton Thorn Trading Estate, Warrington, WA4 4SN

Welding-Alloys (NW) Station Road, Sandycroft, Deeside, CH 5 2PT

Iorwerth Hughes, IMH Haulage, 11 Marcellas Court, Denbigh, LL16 4AR

David Roberts, Williams Engineering Ltd., Bromfield Industrial Estate, Mold, CH7 1JR

Gordon Hellen, G. E. & R. Heller Plant Commercial & Motor Repairs, Helier, 1 Ffordd Carreg y Llech, Treuddyn, Mold, CH7 4N2

Ben Williams, A. Jones Ltd. (Rock Drillers), 346 Abergele Road, Old Colwyn, LL29 9LR

John Maguire, John Maguire & Son, Weighing Machine Engineers, Hall Lane, Wigan, WN6 9EL

Ian Parry, Tyne-Tees Filtration Ltd., Portrack Industrial Estate, Stockton on Tees, TS18 2QL

D. G. Roberts, D. G. Roberts Haulage, Old Stag Lime Quarry, Llanarmon yn Ial, CH7 4QW

Stuart Higginbottom, D. Wardle (Plant) Ltd., Priory Works, Appleton, Warrington, WA4 4RE

M. J. Cain, ICS Ltd., Deebank Industrial Estate, Bagillt, CH6 6HT

Kevin Davies, 16 Caerodyn, Eryrys, CH7 4BY

A. M. Chetton, 1 Mount Alyn Cottage, Croeshowell Hill, Rossett

Graham Jones (Quarry Manager Burley Hill), Hillrocks, Tower Wood Lane, Cefn Bydial Road, Pantymwyn, Mold

