

To: Chair and Members of the Planning Committee

Date: 7 December 2023

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Dear Councillor

I refer to this agenda for the meeting of the **PLANNING COMMITTEE** to be held at **9.30 am** on **WEDNESDAY, 13 DECEMBER 2023** in **COUNCIL CHAMBER, COUNTY HALL, RUTHIN AND BY VIDEO CONFERENCE** and enclose the following report(s).

LATE REPRESENTATIONS

Yours sincerely

G Williams
Monitoring Officer

MEMBERSHIP

Councillors

Ellie Chard
Karen Edwards
Gwyneth Ellis
James Elson
Chris Evans
Justine Evans
Jon Harland
Huw Hilditch-Roberts
Alan James
Delyth Jones
Julie Matthews

Terry Mendies
Raj Metri
Win Mullen-James
Merfyn Parry
Arwel Roberts
Gareth Sandilands
Andrea Tomlin
Cheryl Williams
Elfed Williams
Mark Young

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PLANNING COMMITTEE

Date – 13th DECEMBER 2023

ADDENDUM REPORT BY HEAD OF PLANNING, PUBLIC PROTECTION AND COUNTRYSIDE SERVICES

AGENDA ORDER, LATE INFORMATION AND AMENDMENTS TO PLANNING COMMITTEE REPORTS

The following sheets are an addendum to the main agenda for the Committee. They set out the order in which items will be taken, subject to the discretion of the Chair. They provide a summary of information received since the completion of the reports, and matters of relevance to individual items which should be taken into account prior to their consideration.

Where requests for public speaking on individual planning applications have been made, those applications will normally be dealt with at the start of that part of the meeting.

AGENDA FOR THE MEETING

1. APOLOGIES (pages 5 – 6)
2. DECLARATIONS OF INTEREST (pages 7 – 8)
3. URGENT MATTERS AS AGREED BY THE CHAIR
4. MINUTES (Pages 9 – 20)
5. APPLICATIONS FOR PERMISSION FOR DEVELOPMENT (Items 5 - 7)
6. ADDITIONAL INFORMATION (Items 8 – 9)

ORDER OF APPLICATIONS

PART 1

	Application no.	Location	Page
Public speaker items			
5	01/2022/0523/MA	GRAIG QUARRY, GRAIG ROAD, DENBIGH	21
Non public speaker items			
6	43/2023/0363/PF	46 HIGH STREET, PRESTATYN	111
7	45/2023/0435/PF	157 VALE ROAD, RHYL	125

Non-Application Items			
8		Policy update on addressing the nature emergency through the planning system: Updated National Planning Policy for Chapter 6 of Planning Policy Wales	145
9		Planning Scheme of Delegation Review	219

PUBLIC SPEAKER ITEMS

Item No.5 – Page 21

Code No. 01/2022/0523/MA

Location: Graig Quarry, Graig Road, Denbigh

Proposal: Consolidating application for the extension of winning and working of limestone, importation of inert waste and restoration to amenity land

LOCAL MEMBER(S): Cllr Pauline Edwards
Cllr Delyth Jones (c)
Cllr Geraint Lloyd Williams

OFFICER RECOMMENDATION: TO GRANT

PUBLIC SPEAKER AGAINST – Mair Jones

PUBLIC SPEAKER FOR – Malcom Ellis

Addendum Report –

The application was subject to a Site Inspection Panel meeting at 10.00am on Friday 8th December 2023.

In attendance were:

CHAIR – Councillor Mark Young

VICE CHAIR – Position vacant

LOCAL MEMBERS – Councillor Pauline Edwards,
Councillor Delyth Jones (c)

GROUP MEMBERS –

Conservative Group – apologies sent

Green Group – apologies sent

Independent Group – represented by Councillor Merfyn Parry

Labour Group – represented by Councillor Alan James

Plaid Cymru Group – Councillor Delyth Jones

COMMUNITY COUNCIL – apologies sent

The Officer present was Hannah Parish (Planning Manager, North Wales Minerals and Waste Planning Service) Paul Griffin (Development Management).

The reason for calling the site panel was to allow opportunity to view the nature of the surrounding area and how the site relates to the surrounding area, and to observe the ground topography.

