

ADRODDIAD - PENNAETH GWASANAETHAU CYNLLUNIO

CYNNIG: Ymestyn gwaith y chwarel galch bresennol i gynnwys gwaith adfer a gwaith gofal wedi cwlbhau'r gwaith. (Cynnig gwreiddiol Rhagfyr 1999, addaswyd Medi 2000. Cynnig Medi 2000 addaswyd Ebrill 2001)

Lleoliad: Chwarel Burley Hill, Pant Du, Eryrys

Ymgeisydd: Tarmac Central Ltd. (sef Tilcon South Ltd. yn wreiddiol)

1. CYFLWYNIAD

Y CAIS

- 1.1 Derbyniwyd y cais cyntaf ym mis Rhagfyr 1999. Addaswyd y cais yn sylweddol fis Medi 2000 ac Ebrill 2001.
- 1.2 Rhoddodd y Cyngor gyhoeddusrwydd eang i'r cynllun gwreiddiol a'r addasiadau dilynol. Gwnaeth yr ymgeisydd ymgynghoriad gyda chyrrff lleol, gan gynnwys pwyllgor y chwarel cyn gwneud y cais.
- 1.3 Gwnaed Datganiad (Environmental Statement (ES)) gyda'r cais gwreiddiol. Addaswyd y Datganiad oherwydd newid yn y cynnig fis Medi 2000 ac Ebrill 2001.
- 1.4 Gwnaed addasiadau pellach yn llythyr yr ymgeisydd ar 14 Awst am ffiniau a rheolaeth Big Covert.
- 1.5 Cafwyd cydweithrediad da gyda'r ymgeisydd trwy gydol y trafodaethau. Mae'r cynlluniau a'r dogfennau atodol o safon uchel .
- 1.6 Bu nifer (9) Aelod o'r Pwyllgor Cynllunio yn darllen y cynlluniau a'r cynnig a gweld lluniau o'r lleoliad hwn sydd ym Mharc Gwledig Loggerheads a chafwyd archwiliad o'r chwarel ddydd Mawrth, 21 Awst 2001.

gweler y manylion dilynol

Y CHWAREL / 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. YR ASESIAD / 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. YR ADRODDIAD / 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. CEFNDIR DOGFENNAU / 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. Y PRIF FATERION / 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. POLISIAU AC ARWEINIAD CYNLLUNIO / 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. ASESIAID YN ERBYN EFFAITH AR Y TIRWEDD / 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. ASESAD YN ERBYN ANGEN, ECONOMI A CHYFLENWADAU / 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. I GLOI / 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. ARGYMHELLAD / 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.

ADRODDIAD Y PENNAETH CYNLLUNIO

DYDDIAD YMWELIADAU SAFLE

1. Pwrpas

- 1.1 Cynggori Aelodau am ddyddiad tebygol unrhyw Ymweliad Safle y gofynnwyd amdano gan y Pwyllgor Cynllunio.

2. DYDDIAD YMWELIADAU SAFLE

- 2.1 Ar ôl ymgynghori penderfynwyd mai **ddydd Llun 10 Medi 2001** sydd fwyaf addas. Trefnwyd y dyddiad yn amodol.
- 2.2 Cynghorir chi felly y cynhelir unrhyw ymweliad safle ddydd Mercher **10 medi 2001 (nodir yr amser yn nês ymlaen)**.

3. AELODAETH Y PANEL YMWELIAD SAFLE

- 3.1 Bydd hyn yn dibynnu ar Gydbwysedd Gwleidyddol gan gynnwys Cadeirydd ac Is-Gadeirydd y Pwyllgor a'r Aelod(au) Lleol perthnasol.

4. ARGYMHELLIAD

- 4.1 **Bod Aelodau yn cytuno i gynnal yr Ymweliad Safle ddydd Llun 10 Medi 2001**