Miss S. Cole, 19 Ash Close, Summerhill, Wrexham, LL11 4HR

J. C. Jones, 6 Wirral View, Hawarden, Deeside, CH5 3ET

***Total 23 letters of support***

## **ANNEX 4 (2)**

### **LETTERS 1999 APPLICATION – OBJECTION**

A. P. King, Bryn Sirion, Pont y Mwynwr Lane, Maeshafn, CH7 5LU (2 letters)

Mrs B. Colbeck, 129 Durley Drive, Prenton, Wirral, CH43 3BQ

Rachel Peters, 5 Redstone Close, Meols, Wirral, CH47 5AL

Maureen Peters, 31 Sandringham Avenue, Hoylake, Wirral

Sean Thomas, 33 Cae Gwyn, Llanferres, Mold, CH7 5SL

E. Backhouse, 4 Pant Rhedynog, Maeshafn, Mold

Dr. Z. R. Salib, Plas y Ffynnon, Maeshafn, CH7 5LR

James Shields, 18 St. Annes Court, 407 Aigburth Road, Liverpool, L17 6BH

Mr. M. Parry & Mrs J. E. Parry, Keepers Cottage, Tower Hill, Nercwys, CH7 4ED

Mrs F. M. Wilburn, Lonfa, Pant Du, Eryrys, Mold, CH7 4DD

Mr. A. P. Concannon, Pont y Mwynwr, Village Road, Llanferres, CH7 5LU

Mrs S. C. Corcoran, Bwthyn Rhedynog, Pant Rhedynog, Maeshafn, Mold, CH7 5LS

Mrs Margaret A. Jones, Glan Llyn, Pant Du, Nercwys, Mold, CH7 4DD

Mrs F. A. Carus, Pen y Chwareli, Nercwys, Mold, CH7 4DD

Alan Humphreys, 62 Brunswick Road, Buckley, Flintshire, CH7 2EP

Alun Pedler, Primrose Cottage, Village Road, Maeshafn, CH7 5LU

Rebecca Alfonso, Penyffordd Cottage, Maeshafn, Mold, CH7 5LU

Adrian Tanton, Fairhaven, Ruthin Road, Gwernymynydd, Mold, CH7 5LQ

R. Phillips, Ty Coch, Village Road, Maeshafn, Mold, CH7 5LU

D. Swire, Moel Gron, Mynydd Isa, Mold, CH7 6HF

Mrs M. Grace, Aberduna Hall, Maeshafn Road, Cadole, CH7 5LE

Mrs Dorothy Yin, Tygwyddan, 6 Pantrhedynog, Maeshafn, CH7 5LS

Mrs E. M. Holland, Tir y Coed, Llanferres, Mold

Michael E. Henry, 1 Bryn Dedwydd, Pant Du Road, Eryrys, CH7 4DD

H. M. Greary (Save Our Green Fields), Flat 4a Oak Street, Llangollen, LL20 8NR

Ms S. A. Hanson, 2 Bryn Dedwydd, Pant Du Road, Eryrys, CH7 4DD

E. & J. H. Cook, Y Nant, Llanferres, Mold, CH7 5LU

***Letters 1999 Application (continued)***

Mr. P. M. Hanson, 2 Bryn Dedwydd, Pant Du Road, Eryrys, CH7 4DD

Miss F. A. Hanson, 2 Bryn Dedwydd, Pant Du Road, Eryrys, CH7 4DD

Mrs J. Wilkinson, 26 Maes Cilan, Cilcain, Mold, CH7 5NR

J. Hanson, 2 Bryn Dedwydd, Pant Du, Eryrys, CH7 4DD

Mrs G. Ellis, Tan y Llwyn, Maeshafn, CH7 5LR

W. Mary Buckland, Cloddiau Duon, Maeshafn, Mold, CH7 4LR

Mrs J. Tanner, Durdham, Meredith Terrace, Dolwyddelan, Conwy, LL25 ONQ

Mrs Lucy Raven, Glan y Gors, Maeshafn, CH7 5LR

Mr. & Mrs Robinson, Pen y Coed, Pant Du Road, Eryrys, Mold CH7 4DD

Susan Baker, 3 Hafod y Wern, Gwernymynydd, Mold, CH7 5D

Mr. R. P. Cass, 12 Maes Bodlonfa, Mold, CH7 1DR

Mr. Garry Raven, Glan y Gors, Maeshafn, CH7 5LR

Mrs M. Raven, Glan y Gors, Maeshafn, CH7 5LR

K. J. F. Burns, Pentre Cerrig Bach, Village Road, Maeshafn, CH7 5LU

Mrs Gwyneth Logan, Tryfan, 17 Cae Gwyn, Llanferres, Mold, CH7 5SL

Luis Prtak, Bryn yr Orsedd, Llanferres, Mold, CH7 5TG

Robert E. Peters, 5 Redstone Close, Meols, Wirral, CH57 5AC

Mrs D. A. Dillon, Gwindy, Pant Du, Eryrys, Mold, CH7 4DD

James Logan, Tryfan, 17 Cae Gwyn, Llanferres, CH7 5SL

T. S. & M. Green, Nant Cottage, Village Road, Maeshafn, Mold

E. J. J. & S. W. Pels, Nant Cottage, Llanarmon yn Ial, Mold, CH7 4TD

Lynne Smith, 73 North Bancombe Road, Liverpool, L16 7PU

Mr. M. T. Healy, 20 Rectory Lane, Llanferres, CH7 5SR

Mrs A. Salib, Plas y Ffynnon, Maeshafn, CH7 5LR

W. J. Hodge, Isfryn, Rectory Lane, Llanferres, CH7 5SR

Alyn Sheldon, Midl Dor, Maeshafn, Mold, CH7 5LU

Mrs F. A. Carus, Pen y Chwareli, Nercwys, Mold, CH7 4DD

***Total 55 letters of objection (54 objectors)***

## **ANNEX 4 (3)**

### **LETTERS 2000 (AMENDMENT) APPLICATION – SUPPORT**

Keith Williams, 2 Glan Alyn Cottages, High Street, Bagillt, CH6 4ED

G. D. Smith, Rock Cottage, Pant Du, Eryrys, CH7 4DD

G. B. Roberts (Councillor), Treffrwd, Nercwys, CH7 4EN

***Total 3 letters of support***

## **ANNEX 4 (4)**

### **LETTERS SEPTEMBER 2000 (AMENDMENT) – OBJECTIONS**

B. A. Carus (Clwydian Conservation Campaign), Pen y Chwareli, Nercwys, Mold, CH7 4EA  
(petition 550 signatures)

Mrs S. C. Corcoran, Bwthyn Rhedynog, Maeshafn, Mold (2)

Mrs P. Fraser, Erw Olchfa, Village Road, Maeshafn

Graham Harvey, Ty Fy Nain, Llanferres, Mold, CH7 5SH

G. S. Raven, Glan y Gors, Maeshafn, CH7 5LR

Mrs Lucy Raven, Glan y Gors, Maeshafn, CH7 5LR

Mrs Maureen Raven, Glan y Gors, Maeshafn, CH7 5LR

B. A. Carus, Carus Civil Engineering Ltd., Pen y Cwfareli, Nercwys, Mold, CH7 4DD (3)

Ms F. A. Carus, Pen y Chwareli, Nercwys, Mold, CH7 4DD

A. P. King, Bryn Siriol, Pont y Mwynwr Lane, Maeshafn, Mold (CH7 5LU

Mr. M. Parry & Mrs J. E. Parry, Keepers Cottage, Tower Hill, Nercwys, CH7 4ED

G. R. Goslin, Pant Rhedynog, Maeshafn, Mold, CH7 5LS

Luis Prtak, Bryn yr Orsedd, Llanferres, Mold, CH7 5TG

L. McManus, Robin Hill, Maeshafn, CH7 5LZ

David & Mary Backland, Cloddiau Duon, Maeshafn, CH7 4DW

Mrs F. M. Wilburn, Lonfa, Pant Du Road, Eryrys, Mold, CH7 4DD

Mr. R. Smyth, The Owain Glyndwr Inn, Glyndwr Road, Gwernymynydd, CH7 5LP

***Total 20 letters of objection (17 objectors)    1 Petition signed by 550***

## **ANNEX 4 (5)**

### **LETTERS APRIL 2001 (AMENDMENT) – SUPPORT**

H. Davies & Sons, Creigiog Ucha, Llanarmon yn Ial, CH7 4QU

R. Arrowsmith, Co-ordinated Surveys, Old Stables, Garage Street, Llandudno, LL30 1DW

Garry Williams, Grosvenor Scaffolding, Grosvenor Mill, Station Road, Bagillt, CH6 6AF

David Roberts, Williams Engineering Ltd., Stamford Works, Bromfield Industrial Estate, Mold, CH7 1JR

R. T. Francis, Bob Francis Crane Hire Ltd., Abergele Road, Rhuddlan, LL18 5UE

Gordon Hellen, G. E. & R. Hellen, Plant Commercial & Motor Repairs, Helier, 1 Ffordd Carreg y Llech, Treuddyn, Mold, CH7 4NZ