At the Site Inspection panel meeting, Members considered the following matters:

1. The site in relation to the surrounding area, the ground topography and relationship to dwellings in the locality.

In relation to the matters outlined:

The Officer outlined the proposals which involves the extension of Graig Quarry. Access to the application site was gained via the public right of way network to the south of the application site. Members attention was drawn to the fact that the applicant has offered to resurface the extent of the public right of way as shown on the enclosed plan on Page 41 of the main agenda and in the late representation sheets. Attention was drawn to the public footpath 508/6 which is to be diverted to the perimeter of the application boundary area as part of the proposals, should permission be granted.

Members walked the perimeter of the proposed extension area which had been pegged out. Members viewed this in relation to the nearest residential properties.

Members considered the visual impacts of the site in relation to the wider area. Officers advised on how the restoration of the existing quarry would be undertaken progressively. The location of proposed planting of the replacement bund that would be constructed in the first phase was observed, alongside the proximity of the Crest Mawr Woodland Site of Special Scientific Interest

Late representations –

It has been brought to the attention of the Local Planning Authority that a member of the public has written to the Welsh Government requesting that Ministers call the planning application in for determination. At the time of writing no communication has been received from the Welsh Government in respect of this request. Officers will update members verbally at committee as to the latest position.

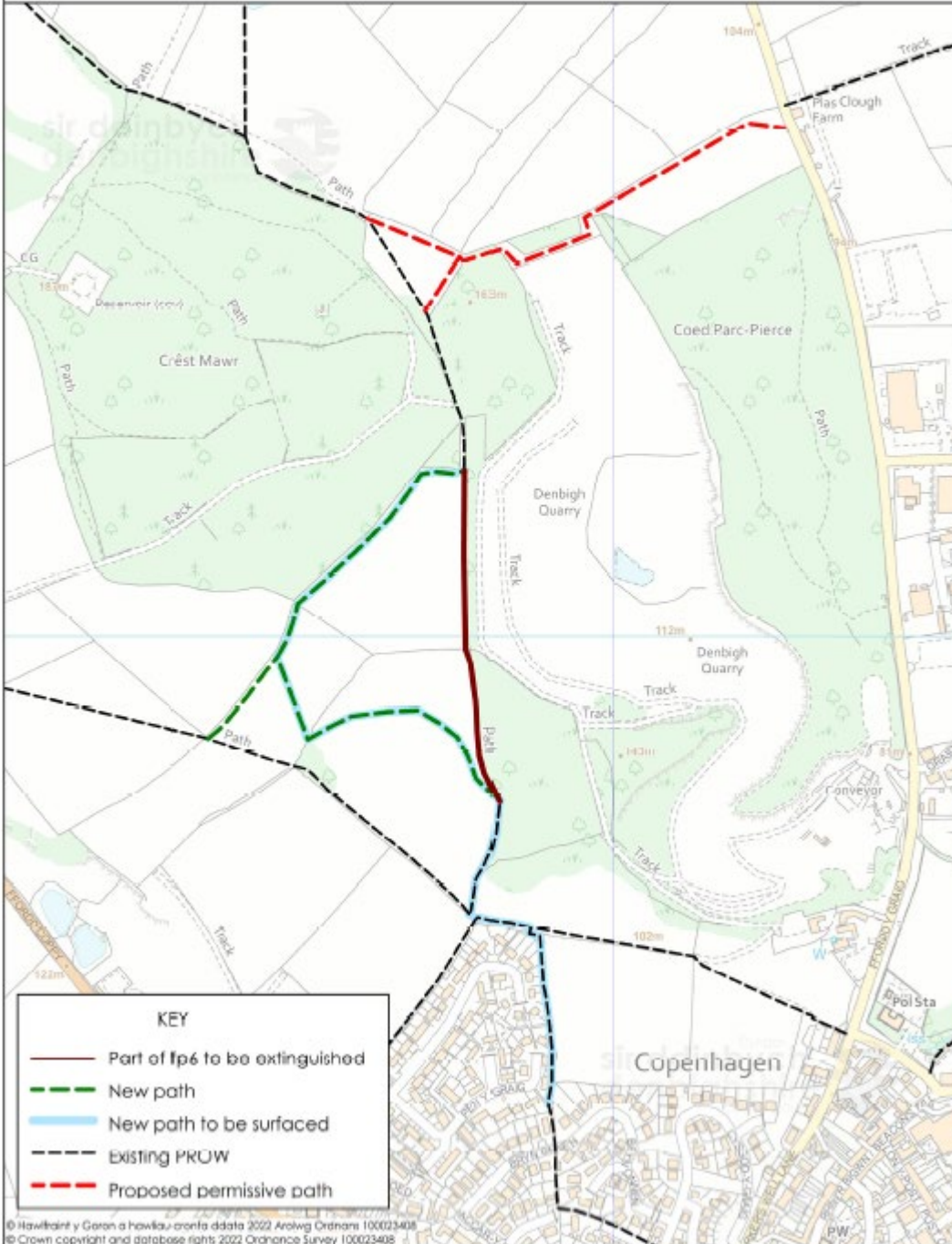
Amended Information –

Plan showing the proposed permissive path at the north of the site. There is a slight change to the plan provided within the main Officer Report. This relates to the area to the west of the proposed permissive route showing two spurs:

Footpath 6 at Graig Quarry, Denbigh



Dyddiad/Date: 27/11/2023



Additional Information –Plan to show the location of the woodland to the south of the site preserved by a Tree Preservation Order W9.