I. G. Edwards, FWB Products Ltd., Whieldon Road, Stoke on Trent, Staffs, ST4 4JE

Ian Richardson, Delyn Hire Centres Ltd., Queens Lane, Bromfield Industrial Estate, Mold, CH7 1YB

T. J. Witton, Vibrock Ltd., Sarakiel, Ilkeston Road, Heanor, Derbyshire, DE7S 7DR

David E. Williams, Nibbs Office Supplies, Rhosddu Industrial Estate, Wrexham, LL11 4YL

Richard Corston, Holtite, Jubilee Works, Cradley Road, Cradley Heath, West Midlands, B64 7BA

Tony Colclough, Gunn JCB Ltd., Celtic Works, Lon Parcwr, Ruthin, LL15 1LY

B. D. Coates, Chester Chain Co. Ltd., 8 Bastion Court, Kingsland Grange, Warrington, WA1 4SG

Brian Baxter, B. P. Baxter Plant Hire Contractor, Ty Newydd Farm, Axton, Holywell

M. E. Platt, Clwyd Welding Services Ltd., Unit 6, Hawarden Industrial Park, Manor Lane, Hawarden, Deeside, CH5 3PZ

Dave Cliff, GMB (Union), 12 Wynnstay Road, Colwyn Bay, Conwy, LL29 8NB

Lorne Entwistle, Garic, Prospect House, Whalley Road, Shuttleworth, Ramsbottom, BL0 0ED

Brian Lee, Allan Morris Transport Ltd., Factory Road, Sandycroft, Deeside, CH5 2QJ

Pat McGreary, Powerscreen Sales Ltd., Appleton Thorn Trading Estate, Warrington, WA4 4SN

D. G. Roberts, Llwyn yr Ewig, Llanarmon yn Ial, Mold, CH7 4QU

***Total 20 letters***

## **ANNEX 4 (6)**

### **LETTERS APRIL 2001 (AMENDMENT) – OBJECTION**

Paula & Simon Pendleton Hughes, Cefn Crigog, Village Road, Maeshafn, CH7 5LR

Patricia Fraser, Erw Olchfa, Village Road, Maeshafn, CH7 5LU (2 letters)

Sue Davies, 1 Pen y Nant, Maeshafn, Mold, CH7 5LY

Margaret & Merfyn Jones, Glan Llyn, Pant Du, Nercwys, Mold, CH7 4DD (4 letters)

Mrs E. Jones, Bushley, Village Road, Maeshafn, CH7 5LR

K. J. F. Burns, Pentre Cerrig Bach, Village Road, Maeshafn, CH7 5LU

Bruce, Katherine & James Farnham-Dear, 55 Arlington Road, Southgate, London

Mrs V. D. Hardy, 142 Lovelace Drive, Pyrford, Woking, Surrey, GV22 8RZ

J. Tweed, 77 Beauchamp Road, Sutton, Surrey, SH1 2PY

Mrs R. Phillips, Ty Coch, Village Road, Maeshafn, Mold, CH7 5LU

Mrs G. Ellis, Tan y Llwyn, Maeshafn, CH7 5LR

Ian W. Jackson, The Crossing House, Plas Onn, Nercwys, Mold

Lucy Raven, Glan y Gors, Maeshafn, CH7 5LR

Garry Raven, Glan y Gors, Maeshafn, CH7 5LR

Maureen Raven, Glan y Gors, Maeshafn, CH7 5LR

Emma Raven, Glan y Gors, Maeshafn, CH7 5LR

Maureen & James Oxford Hill, Bryniau, Maeshafn, CH7 5LR

Mrs F. M. Wilburn, Lonfa, Pant Du, Eryrys, Mold, CH7 4DD

Mrs Mary Green, Nant Cottage, Village Road, Maeshafn, CH7 5LU

Mrs Lydia Mary Green, Nant Cottage, Village Road, Maeshafn, CH7 5LU

Mr. T. S. Green, Nant Cottage, Village Road, Maeshafn, CH7 5LU

Mr. M. T. S. Green, Nant Cottage, Village Road, Maeshafn, CH7 5LU

Mr. & Mrs K. Robinson, Pen y Coed, Pant Du Road, Eryrys, Mold, CH7 4DD

Susan Reeves, 31 Orchard Mead, Hatfield, Hertfordshire

Mr. & Mrs Scott, Pen y Graig, Maeshafn, CH7 5LU (2 letters)