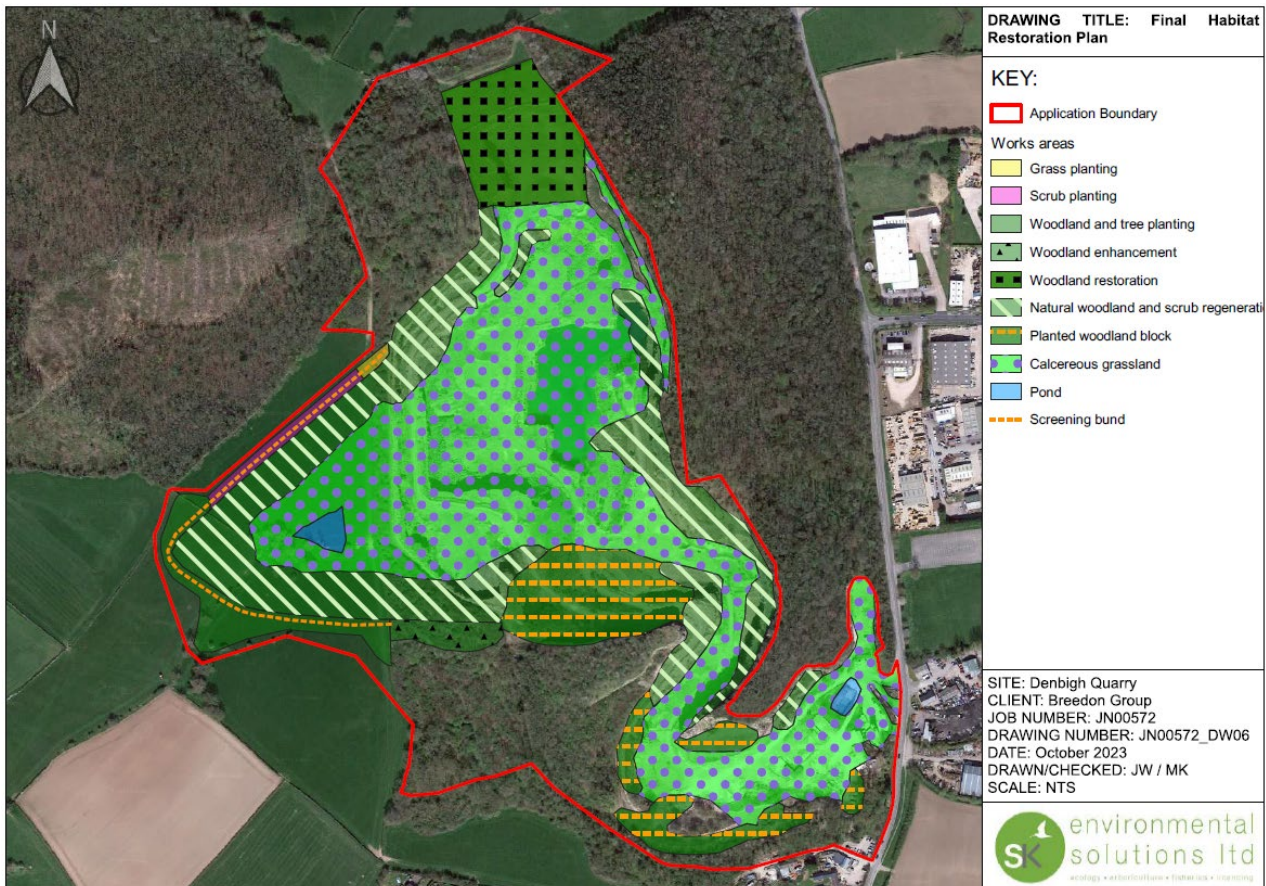


It should be noted that when the original TPO was made in 1950 it included woodland at Coed Parc Pierce and Crest Mawr. However, the 1950 TPO was amended in 1984 to exclude those woodlands. The W9 TPO is therefore as shown in the plan above. Officers confirm that the proposed extension to Graig Quarry does not affect this TPO.

Additional information provided by the applicant at the request of the Council's Ecologist to address Chapter 6 of Planning Policy Wales which is referred to in paragraph 4.2.12 on page 91 of the Officer's Report. The following table provides an overview of the vegetation and habitation loss and creation at the site:

	Application Plan Ref	Plan Ref (this document)	Vegetation/Habitat Removed	Measurement	Vegetation/Habitat Replaced/created	Measurement
Phase One	M18.155.D.024	JN00572_DW01	Scrub Hedgerow between existing quarry and western extension.	0.313 ha	Shrub planting of screenbund	0.237 ha
			Grazing grassland	3.774 ha	Grassland to north of extension area	0.046 ha
			Trees in south area of western extraction	0.298 ha	Woodland on and south of screenbund	0.797
Phase Two	M18.155.D.025	JN00572_DW02	Woodland to SE of Extraction limit	0.347 ha	Woodland enhancement to SE of extraction limit	0.275 ha
Phase Three	M18.155.D.026	JN00572_DW03	N/A	0	N/A	0
Phase Four	M18.155.D.027	JN00572_DW04	N/A	0	Woodland Planting and individual trees to the north	1.515 ha
Phase Five		JN00572_DW05	N/A	0	Calcareous grassland to the north and east	1.232 ha
Final Restoration	M18.155.D.007	JN00572_DW06	N/A	0	Natural regeneration of benches (scrub/trees)	3.294 ha
					Natural regenerating woodland/scrub	1.871 ha
					Calcareous grassland to base of quarry	11.467 ha (inclusive of Phase 5 measurement)
					Ephemeral water feature within western area	0.28 ha
					New woodland to south of existing extraction area	1.404 ha