Mr. W. P. Painter, Graigle, Henffordd, Mold, CH7 1NQ

Edward & Jean Wilde, Ty Newydd, Maeshafn, Mold, CH7 5LR

**Letters April 2001 (Amendment) – Objection (continued)**

M.R. Daniel, Fron Haul, Maeshafn, Mold, CH7 5LU

Maureen Rutherford, The Miners Arms, Village Road, Maeshafn, CH7 5LR

Pauline Davies, Pen y Bryn, Maeshafn, Mold, CH7 5LZ

Luis Prtak, Bryn yr Orsedd, Llanferres, Mold, CH7 5TG

R. P. & D. A. Dillon, Gwyndy, Pant Du, Eryrys, CH7 4DD

Ian Kershaw, 8c Letchmore Road, Stevenage, Hertfordshire SG1 3ID

Brenda Taylor, Rainbow Ramblers, 102 Moorcroft, New Brighton, Mold, CH7 6RX

Mrs A. Salib, 4 Pantrhedynog, Maeshafn, Mold

G. R. Goslin, Pant Rhedynog, Maeshafn, CH7 5LS

Mrs W. M. Buckland, Cloddiau Duon, Maeshafn, Mold, CH7 4DW

Mr. D. F. Buckland, Cloddiau Duon, Maeshafn, Mold, CH7 4DW

Wendy Wynne-Eaton, Tower, Nercwys Road, Nercwys, CH7 4DEW

Geoff Rutherford, The Miners Arms, Village Road, Maeshafn, CH7 5LR

David F. Moore, Ty Hir, Village Road, Maeshafn, CH7 5LU

A. P. King, Bryn Sirion, Pont y Mwynwr Lane, Maeshafn, CH7 5LU

Laura Lacey, 23 Montrose Court, Hough Green, Cheshire, CH4 8BD

Dr. Z. R. Salib, Plas y Ffynnon, Maeshafn, Mold, CH7 5LR

Mrs M. Walsh, Chaldon Cottage, Pant Rhedynog Row, Maeshafn

Julie Price, 31 Corn Street, Witney, Oxfordshire, OX28 6BT

Charmain Spencer, Pentre Cerrig Mawr, Maeshafn, CH7 5LU

Simon Van de Put, 6 Traherne Place, Tupsley, Hereford, HR1 1QU

Mr. & Mrs Cook, Y Nant, Maeshafn Road, Llanferres, CH7 5LU

R. W. Brunskill, 8 Overhill Road, Wilmslow Park, Wilmslow, Cheshire, SK9 2BF

Jean Dolman, Hendre, Pen y Ball, Holywell, CH8 8LD

L. P. Pinel, Ty Celyn, Graigfechan, Ruthin, LL15 2EY

Mrs D. E. Kershaw, 43 Talbot Road, Hatfield, Herts, AL10 ORA

Mrs D. Yin, Tygwyddon, 6 Pant Rhedynog, Maeshafn, CH7 5LS

Mrs S. C. Corcoran, Bwthyn Rhedynog, 3 Pant Rhedynog, Maeshafn, CH7 5LS

Adolf Alfonso, Penyffordd Cottage, Maeshafn, CH7 5LU

Rebecca Alfonso, Penyffordd Cottage, Maeshafn, CH7 5LU

**Letters April 2001 (Amendment) – Objection (continued)**

Mrs A. Salib, Plas y Ffynnon, Maeshafn, Mold, CH7 5LR

Claire Hodgson & Nick Campbell, 21 Linden Mansions, Hornsey, London, N6 SL5

B. A. Carus, Pen y Chwareli, Nercwys, Mold, CH7 4QA (2 letters)

B. A. Carus, Clwydian Conservation Campaign, Pen y Chwareli, Nercwys.

Mrs F. A. Carus, Pen y Chwareli, Nercwys, Mold, CH7 4QA

**Total 66 letters from 62 objectors**

### **MOST RELEVANT POLICIES & GUIDANCE**

#### **MINERAL POLICIES**

##### **CLWYD STRUCTURE PLAN : FIRST ALTERATION (APPROVED 1991)**

##### ***Policy F1***

*In considering proposals for the winning and working of minerals, particular regard will be had to:*

- A. *The quality and quantity of the mineral resource;*
- B. *The significance of the proposal for local employment;*
- C. *The existing reserve situation and local, regional and national demands;*
- D. *The availability of alternative sources of supply (including secondary materials).*

##### ***Policy F2***

*Proposals for the winning and working of minerals will be considered in relation to the following criteria:*

- A. *The effect on towns, villages and nearby dwellings;*
- B. *The effect on agricultural land, land drainage and water resources;*
- C. *The effect on the highway network;*
- D. *The impact on the landscape;*
- E. *The impact on the environment and on land users by reason of noise, dust, fumes, vibration and general disturbance;*
- F. *The effect on areas of scientific, archaeological, architectural, historic and ecological importance;*
- G. *The proposals for the method and phasing of the work and the measures to be taken to reduce to an acceptable level the impact of noise, dust, fumes, vibration and general disturbance;*
- H. *The proposals for landscaping, progressive restoration and rehabilitation, aftercare and after-use.*

##### ***Policy F3***

*Applications for the winning and working of minerals in:*

- A. *A designated area of outstanding natural beauty;*
- B. *A site of special scientific interest or a national nature reserve;*

*will be subject to a most rigorous examination and will normally only be permitted where it can be established to the satisfaction of the County Council that there is an overriding need for the mineral which outweighs any adverse environmental consequences.*

- i. It is recognised that minerals can only be worked where they are found and that applications for the winning and working of minerals should be allowed, having regard to all material considerations, unless the proposed development would cause demonstrable harm to interests of acknowledged importance. The County Council recognises, however, that it has an important role to play in preserving and enhancing the natural beauty of the County and in nature conservation. In line with Government policy therefore a rigorous examination is required when considering proposals for mineral working in specially defined areas;
- ii. The Clwydian Range Area of Outstanding Natural Beauty was designated by the Secretary of State for Wales in July 1985 and other areas of the County may be so designated during the plan period. Although there are as yet no formal National Nature Reserves in the County there are over 60 Sites of Special scientific Interest. Proposals for the winning and working of minerals in such areas will be subject to a most rigorous examination and will normally only be permitted in exceptional circumstances e.g. in cases of proven need where the national interest is considered to override environmental considerations.