					Attenuation feature	0.064 ha
					Woodland block and planting to site entrance	0.896 ha
			Total loss	4.732	Total gain	23.378ha

The plan below shows the anticipated degree of restoration/planting/biodiversity enhancement when extraction is complete.



Officer Note –

During the site panel meeting, members requested that a number of details were clarified on the late representation sheet. These are set out below.

How much limestone is left in the site?

Since the Site Inspection Panel Meeting, clarification was sought to confirm what the remaining permitted reserves are within the consented quarry void. The applicant has confirmed that they have approximately 255,573 tonnes remaining by the end of 2023.

Production rates have reduced to await the outcome of the determination of the extension application. Based on lower production rates the remaining reserves would be extracted within 14 months should planning permission not be granted for this extension.

Is the site outside of the development boundary?

The application site, and the quarry lies outside of the Development Boundary.

Public footpath controls/diversion issues

Suggested additional condition as below in relation to the public footpath 508/06 that would require diverting.

What is the quality of the agricultural lime produced at the quarry

- During the Member Site Panel Inspection, Members enquired about the quality of the agricultural lime produced at Denbigh Quarry. Clarification was sought following the site meeting and the applicant has confirmed that:

“Breedon are members of the Agg Lime Association. This body holds a register of approved national suppliers and sources. Agg lime is produced in accordance with UK 1991 Fertilisers Regulations which stipulates requirements for limestone; and in accordance with EU 2003 Fertilisers Regulations.