**Policy F9**

*In considering proposals for the winning and working of aggregate minerals, the County Council will pay particular regard to the Guidelines for aggregates provision in England and Wales and to the findings and recommendations of the North Wales Working Party on Aggregates, including the need to maintain a landbank of permitted reserves.*

**GLYNDWR DISTRICT LOCAL PLAN (ADOPTED 1994)**

**Policy L5**

*Within the Outstanding Landscape Area the District Council will oppose proposals for new quarries or significant lateral extensions to the working area of existing sites unless rigorous examination establishes that the proposed development is in the national interest, and the environmental effects of the proposal can be ameliorated.*

**REGIONAL PLANNING GUIDANCE FOR NORTH WALES (ADOPTED 2001)**

**Guidance 8.21**

*Development Plans should include policies to resist new or extended working or the proposed re-opening of old quarry working (including dormant quarries) in National Parks, Areas of Outstanding Natural Beauty, nationally designated sites of ecological importance and other sites of national importance within the Region.*

**UNITARY DEVELOPMENT PLAN (DEPOSIT / PROPOSED CHANGES 2000 & 2001 / INSPECTOR'S RECOMMENDATIONS)**

**Policy MEW 1**

*Applications for mineral working or the extension to existing operations, within the AONB will only be permitted in exceptional circumstances and consideration of such applications will include an assessment of:*

- (i) *Need for the development in terms of national considerations of mineral supply;*
- (ii) *Impact on the local economy of permitting or refusing the development;*

- (iii) *Whether alternative supplies can be made available at reasonable cost, and the scope for meeting the need in some other way;*
- (iv) *Any detrimental effect on the environment and landscape and the extent to which that can be moderated; and*
- (v) *In the case of extensions to existing quarries, the extent to which the proposal would achieve an enhancement to the local landscape.*

*Even where an application satisfies these criteria it will be subject to the most rigorous examination and will be expected to meet in full the requirements of policy MEW 2.*

The Council acknowledges that it is not certain that capacity exists either within the County or within the Region outside the AONB to maintain production of either crushed rock or sand and gravel throughout and beyond the Plan period, notwithstanding the most recently published (AM97) preliminary collation of crushed rock reserves. However, although the Council does not anticipate a need to permit additional mineral operations within the AONB over the plan period, it is conceded that such a need might arise, if so, any application will be judged against policies MEW 1 and MEW 2.

The Council is aware of its responsibility to protect the AONB and to favour conservation of the natural beauty of the landscape. It would normally be inconsistent with the aims of designation of the AONB to permit mineral operations within this area. Therefore, all applications will include an assessment of the criteria outlined in the policy.

Further guidance is available from the Council's Supplementary Planning Guidance series.

#### New Minerals Operations & Extensions to Existing Operations

##### **Policy MEW 2**

*Mineral exploration, working or extension to existing operations will be permitted in order to maintain the county's landbank of permitted reserves provided that the following criteria are met where relevant:*

- i) *there would not be an unacceptable permanent loss of agricultural land of grade 1, 2, or 3a;*
- ii) *there is no unacceptable harm to local residents in terms of visual amenity, dust, noise, vibration and light levels as a result of the minerals operation itself or resultant road traffic;*
- lii) *there is no unacceptable harm to character and appearance of the landscape especially the AOB, LLA, or historic landscapes ;*
- lv) *There is no unacceptable harm to features of archaeological, historic or architectural importance, biodiversity of the natural environment, protected species or areas of recreational value;*
- v) *There is no unacceptable harm to the stability and support of surrounding land;*
- vi) *There is no unacceptable harm on land drainage and water resources;*
- vii) *The proposal is acceptable in terms of access arrangements and highway safety;*
- viii) *The proposal is sensitively screened and landscaped;*

- ix) *The proposal does not sterilise or prevent the working of other significant mineral deposits or increase the extent of active minerals workings in a particular locality to an unacceptable degree;*
- x) *The proposal ensures the satisfactory disposal of waste materials arising from the mineral operation;*
- xi) *Except where existing practice or circumstances indicate otherwise all operations, including the arrival and departure of heavy goods vehicles are restricted to 0700 - 1800 Hours Monday to Friday and 0700 - 1300 Hours Saturdays. Mineral operations will not be permitted on Sundays or public holidays other than in exceptional circumstances, these limitations will be applied to all activities at the site except plant maintenance, which will normally be permitted until 1900 Hours on weekdays and 1800 Hours on Saturdays;*
- vii) *The proposal is acceptable in terms of access arrangements and highway safety;*
- viii) *The proposal is sensitively screened and landscaped;*
- ix) *The proposal does not sterilise or prevent the working of other significant mineral deposits or increase the extent of active minerals workings in a particular locality to an unacceptable degree;*
- x) *The proposal ensures the satisfactory disposal of waste materials arising from the mineral operation;*
- xi) *Except where existing practice or circumstances indicate otherwise all operations, including the arrival and departure of heavy goods vehicles are restricted to 0700 - 1800 Hours Monday to Friday and 0700 - 1300 Hours Saturdays. Mineral operations will not be permitted on Sundays or public holidays other than in exceptional circumstances, these limitations will be applied to all activities at the site except plant maintenance, which will normally be permitted until 1900 Hours on weekdays and 1800 Hours on Saturdays;*

Mineral extraction can have a considerable impact on the environment when compared to other forms of development. In most cases these effects may only be temporary, but in others they are irreversible.

The Council will maintain the County's landbank of permitted reserves and share of regional production, as defined in para 16.0.4 above in line with Government guidance. In view of the uncertainty about the County's capacity to maintain production of aggregates throughout and beyond the plan period Policy MEW 2 allows for new mineral operations and extensions to existing operations to maintain the County's landbank over the plan period. Further guidance is available from the Council's Supplementary Planning Guidance series.

Certain mineral exploration development has permitted development rights by virtue of The Town and Country Planning (General Permitted Development) Order 1995, Schedule 2 Part 22. This policy refers to mineral exploration which falls outside the permitted development designation.

#### **Policy MEW 4**

*The following criteria will be taken into account when approving restoration, aftercare and afteruse proposals for a mineral site:*

- i) *The existing use of the site;*
- ii) *Adjoining land uses;*
- iii) *The existing landscape character;*

- iv) *The final landform design;*
- v) *The potential for enhancing wildlife habitats;*
- vi) *The potential for amenity or recreational use;*
- vii) *The potential for community benefit and employment use;*
- viii) *Other plan policies;*

All proposals for minerals operations must submit satisfactory schemes of restoration and aftercare. The Council will not permit new minerals operations without the broad aims of the restoration and aftercare scheme being agreed.

The Council must be satisfied that the restoration scheme can be completed within a reasonable timescale. The restoration scheme must also be compatible with other plan policies. In most cases the restoration of sites to agriculture, forestry, nature conservation, suitable outdoor recreation or amenity use will be appropriate.

Further guidance is available from the Council's Supplementary Planning Guidance series.

#### **Policy STRAT 4**

*The County's landbank of permitted reserves will be maintained over the plan period.*

*New minerals operations or lateral extensions to existing operations within the AONB will only be permitted in exceptional circumstances. Minerals applications will be subject to the most rigorous examination and all major mineral developments will need to be demonstrated to be in the public interest before being allowed to proceed. Outside of the AONB, new minerals operations or extensions to existing operations will only be permitted where there is no demonstrable harm to interests of acknowledged importance.*

*The recycling of secondary aggregates and industrial wastes will be favoured and encouraged as substitutes for naturally occurring minerals*

#### **MINERALS PLANNING POLICY WALES (DECEMBER 2000)**

##### **Para. 11**

*Each mineral planning authority should ensure that an appropriate contribution is made in its unitary development plan to meeting local, regional and UK needs for minerals, which reflects the nature and extent of resources in the area subject to relevant environmental and other planning considerations. For aggregates this should be done under the aegis of the North and South Wales regional Aggregates working Parties, whose role it will be to provide a regional overview of supply and demand (see paragraph 58). For other minerals particularly coal, it will be necessary to consult relevant organisations, including the Coal Authority, trade federations and mineral operators, together with other mineral planning authorities.*

##### **Para. 17**

*A landbank is a stock of planning permissions which usually relates to the extraction of non-energy minerals and provides for continuity of production in spite of fluctuations in demand. Authorities should include policies in their development plans for the maintenance throughout the plan period of landbanks for non-energy minerals which are currently in demand. Mineral planning authority boundaries may form a suitable area basis on which to base a landbank policy, but in most areas there is likely to be a need to adopt a regional approach to the assessment. In some unitary authorities, the administrative area may be too small, the environmental constraints too important, or the availability of a workable resource too limited to enable an individual landbank policy to be applied. In these circumstances, authorities*

must agree a joint approach with neighbouring authorities in line with current regional arrangements as explained in paragraphs 57 to 59 and are likely to require liaison with relevant mineral planning authorities in England.

**Para. 21**

Minerals development should not take place in these areas save in exceptional circumstances. All mineral applications must therefore be subject to the most rigorous examination and all major mineral developments demonstrated to be in the public interest before being allowed to proceed. Consideration will include an assessment of:

- the need for the development in terms of UK considerations of mineral supply;
- the impact on the local economy of permitting the development or refusing it;
- whether alternative supplies can be made available at reasonable cost, and the scope for meeting the need in some other way;
- the detrimental effect of the proposals on the environment and landscape and the extent to which that can be moderated; and
- in the case of extensions to existing quarries and other mineral extraction sites, the extent to which the proposal would achieve an enhancement to the local landscape and provide for nature conservation and biodiversity.

**Para. 48**

Unless new mineral extraction provides satisfactory and suitable restoration, planning permission should be refused. Planning conditions should ensure that land affected by mineral extraction is restored to a high standard suitable for its agreed after-use at the earliest opportunity, and work begun within 6 months of cessation of working wherever this is practicable (except where progressive restoration has already commenced). Restoration and aftercare should provide the means to at least maintain, and preferably enhance, the long-term quality of land and landscapes taken for mineral extraction. This will be to the benefit of local communities and ensure that a valuable natural asset will be passed on to future generations.

**Para. 49**

Reclamation can provide opportunities for creating, or enhancing, sites for nature conservation and contribute to the targets in the UK Biodiversity Action Plan and those adopted in local Biodiversity Action Plans throughout Wales.

## **LANDSCAPE POLICIES**

### **CLWYD STRUCTURE PLAN : FIRST ALTERATION (APPROVED 1991)**

**Policy H4**

Within Areas of Outstanding Natural Beauty conservation will be a primary consideration. The safeguarding of the landscape and the character of these areas of national importance will be given particular emphasis in the consideration of proposals for development. Development which detracts from the character and appearance of the landscape will

normally be refused and any development permitted will be required to be of the highest standard of design and to use materials appropriate to the area.