Breedon are members of the CEN/TC 260/WG 3 (Working Group 3) & 229 WG3 (Working Group 3) which review and comment/advise on EU and British Standards relevant to Liming Materials.

Breedon Agg Lime products are tested for approval by Kiwa. Kiwa are the nominated testing house for The Agg Lime Association approval scheme.

The main areas covered in testing are:-

- *Neutralising Value*
- *Fineness by wet sieving*
- *Moisture Content*
- *Reactivity to EN 13971*
- *Calcium and Magnesium”*

The applicant also provided evidence that the agricultural screened limestone derived from the application site has proven that their material exceeds the Fertiliser Regulations Criteria of the ALA Ag Lime Quality Standard in accordance with the Screened Limestone Chemical and Granulometric Specification of the UK 1991 Fertilisers Regulations. The applicant also provided the certificate of analysis to provide assurance of the quality of the agricultural lime produced at the site.

Clarification on the distance from the extraction area to the nearest residential property

- The proposed extraction area is 270 metres from the nearest residential property.

Clarification on the distance from the extraction area and Crest Mawr Woodland Site of Special Scientific Interest

- The extraction area would be between 45 and 60 metres from Crest Mawr Woodland Site of Special Scientific Interest in the northwest of the extraction area. The current distance on the consented extraction area is 60 metres at the nearest point in the north west. A 10 metre bund would provide a barrier between the Crest Mawr Woodland Site of Special Scientific Interest and the extraction area which would mitigate against dust and noise as stated in the Officer's report.

Query on timescales for existing bund removal and replacement

- Condition no.38 requires prior to commencement of development a timeline for bund removal and bund replacement so the LPA will have the necessary control and certainty.

Additional/amended condition

No development hereby approved, which shall interfere with or compromise the use of public right of way 508/6, shall take place until a footpath diversion order has been made and confirmed, and the diverted route made available in accordance with the agreed diversion order and maintained clear from obstruction in perpetuity.

Reason: To ensure the public right of way is not obstructed.

NO PUBLIC SPEAKER ITEMS

Item No.6 – Page 111

Code No. 43/2023/0363/PF

Location: 46 High Street, Prestatyn

Proposal: Installation of perforated roller shutter to front elevation (retrospective application)

LOCAL MEMBER(S): Councillor Jon Harland (c)
Councillor Hugh Irving

OFFICER RECOMMENDATION: TO GRANT

Late representations – None.

Additional Information – None.

Officer Note – None

Amended/ additional conditions – None.

Item No.7 – Page 125

Code No. 45/2023/0435/PF

Location: 157 Vale Road, Rhyl

Proposal: Change of use of part of existing nursery to form one dwelling and associated works

LOCAL MEMBER(S): Councillor Diane King

OFFICER RECOMMENDATION: TO DEFER

Late representations – None.

Additional Information – None.

Officer Note –

Members attention is drawn, for reference, to the submission of a more recent planning application for the remainder of the Nursery site (157-159 Vale Road) which is currently out to consultation. The proposal is for the change of use of the remainder of the Children's Day Centre to form 3 dwellings and associated works (ref. 45/2023/0664).

Officers consider that further discussions are required with the applicants as the two applications together raise further issues of intensity of use and flooding, as well as affordable housing matters. Officers consider that a single application covering the whole site may be a better way of addressing any residential scheme having regard to relevant policies and guidance.

Officers therefore request that members agree to **Defer** this item for consideration at a later date.

Amended/ additional conditions – None.

NON-APPLICATION ITEMS

Item No.8 – Page 145

Code No. N/a

Location: N/a

Proposal: Policy update on addressing the nature emergency through the planning system: Updated National Planning Policy for Chapter 6 of Planning Policy Wales

LOCAL MEMBER(S): N/a

OFFICER RECOMMENDATION: That members receive and note the contents of the updated Planning Policy Wales Chapter 6

Item No.9 – Page 219

Code No. N/a

Location: N/a

Proposal: Planning Scheme of Delegation Review

LOCAL MEMBER(S): N/a

OFFICER RECOMMENDATION: That Members note the contents of this report and adopt the suggested changes to the SoD.