**Policy H7**

*The conservation and management of trees, woodlands and other natural landscape features will be encouraged to enhance the landscape and ecology of the County.*

**GLYNDWR DISTRICT LOCAL PLAN (ADOPTED 1994)**

**Policy L1**

*Within the Outstanding Landscape Area conservation of the landscape will be a primary consideration. This reflects its importance as an area which is in part formally designated as an AONB, with the remainder under consideration for such a national designation. Any development which detracts from the character and appearance of the landscape will be resisted. Within that part of the area designated as an AONB, Structure Plan Policy H4 will also be applied.*

**Policy L16**

*Within the Special Landscape Area as defined on the proposals map the conservation and enhancement of the landscape will be a primary consideration and development in the countryside which detracts from the character and appearance of the landscape will be resisted. Development in the countryside shall be kept to a minimum and any development which is permitted will be required to conform to higher standards in respect of design, siting and materials than would be acceptable elsewhere other than in the AONB and Outstanding Landscape Areas.*

**UNITARY DEVELOPMENT PLAN (PROPOSED CHANGES 2000 & 2001 / INSPECTOR'S RECOMMENDATIONS)**

**Policy ENV 2**

*Development affecting the Area of Outstanding Natural Beauty (AONB) will be assessed against the primary planning objective to conserve and enhance the natural beauty of the area. Small scale development will only be permitted where it would not detract from the character and appearance of the AONB.*

*Major industrial and commercial development within the AONB will be subject to the most rigorous examination and will not be permitted unless there is an overriding need in terms of proven national interest and there being no alternative sites.*

*Development in the AONB should be designed to a high standard and contribute to the conservation and enhancement of the natural beauty of the area.*

**Policy ENV 7**

*Development should be designed to retain features such as traditional field boundaries, trees and ponds or any other features which are of substantive value to the landscape / townscape character and nature conservation. Development which would result in the unacceptable harm to these features will only be permitted where appropriate mitigation measures are taken.*

Hedgerows, walls, ponds and trees (amongst other things) are landscape elements that contribute to the overall character of an area. These features are important components of the landscape / townscape and are intrinsic to the character of the County.

The UDP seeks not only the protection of designated areas but the maintenance of a sympathetic wider environment. Features such as hedgerows, hedgebanks and ditches act as 'wildlife corridors' which provide an important network of cover and shelter for wildlife. Development should be designed so that important features such as these are sensitively incorporated into the proposal. Having regard to section 37 of the Conservation (Natural Habitats) Regs 1994, the management of landscape features which are of major importance for wild flora and fauna will be encouraged, and where appropriate this will be promoted by means such as planning conditions and agreements.

The Hedgerows Regulations 1997 may make it an offence to remove certain hedgerows without first obtaining local authority consent. Where hedgerows are unlawfully destroyed / removed, the person responsible may be fined and required to replace the hedgerow. Individual trees may be protected by Tree Preservation Orders (TPO's), and these will usually be retained. Additional guidance is contained in Supplementary Planning Guidance on Trees and Development.

**Policy STRAT 7**

*The special character of Denbighshire; its built heritage, countryside, coastline and Environment will be safeguarded by:*

- i) *protecting the open character and integrity of strategic green barriers in the following locations:*

<i>Prestatyn - Rhyl</i>	<i>Denbigh</i>	<i>Rhyl - Rhuddlan</i>
<i>Prestatyn - Gronant</i>	<i>Prestatyn - Meliden</i>	<i>Ruthin</i>
<i>Trefnant - Clwydian Park</i>	<i>Meliden - Dyserth</i>	
- ii) *protecting and enhancing the built heritage of the County including buildings, monuments and areas of historic, architectural and archaeological interest and their settings;*
- iii) *protecting and enhancing the nature conservation, biodiversity and landscape quality of the County including the aquatic environment, both in urban and rural areas;*
- iv) *preventing development which would lead to unacceptable environmental pollution or disturbance*
- v) *taking account of physical or natural environmental considerations.*

**PLANNING GUIDANCE (WALES) PLANNING POLICY FIRST REVISION (APRIL 1999)**

**Para. .3.7**

*The primary objective of designation of Areas of Outstanding Natural Beauty (AONBs) is the conservation and enhancement of their natural beauty. Planning policies and development control decisions affecting AONBs should generally favour conservation of natural beauty, although it will also be appropriate to have regard to the economic and social well-being of the areas.*

**Para. 5.3.8**

*Major developments should not take place in National Parks save in exceptional circumstances of proven national interest. In AONBs, major industrial or commercial*

*development should not be allowed; only proven national interest or lack of alternative sites can justify an exception. Applications for all such developments must be subject to the most rigorous examination. Consideration of applications for major developments should therefore include an assessment of:*

- i. the need for the development, in terms of national considerations, and the impact of permitting it or refusing it upon the local economy;*
- ii. the cost of and scope for developing elsewhere outside the area or meeting the need for it in some other way;*
- iii. any detrimental effect on the environment and the landscape, and the extent to which that could be moderated.*

*Any construction or restoration should be carried out to high environmental standards.*

## **DRAFT PLANNING POLICY WALES PUBLIC CONSULTATION (FEBRUARY 2001)**

### **Para. 7.5.2**

*Many of the most important areas of nature conservation and landscape quality have been statutorily designated. These statutorily designated sites have a vital role in protecting biodiversity and landscape but these sites can also be important in providing opportunities for sustainable economic and social development. Designation does not prohibit development but proposals for development must be carefully assessed for their effect on those natural heritage interests which the designation is intended to protect.*

### **Para 7.6.1**

*National Parks and Areas of Outstanding Natural Beauty (AONBs) are of equal status in terms of landscape and scenic beauty and both must be afforded the highest status of protection from inappropriate developments. This equivalent status means that National Parks and AONBs must be treated the same in development plan policies and development control decisions.*

### **Para. 7.6.3**

*The primary objective of designation of AONBs is the conservation and enhancement of their natural beauty. Planning policies and development control decisions affecting AONBs should favour conservation of natural beauty, although it will also be appropriate to have regard to the economic and social well-being of the areas. Local authorities, other public bodies and other relevant authorities have a statutory duty to have regard to AONB purposes.*

### **Para. 7.6.4**

*In National Parks and AONBs, planning policies and development control decisions should give great weight to conserving and enhancing the natural beauty, wildlife and cultural heritage of these important areas. Special considerations apply to major development proposals which are more national than local in character. Major developments should not take place in National Parks or AONBs except in exceptional circumstances. Applications for all such developments must be demonstrated to be in the public interest and subject to the most rigorous examination. Any construction and restoration must be carried out to high environmental standards. Consideration of applications for major developments should therefore include an assessment of:*

- *the need for the development, in terms of national considerations, and the impact of permitting it or refusing it upon the local economy.*
- *the cost of and scope for developing elsewhere outside the area or meeting the need for it in some other way;*
- *any detrimental effect on the environment and the landscape, and the extent to which that could be moderated.*

## **OTHER POLICIES**

### **UNITARY DEVELOPMENT PLAN (DEPOSIT 1999 / PROPOSED CHANGES 2000/2001 / INSPECTOR'S RECOMMENDATIONS)**

#### ***Policy ENV 1***

*The landscape and biodiversity of the natural environment, including the aquatic environment, will be protected throughout the County. Development must be designed to maintain and enhance the landscape character of the countryside, and biodiversity of the natural environment.*

#### ***Policy ENV 6***

*Development which would unacceptably harm species given special protection by law will not be permitted unless appropriate steps can be taken to secure their protection.*

#### ***Policy ENV 8***

*Development will not be permitted where it would result in the unacceptable loss of or damage to woodlands, especially ancient semi-natural woodlands, which have amenity or conservation value.*

#### ***Policy GEN 7***

*Development which is in accordance with the plan's other policies and proposals will be permitted, provided that the development:*

- i) Respects the site and surroundings in terms of the siting, layout, scale, form, design, density, materials, landscaping, micro-climate and intensity of use of land / buildings and spaces around and between buildings;*
- ii) Does not unacceptably affect the form and character of surrounding landscape and townscape, nor the local natural and historic environment;*
- iii) Does not unacceptably affect prominent public views into, out of, or across any main centre, main village, village or area of open countryside;*
- iv) Incorporates where possible, existing landscape or other features, takes account of site contours and changes in levels and avoids prominent skylines;*
- v) Does not unacceptably affect the amenity of local residents, other land and property users or characteristics of the locality by virtue of increased activity, disturbance, noise, dust, fumes, litter etc., and provide3s satisfactory amenity standards itself;*

- vi) *Where appropriate, provides safe and convenient access for the disabled, pedestrians, cyclists, vehicles, and emergency vehicles, together with adequate parking, servicing and manoeuvring space in accordance with the Council's approved standards.*
- vii) *Does not have an unacceptable effect on the local highway network as a result of congestion, danger and nuisance arising from traffic generated;*
- viii) *Has regard to the adequacy of existing public facilities and services. If new infrastructure is required this should be capable of being provided at a reasonable cost and in reasonable time;*
- ix) *Does not prejudice land or buildings safeguarded for other use, or impair the development and use of adjoining land;*
- x) *Satisfies physical or natural environmental considerations relating to land stability, drainage and liability to flooding;*
- xi) *Takes account of personal safety and security in the design and layout of development and public / private spaces.*

**Policy ENP 1**

*Development will not be permitted where it would unacceptably harm the environment and / or the amenity of nearby properties, in terms of:*

- i) *Pollution of sea, surface water or groundwater;*
- ii) *Emissions of airborne pollutants;*
- iii) *Vibration, odour, noise, light or other pollution.*

**GLYNDWR DISTRICT LOCAL PLAN (ADOPTED 1994)**

**Policy A1**

*Proposals for development will be expected to have proper regard to the following normal planning considerations:*

- I) *The scale of the development, its siting, general layout, design, external appearance and use of materials should be appropriate to its surroundings.*
- II) *The need for adequate amenity standards within the development.*
- III) *Any detrimental effects on the amenity of adjoining properties or the general environment of the area, including nature conservation interests.*
- IV) *Where appropriate, the need for safe and convenient access for vehicles, pedestrians, and disabled persons, and adequate parking and manoeuvring space.*
- V) *The adequacy of existing facilities or public services, such as those relating to the disposal of foul and surface water, to accommodate development.*
- VI) *The need to take appropriate measures to overcome any problems arising from development on unstable land.*

## 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 **Monday 10th September 2001** 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 Monday 10th September 2001 (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 **Monday 10th September 2001**